



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 28, 2021

Ms. Laura Boerner, Chief
Environmental and Cultural Resources Branch
Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

RE: Federal Consistency Concurrence for USACE Repairs at Skagit River Diking Districts 3 and 12 along the Skagit River, in Skagit County, Washington

Dear Laura Boerner:

On April 14, 2021, the Seattle Branch of the Army Corps of Engineers (USACE) sent the Department of Ecology (Ecology) a Consistency Determination (CD) for repairs to levee damage along the Skagit River in Burlington and Mount Vernon in Skagit County. Flooding damaged the levees in February, 2020, and the USACE conducted emergency repairs to the Diking District-12 levee. The proposed action is to restore the levees to their pre-flood level of protection.

The project triggers Washington's Coastal Zone Management Program's (CZMP) enforceable policies found in the state Shoreline Management Act, and the USACE opted to demonstrate compliance with those policies by analyzing the Cities of Burlington and Mount Vernon Shoreline Master Program. Additionally, Ecology sent a letter to the Corps on June 22, 2021, indicating that an individual Section 401 Water Quality Certification would not be needed for the project, which satisfies the requirement that the project be consistent with the state Water Pollution Control Act's enforceable policies. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the USACE's determination that the proposed project is consistent to the maximum extent practicable with Washington's CZMP.

Should you have any questions regarding Ecology's concurrence, please contact Therese Swanson at 360-584-3744 or terry.swanson@ecy.wa.gov.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

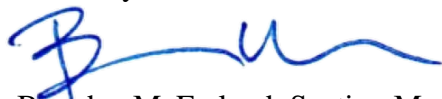
To appeal you must do all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person (addresses below). E-mail is not accepted.
- Comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Ecc: Amanda Ogden, USACE
Joanne Gardiner, USACE
Rebekah Padgett, Ecology NWRO
Chris Luerkens, Ecology, NWRO
Loree' Randall, Ecology HQ
ecyfedpermit@ecy.wa.gov