



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

February 28, 2023

WA Department of Transportation  
ATTN: Ruth Park  
P.O. Box 330310  
Seattle, WA 98133-9710

Re: Coastal Zone Management Federal Consistency Decision for SR 20 Unnamed  
Tributary to Red Creek Fish Passage, (Corps No. NWS-2022-0757-DOT) Skagit  
County, Washington

Dear Ruth Park:

On January 9, 2023, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project.

This determination is for replacing an existing 18-inch x 50-foot-long concrete culvert under SR 20 with an 11-foot-wide x 42-foot-long split box culvert and wingwalls carrying an un-named tributary to Red Creek. A temporary road bypass will be constructed on the northside of SR 20 to keep traffic moving through the area. If the stream is flowing at the time of construction, a temporary bypass will be installed to route the stream around the construction site and protect water quality. Prior to installing a bypass, fishnets will be installed, and fish removed from the isolated area. In addition to installing a new culvert, the following stream habitat components include:

- Removing accumulated sediment and grading a stream channel for ~235 feet downstream of the existing culvert in Wetland 9.
- Placing streambed materials 20 feet upstream and 50 feet downstream of the new structure.
- Incorporating large wood material into the new channel and banks of the stream at select locations to enhance aquatic habitat.

The project site is located on SR 20 at milepost 69.08 on an unnamed tributary that connects to Red Creek in Skagit County, Washington.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with WA Department of Transportation's determination that the proposed work is consistent with Washington's CZMP.

If you have any questions regarding Ecology's consistency determination, please contact Penny Kelley at 360-280-8856.

### **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. The appeal process is governed RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2). More information is available at <https://elaho.wa.gov/content/11>.

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

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of Ecology, in paper form, by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in RCW 43.21B and WAC 371-08.

**Filing an appeal with the PCHB:**

For the most current information regarding filing with the PCHB, visit:  
<https://elaho.wa.gov/content/11>

**Filing by mail**

**Mailing Address:**

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

**Filing in person (or by certified mail/courier)**

**Street Address:**

Pollution Control Hearings Board  
1111 Israel RD SW  
STE 301  
Tumwater, WA 98501

**Filing electronically**

**E-mail Address:**

[Pchb-shbappeals@elaho.wa.gov](mailto:Pchb-shbappeals@elaho.wa.gov)

**Serving a copy of the appeal on Ecology:**

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

**Filing by mail**

**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**Filing in person (or by certified mail/courier)**

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503



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

Sent via e-mail: [ParkRE@wsdot.wa.gov](mailto:ParkRE@wsdot.wa.gov)

Enclosure

E-cc: Nicole Evans, U.S. Army Corps of Engineers  
Jason Lewis, WSDOT  
Joelle Blais, WSDOT  
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