



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 18, 2023

WA Department of Transportation
ATTN: Ruth Park
PO Box 330310
Seattle, WA 98133-9710

Re: Water Quality Certification Order No. **21692** (Corps No. **NWS-2022-919-DOT**), SR 202
Sammamish Creeks Fish Passage in King County, Washington

Dear Ruth Park:

On March 9, 2023, the WA Department of Transportation submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SR 202 Sammamish Creeks Fish Passage project in King County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Penny Kelley at 360-280-8856. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure 1

WQC Order No. 21692, Corps No. NWS-2022-919-DOT
Aquatics ID No. 142247
April 18, 2023
Page 2 of 2

By certified mail: 9489 0090 0027 6383 9287 91

Sent via e-mail: ruth.park@wsdot.wa.gov

E-cc: Jennifer Lang, U.S. Army Corps of Engineers
Martin Fox, Muckleshoot Tribe
Ryan Boyle, WSDOT
Loree' Randall, Ecology
Penny Kelley, Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21692
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2022-919-DOT
WA Department of Transportation)	SR 202 Sammamish Creeks Fish Passage project
pursuant to 33 U.S.C. 1341 (FWPCA §)	replacing existing culverts with a new culvert on
401), RCW 90.48.120, RCW 90.48.260 and)	SR 202 in King County, Washington
Chapter 173-201A WAC)	

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

The WA Department of Transportation (WSDOT) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SR 202 Sammamish Creeks Fish Passage project in King County, Washington. The following required processing dates are referenced below:

- On December 13, 2022, WSDOT submitted a pre-filing meeting request.
- On March 9, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification
- On March 15, 2023, WSDOT submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On March 21, 2023, Ecology issued a public notice for the project.

Currently an un-named tributary to the Sammamish River and High School Creek pass under SR 202 through two fish barrier culverts. This project proposes to realign and converge these two streams east of SR 202 in an existing wetland and pass under the roadway in a new, fish passable, concrete box culvert. The two existing culverts will be abandoned in place. The former stream channel for the un-named tributary will be retained as an overflow area with a berm to prevent fish stranding. The former channel for High School creek adjacent to an existing roadway will be retained to provide drainage and treatment for stormwater runoff. The project will result in an increase of aquatic resource functions by installing a fish passable structure, connecting streams with an existing wetland, native species plantings, and installing large woody material in the stream. Following construction, fish will have access to 3.34 miles of upstream spawning and rearing habitat.

The project site is located at SR 202, starting at milepost 4.15 and ending at milepost 4.27, encompassing an un-named tributary to the Sammamish River and High School Creek in King County, Washington, Section 26, Township 26N., Range 5E., within Water Resource Inventory Area (WRIA) 8, Cedar-Sammamish.

With this WQC Order, Ecology is granting WSDOT's request for a Section 401 Water Quality Certification for the SR 202 Sammamish Creeks Fish Passage project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on March 15, 2023.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, WSDOT must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize WSDOT to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the WSDOT for the SR 202 Sammamish Creeks Fish Passage project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. WQC Order No. **21692** will remain valid for the duration of the associated DA permit. WSDOT should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 Order:

- 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

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

Address and Location Information

Street Address:

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

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

Mailing Addresses:

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

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

E-Mail Address:

Department of Ecology
Not currently available (see WAC 371-08)

Pollution Control Hearings Board
Pchb-shbappeals@elaho.wa.gov

Contact Information

Please direct all questions about this WQC Order to:

Penny Kelley
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
penny.kelley@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/content/11>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature



Brenden McFarland, Section Manager
Environmental Review & Transportation Section, HQ
Shorelands and Environmental Assistance Program
Department of Ecology

April 18, 2023

Date