



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

April 26, 2023

Skagit County Public Works  
ATTN: Emily Derenne  
1800 Continental Place  
Mount Vernon, WA 98273

Re: Water Quality Certification Order No. **21706** for Corps Reference No. **NWS-2022-0086**,  
Barrel Springs Restoration, Skagit County, Washington

Dear Emily Derenne:

On June 13, 2022, Skagit County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Barrel Springs Restoration, Skagit 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 conditions contained in 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 Chris Luerkens at (360) 410-4807 or [Chris.Luerkens@ecy.wa.gov](mailto:Chris.Luerkens@ecy.wa.gov). The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Joe Burcar, Section Manager  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

WQC Order 21706, Corps No. NWS-2022-0086  
Aquatics No. 141209  
April 26, 2023  
Page 2 of 2

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1189 13

Sent via e-mail: emilyjd@co.skagit.wa.us

E-cc: Kristin Murray, U.S. Army Corps of Engineers  
Michael McAllister, Inter-Fluve Inc.  
Rowan Kelsall, Department of Ecology  
Chris Luerkens, Department of Ecology  
Loree' Randall, Department of Ecology  
ECYREFEDPERMITS@ecy.wa.gov

<b>IN THE MATTER OF GRANTING A</b>	)	<b>WQC ORDER No. 21706</b>
<b>WATER QUALITY CERTIFICATION TO</b>	)	<b>Corps Reference No. NWS-2022-0086</b>
Skagit County Public Works	)	Barrel Springs Restoration located within, Alger,
pursuant to 33 U.S.C. 1341 (FWPCA §	)	Skagit County, Washington
401), RCW 90.48.120, RCW 90.48.260 and	)	
Chapter 173-201A WAC	)	

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Skagit County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Barrel Springs Restoration project, Skagit County, Washington. The following required processing dates are referenced below:

- On November 9, 2021, the Skagit County Public Works submitted a pre-filing meeting request.
- On June 13, 2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On June 27, 2022 and July 6, 2022, Skagit County Public Works submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on July 6, 2022.
- On February 24, 2023, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. NWP #27 and requires an individual Section 401.
- On March 2, 2023, Ecology issued a public notice for the project.

This project proposes to remove an existing dam and replace two culverts on Barrel Springs Creek and replace a third culvert with a bridge on Dry Creek.

The project site is located at 1120 Shaw Road in Alger, Skagit County, Washington, Section 12, Township 36 N., Range 3 E., within Water Resource Inventory Area (WRIA) No. 3 Lower Skagit/Samish.

With this WQC Order, Ecology is granting Skagit County Public Works's request for a Section 401 Water Quality Certification for the Barrel Springs Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on June 13, 2022, and the following supporting documentation:

1. Water Diversion Memo/Dewatering Schematic received April 3, 2023.
2. Temporary Erosion Control & Sediment Plan drawing and Water-Quality Monitoring Plan Memorandum received July 6, 2022, regarding Best Management Practices.

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, Skagit County Public Works 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 Skagit County Public Works 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.

**Special Condition:**

1. The Project Proponent shall implement the Water Quality Monitoring and Protection Plan (WQMPP or WQMP).
  - *Justification - This condition is necessary to ensure that the monitoring and BMPs that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
  - *Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.*

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 Skagit County Public Works for the Barrel Springs Restoration 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. **21706** will remain valid for the duration of the associated DA permit. Skagit County Public Works should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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://eluhwa.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:

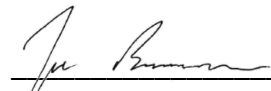
Chris Luerkens  
Department of Ecology  
Northwest Regional Office  
(360) 410-4807  
Chris.Luerkens@ecy.wa.gov

**More Information**

- **Pollution Control Hearings Board Website**  
<http://www.elaho.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**



Joe Burcar, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology, Northwest Regional Office

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