



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 5, 2024

Estate of Barbara J. Nelson and WCN GST Non-Exempt Marital Trust No.2
ATTN: Amy Webber and/or Thomas Markl
16508 NE 79th Street
Redmond, WA 98502

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. **21713**,
(Corps No. **NWS-2023-153**), Thompson Field Gunshy Manor project, King County,
Washington

Dear Amy Webber:

On February 9, 2023, the Department of Ecology received a request for a Section 401 Water Quality Certification for the above-referenced project. Ecology has one year from the Section 401 Water Quality Certification request to issue its decision.

At this time Ecology has not received the necessary information needed to assure that the discharges from the project will meet state water quality laws and requirements. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice Estate of Barbara J. Nelson and WCN GST Non-Exempt Marital Trust No.2's request for a Section 401 Water Quality Certification. Receipt of a denial without prejudice does not preclude you from submitting a new request for a Section 401 Water Quality Certification at a later date.

If you have any questions, please contact Doug Gresham at (425) 429-1846. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Enclosure (1)

WQC Order No. 21713, Corps No. NWS-2023-153
Aquatics ID No. 141058
February 5, 2024
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By certified mail: 9171 9690 0935 0233 1414 16

Sent via e-mail: amy@nelrem.com

E-cc: Thomas Markl, Estate of Barbara J. Nelson and WCN GST Non-Exempt Marital Trust No.2
Trevor Williams, U.S. Army Corps of Engineers
Cliff Schmitt, Farallon Consulting LLC
Jennifer Marriott, Wet. Land LLC
Martin Fox, Muckleshoot Tribe
Loree' Randall, Department of Ecology
Doug Gresham, Department of Ecology
Frank Winslow, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Denying Section 401 Water Quality
Certification to WCN GST Non-Exempt Marital Trust #2
pursuant to 33 U.S.C. 1341 (FWPCA § 401),
RCW 90.48.260 and Chapter 173-201A WAC**

Estate of Barbara J. Nelson and WCN GST Non-Exempt Marital Trust No.2
ATTN: Amy Webber and/or Thomas Markl
16508 NE 79th Street
Redmond, WA 98502

WQC Order No.	21713
Corps Reference No.	NWS-2023-153
Site Location	Thompson Field Site Gunshy Manor project, located within Wetlands H and I, Redmond, King County, Washington.

On February 9, 2023, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (WQC) via a Joint Aquatic resources Permit Application (JARPA) for the above-referenced project. Ecology has one year from the receipt of the request for WQC to issue its decision.

In a letter sent January 10, 2024, Ecology explained that we needed a State Environmental Policy Act (SEPA) determination for the project prior to issuing a WQC. Because the SEPA determination will not be completed before our February 9, 2024, deadline, Ecology does not have the necessary information to issue a WQC.

Without this information, there is not reasonable assurance that the project will meet state water quality laws. Within the statutory deadline approaching, Ecology must deny the WQC at this time. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, Estate of Barbara J. Nelson and WCN GST Non-Exempt Marital Trust #2's request for a WQC is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from submitting the information identified above with a new request for a WQC at a later date.

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:

WQC Order No. 21713, Corps No. NWS-2023-153

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February 5, 2024

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- 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 person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluh0.wa.gov/> or call: (360) 664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Contact Information

Please direct all questions about this WQC Order to:

Doug Gresham
Department of Ecology
(425) 429-1846

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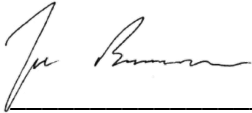
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Doug.Gresham@ecy.wa.gov

Signature

Dated this 5th day of February, 2024, at the Department of Ecology, Shoreline, Washington.



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