



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 7, 2024

The Department of the Army
U.S. Army Corps of Engineers
Seattle District
ATTN: Scott Pozarycki
4735 East Marginal Way South
Building 1202
Seattle, WA 98134-2388

Re: Coastal Zone Management Federal Consistency Decision for the Desimone Levee Repair,
Green River, Tukwila, King County, Washington

Dear Scott Pozarycki:

On July 16, 2024, the United States Army Corps of Engineers (Corps) submitted a Consistency Determination with the Washington State Coastal Zone Management Program (CZMP). The Department of Ecology (Ecology) issued a 21-day public notice on July 30, 2024 and received no comments. On September 13, 2024, the Corps provided verification that King County will conduct monitoring for replanted vegetation in years 2-5 after project completion. Ecology requested a 15-day extension pursuant to 15 CFR Part 930.41(b) on September 12, 2024, with an additional request to extend the CZM decision deadline to October 4, 2024 to allow for additional time for the required Section 401 Water Quality Certification to be issued. The Corps and Ecology agreed to extend the CZM decision deadline again to October 10, 2024.

The Corps is proposing to repair the Desimone levee situated on the Green River between river mile (RM) 14.6 to 17.0 within the city of Tukwila, King County, Washington. In February 2020, an atmospheric river event brought large amounts of rain and warmer temperatures that increased snowmelt runoff. The resulting high flows damaged several sections of the Desimone levee between river mile 14.6 and 15.2.

The non-federal sponsor is King County. King County requested and the Corps accepted a Locally Preferred Plan (LPP) to rehabilitate the levee. The LPP includes the following key features: (1) increasing the level of flood protection, (2) decreasing the slope of the levee, (3) shifting the location of the Green River trail and the levee crest landward of their current

location, (4) installing in-water boulder and wood habitat features, and (5) planting the rebuilt slope of the levee with native trees and shrubs. The Corps proposes to complete these repairs between April 1 and December 31, 2025.

The project area extends between RM 14.6 to 15.2 on the right bank of the Green River. The construction area includes all surfaces within the levee repair areas and the upland area behind the older mitigation area at the bend. Construction staging areas will be established in existing paved parking areas adjacent to buildings behind the levee. The project repair site is 2800 feet long. Levee repair and modification will be conducted over the entire 2800 linear feet of the project site, in combined downstream and upstream sections of the mitigation site. There will be no work within the mitigation site which covers 700 feet along the lower slope of the levee. The lower slope of the levee will be repaired in two discreet sections on either side of the mitigation site.

Due to real estate constraints and subsurface conditions contributing to seepage and enhanced risk of future stability of the levee, the Corps proposes that a continuous cut-off wall (steel sheet pile) be installed over the project area. Sheet piles will need to be driven to a sufficient depth to prevent underseepage, approximately 50 feet deep. A flood wall will be constructed over the cut-off wall, on the furthest landward side of the levee and tied into an existing flood wall at the downstream end of the project site at station 8+50 (RM 14.6).

The project will likely proceed with two independent activities that may run in sequence or simultaneously, depending on material availability and space constraints in the work area: 1) levee embankment repair and modification (including habitat feature installation, and vegetation plantings described below), and 2) cut-off and flood wall construction. The resulting footprint will be approximately 7.4 acres. Construction will occur between April 1st and December 31st, 2025. In-water work will be conducted between July 1st and September 15th.

A total of about 97 trees of least four-inch DBH will be removed for levee embankment modification and construction of the flood wall. Trees will be replaced at a 3:1 ratio on the levee to compensate for the loss of these trees. Therefore, 291 trees will be planted to minimize effects of the proposed project. Shrubs will also be interplanted between trees to offset impacts from shrub removal. The Corps will conduct monitoring and adaptive management of the planted vegetation, including replacement and maintenance, for the first year and King County will continue monitoring for four years after that. If survival rates are less than 80 percent during the first year, the Corps will evaluate why the plantings failed and plan the best path forward for successful replacement. The Corps will engage with the non-federal sponsor to assist in identifying the problem and alternate planting practices for successful replanting. These may include planting different species, changing the planting location, or adding pest control or exclusion devices. The planting will be evaluated in September of each year before leaf drop.

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

If you have any questions regarding Ecology's decision, please contact Teresa Pucylowski at teressa.pucylowski@ecy.wa.gov.

Your right to appeal

You have a right to appeal this decision 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 decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information 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 decision on the Department of Ecology mail, 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

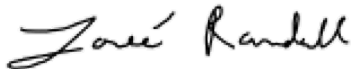
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Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

Sincerely,



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

Sent via e-mail: scott.v.pozarycki@usace.army.mil

E-cc: Caren Crandell, Army Corps of Engineers
Daniel Taylor, Army Corps of Engineers
Teresa Pucylowski, Ecology
Austin Schmalz, Ecology
fedconsistency@ecy.wa.gov