



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 30, 2025

City of Brier
Attn: Dale Kaemingk
2901 228th Street SW
Brier, WA 98036

Re: Termination of Section 401 Water Quality Certification Order No. **21056**
(Corps Reference No. **NWS-2019-963**)

Dear Dale Kaemingk:

For the reasons stated below, the Department of Ecology (Ecology) hereby terminates Section 401 Water Quality Certification Order No. 21056, pursuant to RCW 90.48.120.

Project Background

On March 29, 2022, Ecology issued Section 401 Water Quality Certification (WQC) Order No. 21056 to the City of Brierwood to permanently impact Category I wetlands to retrofit an existing stormwater retention pond.

Ecology's WQC is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for the project. As of the date of this letter, the Corps has not issued a permit for the project.

In addition, in an email dated April 1, 2025, Eileen Davis at PACE Engineers Inc. (agent for the project), confirmed that the City of Brier has no plans to move forward with this project. Ecology is, therefore, terminating Order No. 21056.

Your right to appeal

You have a right to appeal this Termination letter 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 Termination letter:

- File your notice of appeal and a copy of this Termination letter 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 Termination letter on the Department of Ecology by 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.

Address and Location Information

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.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

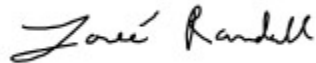
E-Mail Address:

ecologyappeals@ecy.wa.gov

Termination of 401 Water Quality Certification Order No. 21056
Aquatics No. 141446, Corps No. NWS-2019-963
April 30, 2025
Page 3 of 3

If you have questions, please contact Dana Mock at 360-742-2826 or Dana.Mock@ecy.wa.gov.

Sincerely,



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

Enclosures: (1) Section 401 Water Quality Certification Order No. 21056

By Certified Mail: 9489 0090 0027 6085 7506 21

E-cc: Eileen Davis, PACE Engineers Inc.
Jennifer Flatham, City of Brier
Todd Gray, Tulalip Tribe
Kelsey Payne, Snoqualmie Tribe
Ryan Cochoit, Corps of Engineers
Dana Mock, Ecology
Doug Gresham, Ecology
Joe Burcar, Ecology
Erin Hanlon Brown, Ecology
Amy Waterman, Ecology
Stephanie Barney, Ecology
Rebekah Padgett, Ecology
Amy Jankowiak, Ecology
Ecyrefedpermits@ecy.wa.gov