



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

June 11, 2025

Tulalip Tribes of Washington  
Attn: Natasha Coumou  
4604 Marine Drive  
Tulalip, WA 98270

Re: Water Quality Certification Order No. **23728** (Corps No. **NWS-2024-0809**), Lochsloy Floodplain Restoration and Levee Removal, Snohomish County, Washington

Dear Natasha Coumou:

On 2/25/2025, Tulalip Tribes of Washington submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Lochsloy Floodplain Restoration and Levee Removal project, Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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 Casey Vaughn at (564)669-4201. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 23728, Corps No. NWS-2024-0809

Aquatics ID No. 144084

June 11, 2025

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Enclosure (1)

By certified mail: 91 7199 9991 7036 9386 8673

Sent via e-mail: [ncoumou@tulaliptribes-nsn.gov](mailto:ncoumou@tulaliptribes-nsn.gov)

E-cc: Ryan Cochoit, U.S. Army Corps of Engineers

Erin Hanlon Brown, Ecology

Casey Vaughn, Ecology

Doug Gresham, Ecology

[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

In The Matter of Granting a Water Quality  
Certification with Conditions to Tulalip Tribes of Washington  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

Tulalip Tribes of Washington  
Attn: Natasha Coumou  
4604 Marine Drive  
Tulalip, WA 98270

<b>WQC Order No.</b>	23728
<b>Corps Reference No.</b>	NWS-2024-0809
<b>Site Location</b>	Lochsloy Floodplain Restoration and Levee Removal project located within the Middle Pilchuck River and wetlands, near Lake Stevens, Snohomish County, Washington.

Tulalip Tribes of Washington submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Lochsloy Floodplain Restoration and Levee Removal project, Snohomish County, Washington. The required processing dates are listed below:

- On 7/11/2024, the Tulalip Tribes of Washington submitted a pre-filing meeting request.
- On 2/25/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 3/6/2025, Tulalip Tribes of Washington submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 4/3/2025 the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit (NWP) Program.
- Ecology's "Reasonable Period of Time" for this project has been established as 9/30/2025.
- On 4/25/2025, Ecology issued a public notice for the project.

This project proposes to reconnect and restore floodplain processes on the Middle Pilchuck River, near the community of Lochsloy. The proposal includes: removing 500 linear feet of levee along the right bank of the river that currently impedes natural riverine process, habitat formation, flood storage, and salmon access to critical off-channel habitat; installing large wood in the channel and floodplain, in the form of apex and deflector jams and placing up to 120

wood pieces, stabilized by 105 driven timber piles and 570 cubic yard of woody slash in key areas to maximize intended geomorphic response; reconnecting a wetland with the main stem of the Pilchuck river to improve surface water connection for fish access by constructing a 20 feet wide channel where a historic inlet existed; and removing up to 1800 linear feet of riprap along levee corridor to enhance floodplain reconnection of natural side channels.

The project site is located at 48.058860 N, -122.018704 W, Middle Pilchuck River and Wetlands, Snohomish County, Washington, Section 27, Township 30 N., Range 6 E., within Water Resource Inventory Area (WRIA) 7 - Snohomish.

With this WQC Order, Ecology is granting with conditions Tulalip Tribes of Washington's request for a Section 401 Water Quality Certification for the Lochsloy Floodplain Restoration and Levee Removal project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 2/25/2025, and the following supporting documentation:

1. Water Quality Monitoring Plan submitted to Ecology on 4/29/2025.

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, Tulalip Tribes of Washington 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 Tulalip Tribes of Washington 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 Tulalip Tribes of Washington from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

**Special Conditions:**

1. 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. **23728** will remain valid until 5/30/2026.
  - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
  - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.

2. Tulalip Tribes of Washington shall send a copy of the final Federal permit via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [Casey.Vaughn@ecy.wa.gov](mailto:Casey.Vaughn@ecy.wa.gov) prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, the Tulalip Tribes of Washington shall immediately inform Ecology.
  - Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
  - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.
3. To transfer this WQC Order to a new owner or operator Tulalip Tribes of Washington shall:
  - a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [Casey.Vaughn@ecy.wa.gov](mailto:Casey.Vaughn@ecy.wa.gov). Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
  - b. Provide a copy of this WQC Order to the new owner or operator; and
  - c. The transfer is not considered valid until the Tulalip Tribes of Washington receives written notification from Ecology that the transfer has been approved.
    - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
    - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
4. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, immediately notify Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems. You will also need to notify the Washington Emergency Management Division at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other hazardous materials spills from

causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.

- Justification - This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm. 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 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.
5. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project
- Justification -Ensures that the project proponent preserves sensitive areas from 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 173-225-01.
6. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting construction activities and shall be maintained throughout the duration of the activity.
- Justification - Disturbed areas without appropriate BMPs and construction methods can discharge excess sediment to waters of the state and degrade 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.

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 with conditions to the Tulalip Tribes of Washing for the Lochsloy Floodplain Restoration and Levee Removal project.

## **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 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 Order 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://eluh0.wa.gov/> or call: 360-664-9160.

### **Service on Ecology**

#### **Street Address:**

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

#### **Mailing Address:**

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

**E-Mail Address:**

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

## Americans with Disabilities Act Information

### Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## Contact Information

Please direct all questions about this WQC Order to:

Casey Vaughn

Department of Ecology

(564) 669-4201

[Casey.Vaughn@ecy.wa.gov](mailto:Casey.Vaughn@ecy.wa.gov)

## More Information

- **Pollution Control Hearings Board Website**  
<https://elaho.wa.gov>
- **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

Dated this 11th day of June 2025 at the Department of Ecology, Lacey, Washington.



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