



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

September 4, 2025

WA Department of Transportation  
Attn: Mark Stamey  
1019 Andis Road  
Burlington, WA 98233

Re: Water Quality Certification Order No. **24115** (Corps No. **NWS-2025-0177-DOT**), I-5  
Secret Creek Fish Passage Project, Snohomish County, Washington

Dear Mark Stamey:

On July 7, 2025, WA Department of Transportation submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the I-5 Secret Creek Fish Passage 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 Penny Kelley at (360) 280-8856. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall on behalf of  
Brenden McFarland, Section Manager  
Environmental Review & Transportation Section  
Shorelands and Environmental Assistance Program

WQC Order No. 24115, Corps No. NWS-2025-0177-DOT  
Aquatics ID No. 145368  
September 4, 2025  
Page 2 of 2

Enclosure (1)

By certified mail: 91 7199 9991 7036 9386 8819

Sent via e-mail: [mark.stamey@wsdot.wa.gov](mailto:mark.stamey@wsdot.wa.gov)

E-cc: Sandi Manning, U.S. Army Corps of Engineers  
Joelle Cihak, WSDOT  
Laura Caron, WSDOT  
Erin Hanlon Brown, Ecology  
Penny Kelley, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

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

WA Department of Transportation  
Attn: Mark Stamey  
1019 Andis Road  
Burlington, WA 98233

|                            |                                                                                                                          |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>WQC Order No.</b>       | 24115                                                                                                                    |
| <b>Corps Reference No.</b> | NWS-2025-0177-DOT                                                                                                        |
| <b>Site Location</b>       | I-5 Secret Creek Fish Passage Project located within Secret Creek and wetlands, Arlington, Snohomish County, Washington. |

WA Department of Transportation (WSDOT) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the I-5 Secret Creek Fish Passage Project, Snohomish County, Washington. The required processing dates are listed below:

- On 2/12/2025, WSDOT submitted a pre-filing meeting request.
- On 7/7/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 7/29/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 1/14/2026.

This project proposes to replace 3 existing culverts with fish passable structures under I-5 northbound lanes, I-5 southbound lanes and under Pacific Highway. The new structures will be bottomless steel arch culverts and placed on concrete, shallow, spread footings located below the calculated scour depth and beyond the minimum hydraulic width. Buried rock will be placed around each footing outside the minimum hydraulic opening and the ordinary high water mark for added erosion/scour protection.

The work will result in permanent and temporary impacts to Secret Creek and existing wetlands. All temporary impacts from construction access and traffic bypass will be restored with native plantings. A portion of wetland will be converted to stream channel from the channel restoration work occurring in the median between I-5 northbound lanes and I-5 southbound lanes. The new channel will be approximately 1900 linear feet and includes both large woody debris and small woody material to provide added habitat complexity. The stream

will be temporarily diverted around culvert construction, removal, and channel grading to protect water quality.

The project site is located on I-5 from milepost 211.5 to milepost 211.7, Secret Creek and wetlands, Snohomish County, Washington, Section 31 & 30, Township 32 N., Range 4 & 5 E., within Water Resource Inventory Area (WRIA) 5 Stillaguamish.

With this WQC Order, Ecology is granting with conditions WSDOT's request for a Section 401 Water Quality Certification for the I-5 Secret Creek Fish Passage Project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 7/7/2025.

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

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. **24115** will remain valid until December 31, 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. WSDOT 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 [penny.kelley@ecy.wa.gov](mailto:penny.kelley@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 WSDOT 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. 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.

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 WSDOT for the I-5 Secret Creek Fish Passage 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://eluhwa.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:

Penny Kelley  
Department of Ecology

360-280-8856

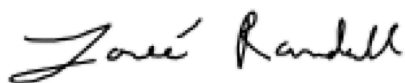
[penny.kelley@ecy.wa.gov](mailto:penny.kelley@ecy.wa.gov)

## 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 4th day of September, 2025 at the Department of Ecology, Lacey, Washington.



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Loree' Randall on behalf of  
Brenden McFarland, Section Manager  
Environmental Review & Transportation Section  
Shorelands and Environmental Assistance Program