



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 31, 2025

Snohomish County
Department of Conservation and Natural Resources
Attn: Brett Gaddis
3000 Rockefeller Avenue, M/S 303
Everett, WA 98201

Re: Water Quality Certification Order No. **24038** (Corps No. **NWS-2025-0105**), Shinglebolt Slough Floodplain Restoration, Snohomish County, Washington

Dear Brett Gaddis:

On 5/9/2025, Snohomish County Department of Conservation and Natural Resources submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Shinglebolt Slough Floodplain Restoration 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 Doug Gresham at (425) 429-1846 or send an email to Doug.Gresham@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 24038, Corps No. NWS-2025-0105
Aquatics ID No. 145529
October 31, 2025
Page 2 of 2

Enclosure (1)

By certified mail: 9171 9690 0935 0214 2411 04

Sent via e-mail: Brett.gaddis@co.snohomish.wa.us

E-cc: Ryan Cochoit, U.S. Army Corps of Engineers
Torrey Luiting, Natural Systems Design
Erin Hanlon Brown, Ecology
Doug Gresham, Ecology
Austin Schmalz, Ecology
ecyrefedpermits@ecy.wa.gov

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

Snohomish County
Department of Conservation and Natural Resources
Attn: Brett Gaddis
3000 Rockefeller Avenue, M/S 303
Everett, WA 98201

WQC Order No.	24038
Corps Reference No.	NWS-2025-0105
Site Location	Shinglebolt Slough Floodplain Restoration located within Skykomish River and wetlands, near Sultan, Snohomish County, Washington.

Snohomish County Department of Conservation and Natural Resources submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Shinglebolt Slough Floodplain Restoration in Snohomish County, Washington. The required processing dates are listed below:

- On 3/19/2025, the Snohomish County Department of Conservation and Natural Resources submitted a pre-filing meeting request.
- On 4/16/2025, 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.
- On 5/9/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 6/3/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 11/5/2025.

Snohomish County is proposing restoration actions along the Skykomish River to improve floodplain connectivity, salmonid spawning, and juvenile salmonid rearing habitat quantity and quality. This includes increasing accessibility to floodplain and wetland habitats, creation of instream habitat diversity (i.e., pools and cover), and promoting long-term forest recovery through invasive vegetation removal and replanting of a mixed coniferous and deciduous

forest. Other project goals are to reduce flood risk, protect infrastructure through restoration of the Shinglebolt Slough, maintain agricultural uses, and facilitate public access.

East of Bridge 151 on Mann Road/311th Ave SE, the project involves excavating a new channel and wetland bench along the former slough alignment, removing the Groenveld levee, and restoring riparian vegetation. West of the bridge, the slough's side channels will be rehabilitated by lowering the thalweg, enhancing connection to the mainstem river, and installing floodplain wood and engineered log jams to improve aquatic habitat. Additional improvements include placing streambed cobbles beneath Bridge 151 and installing large woody debris deflectors upstream to protect the bridge and maintain slough flow. Flood fencing will be installed in the eastern floodplain to capture debris, reduce avulsion risk, and protect farmland. The project has avoided and minimized impacts to existing wetlands. Wetland impacts as a result of channel excavations will be offset through the overall net gain of aquatic resource area and functions (wetland and riparian).

The project site is located at 31331-156th Street SE, Skykomish River and Wetlands 2, 6, and 7, Snohomish County, Washington, Section 5, Township 27 N., Range 8 E., within Water Resource Inventory Area (WRIA) 7 - Snohomish.

With this WQC Order, Ecology is granting with conditions Snohomish County Department of Conservation and Natural Resource's request for a Section 401 Water Quality Certification for the Shinglebolt Slough Floodplain Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 5/9/2025 and the following supporting documentation:

1. Water Quality Monitoring and Protection Plan dated 7/29/2025

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, Snohomish County Department of Conservation and Natural Resources 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 Snohomish County Department of Conservation and Natural Resource 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 Snohomish County Department of Conservation and Natural Resources 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 24038 will remain valid until 12/31/2028.
 - 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. Snohomish County Department of Conservation and Natural Resources shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to doug.gresham@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 Snohomish County Department of Conservation and Natural Resource 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 Snohomish County Department of Conservation and Natural Resources 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 and cc to doug.gresham@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 Snohomish County Department of Conservation and Natural Resources 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. The following in-water work windows apply to the project: work may start immediately provided the work area is dry or in a low-flow period. If the work area is not dry or in a low-flow period, work shall not start until July 15 and must be completed by August 15 of any year.
- Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.
 - Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300, WAC 173-201A-330, WAC 173-225-010, and Chapter 220-660 WAC.
5. Excavation activity both in-water and above the OHWM shall be conducted in a controlled manner, in compliance with water quality standards for turbidity.
- Justification - 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
6. Turbid dewatering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid dewatering water shall be routed to an upland area for on-site or off-site settling.
- Justification - 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 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

7. Temporary cofferdams, bladder dams, and/or super sack dams shall be in place prior to initiation of work below the OHWM. These shall be properly deployed and maintained in order to minimize turbidity and re-suspension of sediment.
 - Justification - This condition ensures containment and limits movement of sediment that could cause water quality exceedances. 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 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.
8. 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 Snohomish County Department of Conservation and Natural Resources for the Shinglebolt Slough Floodplain Restoration 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 Chapters 43.21B RCW and 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 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

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:

Doug Gresham
Department of Ecology
(425) 429-1846
Doug.Gresham@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>

WQC Order No. 24038, Corps No. NWS-2025-0105

Aquatics ID No. 145529

October 31, 2025

Page 8 of 8

- **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 31 day of October, 2025 at the Department of Ecology, Shoreline, Washington.



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