



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 5, 2025

Snohomish County
Department of Conservation and Natural Resources
Attn: Mike Rustay
3000 Rockefeller Avenue
Everett, WA 98201

Re: Water Quality Certification Order No **24120** (Corps No. **NWS-2024-443**), Thomas' Eddy Restoration, Snohomish County, Washington

Dear Mike Rustay:

On 8/8/2025, 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 Thomas' Eddy 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. 24120, Corps No. NWS-2024-443
Aquatics ID No. 145126
November 5, 2025
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Enclosure (1)

By certified mail: 9171 9690 0935 0214 2411 11

Sent via e-mail: mike.rustay@snoco.org

E-cc: Ryan Cochoit, U.S. Army Corps of Engineers
Jessica Redman, Environmental Science Associates
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: Mike Rustay
3000 Rockefeller Avenue
Everett, WA 98201

WQC Order No.	24120
Corps Reference No.	NWS-2024-443
Site Location	Thomas' Eddy Restoration Project located within Snohomish River and wetlands, near Snohomish, 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 Thomas' Eddy Restoration Project, Snohomish County, Washington. The required processing dates are listed below:

- On 12/11/2024, the Snohomish County Department of Conservation and Natural Resources submitted a pre-filing meeting request.
- On 4/2/2025 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 8/8/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 8/14/2025, the Snohomish County Department of Conservation and Natural Resources submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 9/5/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 2/14/2026.

This restoration project in Bob Heirman Wildlife Park will improve salmonid habitat within the Snohomish River floodplain while also improving public access. Floodplain connectivity will be

improved by removing levees and enhancing side channels and edge habitats. A total of 3,410 linear feet of levees will be removed from five locations of the Beck Levee and three locations of the Ring Levee. Engineered log jams will be installed to stabilize river banks and roughen the floodplain. This includes apex jams on river bars, bank roughness complexes on river banks, wall-based habitat jams on flood channels, and floodplain roughness jams on flatter areas. Public access will be enhanced by creating 2,300 linear feet of both gravel and natural substrate trails that end in viewpoints. An undersized culvert beneath the existing pedestrian trail will be replaced so floodwaters and fish are not blocked. Wildlife habitat will be improved by creating seven earthen mounds in the floodplain and installing poles for raptor nesting. Approximately 36 areas disturbed by construction will be revegetated with native riparian and wetland species. This includes 24.4 acres of plantings surrounding the floodplain roughness jams and habitat mounds, 5 acres of riparian plantings where levees are removed, 5 acres of native plantings on the habitat mounds, and 1.6 acres of wetland enhancement plantings along the wall-based channel. This project will cause 2.07 acres of short-term temporary wetland impacts during construction, which is self-mitigating given the net increase in ecological functions.

The project site is located at 14913 Connelly Road within the Snohomish River floodplain and wetlands in Snohomish County, Washington, Sections 6, 7, and 31, Townships 27N. and 28N., Range 6E., within Water Resource Inventory Area (WRIA) 7 - Snohomish.

With this WQC Order, Ecology is granting with conditions the Snohomish County Department of Conservation and Natural Resource's request for a Section 401 Water Quality Certification for the Thomas' Eddy Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 8/8/2025.

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 Resources 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. 24120 will remain valid until 12/31/2027.
 - 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 Resources 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 below the ordinary high water mark on the main channel of the Snohomish River may only occur between August 1 and August 15. Work landward of the levee conducted below ordinary high water mark may occur between June 1 and August 15.
- 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. Snohomish County Department of Conservation and Natural Resources shall finalize the draft Water Quality Monitoring and Protection Plan dated August 2025 and submit it to Austin.Schmalz@ecy.wa.gov for review at least 30 days prior to beginning any work covered by this WQC Order. Monitoring results shall be submitted monthly to Austin.Schmalz@ecy.wa.gov.
- Justification - This condition is necessary to ensure that the monitoring and BMPs that are proposed by the Project Proponent and authorized by Ecology are conducted to protect 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, 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. 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 Thomas' Eddy 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://eluhho.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>
- **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>

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Signature

Dated this 5 day of November 2025 at the Department of Ecology, Shoreline, Washington

A handwritten signature in black ink, appearing to read "Joe Burcar", written over a horizontal line.

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