



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 2, 2020

Corps of Engineers, Seattle District  
Environmental and Cultural Resources Branch  
Attn: Laura Boerner, Chief  
PO Box 3755  
Seattle WA 98124-3755

**RE: Federal Consistency Concurrence for the Howard A. Hanson Dam Stilling Basin  
Revetment Repair in King County, Washington**

Dear Chief Boerner:

On December 11, 2019, the Seattle Branch of the Army Corps of Engineers (the Corps) sent the Department of Ecology (Ecology) a Consistency Determination (CD) for the Howard A. Hanson Dam Stilling Basin Revetment Repair. The project consists of replacing eroded stone along 240 feet of the right bank of the Green River to restore the revetment to its original grade. To conduct the repairs in the dry, the Corps will use a temporary cofferdam to ensure that State water quality standards are met.

On December 20, 2019, Ecology notified the Corps that its CD was missing some information about compliance with the enforceable policies of the state Shoreline Management Act (SMA) and that Ecology could not complete the federal consistency review. Under CFR Title 15 Part 930.41, Ecology noted that the clock had stopped until Ecology received the crucial information, and, on March 9, 2020, the Corps sent Ecology the complete CD.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Corps's determination that the proposed project is consistent to the maximum extent practicable with the Washington CZMP. The project triggers the enforceable policies found in the SMA, and the Corps opted to demonstrate compliance with those policies by analyzing the King County Shoreline Master Program. Ecology issued a Letter of Verification for the Corps's functional equivalent to NWP #33 to the Corps on January 9, 2020, which satisfied the requirements of the state Water Pollution Control Act's enforceable policies.

Should you have any questions regarding Ecology's concurrence, please contact Therese Swanson at (360) 584-3744 or [terry.swanson@ecy.wa.gov](mailto:terry.swanson@ecy.wa.gov).

## YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Sincerely,



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

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

Penny Kelley, Ecology - [penny.kelley@ecy.wa.gov](mailto:penny.kelley@ecy.wa.gov)

Misty Blair, Ecology - [misty.blair@ecy.wa.gov](mailto:misty.blair@ecy.wa.gov)

Nathan Malmborg, USACE – [Nathan.c.malmborg@usace.army.mil](mailto:Nathan.c.malmborg@usace.army.mil)

Michael Scuderi, USACE – [Michael.r.scuderi@usace.army.mil](mailto:Michael.r.scuderi@usace.army.mil)