



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 28, 2020

Chief Laura Boerner
Environmental and Cultural Resources Branch
U.S. Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

**RE: Conditional Concurrence for the U.S. Army Corps of Engineers Project:
Hiram M. Chittenden Locks Interim Scour Repair Project, Seattle, Washington**

Dear Laura Boerner:

The Department of Ecology (Ecology) is issuing a Conditional Concurrence for the Army Corps of Engineers, Seattle District's (Corps) Consistency Determination (CD) for the above-mentioned project. The Project consists of repairing significant erosion damage to the concrete fill between the stilling basin apron and the fish ladder on the downstream side of the spillway at the Locks.

Ecology received the Corps's consistency determination on May 29, 2020 and requested a 15-day extension until August 11, 2020. Ecology has concerns that the project may not meet the state water quality standards as described in the CD and thus not be consistent with Washington's Coastal Zone Management Program's (WCZMP) enforceable policies. The conditions contained in this decision will allow the project to be consistent with the WCZMP's policies, specifically those found in the State Water Pollution Control Act and its implementing standards and regulations. Ecology's conditions include the following:

1. The Corps must conduct all work in a manner that does not exceed applicable turbidity standards beyond the limits established in WAC 173-201A200(1)(e)(i) or applicable pH standards beyond the limits established in WAC 173-201A(200)(1)(g).
 - a. In order for Ecology to monitor the project and ensure that all enforceable policies are being met to the maximum extent practicable, the Corps shall notify Ecology at least 10 days prior to start of work and within 24 hours of

- project completion to fednotification@ecy.wa.gov with a copy to Rebekah.Padgett@ecy.wa.gov
- b. The Corps has indicated that it will be conducting water quality monitoring during the in-water work. Ecology requests that the water quality monitoring data be submitted on a weekly basis to fednotification@ecy.wa.gov with a copy to Rebekah.Padgett@ecy.wa.gov
 - c. If any violations of state water quality standards are recorded during the water quality monitoring, the Corps must notify Ecology within 24 hours of the violation at fednotification@ecy.wa.gov with a copy to Rebekah.Padgett@ecy.wa.gov. Ecology may ask that a detailed written report be submitted within five days to determine if any coastal resources or uses have been affected. This report would describe the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
2. Any modifications to the project, or changes in methodology from that described in the *Coastal Zone Management Act Consistency Determination, Locks Urgent Interim Scour Repair Project, Seattle, Washington*, including Attachments A and B, dated June 2020 and received by Ecology on June 26, 2020, that could affect coastal resources or uses should be submitted to Ecology for review at fednotification@ecy.wa.gov with a copy to Rebekah.Padgett@ecy.wa.gov.

Ecology's conditional concurrence is issued pursuant to 15 CFR part 930 (4). If the Corps does not comply with the above conditions in this decision letter, then all parties shall treat this conditional concurrence as an objection pursuant to 15 CFR 930 subpart C.

Should you have any questions regarding Ecology's concurrence, please contact Therese Swanson at 360.584.3744 or 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Sincerely,



Loree' Randall for

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

EC: Kaitlin Winlock, USACE
Mike Scuderi, USACE
Rebekah Padgett, Ecology
Maria Sandercock, Ecology
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