



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000

January 27, 2021

Anna Marie Sample
Washington Department of Fish and Wildlife
600 Capitol Way N
Olympia, WA 98501

**RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 19408,
U.S. Army Corps of Engineers Public Notice No. NWS-2019-1034, Hamilton
Landing Access Development, Snohomish County, Washington**

Dear Anna Marie Sample:

On January 31, 2020, the Department of Ecology received a request for a Section 401 Water Quality Certification for the above-referenced project. Ecology has one year from the Section 401 Water Quality Certification request to issue its decision.

At this time, Ecology has not received the necessary information to have reasonable assurance the project will meet state water quality laws. Therefore pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice Washington Department of Fish and Wildlife's request for a Section 401 Water Quality Certification. Receipt of a denial without prejudice does not preclude you from submitting a new request for a Section 401 Water Quality Certification at a later date.

If you have any questions, please contact Doug Gresham at (425) 429-1846. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Joe Burcar
Northwest Regional Section Manager
Shorelands and Environmental Assistance Program

Enclosure

cc: Amanda Barbieri, Corps of Engineers
Loree' Randall, Ecology HQ
Doug Gresham, Rebekah Padgett, Chris Luerkens, Lucy McInerney, and Amy
Jankowiak: Ecology NWRO
Paul Marczin, WDFW
Ben Cooksey, WDNR
Patricia Love, City of Stanwood
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A)	ORDER # 19408
WATER QUALITY)	Corps Reference No. NWS-2019-1034
CERTIFICATION TO)	Hamilton Landing Access Development,
Washington Department of Fish and)	Snohomish County, Washington.
Wildlife)	
in accordance with 33 U.S.C. 1341)	
(FWPCA § 401), RCW 90.48.120, RCW)	
90.48.260 and Chapter 173-201A WAC)	

Anna Marie Sample
Washington Department of Fish and Wildlife
600 Capitol Way N
Olympia, WA 98501

On January 31, 2020, the Department of Ecology (Ecology) received a Joint Aquatic Resource Permit Application (JARPA) requesting a Section 401 Water Quality Certification (WQC) for the above-referenced project. Ecology has one year from the Section 401 Water Quality Certification request to issue its decision.

In an email sent January 26, 2021, Ecology explained that a SEPA determination for the project was required prior to issuing a WQC. Ecology has been informed that the City of Stanwood SEPA determination for this project has been withdrawn. Because a new SEPA determination may not be issued before our January 31, 2021 deadline, Ecology does not have the necessary SEPA documents to issue a WQC.

Without this information, there is not reasonable assurance that the project will meet state water quality laws. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, Washington Department of Fish and Wildlife’s request for a WQC is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from submitting the information identified above with a new request for a WQC at a later date.

YOUR RIGHT TO APPEAL

You have a right to appeal this Denial Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Denial Order. 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 appeal and a copy of this Denial Order 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 Denial Order 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel RD SW, Suite 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

SIGNATURE



January 27, 2021

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

Date