



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 4, 2021

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

RE: Federal Consistency Concurrence for the Negative Determination for the Lower Cascade Creek Water Control System Project in King County, Washington

Dear Laura Boerner:

On, January 25, 2021 the Washington Department of Ecology (Ecology) received the Corps's Negative Determination for the above project. The proposed federal activity involves replacement of the water control system (WCS) located in Lower Cascade Creek at the top of the left bank of Mud Mountain Dam (MMD). The existing WCS is inadequately sized and unable to control flow from Lower Cascade Creek (LCC) during high flow events. This has resulted in erosion and damage to the MMD abutment and critical dam infrastructure.

Ecology has reviewed the Corps's Negative Determination for the project and concurs that the project will have no effects to Washington's coastal zone resources and uses. Thus, the project does not trigger any of the Washington Coastal Zone Management Program's (CZMP) enforceable policies that are found in the Shoreline Management Act, the Water Pollution Control Act, Washington's Clean Air Act, the Ocean Resource Management Act, and the Marine Spatial Plan for Washington.

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.

Should you have questions or concerns regarding this letter, please do not hesitate to contact Kerry Carroll at 360 407.7503 (office); 360 791.0575 (cell) or Kerry.carroll@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,



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

Ecc: Michael Scuderi, USACE, Michael.scuderi@usace.army.mil
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