



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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February 19, 2014

Washington Department of Transportation  
Attn: Kerry Pihlstrom  
999 Third Avenue, Suite 900  
Seattle, WA 98104

RE: Water Quality Certification, 4th Amendment, for Order No. 9011

Dear Ms. Pihlstrom:

On January 14, 2014, Ecology received a request from Washington Department of Transportation to revise Water Quality Certification Order# 9011, issued on February 15, 2012 for SR 520, I-5 to Medina Bridge Replacement and HOV project. We have reviewed the request and enclosed the amendment to Order #9011. In order to reflect all the amendments that have been made to Order #9011 we are providing a strikeout version of the 401 Certification for your information.

All other conditions of Water Quality Certification Order #9011 remain in effect. Any correspondence or questions can be directed to the attention of Penny Kelley, Federal Permit Coordinator, at Department of Ecology, P.O. Box 47600, Olympia, WA 98504, or she can be reached at 360-407-7298. The enclosed amended Order may be appealed by following the procedures described in the amendment.

Sincerely,

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

by Certified Mail 7010 2780 0000 2503 3884

Enclosure



e-cc: Karen Walters, Muckleshoot Tribe  
Stewart Reinbold, WDFW  
Scott White, WSDOT  
Gretchen Lux, WSDOT  
Caroline Corcoran, Ecology  
Bobb Nolan, Ecology  
Joe Burcar, Ecology  
Anthony Boscolo, Ecology  
Brad Murphy, Ecology  
Rebecca McAndrew, Corps of Engineers  
Mike Lisitza, NOAA-NMFS  
Ryan McReynolds, USFWS  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

<b>IN THE MATTER OF GRANTING</b>	)	<b>ORDER# 9011</b>
<b>A WATER QUALITY</b>	)	<b>4<sup>TH</sup> Amendment</b>
<b>CERTIFICATION TO</b>	)	<b>Corps Ref# NWS-2010-146</b>
	)	Widen SR 520 to six lanes, add a new bridge
Washington State Department	)	over the Montlake cut, and replace the
of Transportation	)	Portage Bay Bridge, Union Bay Bridge
	)	and the Evergreen Point Bridge
	)	

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 9011 is hereby amended:

The amendment is as follows

**Condition G.1 that reads:**

The Applicant shall mitigate wetland impacts as described in the following plans or as modified by this Order or revised and approved by Ecology:

- a. *SR 520, I-5 to Medina: Bridge Replacement and HOV project Final Wetland Mitigation Report* (hereafter called the "Mitigation Plan") prepared by Patrick Togher, Beth Peterson, and Maki Dalzell, of HDR Engineering, Inc. for WSDOT and Federal Highway Administration, and dated December 2011 and revised in February 2012, and
- b. *SR 520, I-5 to Medina: Bridge Replacement and HOV project Final Wetland Mitigation Report Addendum 1* prepared by Chris Berger of Confluence Environmental Company for WSDOT and Federal Highway Administration, and dated April 2013.
  - i. The Applicant shall submit a copy of the Statement of Sale to Ecology (see A.2) within 20 days of completing the transaction as proof of purchase for 5.00 acres of wetland and aquatic mitigation at the Elliot Bridge Reach Mitigation Site.

**Is replaced as follows:**

The Applicant shall mitigate wetland impacts as described in the following plans or as modified by this Order or revised and approved by Ecology:

- a. *SR 520, I-5 to Medina: Bridge Replacement and HOV project Final Wetland Mitigation Report* (hereafter called the "Mitigation Plan") prepared by Patrick Togher, Beth Peterson, and Maki Dalzell, of HDR Engineering, Inc. for WSDOT and Federal Highway Administration, and dated December 2011 and revised in February 2012, and

- b. *SR 520, I-5 to Medina: Bridge Replacement and HOV project Final Wetland Mitigation Report Addendum 1* prepared by Chris Berger of Confluence Environmental Company for WSDOT and Federal Highway Administration, and dated April 2013.
- i. The Applicant shall submit a copy of the Statement of Sale to Ecology (see A.2) within 20 days of completing the transaction as proof of purchase for 5.00 acres of wetland and aquatic mitigation at the Elliot Bridge Reach Mitigation Site.
- c. *SR 520, I-5 to Medina: Bridge Replacement and HOV project Final Wetland Mitigation Report, Final Aquatic Mitigation Plan Addendum 2* prepared by Chris Berger of Confluence Environmental Company and dated December 2013.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

#### **FAILURE TO COMPLY WITH THIS ORDER**

Failure to comply with this Order may result in civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

#### **YOUR RIGHT TO APPEAL**

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

## CONTACT INFORMATION

Please direct all questions about this Order to:

Penny Kelley  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98503-7600  
360-407-7298  
pkel461@ecy.wa.gov

## MORE INFORMATION

- **Pollution Control Hearings Board Website**  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**  
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**  
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**  
<http://www.ecy.wa.gov/biblio/wac173201A.html>

**SIGNATURE**

Dated this 19 day of February 2014 at the Department of Ecology, Lacey Washington



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