



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

FEB 19 2014

Ms. Kerry Pihlstrom
Washington State Department of Transportation
999 3rd Avenue, Suite 900
Seattle, Washington 98104

Reference: NWS-2008-1246
WA St Dept of Transportation

Ms. Pihlstrom:

We have received your request to modify the approved plans for the above-referenced Department of the Army permit. The permit authorizes replacing 5.2 miles of the State Route (SR) 520 corridor between Interstate 5 (I-5) and the City of Medina in wetlands and the waters of Portage Bay, Union Bay, and Lake Washington at the Cities of Seattle and Medina, Washington. The modification consists of modifications to the West Approach Bridges. Your request for a permit modification is approved. Enclosed are the approved modified plans dated November 1, 2013, which supersede plans authorized by the Secretary of the Army on March 22, 2012, July 20, 2012, and July 15, 2013.

Special Condition "c" has been modified is to update the ESA consultation record and Special Condition "n" will be added to abide by addendum 2. This permit modification is to perform the work in accordance with the revised Special Condition "c" and the new Special Condition "n" as listed below:

c. This U.S. Army Corps of Engineers (Corps) permit does not authorize you to take a threatened or endangered species, in particular the Coastal-Puget Sound bull trout, Coastal-Puget Sound bull trout critical habitat, Puget Sound Chinook salmon, Puget Sound Chinook salmon critical habitat, Puget Sound steelhead. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or ESA Section 7 consultation Biological Opinion (BO) with non-discretionary "incidental take" provisions with which you must comply). The BOs and reinitiation letters prepared by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the specified "incidental take" in the BOs and reinitiation letters (NMFS Reference Numbers NWR-2010-5723, NWR-2011-5917, NWR-2012-9537, and

NWR-2013-10358; USFWS Reference Numbers 13410-2011-F-0063, 13410-2011-F-0063-R001, 13410-2011-F-0063-R002, 13410-2011-F-0063-R003, and 13410-2011-F-0063-R004). Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the BOs and reinitiation letters. These terms and conditions are incorporated by reference in this permit. Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your Corps permit. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.

n. You shall implement and abide by the addendum, *Final Wetland Mitigation Report, Final Aquatic Mitigation Plan Addendum 2—SR 520, I-5 to Medina: Bridge Replacement and HOV Project* dated December 2013. Mitigation shall be constructed before or concurrent with the work authorized by the permit.

All other terms and conditions contained in the original permit remain in full force and effect. If you have any questions, please contact Ms. Rebecca McAndrew at rebecca.e.mcandrew@usace.army.mil or at (206) 764-6912.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



for Bruce A. Estok
Colonel, Corps of Engineers
District Engineer

Enclosure