



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 28, 2011

Ms. Muffy Walker, Chief  
U.S. Army Corps of Engineers, Seattle District  
Regulatory Branch, CENWS-OD-RG  
PO Box 3755  
Seattle, WA 98124-3755

RE: U.S. Army Corps of Engineers (Corps) Seattle District Regional General Permit - United States Forest Service Aquatic Restoration Program within the State of Washington (Public Notice Reference CENWS-OD-RG-RGP-8)

Dear Ms. Walker:

On June 7, 2011, the Department of Ecology (Ecology) submitted our Section 401 Water Quality Certification and Coastal Zone Management decisions for the US Army Corps of Engineers Seattle Districts (Corps) regional general permit (RGP) that would authorize proposed projects that are designed to maintain, enhance, and/or restore watershed functions to benefit fish species, other aquatic organisms, water quality, riparian areas, floodplains, and wetlands on National Forest System Lands located in Washington. Since that time we have had several comments regarding the conditions that we included in our letter.

After considering these comments Ecology would like to modify the conditions below:

1. Condition B - delete the last sentence.

Projects in forested areas follow the best management practices at a minimum contained in 222 WAC as per the Memorandum of Agreement with the USFS and Ecology (2000), including but not limited to pesticide use, road construction, reconstruction, maintenance and decommissioning (abandonment). ~~Any road used for a project is required to meet current road standards, including fish passage.~~

2. Condition L –delete the last sentence and conditions i and ii.

All projects proposed shall be constructed as defined in the "Memorandum of Understanding between Washington State Department of Fish and Wildlife and USDA Forest Service, Pacific Northwest Region Regarding Hydraulic Projects Conducted by

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USDA Forest Service, Pacific Northwest Region"(MOU) January 2005. The Addendum that extended the expiration date until January 31, 2012 is also included.

- i. ~~Any new MOU negotiated shall be included in this condition with the following exception: All culvert replacements shall be designed according to the sizing contained in the "Biological Opinion for WSDA Forest Service Aquatic Restoration Activities in Eastern Oregon and Washington 2004-2008" [http://www.nwr.noaa.gov/Salmon-Hydropower/FERC/upload/Fish\\_Passage\\_Design.pdf](http://www.nwr.noaa.gov/Salmon-Hydropower/FERC/upload/Fish_Passage_Design.pdf).~~
- ii. ~~All in-water work shall comply with the WDFW/USFS "Freshwater Work Window MOU" dated September 22, 2009.~~

3. Condition P – change the expiration language.

Certification of this RGP will expire 5 years from the Corps issuance of the RGP.

If you have any questions regarding these changes, please contact me at (360) 407-6976 or Helen Pressley at (360) 407-6076.

Sincerely,



Brenden McFarland, Section Manager  
Environmental Review and Transportation Section  
Department of Ecology - Headquarters

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