



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 21, 2009

**CERTIFIED MAIL**

**7009 1410 0002 4050 6645**

Loren Reinbold, PE.  
Planning, Building, and Public Works  
City of Des Moines  
1000 South 220<sup>th</sup> Street  
Des Moines, WA 98198

Dear Loren Reinbold:

**RE: Coastal Zone Consistency for Corps Reference #NWS-2008-1308-NO  
U.S. Army Corps Public Notice for Individual Section 404 permit, Des  
Moines Creek Flood Mitigation Project, Des Moines Creek, King County,  
Washington**

On November 14, 2008, the City of Des Moines submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). On May 4, 2009, the Department of Ecology (Ecology) and City of Des Moines jointly agreed to a CZM extension. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the City of Des Moines's determination that the proposed work is consistent with Washington's CZMP.

You have the right to appeal this decision to the Pollution Control Hearings Board. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).



Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

**3. And send a copy of your appeal to:**

Department of Ecology  
Northwest Regional Office  
Attn: Rebekah Padgett  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

Sincerely,



Geoff Tallent, Section Manager  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

GT:rrp:cja

cc: Ann Uhrich, U.S. Army Corps of Engineers  
Benn Burke, ESA Adolphson  
Larry Fisher, Washington Department of Fish and Wildlife

e-cc: Barbara Nightingale – NWRO  
Chuck Steele – NWRO  
Loree Randall – HQ  
Raman Iyer – NWRO  
Karen Walter, Muckleshoot Indian Tribe [KWalter@muckleshoot.nsn.us](mailto:KWalter@muckleshoot.nsn.us)  
Darold Rhodes, U.S. Fish and Wildlife Service [Darold\\_Rhodes@fws.gov](mailto:Darold_Rhodes@fws.gov)  
Janise Disbrow [j.disbrow@comcast.net](mailto:j.disbrow@comcast.net)  
Andy Batcho, Duwamish-Green Chapter of Trout Unlimited  
[earthday1@mindspring.com](mailto:earthday1@mindspring.com)  
Carmen Scott, City of Des Moines & Des Moines Historical Society  
[carmenscott2@msn.com](mailto:carmenscott2@msn.com)  
Eugenia Woo, Artifacts Consulting [ewoo@artifacts-inc.com](mailto:ewoo@artifacts-inc.com)  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)