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

July 8, 2008

CERTIFIED MAIL
7005 1820 0000 6708 4224

U.S. Army Corps of Engineers, Seattle District
PO Box 3755
Seattle, WA 98124

Dear Sir or Madam:

RE: **Coastal Zone Consistency for Corps Reference #PL-08-11**
U.S. Army Corps of Engineers Notice of Preparation & Clean Water Act Public Notice Public Notice, Horseshoe Bend #1 Levee Rehabilitation, Green River, King County, Washington

The above-referenced public notice issued by the U.S. Army Corps of Engineers for proposed work in navigable waters has been reviewed.

On June 13, 2008, the Corps submitted a Coastal Zone Management Act Consistency Determination with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Corps' determination that the proposed work is consistent with Washington's CZMP. This concurrence is based upon the Corps' compliance with all applicable enforceable policies of the CZMP, including Section 401 of the CWA.

If you have any questions, please call Rebekah Padgett of my staff at (425) 649-7129.

You also 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 160th 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.

Sincerely,

Eric Stockdale
for Geoff Tallent, Section Manager
Shorelands and Environmental Assistance Program

GT:rrp:cja

cc: Andrea Cummins, U.S. Army Corps of Engineers
Larry Fisher, Washington Department of Fish and Wildlife
David Brock, Washington Department of Fish and Wildlife
Phyllis Meyers, NOAA Fisheries
Charlene Anderson, City of Kent
Mike Mactutis, City of Kent
Martin Fox, Muckleshoot Indian Tribe
Karen Walter, Muckleshoot Indian Tribe
Dennis Clark, WRIA 9 Salmon Habitat Recovery Team

e-cc: Betty Renkor – NWRO
Raman Iyer – NWRO
Loree' Randall – HQ