



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 2, 2010, 2010

Gerry Millman
Millman Family, LLC
PO Box 159
Everson, WA 98247

RE: Requested Amendment to Administrative Order #7148 for U.S. Army Corps of Engineers Reference #NWS-2006-106, Swift Creek Emergency Flood Protection Options Project, Swift Creek, Everson, Whatcom County, Washington

Dear Mr. Millman:

Enclosed is an amendment to the Water Quality Certification issued on October 13, 2009, for the above project.

The purpose of this amendment is to respond to the June 28, 2010 request by James Lee and Gerry Millman to change the project description, increase the amount of rock to be placed, and expand the project area. The project description change is addressed in the amendment.

The original proposal included placement of approximately 444 cubic yards of angular rock for bank stabilization, road shoulder repair, and repairs to the abutments at the existing log stringer bridge. The revised proposal is to place approximately 500 cubic yards (an additional 56 cubic yards) of angular rock for the same purpose.

The project area is expanded to include areas upstream of grade control structure #4 and downstream to Goodwin Road

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

GT:rrp:cja

By certified mail 7007 0220 0004 6659 2129



cc: Randel Perry, U.S. Army Corps of Engineers
Jeff Kamps, Washington Department of Fish and Wildlife
Christopher Street, Ostrom Farms
Krista Rave-Perkins, U.S. Environmental Protection Agency
Michael Szerlog, U.S. Environmental Protection Agency
John Hutchings, Whatcom County
James Lee, Whatcom County
Tom Westergreen, Great Western Lumber Company

e-cc: Barry Wenger – BFO
Susan Meyer – NWRO
Richard Grout – BFO
Mak Kaufman – BFO
Mary O’Herron – BFO
Pete Kmet – HQ
Loree’ Randall – HQ
Raman Iyer – NWRO
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**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	ORDER #7148 Second Amendment
A WATER QUALITY)	U.S. Army Corps of Engineers
CERTIFICATION TO)	#NWS-2006-106
Millman Family, LLC)	Swift Creek Emergency Flood Protection
)	Options Project; Swift Creek, Everson,
)	Whatcom County, Washington.

TO: Gerry Millman
Millman Family, LLC
PO Box 159
Everson, WA 98247

As requested on June 28, 2010, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order.

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

Administrative Order #7148 is hereby amended as follows:

1. Project description that reads:

Proposed work includes:

- Relocation of the channel to a temporary bypass in order to divert flow around the work area.
- Repair of existing log stringer bridge rock footings.
- Repair of approximately 450 linear feet of existing levee and access road.
- Removal of approximately 20,000 cubic yards of accumulated sediment each year from behind the four instream structures. The removed material will be stored in already established adjacent secure gravel storage areas on site.
- Reinforcement of existing non-engineered gravel levees or channel banks with accumulated channel material and/or angular rock to increase effectiveness against avulsion.

Is replaced with:

Proposed work includes:

- Relocation of the channel to a temporary bypass in order to divert flow around the work area.
- Repair of existing log stringer bridge rock footings.
- Repair of approximately 450 linear feet of existing levee and access road.
- Removal of approximately 30,000 cubic yards of accumulated sediment each year from behind the four instream structures. The removed material will be stored in already established adjacent secure gravel storage areas on site.
- Reinforcement of existing non-engineered gravel levees or channel banks with accumulated channel material and/or angular rock to increase effectiveness against avulsion.

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 amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

Appeal Process

You have a right to appeal this Amendment. 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:

Deliver your appeal in person to:

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

OR

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:

Deliver your appeal in person to:

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

OR

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 Amendment. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated July 2, 2010 at Bellevue, Washington.



Geoff Tallent, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington