



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 15, 2008

REGISTERED MAIL
RB 252 946 903 US

Ben Brown
Department of Transportation
Northwest Region
P.O. Box 330310
Seattle, WA 98133-9710

RE: Water Quality Certification First Amendment – Order #5103

Dear Mr. Brown:

Enclosed is Order #5103, First Amendment, for the SR 9, 176th to Marsh Road Project in Snohomish County, Washington. This amendment covers the reduction of both wetland impact areas and wetland mitigation credits needed from the Snohomish Basin Mitigation Bank.

If you have any questions, please contact Katie Chamberlin at (425) 649-7181. The enclosed amended Order may be appealed by following the procedures described in the amended Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

cc: MAP Team



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING) ORDER #5103 First Amendment
A WATER QUALITY) Corps Reference No. 200700471
CERTIFICATION TO) The project entails upgrading four intersections
Washington State Department of) and widening SR 9 from two lanes to four lanes
Transportation) starting at SR 96 and ending at Marsh Road. The
in accordance with 33 U.S.C. 1341) project is located in Snohomish County, WA and
(FWPCA § 401), RCW 90.48.120, RCW) starts at MP 4.22, ending at MP 8.88.
90.48.260 and Chapter 173-201A WAC)

TO: Ben Brown
Department of Transportation
Northwest Region
P.O. Box 330310
Seattle, WA 98133-9710

The amendment is for the above-referenced Administrative Order approved and issued by the Department of Ecology (Ecology) on October 25, 2007.

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

Administrative Order #5103 is hereby amended as follows:

1. Project description, paragraph two reads:

The proposed project entails upgrading four intersections and widening a section of SR 9 from two lanes to four lanes starting at SR 96 to Marsh Road. To accommodate the road widening, the Marsh Road/Airport Way/Springhetti Road will be shifted to the east approximately 150 feet. Approximately 1,282 linear feet of Thomas Creek Tributary running parallel to SR 9, will be relocated. In addition to the road widening and intersection upgrades, a stormwater detention pond will be constructed in the northwest quadrant of the SR 9 and 152nd St. intersection. This project will permanently impact 6.35 acres of wetlands in the project corridor from road widening and construction of the stormwater pond. The project site is located in Snohomish County, Section 1, 11, 12, 24, and 36, Township 27N and 28N, and Range 5E in WRIA 7, Snohomish River. The project limits start at MP 4.22 and end at MP 8.88.

Is replaced with:

The proposed project entails upgrading four intersections and widening a section of SR 9 from two lanes to four lanes starting at SR 96 to Marsh Road. To accommodate the road widening, the Marsh Road/Airport Way/Springhetti Road will be shifted to the east approximately 150 feet. Approximately 1,282 linear feet of Thomas Creek Tributary running parallel to SR 9 will be relocated. In addition to the road widening and intersection upgrades, a stormwater detention pond will be constructed in the northwest quadrant of the

SR 9 and 152nd St. intersection. This project will permanently impact **5.02** acres of wetlands in the project corridor from road widening and construction of the stormwater pond. The project site is located in Snohomish County, Section 1, 11, 12, 24, and 36, Township 27N and 28N, and Range 5E in WRIA 7, Snohomish River. The project limits start at MP 4.22 and end at MP 8.88.

2. Condition D.1. that reads:

Impacts to aquatic resources shall be mitigated through the use of the Snohomish Basin Mitigation Bank. Credits to be withdrawn from the bank will be a total of 6.79 credits in accordance with the Snohomish Basin Mitigation Bank Instrument.

Is replaced with:

Impacts to aquatic resources shall be mitigated through the use of the Snohomish Basin Mitigation Bank. Credits to be withdrawn from the bank will be a total of **5.20** in accordance with the Snohomish Basin Mitigation Bank Instrument.

3. Condition D.2. that reads:

Prior to work beginning on this project the following shall be submitted to Ecology per condition A.2:

- a. A credit ledger listing the Corps number and Ecology Order Number with the debited credits verifying credit withdrawal from the Snohomish Mitigation Bank.
- b. Documentation that credits applied to the project have been registered, with the Corps number and Ecology Order # assigned to this project, at the Snohomish County Auditor's office.

Is replaced with:

Within sixty days of receiving this amendment, the following shall be submitted to Ecology per condition A.2:

- a. Documentation that credits applied to the project have been registered at the Snohomish County Auditor's office. This documentation should include the Order number, Order issuance date and credit amount required by the Order (5.20 credits).

4. Condition D.4. that reads:

Any changes to the amount of wetland impacts will require notification to Ecology and will need to be accurately reflected in the credit withdrawal ledger and mitigation memo, and shall be submitted in writing to Ecology's Federal Project Coordinator for verification.

Is replaced with:

Any changes to the amount of wetland impacts will require notification to Ecology, revision of the mitigation memo, and submittal of new information being registered at the Snohomish County Auditor's office.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

Ecology retains continuing jurisdiction to modify Order #5103 through supplemental order, if necessary, to further protect the public interest.

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

You have a right to appeal this Order and can do so by following these steps:

- 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:

Katie Chamberlin
Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452

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.

DATED this 15th day of December, 2008, at Lacey, Washington.



Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology