



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 2, 2008

REGISTERED MAIL
RB 670 439 665 US

U.S. Army Corps of Engineers
Attn: Les Soule
PO Box 3755
Seattle, WA 98124

RE: First Amendment to Administrative Order #1040, Cedar River Side Channel Project, Cedar River, Renton, King County, Washington

Dear Mr. Soule:

Enclosed is an amendment to the Water Quality Certification issued on March 19, 2004, for the above project.

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,

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:rrp:cja

cc: Hannah Hadley, U.S. Army Corps of Engineers
Steven Lee, City of Renton



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	ORDER #1040 First Amendment
A WATER QUALITY)	U.S. Army Corps of Engineers #PL-04-07
CERTIFICATION TO)	
U.S. Army Corps of Engineers)	Cedar River Side Channel Project; Cedar
)	River, Renton, King County Washington.

TO: U.S. Army Corps of Engineers
Attn: Les Soule
PO Box 3755
Seattle, WA 98124

As requested on October 24, 2008, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order to extend the Section 401 Water Quality Certification. While construction of the side channel was expected to be completed in Summer 2008, it is now anticipated that the construction will be completed in 2009. An additional request was submitted to Ecology on November 19, 2008, to amend the quantity of material excavated from the channel based on updated calculations.

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

Administrative Order #1040 is hereby amended as follows:

Project description that reads:

The proposal includes excavation of 6,000 cubic yards of floodplain sediments to create the 1,200 foot-long channel along the left bank between RM 3.4 and 3.6 in the City of Renton. The material will be stockpiled on uplands nearby. The 10,000 square-foot channel will be constructed with 3:1 side slopes, alcoves with woody debris, and will be revegetated with native vegetation after construction. The intake structure will consist of a concrete box culvert, trash, rack, control valve, geogrids and approximately 140 feet of pipe.

Is replaced with:

The proposal includes excavation of approximately 14,000 cubic yards of floodplain sediments to create the 1,200 foot-long channel along the left bank between RM 3.4 and 3.6 in the City of Renton. The material will be stockpiled on uplands nearby. The 10,000 square-foot channel will be constructed with 3:1 side slopes, alcoves with woody debris, and will be revegetated with native vegetation after construction. The intake structure will consist of a concrete box culvert, trash, rack, control valve, geogrids and approximately 140 feet of pipe.

1. Condition F4 that reads:

F4. The applicant will be out of compliance with this certification and must reapply with an updated application if five years elapse between the date of the issuance of this certification and the beginning of construction and/or discharge for which the federal license or permit is being sought.

Is replaced with:

F4. This Order is valid until all of the conditions have been complied with.

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:

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:

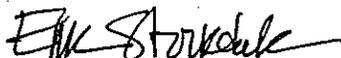
Department of Ecology
Northwest Regional Office
Attn: Rebekah Padgett
3190 160th Avenue SE
Bellevue, WA 98008

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://www.l.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 December 2, 2008 at Bellevue, Washington.



Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington