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

May 14, 2010

Kevin McKeag
US Army Corps of Engineers, Seattle District
PO Box 3755
Seattle, WA 98124

RE: Requested Amendment to Administrative Order #7303 for U.S. Army Corps of Engineers Reference # PL-09-18, Repair Stillaguamish River Cook Slough Weir Project, Snohomish County, Washington

Dear Mr. McKeag:

Enclosed is an amendment to the Water Quality Certification issued on January 15, 2010, for the above project.

The purpose of this amendment is to respond to your March 17, 2010 and corrected April 27, 2010 requests to change Condition E.2. to reflect an extension of the in-water work window in order that the entire project can be completed in one season this year.

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 1948

cc: Ginger Holser, Washington Department of Fish and Wildlife
Howard Knight, Snohomish County Planning Department

e-cc: Loree' Randall – HQ
Patricia Lambert – NWRO
Raman Iyer – NWRO
ecyrefedpermits@ecy.wa.gov

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF GRANTING	)	**ORDER #7303 First Amendment**
A WATER QUALITY	)	**U.S. Army Corps of Engineers # PL-09-18**
CERTIFICATION TO	)	Repair Stillaguamish River Cook Slough
US Army Corps of Engineers,	)	Weir Project; Stillaguamish River,
Seattle District	)	Snohomish County, Washington.

TO: US Army Corps of Engineers, Seattle District
PO Box 3755
Seattle, WA 98124

As requested on March 17, 2010 and corrected on April 27, 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 #7303 is hereby amended as follows:

1. **Condition E2 that reads:**

   E2. No in-water work shall occur between September 16 and July 15 of any year in which work is being conducted. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.

Is replaced with:

E2. No in-water work shall occur between November 1 and July 15 of any year in which work is being conducted. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.

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 May 14, 2010 at Bellevue, Washington.

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