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Shorelands and Environmental Assistance Program
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Hellwig
EXHIBIT NO. *91*
1-8-02
M. Green

Fax

To: *Ann Kenney* From: *Dyonna Oliva*
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Date: *12/6/00* CC:

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• Comments:

AR 017789

Mr. M.R. (Mic) Dinsmore
September 28, 2000
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Some project mitigation and plan elements proposed by the Port are nearly adequate now and may require only minor adjustments, while other elements require imposition of 401 conditions by Ecology, and/or significant submittal of information to Ecology by the Port.

2. Given the current information submitted by the Port, Ecology believes that it is possible, in the near term, to craft appropriate conditions with respect to flow augmentation for Des Moines Creek, protection of Tyee Pond, excavation of Borrow Site #3 and acquisition of necessary Hydraulic Project Approvals from the Department of Fish and Wildlife.
3. The King County review of the revised Stormwater Management Plan (SMP) identified several deficiencies in the plan that Ecology believes need to be addressed. The corrections that need to be made include, but are not limited to, the provision of a consistent level of flow control to the receiving waters of Miller, Walker and Des Moines Creeks that will be sufficient to prevent continued or future degradation of these streams resulting from the Port's stormwater impacts. The revised SMP will need to address errors, inconsistencies and omissions which were brought to light in the county's review. The revised SMP will also need to ensure and demonstrate that it is consistent with the mitigation requirements of the Port's most recent Natural Resources Mitigation Plan (NRMP) and that all revisions to the SMP will not result in any additional adverse impacts to wetlands and the wetlands' hydrology which are not presently mitigated for in the NRMP.

Once the Port has reapplied for a § 401 Certification and submitted to Ecology necessary information related to the issues and requirements to be specified by Ecology in a subsequent meeting, Ecology commits to complete its review and make a decision on the § 401 Certification within 75 days. If during Ecology's review, it is determined that additional information or analysis is required from the Port, the review clock will pause until the Port provided Ecology with additional information or analysis sufficient for review to continue.

I appreciate your attention to and consideration of the above offer and I look forward to working through relevant issues with you and your staff. If you have any questions regarding the above, please feel free to contact me at 360-407-7001 or Ray Hellwig at 425-649-7010.

Sincerely,

Tom Fitzsimmons
Director

AR 017791