



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

Sent via Email

June 24, 2022

David Lindley  
Forterra NW  
PO Box 4189  
Seattle WA 98194  
dlindley@forterra.org

RE: 2022 Riparian Planting – Short-Term Water Use Authorization No. S1-29441

Dear David Lindley:

Washington State Department of Ecology (Ecology) received your application requesting short-term diversion of surface water for watering native plants at habitat restoration sites. This water use authorization is for the period June 15, 2022 to October 15, 2022.

- Ecology is committed to support projects that have a direct positive impact on stream habitat. According to RCW 90.54.020(3), the quality of the natural environment shall be protected, and where possible, enhanced.
- Diversions of water from surface water bodies regulated through minimum instream flows for the Green-Duwamish Basin (WRIA 9) are interruptible when minimum flows are not met (see attached spreadsheet). It is the responsibility of the permit holder to assess flows in regulated streams before irrigation occurs to meet this requirement.
- Maximum cumulative instantaneous rate of diversion from all surface waters approved under this authorization must not exceed 0.32 cubic-feet/second (143 gallons per minute) at any one time.
- This permit for irrigation diversions may require compliance with state Hydraulic Code (chapter 77.55 RCW) and is required to meet fish screening statutes (RCW 77.57.010, RCW 77.57.040, and RCW 77.57.070). Please see the [WDFW permitting page](#) and consult with the appropriate Habitat Biologist according to the [contact map](#). Supporting information on screening and fish passage may be found on the [WDFW Regulations, guidelines, and determining compliance](#) page.

It is the responsibility of Forterra NW to pursue any legal agreements that may be necessary to access and use the parcels described in the application for the purposes of this project.

Ecology recommends seeking alternative methods to watering project plants by using reclaimed water and municipal water where available, and recommends these alternatives when possible.

Nothing in the short-term water use authorization allows for its holder to impair existing water rights.

David Lindley  
Forterra NW  
Short-Term Water Use Authorization No. S1-29441

Water use authorizations are subject to provisions as listed by project, and continue through October 15, 2022. Forterra NW shall record how much water is used at each site and will submit these data to Ecology no later than January 31, 2023. The data shall include the flow rates in instream flow regulated streams at the times when diversion occurs, and will include a detailed description of how such flows were determined. Furthermore, Forterra NW will notify Ecology if any of these projects have ended prematurely, been delayed, or completed. Each project site should use procedures to eliminate any waste of water.

### **Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of the Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order to Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

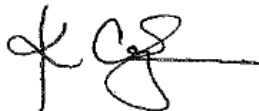
You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW, Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

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>.

If you have any questions, please contact John Rose at (206) 594-0204 or by email at [john.rose@ecy.wa.gov](mailto:john.rose@ecy.wa.gov).

Sincerely,



Kasey Cykler  
Section Manager  
Water Resources Program

Enclosure: *Your Right to Be Heard*  
Project Spreadsheet

<b>Watershed/ Tributary To:</b>	<b>Waterbody</b>	<b>WRIA</b>	<b>Project Name</b>	<b>S/T/R</b>	<b># of Plants</b>	<b>Amount of Water Needed (15 gallons per plant)</b>	<b>WAC Reference</b>	<b>Ecology's Determination</b>
Green Duwamish	Duwamish River	9	Tukwila Commerce Center Revegetation Project	10/23N/04E	100	Approximately 1500 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Diversion north of the confluence of the Green and Black River are not subject to interruption
Green Duwamish	Green River	9	Fort Dent Shoreline Stewardship	23/23N/4E	500	Approximately 7,500 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Diversion is interruptible when minimum instream flows are not met per WAC 173- 509-030
Green Duwamish	Duwamish River	9	Restore the Duwamish Shoreline Challenge	11/23N/4E	200	Approximately 3,000 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Diversion north of the confluence of the Green and Black River are not subject to interruption
Green Duwamish	Green River	9	Fields Roof Service Revegetation Project	25/22N/04E	450	Approximately 6,750 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Diversion is interruptible when minimum instream flows are not met per WAC 173- 509-030

\*Assuming all plantings supplied by surface water.