

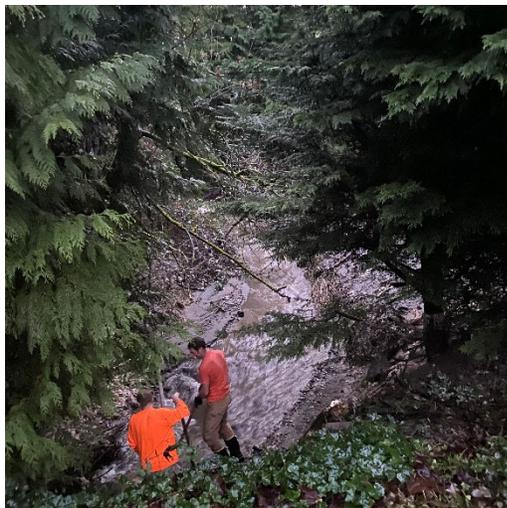
TRANSMITTED BY EMAIL

January 8, 2025

Hannah Faulkner, Compliance Division Manager
Washington Department of Fish and Wildlife (WDFW)
hannah.faulkner@dfw.wa.gov

SUBJECT: HPA Permit Number: 2024-4-541+02
PCHB Appeal Number: 24-062
Suspected Illicit In-Water Work at Lower Perrinville Creek
8229 Talbot Road, Edmonds, WA

I have been informed by my client, Robert Bernhoft, that he has observed City of Edmonds Maintenance crews on multiple occasions removing debris and sediment for the Talbot Road culvert and flow splitter located at 8229 Talbot Road, Edmonds, WA. This is documented in the photos below taken by Mr. Bernhoft:



December 18, 2024 photo of two City of Edmonds Maintenance workers in traffic vests, without hard hats, removing sediment at the Talbot Road culvert.



January 3, 2025 photo of two City of Edmonds Maintenance workers in traffic vests, without hard hats, removing sediment at the Perrinville Creek flow splitters.

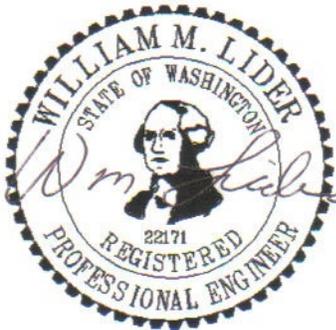
I was also informed, second hand, that sack-fry fish were present during these maintenance operations. If this is correct, then it is likely that these maintenance operations may have contributed to an unreported fish kill.

Per my previous correspondence Jessie Dykstra, WDFW Habitat Biologist, copy attached, the City's expedited HPA Permit Number: 2024-4-541+02 has expired and the City no longer has a valid HPA permit to perform any in-water work in lower Perrinville Creek. The City of Edmonds has also assured the Environmental and Land Use Hearings Office (ELUHO) that no further in-water work would occur after the sediment removal last September, pending resolution of PCHB Appeal No. 24-062.

Given this new information, it is requested that WDFW investigate and report on exactly what in-water work is occurring in lower Perrinville Creek and take appropriate action to halt any further illicit in-water work.

Thank you in advance for your prompt attention to this request and I look forward to receiving a copy of your findings.

Respectfully submitted,
LIDER ENGINEERING, PLLC



January 8, 2025

William Lider, PE, CESCL
Principal Engineer

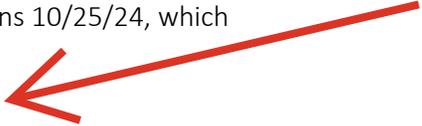
cc: Robert Bernhoft, Audry Clungeon, Joe Scordino, Appellant
Jessie Dykstra, Kirk Lakey, Stewart Reinbolt, WDFW
Randy Head, HPA Appeals Coordinator
Scott Passey, Jeff Taraday, City of Edmonds
Environmental and Land Use Hearings Office, ELUHO

Attachment: 2024-12-19 Dykstra email to Lider, Perrinville Creek Sediment Removal

From: [Dykstra, Jesse F \(DFW\)](#)
To: bill.liderengineering.com
Cc: [Reinbold, Stewart G \(DFW\)](#)
Subject: RE: Perrinville Creek, HPA No. 2024-4-541+01 or 2024-4-541+02
Date: Thursday, December 19, 2024 9:49:47 AM
Attachments: [image001.png](#)
[image003.png](#)

Hey Bill,

Thank you for reaching out and hopefully I have answered your questions. Please let me know if you have any additional concerns.

- An **inactive permit** refers to a permit where the project end date has passed, but the permit itself has not yet expired (which would be labeled as "expired"). No work can be conducted under an inactive permit unless a modification to the timeline is requested and approved. This typically applies to standard permits, not expedited permits.
- **Expired permits** are those where the project end date has passed and cannot be extended. In such cases, the permit cannot be modified, and a new permit is required to conduct further work.
- You are correct that the new system is inaccurately labeling some permits as inactive when they should be marked as expired. We have submitted a ticket to the Slalom team to resolve this issue.
- Lastly, Regarding the permit **2024-4-541+01**, it was superseded (nullified) and replaced by permit **2024-4-541+02**. In both cases, the project end date remains 10/25/24, which designates the permit as expired.
- The City has not requested to any additional sediment removal. 

Thank you for your time.

Jesse Dykstra – Habitat Biologist
Washington Department of Fish and Wildlife
Region 4, Mill Creek Office
Cell: (564) 200-3689
Email: Jesse.Dykstra@dfw.wa.gov

From: bill.liderengineering.com <bill@liderengineering.com>
Sent: Wednesday, December 18, 2024 12:50 PM
To: Dykstra, Jesse F (DFW) <Jesse.Dykstra@dfw.wa.gov>
Subject: RE: Perrinville Creek, HPA No. 2024-4-541+01 or 2024-4-541+02

External Email

Jesse, I am following up on the voicemail I left you yesterday and my email below from last Saturday.

1. Is the subject HPA permit expired or inactive?
2. Has the City requested additional sediment removals in and around the fish killing flow structures in lower Perrinville Creek?
3. Will you notify me in advance before any sediment removal by the City such that a timely appeal may be made with the PCHB?

Thank you in advance for your prompt response.

William Lider, PE, CESCL
LIDER ENGINEERING, PLLC
2526 – 205th Place SW
Lynnwood, WA 98036
425-776-0671 Office
206-661-0787 Cell

From: bill liderengineering.com
Sent: Saturday, December 14, 2024 11:34 AM
To: Jesse Dykstra <Jesse.Dykstra@dfw.wa.gov>
Cc: Lakey, Kirk A (DFW) <kirk.lakey@dfw.wa.gov>; Reinbold, Stewart G (DFW) <Stewart.Reinbold@dfw.wa.gov>; joe scordino <joe.scordino@yahoo.com>; rdbern@frontier.com
Subject: Perrinville Creek, HPA No. 2024-4-541+01 or 2024-4-541+02

Jesse, according to WDFW's [APPS website](#), the subject permit is listed as "inactive" rather than "expired". Furthermore, the permit number for the expedited permit issued by you on October 2, 2024 (after the work was completed) does not match the permit number on the APPS website. Below is a screenshot from WDFW's APPS website:

The HPA permit no. 2024-4-541+01 that you issued, copy attached, clearly calls out the Project End Date as October 25, 2024. The concern here is that the City is falsely claiming an emergency when there has been no threat documented to any occupied structures that only appears to be an attempt by the City to avoid compliance with SEPA. The only flooding threat documented to date has been to ornamental landscaping placed in a FEMA mapped floodplain.

Why is this HPA permit still classified as inactive, rather than expired?

Thank you in advance for your prompt response to this question.

William Lider, PE, CESCL
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