



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

July 18, 2022

Underwood Conservation District
ATTN: Tova Tillinghast
PO Box 96
White Salmon, WA 98672

Re: Water Quality Certification Order No. **21240** for Corps Reference No. **202200158**,
Slavens Western Pond Turtle Habitat Project, Klickitat County, Washington

Dear Tova Tillinghast:

On February 23, 2022, Underwood Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Slavens Turtle Pond, Klickitat County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Alicia Schulz at (509) 379-4541. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Gary Graff, Section Manager
Central Region Office
Shorelands and Environmental Assistance Program

Enclosure

Slavens Western Pond Turtle Habitat Project
Aquatics No. 141471, Corps No. 202200158
July 18, 2022
Page 2 of 2

E-cc: David Moore, U.S. Army Corps of Engineers
Dan Richardson, Underwood Conservation District
Loree' Randall, Ecology-HQ
Alicia Schulz, Ecology-CRO
ECYREFEDPERMITS@ecy.wa.gov



IN THE MATTER OF GRANTING A) **ORDER No. 21240**
WATER QUALITY CERTIFICATION TO) **Corps Reference No. 202200158**
Underwood Conservation District) *Slavens Western Pond Turtle Habitat Project*
pursuant to 33 U.S.C. 1341 (FWPCA §) *located within Columbia River, Lyle, Klickitat*
401), RCW 90.48.120, RCW 90.48.260 and) *County, Washington*
Chapter 173-201A WAC)

Underwood Conservation District
Attn: Tova Tillinghast
PO Box 96
White Salmon, WA 98672

On February 23, 2022, Underwood Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the Federal Clean Water Act for the Slavens Western Pond Turtle Habitat Project, Klickitat County, Washington. The following required processing dates are referenced below:

- On March 10, 2022, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 27 and requires an individual Section 401.
- On June 13, 2022 Ecology issued a public notice for the project.
- On June 28, 2022, the Corps provided an extension of the “Reasonable Period of Time” (deadline) for the WQC to August 5, 2022.

This project proposes to impact 4.23 acres of wetlands and will create ponds and grading to help restore and enhance historic wetlands on a field that was historically ditched and drained for agriculture. This field is adjacent to a state-owned wildlife area that is managed for the benefit of western pond turtles endemic to the site, as well as other wetland organisms.

The project site is located at 238 Old Highway 8, Lyle, WA, 98635, USA Columbia River, Klickitat County, Washington, Section 29, Township 3 N., Range 12 E., within Water Resource Inventory Area (WRIA) 29 - Wind - White Salmon.

With this Order, Ecology is granting Underwood Conservation District’s request for a Section 401 Water Quality Certification for the Slavens Western Pond Turtle Habitat Enhancement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 23, 2022.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Underwood Conservation District must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Underwood Conservation District to exceed applicable state water quality standards (Chapter

173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the Underwood Conservation District for the Slavens Western Pond Turtle Habitat project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. **21240** will remain valid for the duration of the associated DA permit. Underwood Conservation District should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

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 RCW 43.21B and RCW 371-08. "Date of receipt" is defined in RCW 43.21B.001(2). More information is available at <https://eluh.wa.gov/content/11>.

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

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://eluhwa.gov/content/11>

Filing by mail

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Filing in person (or by certified mailed/courier)

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 98501

Filing electronically

E-mail Address:

pchb-shbappeals@eluhwa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Contact Information

Please direct all questions about this Order to:

Alicia Schulz
Department of Ecology
1250 Alder St
Union Gap, WA 98903
alicia.schulz@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluhwa.gov/content/11>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>

- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature



Gary Graff, Section Manager
Central Region Office
Shorelands and Environmental Assistance Program
Department of Ecology

July 18, 2022

Date