



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**  
Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

August 1, 2022

U.S. Fish and Wildlife Service  
ATTN: Lisa Wilson-Romine  
26010 South Smith Road  
Cheney, WA 99004

Re: Water Quality Certification Order No. 21264 for Corps Reference No. NWS-2022-0176,  
Turnbull NWR – McKinlay Tract Wetland Enhancement, Spokane County, Washington

Dear Lisa Wilson-Romine:

On February 28, 2022, U.S. Fish and Wildlife Services submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Turnbull NWR – McKinlay Tract Wetland Enhancement, Spokane 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 Hallie Ladd at (509) 309-5547 or via email at [Hallie.ladd@ecy.wa.gov](mailto:Hallie.ladd@ecy.wa.gov). The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Sara Hunt, Section Manager  
Shorelands and Environmental Assistance Program  
Eastern Region Office, Department of Ecology

Enclosure

E-cc: David Moore, U.S. Army Corps of Engineers  
Loree' Randall, Ecology-HQ  
Hallie Ladd, Ecology-ERO  
[ECYREFEDPERMITS@ecy.wa.gov](mailto:ECYREFEDPERMITS@ecy.wa.gov)  
Brian Walker, U.S. Fish and Wildlife

**IN THE MATTER OF GRANTING A** ) **WQC ORDER No. 21264**  
**WATER QUALITY CERTIFICATION TO** ) **Corps Reference No. 202200176**  
U.S. Fish and Wildlife Service ) *Turnbull NWR – McKinlay Tract Wetland*  
pursuant to 33 U.S.C. 1341 (FWPCA § ) *Enhancement located within Upper Philleo Lake*  
401), RCW 90.48.120, RCW 90.48.260 and ) *and wetlands ,near City of Cheney, Spokane*  
Chapter 173-201A WAC ) *County, Washington*

U.S. Fish and Wildlife Service  
Attn: Lisa Wilson-Romine  
26010 S Smith Road  
Cheney, WA 99004

On February 28, 2022, U.S. Fish and Wildlife Service submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Turnbull NWR – McKinlay Tract Wetland Enhancement, Spokane County, Washington. On June 13, 2022, Ecology issued a public notice for the project.

This project proposes to restore historically farmed wetlands by excavating up to 15,000 cubic yards of soil over 3 acres of Philleo Lake in Spokane County, WA for the purposes of enhancing year-round water resources for wildlife and to reduce the amount of reed canarygrass cover. Additional restoration activities include the repair of an existing dam, removal and replacement of an existing concrete water control structure, the excavation of 4 wetland cells, and planting of native vegetation on spoil deposition areas adjacent to the water feature.

The project site is located at Upper Philleo Lake and wetlands near the intersection of West Jennings Road and South Philleo Lake Road, Cheney, Spokane County, Washington, Section 1, Township 22 North, Range 42 East, within Water Resource Inventory Area (WRIA) 34, Palouse Watershed.

With this Order, Ecology is granting U.S. Fish and Wildlife Service’s request for a Section 401 Water Quality Certification for the Turnbull NWR – McKinlay Tract Wetland Enhancement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 28, 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, U.S. Fish and Wildlife Service 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 U.S. Fish and Wildlife Service 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 U.S. Fish and Wildlife Service for the Turnbull NWR – McKinlay Tract Wetland Enhancement 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. 21264 will remain valid for the duration of the associated DA permit. U.S. Fish and Wildlife Service should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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 date of receipt. The appeal process is governed by RCW 43.23B and WAC 371-08. “Date of receipt” is defined in RCW 43.21B.001(2). More information is available at <https://eluhogov/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://eluhogov/content/11/>

#### **Filing by mail**

##### **Mailing Address:**

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

#### **Filing in person (or by certified mail/courier)**

##### **Street Address:**

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

#### **Filing electronically**

##### **E-mail Address:**

[pchb-shbappeals@eluhogov](mailto:pchb-shbappeals@eluhogov)

### **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:

Hallie Ladd  
Department of Ecology, Eastern Region Office  
4601 North Monroe St.  
Spokane, WA 99205-1295  
[hallie.ladd@ecy.wa.gov](mailto:hallie.ladd@ecy.wa.gov)

### **More Information**

- **Pollution Control Hearings Board Website**  
<http://www.eluho.wa.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**



8-01-2022

Sara Hunt, Section Manager  
Shorelands and Environmental Assistance Program  
Eastern Regional Office, Department of Ecology