



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

February 10, 2023

2/28/2023 - minor edits
were made in the WQC.

WA Department of Fish and Wildlife
ATTN: Doug Wiedemeier
600 Capitol Way North
Olympia WA, 98501

Re: Water Quality Certification Order No. **21513** (Corps No. **202200083**) Milles Lake Dam
Safety Repair, Okanogan County, Washington

Dear Doug Wiedemeier:

On August 23, 2022, WA Department of Fish and Wildlife submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Milles Lake Dam Safety Repair, Okanogan 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

By certified mail 7022 0410 0003 2629 9021

WQC Order No. 21513, Corps No. 202200083
Aquatics ID No. 141677
February 10, 2023
Page 2 of 2

Sent via e-mail: Douglas.Wiedemeier@dfw.wa.gov

Enclosure

E-cc: Jordan, Dale J, U.S. Army Corps of Engineers
Alicia Schulz, Ecology
Loree' Randall, Ecology
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A) **WQC ORDER No. 21513**
WATER QUALITY CERTIFICATION TO) **Corps Reference No. 202200083**
WA Department of Fish and Wildlife) *Milles Lake Dam Safety Repair located within*
pursuant to 33 U.S.C. 1341 (FWPCA §) *Milles Lake, or near Twisp, Okanogan County,*
401), RCW 90.48.120, RCW 90.48.260 and) *Washington*
Chapter 173-201A WAC)

WA Department of Fish and Wildlife
Attn: Doug Wiedemeier
600 Capitol Way North
Olympia WA 98501

2/28/2023 - minor edits were
made in Red, see below.

On August 23, 2022, WA Department of Fish and Wildlife (WA DFW) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Milles Lake Dam Safety Repair Project, Okanogan County, Washington. The following required processing dates are referenced below:

- On May 12, 2022, the WA DFW submitted a pre-filing meeting request.
- On November 9, 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. 3 and requires an individual Section 401.
- On December 1, 2022, Ecology issued a public notice for the project.

This project proposes to upgrade the Milles Lake spillway to meet the Inflow Design Flood (IDF) with adequate freeboard as required by the WA State Dept. of Ecology Dam Safety Program. The existing spillway does not pass a 500-year flood event, and therefore is not suitable for extreme events. The project or activity includes adding a new structure to upgrade the spillway. The new design results in **886.29** ~~8,064~~ SF (**0.19** ~~0.19~~ **.02** AC) permanent wetland impacts, due to fill, of an existing category II wetland (Wetland B) and a mitigation plan is proposed. Temporary wetland impacts due to grading is equal to 875 SF to be restored with native seed. Turtle, Wood Duck and Bat habitat features are specified including: 2 Turtle logs, 2 Wood Duck boxes and 2 Bat pole boxes.

The project site is located at Frost Road near Twisp, WA at Milles Lake, Okanogan County, Washington, Section 2, Township 33N., Range 21E., within Water Resource Inventory Area (WRIA) 48 - Methow.

With this Order, Ecology is granting WA DFW's request for a Section 401 Water Quality Certification for the Milles Lake Dam Safety Repair project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 23, 2022, and the following supporting documentation:

- Mitigation Plan (provided November 29, 2022 email)

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, WA DFW 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 WA DFW 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 WA DFW for the Milles Lake Dam Safety Repair 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. 21513 will remain valid for the duration of the associated DA permit. WA DFW 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. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21b.001(2). More information is available at <https://elaho.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.wa.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 mail/courier)

Street Address:

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

Filing electronically

E-mail Address:

pchb-shbappeals@eluhwa.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department 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:

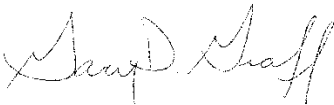
Alicia Schulz
Department of Ecology
1250 West Alder Street
Union Gap, WA 98903
Alicia.Schulz@ecy.wa.gov

More Information

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



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

2/10/2023

Date