



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

September 26, 2023

Lewis County Public Works  
ATTN: Ann Weckback  
2025 Northeast Kresky Avenue  
Chehalis, WA 98532

Re: Water Quality Certification Order No. **22296** (Corps No. **NWS-2023-0269**), Shorey Road  
MP 0.598 to MP 0.618 Long Term Stabilization, Lewis County, Washington

Dear Ann Weckback:

On June 9, 2023, Lewis County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Shorey Road MP 0.598 to MP 0.618 Long Term Stabilization, Lewis 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 Lori White at (564) 669-1396. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager  
Aquatic Permitting & Protection Section, HQ  
Shorelands and Environmental Assistance Program

WQC Order No. 22296, Corps No. NWS-2023-0269

Aquatics ID No. 142189

September 26, 2023

Page 2 of 2

Enclosure (1)

By certified mail: 9489 0090 0027 6383 6854 27

Sent via e-mail: [ann.weckback@lewiscountywa.gov](mailto:ann.weckback@lewiscountywa.gov)

E-cc: Brad Johnson, U.S. Army Corps of Engineers  
Jessica Lammers, Northwest Hydraulic Consultants  
Lori White, Ecology  
[ECYREFEDPERMITS@ecy.wa.gov](mailto:ECYREFEDPERMITS@ecy.wa.gov)

In The Matter of Granting a Water Quality  
Certification to Lewis County Public Works  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

Lewis County Public Works  
Attn: Ann Weckback  
2025 Northeast Kresky Avenue  
Chehalis, WA 98532

<b>WQC Order No.</b>	22296
<b>Corps Reference No.</b>	NWS-2023-0269
<b>Site Location</b>	Shorey Road MP 0.598 to MP 0.618 Long Term Stabilization project located within Newaukum River, Chehalis, Lewis County, Washington.

Lewis County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Shorey Road MP 0.598 to MP 0.618 Long Term Stabilization project, Lewis County, Washington. The following required processing dates are listed below:

- On 4/5/2023, the Lewis County Public Works submitted a pre-filing meeting request.
- On 6/9/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 4/5/2023 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. 13 and requires an individual Section 401.
- On 6/13/2023, Ecology issued a public notice for the project.

This project proposes to permanently discharge up to 1,203 cubic yards of large wood, native streambed material and rock within 0.2413 of the Newaukum River to stabilize 240 linear feet the bank and protect Shorey Road. The applicant would temporarily discharge up to 570 cubic yards of super sacks filled with washed rock within 1,160 square feet of the Newaukum River to isolate the work area from the active channel. The applicant would excavate approximately 740 cubic yards of the existing rock and native soils from the existing eroded bank. The area would be backfilled with up to 950 cubic yards of rock for scour and erosion protection and 210 cubic yards of native stream sediment to backfill on top of the rock. The applicant would also discharge 108 pieces of large wood ballasted with boulders to construct log triangles as part of the bank stabilization to roughen the revetment and provide habitat. The area would be planted with native trees and shrubs to create a vegetated revetment. Disturbed soils at the site will be hydroseeded with an appropriate native seed mix.

The project site is located at Shorey Road 0.598 to 0.618, within Newaukum River, Lewis County, Washington, SW ¼ Section, Section 31, Township 14 N., Range 02 W. and NW ¼ Section, Section 6, Township 13N, Range 02 W., within Water Resource Inventory Area (WRIA) 23 Upper Chehalis.

With this WQC Order, Ecology is granting with conditions Lewis County Public Works's request for a Section 401 Water Quality Certification for the Shorey Road MP 0.598 to MP 0.618 Long Term Stabilization project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 6/9/2023, and the following supporting documentation:

1. Mitigation Plan submitted to Ecology on 6/9/2023.
2. Revised Water Quality Monitoring Protection Plan dated July 2023, submitted to Ecology on 7/5/2023.
3. Lewis County Determination of Nonsignificance dated 6/15/2023, submitted to Ecology on 8/21/2023.

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, Lewis County Public Works 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 Lewis County Public Works 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.

**Special Condition:**

1. Temporary cofferdams, bladder dams, super sack dams, floating turbidity curtains, and bypasses used to divert water around the work area shall be in place prior to initiation of work below the OHWM. These shall be properly deployed and maintained in order to minimize turbidity and re-suspension of sediment.
  - Justification - This condition ensures containment and limits movement of sediment that could cause water quality exceedances. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.
2. To minimize sediment releases, re-introduction of water into the isolated work area shall be done gradually, and at a rate not higher than the normal flow.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
  - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.

### **Bank Stabilization**

3. Prior to returning stream flow to the de-watered work area, all proposed bank protection measures shall be in place.
- Justification - Unprotected banks could erode, causing bank instability and contribute to water quality impacts. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
  - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
4. Placement of rip-rap shall be conducted in compliance with water quality standards for turbidity.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
  - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

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 with conditions to the Lewis County Public Works for the Shorey Road MP 0.598 to MP 0.618 Long Term Stabilization 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. WQC Order No. **22296** will remain valid

for the duration of the associated DA permit. Lewis County Public Works 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. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

## **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 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 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 information 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 mail, in person, or by email (see addresses below).

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

## **Filing an appeal**

### **Filing with the PCHB**

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

### **Service on Ecology**

#### **Street Addresses:**

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

#### **Mailing Addresses:**

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

**E-Mail Address:**

ecologyappeals@ecy.wa.gov

## **Americans with Disabilities Act Information**

### **Accommodation Requests**

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## **Contact Information**

Please direct all questions about this WQC Order to:

Lori White  
Department of Ecology  
(360) 669-1396  
[Lori.White@ecy.wa.gov](mailto:Lori.White@ecy.wa.gov)

## **More Information**

- **Pollution Control Hearings Board Website**  
<https://eluhho.wa.gov>
- **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

Dated this 26th day of September, 2023, at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager  
Aquatic Permitting & Protection Section  
Shorelands and Environmental Assistance Program