



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

October 16, 2023

Washington State Department of Fish and Wildlife
ATTN: Frank Stevick
600 Capitol Way N
Olympia, WA 98501-1091

Re: Water Quality Certification Order No. 22366 (Corps No. NWS-2022-455), Lake Patterson
Access Redevelopment, Okanogan County, Washington

Dear Frank Stevick:

On October 17, 2022, the Washington State Department of Fish and Wildlife submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Lake Patterson Access Redevelopment, 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,

Lori White, Acting Regional Section Manager
Central Region Office
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9589 0710 5270 0589 5637 26

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Sent via e-mail: Frank.Stevick@dfw.wa.gov

E-cc: Jess Jordan, U.S. Army Corps of Engineers
Loree' Randall, Department of Ecology
Alicia Schulz, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification to Washington State Department of Fish and Wildlife
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

Washington State Department of Fish and Wildlife
Attn: Frank Stevick
600 Capitol Way N
Olympia, WA 98501-1091

WQC Order No.	22366
Corps Reference No.	NWS-2022-455
Site Location	The Lake Patterson Access Redevelopment project is located within Patterson Lake, near Winthrop, Okanogan County, Washington.

Washington State Department of Fish and Wildlife (WDFW) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Lake Patterson Access Redevelopment, Okanogan County, Washington. The following required processing dates are listed below:

- On 9/14/2022, the Washington State Department of Fish and Wildlife submitted a pre-filing meeting request.
- On 10/17/2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 1/30/2023, Washington State Department of Fish and Wildlife submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 9/11/2023, Ecology issued a public notice for the project.

This project proposes to redevelop an access area. WDFW proposes to replace the vault toilet, replace the gravel boat ramp with a pre-cast concrete ramp with articulated concrete blocks on either side to prevent erosion, add a dock, correct some recent erosion, add logs to deflect wave action, and add fill to keep shoreline trees with exposed roots alive, and pave the entrance and area around the toilet to ensure ADA compliance.

The project site is located on Parcel # 3421080001 at Patterson Lake Road, Winthrop, WA 98862, Patterson Lake, Okanogan County, Washington, Section 8, Township 34 N., Range 21 E., within the Water Resource Inventory Area (WRIA) 48 Methow Watershed.

With this WQC Order, Ecology is granting with conditions Washington State Department of Fish and Wildlife's request for a Section 401 Water Quality Certification for the Lake Patterson Access Redevelopment project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 10/17/2022, and the following supporting documentation:

1. E-mail letter to Ecology dated 1/30/2023, regarding the project's Water Quality Monitoring Plan (WQMP), Best management practices and construction methodology.

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, the Washington State Department of Fish and Wildlife 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 Washington State Department of Fish and Wildlife to exceed applicable state water quality standards (Chapter 173-201A WAC), groundwater 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 Conditions:

1. The Department of Fish and Wildlife shall implement the Water Quality Monitoring Plan (WQMP), provided to Ecology 1/30/2023.
 - Justification - This condition is necessary to ensure that the monitoring and BMPs that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. 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. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.

- Justification - Disturbed areas without appropriate BMPs and construction methods can discharge excess sediment to waters of the state and degrade water quality. 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 use.
 - Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.
3. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.
- 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.
4. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited¹. If such work, conditions, or discharges occur, immediately notify² Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems. You will also need to notify the Washington Emergency Management Division³ at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.

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 Washington State Department of Fish and Wildlife for the Lake Patterson Access Redevelopment 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. 22366 will remain valid for the duration of the associated DA permit. Washington State Department of Fish and Wildlife

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

should send a copy of the final DA permit to 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:

Alicia Schulz
Department of Ecology
509-379-4541
Alicia.Schulz@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.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>

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- **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 16 day of October 2023 at the Department of Ecology, Union Gap, Washington.



Lori White, (acting) Regional Section Manager

Central Region Office

Shorelands and Environmental Assistance Program