



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

April 23, 2024

Grays Harbor Conservation District  
ATTN: John Stepanek  
81 Tower Boulevard  
Elma, WA 98541

Re: Water Quality Certification Order No. **22622** (Corps No. **NWS-2024-149**), Cloquallum Creek RM 4.8 Bank Stabilization, Grays Harbor County, Washington

Dear John Stepanek:

On February 7, 2024, Grays Harbor Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Cloquallum Creek RM 4.8 Bank Stabilization project, Grays Harbor County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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 Brook Swensen at 564-999-1749. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC Order No. 22622, Corps No. NWS-2024-149

Aquatics ID No. 143384

April 23, 2024

Page 2 of 2

Enclosure (1)

By certified mail: 9489 0090 0027 6347 8919 32

Sent via e-mail: [jstepanek@graysharborcd.org](mailto:jstepanek@graysharborcd.org)

E-cc: Brad Johnson, U.S. Army Corps of Engineers  
Megan Tuttle, WA Department of Fish and Wildlife  
Alice Shawyer, Grays Harbor County  
Brook Swensen, Ecology  
Zach Meyer, Ecology  
Casey Vaughn, Ecology  
[ECYREFEDPERMITS@ecy.wa.gov](mailto:ECYREFEDPERMITS@ecy.wa.gov)

**In The Matter of Granting a Water Quality  
Certification with Conditions to Grays Harbor Conservation District  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC**

Grays Harbor Conservation District  
Attn: John Stepanek  
81 Tower Boulevard  
Elma, WA 98541

<b>WQC Order No.</b>	22622
<b>Corps Reference No.</b>	NWS-2024-149
<b>Site Location</b>	Cloquallum Creek RM 4.8 Bank Stabilization located within Cloquallum Creek and wetlands, Elma, Grays Harbor County, Washington.

Grays Harbor Conservation District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Cloquallum Creek RM 4.8 Bank Stabilization, Grays Harbor County, Washington. The following required processing dates are listed below:

- On December 22, 2023, the Grays Harbor Conservation District submitted a pre-filing meeting request.
- On February 7, 2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On February 15, 2024, Grays Harbor Conservation District submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On March 13, 2024, Ecology issued a public notice for the project.
- On March 27, 2024, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit Program.
- Ecology’s “Reasonable Period of Time” for this project has been established as September 23, 2024.

This project proposes to lay back the existing bank and discharge up to 151 cubic yards of fill material along 585 linear ft of Cloquallum Creek below the ordinary high water mark, to stabilize the existing bank. The bank would be laid back to a 2 foot horizontal to 1 foot vertical (2:1) slope. Toe logs would be placed along 415 ft of the toe of the bank, with rootwads intact.

Logs would be secured with perpendicular buried logs anchored into the re-sloped bank. Rootwad logs would be placed in trenches aimed slightly upstream with the rootball sticking out 2-5 ft from the re-sloped bank. The logs would be ballasted with dirt fill in the trench. Paired log structures would be placed at less than one bankfull width or about 30 ft intervals or more frequently. Immediately downstream of these log structures, 170 ft of additional bank toe would be stabilized with 12-inch willow fascines, and re-slope the bank to a 2:1 slope.

Across all 585 feet of the bank stabilization area, the area would be covered with natural fiber coir fabric and pinned in place with densely spaced willow and cottonwood live stakes and stout dead stakes. The 2.9-acre riparian planting area would consist of only native species, including Western Red Cedar, Sitka Spruce, Douglas Fir, Big Leaf Maple, and various native shrubs.

The project site is in Cloquallum Creek and wetlands at 36 Lower Falls Creek Road, Elma, Grays Harbor County, Washington, Section 30, Township 18N., Range 5W., within Water Resource Inventory Area (WRIA) 22, Lower Chehalis.

With this WQC Order, Ecology is granting with conditions Grays Harbor Conservation District's request for a Section 401 Water Quality Certification for the Cloquallum Creek RM 4.8 Bank Stabilization project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 7, 2024, and the following supporting documentation:

1. Visual Water Quality Monitoring Plan dated March 27, 2024, received by Ecology on March 27, 2024.
2. Hydraulic Project Approval dated March 20, 2024, received by Ecology on March 20, 2024.

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, Grays Harbor 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 Grays Harbor 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.

**Conditions:**

1. 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. **22622** will remain valid for the duration of the associated Corps permit for the project.
  - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
  - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.
2. The Project Proponent shall send a copy of the final Federal permit via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to Federal Permit Manager within two weeks of receiving it.
  - Justification - This condition is needed to ensure that all the conditions of the WQC Order have been incorporated into the federal permit.
  - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.
3. To transfer this WQC Order to a new owner or operator the Project Proponent shall:
  - a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology per condition A.2. Link to form:  
<https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
  - b. Provide a copy of this WQC Order to the new owner or operator; and
  - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.
    - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
    - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.

4. Grays Harbor Conservation District shall implement the approved Visual Water Quality Monitoring Plan.
  - 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.

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 Grays Harbor Conservation District for the Cloquallum Creek RM 4.8 Bank Stabilization project.

## 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://eluhwa.gov/> or call: 360-664-9160.

### Service on Ecology

#### Street Addresses:

Department of Ecology

WQC Order No. 22622, Corps No. NWS-2024-149

Aquatics ID No. 143384

April 23, 2024

Page 5 of 6

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](mailto: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 360-407-6831 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:

Brook Swensen  
Department of Ecology  
564-999-1749  
[Brook.swensen@ecy.wa.gov](mailto:Brook.swensen@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>

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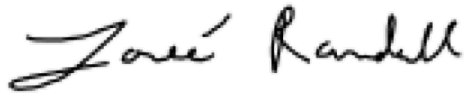
April 23, 2024

Page 6 of 6

- **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 23rd day of April 2024, at the Department of Ecology, Olympia, Washington.



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