



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

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

September 4, 2024

Washington Department of Fish and Wildlife
ATTN: Mike Finch
19602 Seven Springs Road
Creston, WA 99117

Re: Administrative Order No. 23213 to work in 9.83 acres of wetlands, which are waters of the state, for the Revere Wildlife Area Wetland Enhancement Project in Whitman County, Washington

Dear Mike Finch:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on July 22, 2024, requesting authorization for proposed work in wetlands, which are waters of the state. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeremy Sikes, Regional Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: [9214 8901 9403 8300 0076 5534 30]

Sent via email to: mike.finch@dfw.wa.gov

Ecc: Scott Olmsted, Ducks Unlimited, Inc (solmsted@ducks.org)
ECYREFEDPERMITS@ECY.WA.GOV

**In The Matter of Issuing an Administrative Order
to Washington Department of Fish and Wildlife
pursuant to RCW 90.48.120 and WAC 173-201A**

Washington Department of Fish and Wildlife
Attn: Mike Finch
19602 Seven Springs Road, Creston, WA 99117

Order No.	23213
Site Location	Revere Wildlife Area Wetland Enhancements, located within wetlands, near Lamont, Whitman County, Washington.

This is an Administrative Order requiring Washington Department of Fish and Wildlife to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(2) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On July 22, 2024, Ecology received a request to work in 9.83 acres of wetlands, which are waters of the state, for the Revere Wildlife Area Wetland Enhancement Project in Whitman County. The project is located at SECTION 3, 8, 9, 10, TOWNSHIP 18N, RANGE 39E, Whitman County, and WRIA 34 (Palouse).

The proposed project is a wetland and upland habitat enhancement project designed to improve functions and values of Wetlands A and B and adjacent habitat. The project involves removal of invasive and late-succession vegetation through scraping and/or excavating within wetland areas. Excavations would not convert wetland habitats to other habitat types post-project.

This Administrative Order authorizes activities proposed in 9.83 acres of Category III wetlands at the project location as described in the Critical Areas Report: Revere Wildlife Area Wetlands Enhancement Project, dated June 2024.

For purposes of this Order, the term “Project Proponent” shall mean Washington Department of Fish and Wildlife and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the Project Proponent shall comply with the following:

A. General Conditions:

1. The Project Proponent shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on July 22, 2024, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to fednotification@ecy.wa.gov and cc to taylor.belisle@ecy.wa.gov. Any submittals shall reference Order No. 23213.
3. The Project Proponent shall provide access to the project site upon request by Ecology.
4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and forepersons, and state and local government inspectors.
5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
6. The Project Proponent shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.
7. To transfer this 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 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 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.
8. The Project Proponent is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

B. Notification Requirements:

1. The Project Proponent shall provide written notification to Ecology in accordance with condition A.2. for the following activities:
 - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any condition of this Order.
2. If U.S. Army Corps of Engineers (Corps) determines the proposed project requires a Federal permit, the Project Proponent shall inform Ecology immediately in order to receive the appropriate authorization.

D. Timing

1. This Order expires 5 years from the date of this Order, unless otherwise approved by Ecology.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

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).

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

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluhho.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

Contact information

Please direct all questions about this Order to:

Aquatic Permit Resource Mailbox
Department of Ecology
360-407-6076
ecyrefedpermits@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
[https:// eluhwa.wa.gov/](https://eluhwa.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 173-201A 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 4th day of September 2024 at the Department of Ecology, Spokane, Washington.



Jeremy Sikes, Regional Section Manager
Eastern Region Office
Shorelands and Environmental Assistance Program