



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

February 19, 2025

Clark County Public Works
Attn: Kenneth Lader
P.O. Box 9810
Vancouver, WA 98660

Re: Water Quality Certification Order No. **23485** (Corps No. **NWS-2023-613**), Heritage Farm Wetland Restoration, Clark County, Washington

Dear Kenneth Lader:

On August 6, 2024, Clark County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Heritage Farm Wetland Restoration, Clark 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 Lydia Albright at (360) 870-2983 or Lydia.Albright@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Maria Sandercock, Section Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program

WQC Order No. 23485, Corps No. NWS-2023-613

Aquatics ID No. 142279

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Enclosure (1)

By certified mail: 9489 0090 0027 6085 7508 81

Sent via e-mail: ken.lader@clark.wa.gov

E-cc: Joshua Ari Sindel, U.S. Army Corps of Engineers

Pam Schense, Clark County Public Works

Erin Hanlon Brown, Ecology

Lydia Albright, Ecology

ecyrefedpermits@ecy.wa.gov

**In The Matter of Granting a Water Quality
Certification with Conditions to Clark 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**

Clark County Public Works
Attn: Kenneth Lader
P.O. Box 9810
Vancouver, WA 98660

WQC Order No.	23485
Corps Reference No.	NWS-2023-613
Site Location	Heritage Farm Wetland Restoration located within wetlands, Vancouver, Clark County, Washington.

Clark County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Heritage Farm Wetland Restoration, Clark County, Washington. The required processing dates are listed below:

- On December 27, 2022, the Clark County Public Works submitted a pre-filing meeting request.
- On August 6, 2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On August 15, 2024, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as August 6, 2025.

This project proposes to restore historic headwater wetlands by constructing shallow wetland benches within and adjacent to existing ditched wetlands. The project will permanently impact 0.051 acres of Category 3 and 4 wetlands. The project will also restore 2.32 acres and enhance 1.1 acres for a total of 3.43 acres of wetland. The grading plan creates shallow wetland cells along the wetland that will replicate the natural retention and treatment functions of the historic wetlands that once existed on-site. The restored wetland will collect overland flows and restore the natural groundwater recharge, reduce stormwater runoff volumes that flow to the creek, and reduce ongoing stream erosion, which will improve water quality and reduce peak flows of runoff entering the wetland and flowing downstream into Cougar Creek.

The project site is located at 1919 NE 78th Street, in wetlands, Clark County, Washington, Section 11, Township 2 N., Range 1 E., within Water Resource Inventory Area (WRIA) 28 Salmon-Washougal.

With this WQC Order, Ecology is granting with conditions Clark County Public Works' request for a Section 401 Water Quality Certification for the Heritage Farm Wetland Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 6, 2024, and the following supporting documentation:

1. E-mail to Ecology dated October 31, 2024, regarding the Pond Depths Proposed Conditions.
2. Cultural Resources Inventory Report dated December 15, 2023.
3. Heritage Wetland Restoration Preliminary Plan Set dated May 21, 2024.
4. Wetland Mitigation/Restoration Plan dated December 2024.
5. SEPA Determination dated October 25, 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, Clark 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 Clark 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 Clark County Public Works from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special 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. **23485** will remain valid until December 31, 2030.
 - 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. Clark County Public Works shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Lydia.Albright@ecy.wa.gov prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, Clark County Public Works shall immediately inform Ecology.

- Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included 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 Clark County Public Works 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 at fednotification@ecy.wa.gov and cc Lydia.Albright@ecy.wa.gov. 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 Clark County Public Works 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. 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 prohibited. If such work, conditions, or discharges occur, immediately notify 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 Division 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.
- Justification - This condition is necessary to prevent oil and 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. 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 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.
5. All submittals required by this WQC Order shall be sent to Ecology's Headquarters Office, Attn: Federal Permit Manager, via e-mail to fednotification@ecy.wa.gov and cc to Lydia.Albright@ecy.wa.gov. The submittals shall be identified with WQC Order No. 23485 and include Clark County Public Works' name, Corps permit number, project name, project contact, and the contact phone number.
- Justification - Ecology needs to identify where information and submittals are to be submitted to be in compliance with the requirements of this WQC Order.
 - Citation - Chapter 90.48 RCW, RCW 90.48.120, RCW 90.48.260, Chapter 173-201A WAC, and WAC 173-225-010.
6. Clark County Public Works shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.
- Justification - Ecology must be able to investigate and inspect construction sites and facilities for compliance with all state rules and laws.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.090, RCW 90.48.120, Chapter 173-201A WAC, and WAC 173-225-010.
7. Clark County Public Works shall mitigate/restore wetland impacts as described in the Wetland Mitigation/Restoration Plan, prepared by WSP USA, dated December 2024 (hereafter called the "Restoration Plan"), or as required by this Order.
- Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate mitigation/restoration is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation/restoration, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.

- Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3) (i-ii), WAC 173-201A-300, and WAC 173-225-010.
8. After completing construction and planting of the restoration site, Clark County Public Works shall submit to Ecology (see Condition 5) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
- a) Be submitted within 90 days of completing construction and planting.
 - b) Include the information listed in Attachment A (Information Required for As-built Reports).
- Justification - This condition is necessary to ensure the site was constructed and planted per the approved mitigation/restoration plan and serves as a baseline for monitoring performance standards, which must be met to ensure success of the site.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3) (i-ii), WAC 173-201A-300 and WAC 173-225-010.
9. Clark County Public Works shall monitor the restoration site for a minimum of 5 years. Clark County Public Works shall use the monitoring methods described on page 13 of the Restoration Plan and submit monitoring reports to Ecology.
- Justification - A monitoring plan describes the methods used to collect and analyze data needed to show that performance standards are being met. Monitoring plans are necessary to track environmental changes at mitigation/restoration sites to ensure success.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.
10. Clark County Public Works shall submit to Ecology (see Condition 5) monitoring reports documenting restoration site conditions for years 1, 2, 3, and 5. The monitoring reports must:
- a) Be submitted by December 31 of each monitoring year.

- b) Include the information listed in Attachment B (Information Required for Monitoring Reports).
- Justification- Monitoring reports track the environmental progress of the site and are necessary to track environmental changes to ensure success.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 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 Clark County Public Works for the Heritage Farm Wetland Restoration 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 by 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.

Address and Location Information

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 Address:

Department of Ecology
Attn: Appeals Processing Desk

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300 Desmond Drive SE

Lacey, WA 98503

Mailing Address:

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 360-407-6831 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:

Lydia Albright

Department of Ecology

(360) 870-2983

Lydia.Albright@ecy.wa.gov

More Information

- **[Pollution Control Hearings Board Website](https://elaho.wa.gov)**
<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)**
<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)**
<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 19th day of February 2025 at the Department of Ecology, Lacey, Washington.



Maria Sandercock, Section Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program

Attachment A

Information Required for As-built Reports

Heritage Farm Wetland Restoration

Ecology Order No. 23485

And

Corps Reference No. NWS-2023-613

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
 - a. Clark County Public Works
 - b. The landowner
 - c. Wetland professional on-site during construction of the site(s).
4. Date the report was produced.

Restoration Site Information

5. Brief description of the **final** restoration site with any changes from the approved plan made during construction. Include:
 - a. Actual restoration activities completed.
 - b. Important dates, including:
 - 01.
 02. When work on the restoration site began and ended.

03. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
6. Description of any problems encountered, and solutions implemented (with reasons for changes) during construction of the site(s).
 7. List of any follow-up actions needed, with a schedule.
 8. Vicinity map showing the geographic location of the site(s) with landmarks.
 9. Site map(s), 8-1/2" x 11" or larger, showing the following:
 - a. Boundary of the site(s).
 - b. Topography (with a description of how elevations were determined).
 - c. Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
 - d. Location of habitat features.
 - e. Location of permanent photo stations and any other photos taken.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.

10. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
11. A copy of any deed notifications, conservation easements, or other approved site protection mechanism.

Attachment B

Information Required for Monitoring Reports

Heritage Farm Wetland Restoration

Ecology Order No. 23485

And

Corps Reference No. NWS-2023-613

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
 - a. Clark County Public Works
 - b. The landowner
 - c. The party responsible for the monitoring activities.
4. Dates the monitoring data were collected.
5. Date the report was produced.

Restoration Site Information

6. Brief description of the restoration activities.
7. Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
 - a. Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.

- b. Size and shape of plots or transects.
 - c. Number of sampling locations and how you determined the number of sampling locations to use.
 - d. Percent of the restoration area being sampled.
 - e. Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
 - f. Schedule for sampling (how often and when).
 - g. Description of how the data was evaluated and analyzed.
8. Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
 9. Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
 10. Goals and objectives and a discussion of whether the project is progressing toward achieving them.
 11. Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
 12. Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
 13. Specific recommendations for additional maintenance or corrective actions with a timetable.
 14. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
 15. Vicinity map showing the geographic location of the site(s) with landmarks.
 16. Site map(s), 8-1/2" x 11" or larger, showing the following:
 - a. Boundary of the site(s).
 - b. Location of permanent photo stations and any other photos taken.

- c. Data sampling locations, such as points, plots, or transects.
- d. Approximate locations of any replanted vegetation.
- e. Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.