



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

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

July 15, 2025

U.S. Fish and Wildlife Service –
Turnbull National Wildlife Refuge
ATTN: Kelly Moroney
26010 S Smith Rd
Cheney, WA 99004

Re: Administrative Order No. 23587 to excavate two (2) acres of wetlands, which are waters of the state, to construct the Finger Ponds Wetland Restoration in Spokane County, Washington

Dear Kelly Moroney:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on March 4, 2025, 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.** If you have any questions, please contact Jake Madewell at Jake.Madewell@ecy.wa.gov or (509) 437-0255. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

U.S. Fish and Wildlife Service – Turnbull National Wildlife Refuge
Administrative Order No. 23587
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Enclosure (1)

By certified mail: [9214 8901 9403 8323 7367 32]

Sent via email to: kelly_moroney@fws.gov

Ecc: Cassie Roeder, US FWS
Spokane County Building and Planning (bphelp@spokanecounty.org)
Jake Madewell, Ecology
Erin Hanlon Brown, Ecology
ECYREFEDPERMITS@ECY.WA.GOV

**In The Matter of Issuing an Administrative Order
to U.S. Fish and Wildlife Service – Turnbull National Wildlife Refuge
pursuant to RCW 90.48.120 and WAC 173-201A**

U.S. Fish and Wildlife Service – Turnbull National Wildlife Refuge
Attn: Kelly Moroney
26010 South Smith Road
Cheney, WA 99004

Order No.	23587
Site Location	Finger Ponds Wetland Restoration, located within Turnbull NWR, near Cheney, Spokane County, Washington.

This is an Administrative Order requiring U.S. Fish and Wildlife Service – Turnbull National Wildlife Refuge 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 March 4, 2025, Ecology received a request to excavate two (2) acres of wetlands, which are waters of the state, to construct the Finger Ponds Wetland Restoration in Spokane County. The overall project is for habitat restoration/enhancement. It includes shallow excavations to increase hydro-periods of the wetland, removal/reduction of 9 man-made islands, height reductions on several interior dikes/berms, and recontouring borrow pit areas within the wetland interior. The project is located at Turnbull National Wildlife Refuge, Section 7, Township 22N, Range 42E, Spokane County, WRIA 34 - Palouse.

This Administrative Order authorizes excavation within two (2) acres of Category 1 wetlands at the project location and all other actions as proposed in the *Wetland Delineation and Restoration Report for the Finger Ponds Wetland Enhancement Project* dated February 10, 2025.

For purposes of this Order, the term “Project Proponent” shall mean U.S. Fish and Wildlife Service – Turnbull National Wildlife Refuge 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 request (JARPA and attachments) received by Ecology on March 4, 2025, 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 Jake.Madewell@ecy.wa.gov. Any submittals shall reference Order No. 23587.
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.
 - b. At least seven (7) days prior to conducting work activities in wetlands.
 - c. Within seven (7) days of completing work activities in wetlands.
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.

C. Implementation:

1. The Project Proponent shall restore wetlands as described in the *Wetland Delineation and Restoration Report for the Finger Ponds Wetland Enhancement Project* prepared by Cassie Roeder and Brian Walker, and dated February 10, 2025 (Restoration Plan), or as required by this Order or revised and approved by Ecology.
2. The Project Proponent shall submit significant changes to Ecology (see A.2) for review and approval, as described in the Restoration Plan (page 18), before implementing the changes.
3. The Project Proponent shall have a wetland professional at the wetland restoration site to supervise during construction and planting.
4. After completing construction and planting, the Project Proponent shall submit to Ecology (see A.2) a post-construction letter or memo as described on page 18 of the Restoration Plan.

D. Post-Construction Monitoring and Maintenance

1. The Project Proponent shall monitor the wetland restoration site for a minimum of 10 years. The Project Proponent shall use the monitoring methods described on pages 19-20 of the Restoration Plan.
2. The Project Proponent shall submit to Ecology (see A.2) monitoring reports documenting site conditions for the spring following construction, and years 5 and 10. The monitoring reports must be submitted by December 31 of each monitoring year.
3. The Project Proponent shall implement the Restoration Plan’s contingency measures if the goals, objectives, or performance standards are not being met.
4. Prior to implementing contingency measures not specified in the Restoration Plan, the Project Proponent shall consult with and obtain written approval from Ecology for the contingency measures.

E. Timing

1. This Order is valid until the Project Proponent meets all its requirements and the Project Proponent has received written notification from Ecology to that effect.

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 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 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:

Jake Madewell
Department of Ecology
(509) 437-0255
Jake.Madewell@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>

- **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 15th day of July 2025 at the Department of Ecology, Spokane, Washington.



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