



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 17, 2012

Ms. Paula King  
c/o Pat Riedlinger  
19604 NW 41st Avenue  
Ridgefield, WA 98642

RE: Transfer and First Amendment of 401 Water Quality Certification Order No. 03SEASR-5639 for U.S. Army Corps of Engineers Reference No. 2001-00658, David Borys (Three Kings Environmental), In Wetlands, Battle Ground, Clark County, Washington

Dear Ms. King:

This letter serves as the Department of Ecology's (Ecology) acknowledgement of the transfer of Ecology's 401 Water Quality Certification, Order No. 03SEASR-5639 (401 Certification) from Davis Borys (Three Kings Environmental) to Paula King. You are now the legal owner of the property where the 1.65 acres of wetland fill authorized by Order #03SEASR-5639 took place. Due to this change in ownership, through a property settlement, you are now the responsible party for the monitoring and maintenance of the wetland mitigation sites associated with the aforementioned wetland fill. You have agreed to take on the responsibility for the mitigation sites per the phone conversation with Rebecca Schroeder, of my staff, on February 27, 2012. As the transferee, you agree to be bound by the terms and conditions of Ecology's 401 Water Quality Certification and the enclosed First Amendment to Order No. 2001-00658.

The enclosed First Amendment to the Water Quality Certification incorporates a new wetland mitigation plan for the off-site mitigation parcel identified in the Order. The original mitigation plan had identified the wrong parcel for offsite mitigation. The new plan addresses mitigation installation, monitoring, and maintenance at the correct off-site mitigation location, at the SE quarter of Section 19, Township 4N, Range 3E, WM, Clark County parcel number 233492000, in Battle Ground, Washington.

If you have any questions, please contact Lori Ochoa at (360) 407-6926. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

Enclosure

By Certified Mail 7011 1150 0000 7811 8787



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cc: Steve Manlow, U.S. Army Corps of Engineers  
Brent Davis, Clark County  
Ron King  
Carson Bowler, Schwabe, Williamson & Wyatt  
Jennifer Lane, Environmental Management Systems, Inc.  
Bob Sweeney, Environmental Management Systems, Inc.  
Sam Crummett, City of Battle Ground

e-cc: [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)  
Loree' Randall – Ecology HQ  
Lori Ochoa – Ecology SWRO  
Rebecca Schroeder – Ecology SWRO

**IN THE MATTER OF GRANTING  
A WATER QUALITY  
CERTIFICATION TO  
David Borys**

In accordance with 33U.S.C. 1341  
(FWPCA §401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC

) **ORDER #03SEASR-5639, First Amendment**  
) **Corps Reference No. 2001-00658**  
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)  
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)

TO: Ms. Paula King  
c/o Pat Riedlinger  
19604 NW 41st Avenue  
Ridgefield, WA 98642

On July 11, 2003, the Washington Department of Ecology (Ecology) issued a §401 Water Quality Certification to place fill in 1.65 acres of wetlands to build two buildings for office and warehouse space and parking pursuant to the provisions of 33 U.S.C. 1341 (FWPCA §401).

Ecology is amending the above-referenced Order to reflect the new wetland mitigation plan that has been approved for the off-site mitigation parcel. The original mitigation plan had erroneously identified the wrong parcel for offsite mitigation. The new plan addresses mitigation installation, monitoring, and maintenance at the correct off-site mitigation location, at the SE quarter of Section 19, Township 4N, Range 3E, WM, Clark County parcel number 233492000, in Battle Ground, Washington.

Water Quality Certification No. 03SEASR-5639, dated July 11, 2003, is hereby amended as follows:

**Condition C that reads:**

- C. Mitigation, Monitoring, and Contingency Conditions:** Project mitigation shall be constructed and maintained as described in the "Wetland Mitigation Plan for David Borys Proposed Project" dated January 23, 2003, as modified by the letter from Ron Klump of the Army Corps of Engineers, dated April 17, 2003, with the following additions and clarifications:

**Is replaced as follows:**

- C. Mitigation, Monitoring, and Contingency Conditions:** On-site project mitigation shall be constructed and maintained as described in the "Wetland Mitigation Plan for David Borys Proposed Project" dated January 23, 2003, as modified by the letter from Ron Klump of the Army Corps of Engineers, dated April 17, 2003, and off-site mitigation shall be constructed and maintained as described in the "Crown Development (Borys) Offsite Wetland Mitigation Project," revised January 31, 2012, by Environmental Management Systems, Inc., with the following additions and clarifications:

**Condition C(f) that reads:**

f) Fifty foot buffers must be implemented and be shown on the mitigation plan.

**Is replaced as follows:**

f) Fifty-foot buffers must be implemented on the on-site mitigation project and be shown on the mitigation plan for the on-site piece.

**Condition C(g) that reads:**

g) Send Ecology a copy of the latest mitigation plan by August 1, 2003.

**Is replaced as follows:**

g) Send Ecology a copy of the latest mitigation plan for the on-site mitigation project by August 1, 2003.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

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

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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).

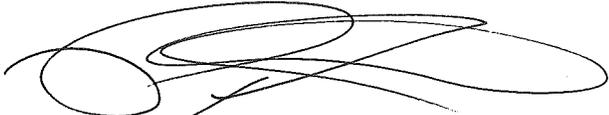
To appeal you must do all of the following within 30 days of the date of receipt of this order:

- File your appeal and a copy of this order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this order on Ecology in paper form by mail or in person. (See addresses below.) E-mail is not accepted.

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

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b> 1111 Israel RD SW, STE 301 Tumwater, WA 98501</p>	<p><b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903</p>



Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office  
Department of Ecology

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