



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

December 16, 2015

Davis Property and Investment, LLC  
Attn: Jeffrey Davis  
2757 72<sup>nd</sup> Avenue S, Suite E-106  
Kent, WA 98032

Re: Administrative Order No. 13051 to permanently fill/impact .09 acres of isolated wetlands at the Frederickson 40 Warehouse Project in Pierce County, Washington

Dear Mr. Davis:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application on December 8, 2014, and a JARPA Update dated November 25, 2015, requesting an Administrative Order for proposed work in isolated wetlands. 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. If you have any questions, please contact Alex Callender at (360) 407-6167. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Enclosure

By Certified Mail 7012 2920 0000 1182 2243

cc: Lori Lull, U.S. Army Corps of Engineers  
Thomas Bluxton, U.S. Army Corps of Engineers

e-cc: ECY RE FED PERMITS  
Loree' Randall, Ecology HQ  
Lori Kingsbury, Ecology SWRO





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY ) Corps Ref # NWS-2014-872  
DAVIS PROPERTY AND INVESTMENT, LLC )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER #13051  
CONDUCT WORK IN ISOLATED WETLANDS )

TO: Davis Property and Investment, LLC  
Attn: Jeffrey Davis  
22757 72<sup>nd</sup> Avenue South, Suite E-106  
Kent, WA 98032

This is an Administrative Order requiring Davis Property and Investment, LLC 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(1) 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.

Ecology received the Davis Property and Investment, LLC Joint Aquatic Resources Permit Application (JARPA) on December 8, 2014, and a JARPA Update dated November 25, 2015, requesting an Administrative Order to impact .09 acres of Category IV isolated wetlands to construct the Frederickson 40 Warehouse Project in Frederickson, Pierce County, WA. The site is located at 3801 208<sup>th</sup> Street East, Section 01&02, T. 18 N., R. 3E. WRIA 12.

This Administrative Order authorizes .09 acres of Category IV isolated wetland impacts at the project location. Mitigation for this proposal will consist of the purchase of 1.38 Credits from the Pierce County In Lieu Fee Program.

For purposes of this Order, the term "Applicant" shall mean Davis Property and Investment, LLC and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that the Applicant shall comply with the following:

**A. General Conditions:**

1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on November 26, 2014, and as amended on November 25, 2015, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Alex Callender, SEA Program, P.O. Box 47775 Olympia, WA 98504-7775. Any submittals shall reference Order No. **13051** and Corps No. **NWS-2014-872**
3. The Applicant 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 Applicant 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.

**B. Notification Requirements:**

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office Wetland Specialist (per A.2) in writing at least three (3) days prior to the start of construction at the project.
2. The Applicant shall provide written notification to Ecology's Southwest Regional Office Wetland Specialist (per A.2) in writing within fourteen (14) days after completion of construction.

**NOTE:** These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

**C. Wetland Compensatory Mitigation Conditions**

1. The Applicant shall mitigate wetland impacts as described in *Wetland Analysis Report Frederickson 40 Warehouse Project*, written by Anchor QEA, LLC, dated March, 2014, and received by Ecology on November 12, 2015, and revised on November 12, 2015 (hereafter called the "mitigation plan").
2. The Applicant shall obtain a Statement of Sale from the Sponsor as documentation of purchase of 1.38 credits for this impact project (see A.2). A copy of the Statement of Sale must be submitted to Ecology (see A.2) within 60 days of receipt by the Applicant *{or before impacting wetlands, whichever is sooner for the debit project}*.
  - a. Documentation from the Sponsor shall include:
    - i. Ecology's Order number;
    - ii. Order issuance date;
    - iii. Description of mitigation credits purchased; and,
    - iv. Signatures from the Sponsor and the Applicant.
3. The Applicant shall notify and submit in writing to Ecology (see A.2) any proposed changes to the amount of wetland impacts, revision to the mitigation plan, and/or submittal of new information for review and approval before work begins.
4. The Applicant shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for additional temporal loss.

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 Administrative Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Administrative 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 Administrative Order.

- File your appeal and a copy of this Administrative 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 Administrative 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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

**SIGNATURE**



Perry J Lund, Unit Manager  
Shorelands & Environmental Assistance Program  
Southwest Regional Office – Ecology  
State of Washington

12/16/15  
Date

Handwritten text, possibly a signature or date, located in the lower-left quadrant of the page.