



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 16, 2015

Keith D. Sherk
PO Box 73608
Puyallup, WA 98375

Re: Administrative Order No. 11174 to Permanently Fill/Impact 75 sq. feet of Isolated Wetlands, Canyon East, Pierce County, Washington

Dear Mr. Sherk:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application on January 8, 2014 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 Supervisor
Southwest Regional Office
Shorelands and Environmental Assistance Program

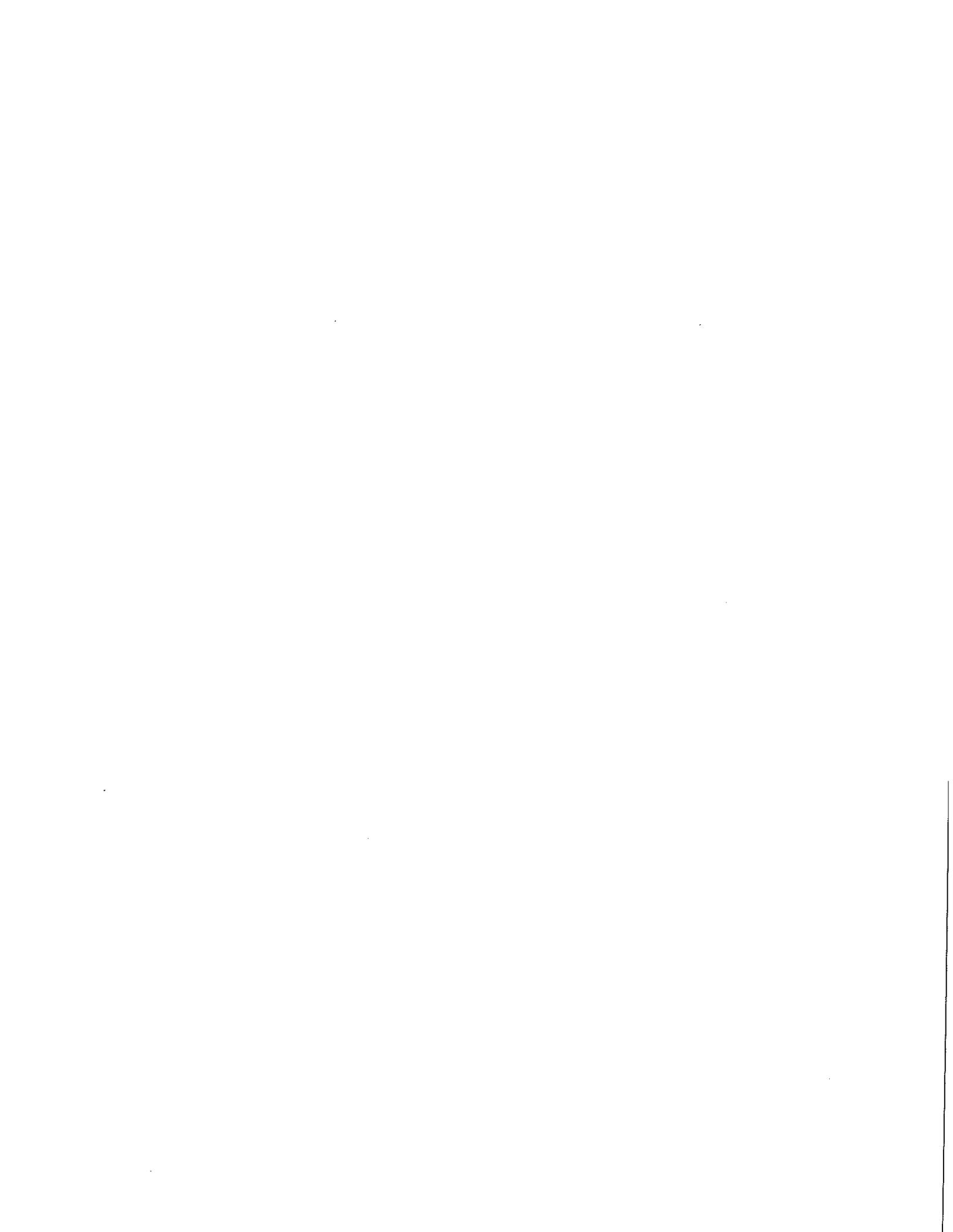
Enclosure

BY CERTIFIED MAIL: 7013 1710 0002 3967 9725

cc: Lori Lull, Project Manager, U.S. Army Corps of Engineers
Lori Harvey, CES NW, Inc.

e-cc: ECY RE FED PERMITS





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) Corps Ref # NWS-2014-41
Keith D. Sherk)
FOR AN ADMINISTRATIVE ORDER TO) ORDER #11174
CONDUCT WORK IN ISOLATED WETLANDS)

TO: Keith D. Sherk
PO Box 73608
310 29th Street NE Suite 101
Puyallup, WA 98375

This is an Administrative Order requiring Keith D. Sherk 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 Keith D. Sherk Joint Aquatic Resources Permit Application (JARPA) on November 21, 2014 requesting an Administrative Order to impact 75 square feet of isolated wetlands to construct Canyon East in Pierce County. The site is located at 5703 152nd Street East Puyallup, WA 98375, SECTION 19, TOWNSHIP 19N, RANGE 4E, Pierce County, and WRIA10.

This Administrative Order authorizes 75 square feet of Category IV isolated wetland impacts at the project location. Mitigation for this proposal will consist of 29,641 square feet of Wetland Buffer Enhancement and 7,960 square feet of wetland enhancement as well as all other actions as proposed in the email from Bryan Peck of Habitat Technologies dated December 3, 2014 and "*Wetland and Drainage Corridor Evaluation and Delineation Report and Buffer Establishment Program – Sherk Preliminary Plat*" dated February 18, 2005 in the approximate location Parcel #0415418220 located at 5703 152nd St NE, Puyallup, WA.

For purposes of this Order, the term "Applicant" shall mean Keith D. Sherk 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 11/21/2014 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, PO Box 47775 Lacey WA 98504-7775. Any submittals shall reference Order No. 11174 and Corps No. NWS-2014-41
3. The Applicant shall provide access to the project site and mitigation 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 foremen, 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 SW Regional Office Federal Permit Coordinator in writing at least three (3) days prior to the start of construction at the project and mitigation site.
2. The Applicant shall provide written notification to Ecology's Regional Office Federal Permit Coordinator 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 the "*Wetland and Drainage Corridor Evaluation and Delineation Report and Buffer Establishment Program – Sherk Preliminary Plat*" (hereafter called the "Mitigation Plan") prepared by Bryan Peck and dated February 18, 2005 or as modified by this Order or revised and approved by Ecology.
2. A status report on the mitigation construction must be submitted to Ecology, 13 months from the date of permit issuance. Annual status reports on mitigation construction are required until mitigation construction is complete.
3. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.

4. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrent with, impacting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers at the wetland mitigation site and above the 100-year floodplain.
6. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
7. The Applicant shall ensure that no construction debris is deposited within existing wetland and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.
8. The Applicant shall not use polyacrylamide at the mitigation site(s).
9. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
10. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
11. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
12. If seeding is used as a best management practice for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species.

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

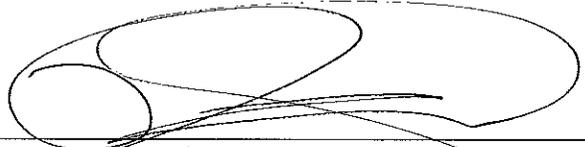
- On Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- *Serve* a copy of your appeal and this Administrative Order on [local jurisdiction] in paper form – by mail or in person. (See address below.) E-mail is not accepted.

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

DATED 1/16/2015 at Olympia, Washington.



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