



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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July 6, 2016

Jeff Potter
Integrity Land
27203 216th Avenue SE, Suite 5
Maple Valley, WA 98038

RE: Administrative Order #13319 for placement of fill in 0.08 acre of isolated wetlands to construct the Raceway self-storage facility and retail space on a 4.3-acre site located at SE 304th Street and 132nd Avenue SE in the City of Auburn, King County, Washington (U.S. Army Corps of Engineers [Corps] Reference # NWS-2015-00320)

Dear Mr. Potter:

On April 15, 2015, Integrity Land submitted a Joint Aquatic Resource Permit Application to the Department of Ecology (Ecology) to request an administrative order for proposed work in isolated wetlands.

On behalf of the State of Washington, Ecology certifies that the work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of state law. The Order does not authorize placement of fill in wetlands that are regulated by the Corps. This certification is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Paul Anderson at (425) 649-7148. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Joe Burcar, Interim Section Manager
Shorelands and Environmental Assistance Program

JB:ap

Enclosure



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By certified mail: 9171 9690 0935 0107 0054 55

E-cc: Paul Anderson, Ecology
Loree' Randall, Ecology
Thaniel Gouk, City of Auburn
Jeremy Downs, Soundview Consultants, LLC
ecyrefedpermits@ecy.wa.gov

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) Corps Ref # NWS-2015-00320
INTEGRITY LAND)
FOR AN ADMINISTRATIVE ORDER TO) ORDER #13319
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Integrity Land
Jeff Potter
27203 216th Avenue SE, Suite 5
Maple Valley, WA 98038

This is an Administrative Order requiring Integrity Land 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.

On April 15, 2015, Integrity Land submitted a request to directly affect 0.08 acre of isolated wetlands to construct the Raceway self-storage facility and retail space on a 4.3-acre site located at SE 304th Street and 132nd Avenue SE in Auburn, Washington (Tax Parcel Number 1021059058; portions of Section 3 and Section 10, Township 21 N, Range 05 E). Project construction will affect four wetlands (Wetlands A-D) that the U.S. Army Corps of Engineers has determined to be isolated.

Mitigation for this proposal includes enhancement plantings of approximately 0.48 acres of wetland off-site at the Oak Harbor Freight Lines (OHFL) mitigation site within the City of Auburn (Tax Parcel Number 3622049013; portion of Section 28, Township 22 N, Range 5 E. In addition, the remainder of the 3.1-acre site will be permanently protected.

For purposes of this Order, the term "Applicant" shall mean Integrity Land and its agents, assigns, and contractors.

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

IT IS ORDERED that Integrity Land shall comply with the following:

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 April 15, 2015 and in the *Critical Areas Report and Final Mitigation Plan; Integrity Land – Raceway Mini Storage*, dated May 25, 2016, or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in *Critical Areas Report and Final Mitigation Plan; Integrity Land – Raceway Mini Storage*, dated May 25, 2016.

3. The Applicant shall provide access to the project site and the mitigation site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
4. 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.
5. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
6. 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.
7. 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.
8. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.
9. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrent with, affecting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
10. 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.
11. 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.
12. The Applicant shall not use polyacrylamide at the mitigation site(s).
13. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
14. 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.

15. 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.
16. 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.
17. If solid or mesh plant protector tubes are used on the mitigation site(s), Ecology strongly recommends that the Applicant use fully biodegradable options. If non-biodegradable plant protection options are used, they shall be removed before they interfere with plant growth or before the end of the monitoring period, whichever comes first.
18. Within 90 days of completing construction and planting of the OHFL mitigation site, the Applicant shall record a Conservation Easement. The Easement must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property. Submit documentation of the recorded Easement to Ecology.
19. 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.

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 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 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
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

CONTACT INFORMATION

Please direct all questions about this Order to:

Paul S. Anderson
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7148
Paul.S.Anderson@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

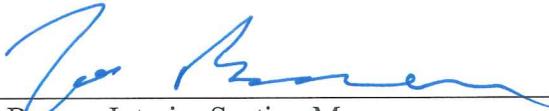
www.ecy.wa.gov/biblio/wac173200.html

**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of
Washington**

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE

DATED this 11 day of July, 2016, at Bellevue, Washington.



Joe Burcar, Interim Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program