



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 14, 2015

Mr. Joel Gregory
Gregory Real Estate Three
24416 249th Ave SE
Maple Valley, WA 98038

RE: Administrative Order #11654 to impact .06 of an acre of isolated wetlands to create a 77 lot single family residential subdivision at South 279th Street and Pacific Highway South in Des Moines, King County, Washington

Dear Mr. Gregory:

A revised Joint Aquatic Resources Permit Application (JARPA) was submitted to the Department of Ecology (Ecology) on February 27, 2014. On February 25, 2015, Ecology received a Jurisdictional Determination from the U.S. Army Corps of Engineers stating that the wetlands on the Pacific Heights site were isolated wetlands (not Waters of the U.S.). On February 25, 2015, Ecology received a request for an Administrative Order for proposed work in isolated wetlands. The State of Washington 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 Patrick McGraner at (425) 649-4447. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Paul Anderson, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

PA:prm:ap

Enclosure



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By certified mail: 7012 1640 0000 6245 7692

Cc: Railin Santiago, Soundview Consultants, LLC
Nikole Coleman, City of Des Moines
Loren Reinhold, City of Des Moines

e-cc: Loree' Randall, Ecology/Headquarters
ecyrefedpermits@ecy.wa.gov

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) Corps Ref # NWS-2013-0463
PACIFIC HEIGHTS)
FOR AN ADMINISTRATIVE ORDER TO) ORDER #11654
CONDUCT WORK IN ISOLATED WETLANDS)

TO: PACIFIC HEIGHTS
JOEL GREGORY
24416 249TH AVE SE
MAPLE VALLEY, WA 98038

This is an Administrative Order requiring Pacific Heights 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 Pacific Heights Joint Aquatic Resources Permit Application (JARPA) on February 27, 2014, requesting an Administrative Order to impact .06 acres of isolated wetlands to construct Pacific Heights in King County. The site is located at South 279th Street and Pacific Highway South, SECTION 32, TOWNSHIP 22 N, RANGE 4E, King County, and WRIA 9.

This Administrative Order authorizes .06 acres of Category III isolated wetland impacts at the project location. Mitigation for this proposal is to be provided through the purchase of 1.08 credit acres from the King County Mitigation Reserves Program (MRP) via In-Lieu Fee.

For purposes of this Order, the term "Applicant" shall mean Pacific Heights 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 February 27, 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 Northwest Regional Office, Attn: Patrick McGraner/Wetland Specialist, SEA Program, 3190 160th Ave SE, Bellevue, WA 98008 Any submittals shall reference Order No. 11654 and Corps No. NWS-2013-0463
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, email, or mail) to Ecology's Northwest Regional Office Wetland Specialist (A2 above) in writing at least three (3) days prior to the start of construction at the project site.
2. The Applicant shall provide written notification to Ecology's Northwest Regional Office Wetland Specialist (A2 above) 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 Delineation and Habitat Assessment Report and Draft Mitigation Plan – Gregory Real Estate Three – Pacific Heights (hereafter called the "Mitigation Plan") prepared by Soundview Consultants, and dated January 2014, or as modified by this Order or revised and approved by Ecology. A revised map of Wetlands B and BB and the associated connecting drainage corridor on the western portion of the site was submitted via email on April 1, 2015.
2. The Applicant shall obtain a Statement of Sale from the Sponsor as documentation of purchase of 1.08 acre credits for this impact project. A copy of the Statement of Sale must be submitted to Ecology (see A2) by the Applicant within 60 days of receipt or before impacting wetlands, whichever is sooner for the debit project.
 - i. Documentation from the Sponsor shall include:
 1. Ecology's Order number,
 2. Order issuance date,
 3. Description of mitigation credits purchased, and
 4. Signatures from the Sponsor and the Applicant.

3. The Applicant shall notify and submit in writing to Ecology (see A2) any proposed changes to the amount of wetland impacts, revision to the mitigation plan, and/or submittal of new information (see C2) 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.
5. The Applicant shall ensure that adequate conveyance is provided for waters of the state from the northwest corner of the site to the southwest corner of the site along the western property boundary for water quality purposes and to protect adjoining properties from flooding.
6. The Applicant shall ensure that no construction debris is deposited within existing wetland and its buffer at the development site at any time.
7. The Applicant shall not use polyacrylamide at the development site.
8. The Applicant shall not use hay or straw on exposed or disturbed soil within the wetland or its buffer at the development site.
9. If weed-barrier fabric is used within the wetland or the buffer on the development 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 and interfere with plant growth.
10. 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.
11. If seeding is used within the wetland or its buffer on the development site 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 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 of this Administrative Order on Ecology in paper form - by mail or in person. (See addresses below.) Email 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 July 14, 2015 at Bellevue, Washington.


Paul Anderson, Wetlands/401 Unit Supervisor
Shorelands & Environmental Assistance Program
Department of Ecology - Northwest Regional Office
State of Washington