STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 18, 2009

Clock Tower Self Storage – Lake Stevens, LLC
Attn: David Lee
12214 SE 18th Place
Bellevue, WA 98005

RE: Administrative Order No. 7162 to impact 0.61 of an acre of isolated wetlands to construct a commercial storage facility on an 8-acre site in the City of Lake Stevens and Snohomish County, Washington.

Dear Mr. Lee:

On September 8, 2009, you submitted an application to the Department of Ecology (Ecology) to request 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 Paul Anderson at (425) 649-7148. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Erik Stockdale

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:PA:ca

Enclosure

By certified mail 7009 1410 0002 4050 6737

e-cc: ECY RE FEDPERMITS
Loree' Randall, Ecology/Headquarters
Paul Anderson, Ecology /NWRO
Roxanne Justice, City of Lake Stevens
Bill Shiels, Talasaea Consultants, Inc.

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY	)	
Clock Tower Self Storage – Lake Stevens, LLC	)	
FOR AN ADMINISTRATIVE ORDER TO	)	**ORDER NO. 7162**
CONDUCT WORK IN AN ISOLATED WETLAND	)	

To: Clock Tower Self Storage – Lake Stevens, LLC
Attn: David Lee
12214 SE 18th Place
Bellevue, WA 98005

This is an Administrative Order requiring Clock Tower Self Storage – Lake Stevens, LLC to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions that 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 September 8, 2009, you submitted a request to impact 0.61 of an acre of isolated wetlands to construct a commercial storage facility and associated infrastructure known as Clock Tower Self Storage in Snohomish County.

Project construction will result in permanent impact to 0.61 of an acre of Category III wetland. This impact will be compensated for by purchasing 0.61 credits from the Snohomish Basin Mitigation Bank.

For purposes of this Order, the term "Applicant" shall mean Clock Tower Self Storage – Lake Stevens, LLC and its agents, assigns, and contractors.

The project is located in Lake Stevens, Snohomish County, Washington, in isolated wetlands, Section 01, T. 29 N., R. 5E., WRIA 7.

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

IT IS ORDERED that Clock Tower Self Storage – Lake Stevens, LLC shall comply with the following:

1. The Applicant shall construct and operate the project in a manner consistent with the *Critical Areas Report and Conceptual Mitigation Plan for Clock Tower Storage, Lake Stevens, Washington* (Mitigation Plan) prepared by Talasaea Consultants, Inc. (November 1, 2007, revised May 29, 2009) and received by Ecology on September 8, 2009, or as otherwise approved by Ecology.

2. Project mitigation shall be the purchase of 0.61 credits from the Snohomish Basin Mitigation Bank, consistent with the September 30, 2009 letter of credit availability from the Snohomish Basin Mitigation Bank.

3. <u>Proof of Mitigation Bank Credit Purchase</u>: Prior to impacting wetlands, including buffers, associated with the construction of the project, the Applicant shall submit the following to Ecology:

i. A credit ledger listing the Ecology Order Number, order issuance date, and the debited credits verifying credit withdrawal from the Snohomish Basin Mitigation Bank.

ii. Documentation that credits applied to the project has been registered with the Ecology Order number assigned to this project and order issuance date at the Snohomish County Auditor's office.

4. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology.

5. This Order does not authorize placement of fill in wetlands determined to be regulated by the Army Corps of Engineers (Corps of Engineers reference #2007-417-NO).

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. 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.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:		Deliver your appeal in person to:
The Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903	OR	The Pollution Control Hearings Board 4224 – 6th Ave SE Rowe Six, Bldg 2 Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Paul S. Anderson
Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

For additional information, visit the Environmental Hearings Office Website: http://www.eho.wa.gov
To find laws and agency rules visit the Washington State Legislature Website:
http://www1.leg.wa.gov/CodeReviser

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 18th day of NOVEMBER, 2009, at Bellevue, Washington.

Erik Stockdale

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington