



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 17, 2010

Pete G. Lymberis
Quadrant Homes
PO Box 130
Bellevue, WA 98009

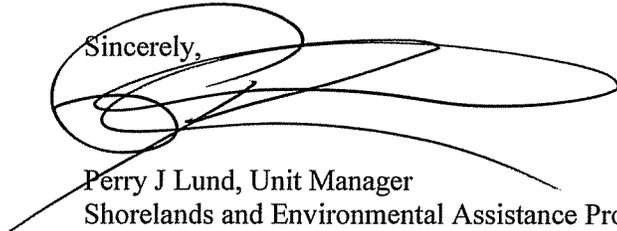
RE: Administrative Order No. 8142 to permanently fill .15 acres of isolated wetlands to construct the Bonney Lake Forest Project in Pierce County, Washington.

Dear Mr. Lymberis:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application on June 30, 2010, 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

Enclosures

By Certified Mail 7008 2810 0001 3941 3799

cc: Darren Habel, U.S. Army Corps of Engineers
Bill Sheils, Talasaea Consultants
Heather Stinson, City of Bonney Lake

e-cc: ECY RE FED PERMITS
Lori Ochoa, Ecology/SWRO
Loree' Randall, Ecology/HQ
Alex Callender, Ecology /SWRO
Deborah Cornett, Ecology/SWRO

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER NO. 8142
Corps No. NWS-2009-1312

Quadrant Homes
Attn: Pete Lyberis)

FOR AN ADMINISTRATIVE ORDER TO)
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Pete G. Lymberis
Quadrant Homes
PO Box 130
Bellevue, WA 98009

This is an Administrative Order requiring Quadrant Homes 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 Quadrant Homes Joint Aquatic Resources Permit Application (JARPA) on June 30, 2010, requesting an Administrative Order to impact .15 acres of isolated wetlands to construct the Bonney Lake Forest Project on a 149-acre site in Pierce County. The site is located at 21414 South Prairie Road in Bonney Lake, Pierce County, Washington; Section 03, Township 19 North, Range 05 East W.M, WRIA 10, Puyallup/White River Watershed.

This Administrative Order authorizes .15 acres of Category III isolated wetland impacts at the project location. Offsite Mitigation for this proposal will consist of 12,289 sf of Wetland Creation, 1,924 sf of Wetland Enhancement and 43,905 sf of Wetland Buffer Enhancement for a total area of mitigation of 58118 sf and all other actions as proposed in the *Proposed Off Site Wetland Mitigation Plan - Bonney Lake Forest Project Site* dated June 23, 2010. in the approximate location of Sec 4, Twp 19N Rge. 5E W.M in Bonney Lake, WA along Fennel Creek.

For purposes of this Order, the term "Applicant" shall mean Quadrant Homes 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 June 30, 2010, 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. **8142** and Corps No. **NWS-2009-1312**. **For notifications call (360) 407-6167.**
3. The Applicant shall provide access to the project site and mitigation site upon request by Ecology.
4. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
5. 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.
6. 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.
7. 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. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.

B. Notification Requirements:

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office Alex Callender in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to a pre-construction meeting
 - b. At least ten (10) days prior to the onset of any work on site
 - c. At least ten (10) days prior to the onset of in-water work, including wetlands
 - d. At least ten (10) days prior to the onset of work at the wetland mitigation site
 - e. Immediately following a violation of the state water quality standards or any condition of this Order
 - f. Within fourteen (14) days after completion of construction.

C. Wetland Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the plan entitled *Proposed Mitigation Plan-Bonney Lake Forest project Site* dated June 23, 2010, except as modified in this Order or revised and approved by Ecology.

2. The Applicant shall submit any changes to the mitigation plan in writing to Ecology (per condition A.2. above) for review and approval before work begins or when problems occur during construction requiring plan changes.
3. To ensure proper installation, the Applicant's wetland professional must supervise and inspect all mitigation site construction and planting.

Implementation

4. The Applicant shall begin the compensatory mitigation project before or concurrent with impacting wetlands. Ecology may require additional compensation to account for additional temporal loss if the mitigation is not completed in a timely manner.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and above the 100-year floodplain.
6. If seeding is used as a temporary erosion control BMP, it must be a wetland mix consisting of native, annual, non-invasive plant species.
7. The Applicant shall place signs at the extent of the mitigation area's boundaries, including buffers, that mark the area as wetland mitigation.
8. Upon completion of site-grading and prior to planting, the Applicant shall submit to Ecology written confirmation that the finished grades are consistent with the approved mitigation plan or subsequent Ecology-approved plan changes. Written confirmation can be a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether they are consistent with the plan.
9. Within ninety (90) days of completing site construction and planting, the Applicant shall submit a final as-built report with maps to Ecology. The As-Built report must:
 - a. Document site conditions at Year Zero;
 - b. Be submitted to Ecology per Condition A.2. of this Order as one hard copy and one electronic file;
 - c. Include the information listed in Attachment B; and,
 - d. Include documentation of a Recorded Wetlands Notice.
10. If the mitigation project is not completed within 13 months of this Order's date, the Applicant shall submit a written construction status report and submit status reports every 12 months until construction and planting are complete and the final as-built report is submitted.
11. Within ninety (90) days of completing construction and planting, the Applicant shall record a Wetlands Notice (see Attachment C), a copy of Ecology's Order, and the as-built report. These documents must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.

Monitoring and Maintenance:

12. The Applicant shall water and maintain all plantings at the mitigation site to meet the mitigation plan's performance standards.

13. The Applicant shall monitor the mitigation site for a minimum of ten (10) years as described in the mitigation plan. Additional monitoring of the mitigation area may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
14. The Applicant shall submit monitoring reports (one hard copy file and one electronic file per Condition A.2. of this Order) to Ecology documenting site conditions at the mitigation site for the years listed in the mitigation plan, and the reports must contain, at a minimum, the information listed in Attachment D. Attachment D does not reference correct condition number.
15. The Applicant shall implement the mitigation plan's contingency measures if goals, objectives, and performance standards are not being met.
16. Prior to implementing any unidentified contingency measures, the Applicant shall consult with Ecology.
17. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or a native plant alternative appropriate for the location, during the first available planting season and note the species, numbers, and approximate locations of all replanted materials in the subsequent monitoring report.
18. The property owner shall grant Ecology access to the mitigation area for inspection during the 10 year monitoring period or until mitigation success has been achieved.

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 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

Please direct all questions about this Order to:

Alex Callender
Department of Ecology
Southwest Regional Office
PO Box 477775
Olympia, WA 98501

360-407-6167
acal461@ecy.wa.gov

More Information

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental 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 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

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

Signature



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

Date

12/17/2010

