STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 5, 2015

COPY

Spokane County Engineering
Attn: Robert Brueggeman
1023 W Broadway Avenue
Spokane, WA 99260

Re: First Amendment to Administrative Order No. 8807 to permanently fill/impact 0.36 acres of isolated wetlands to the Thomas Mallon Road project in Spokane County, Washington

Dear Mr. Brueggeman,

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application on January 16, 2015 requesting an Amendment to the Administrative Order for proposed work in isolated wetlands. Ecology has determined that the proposed work, as conditioned by the enclosed Amendment to the 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 Amendment and original Order. If you have any questions, please contact David Moore at (509) 329-3474. The enclosed Amendment to the Order may be appealed by following the procedures described in the Order.

Sincerely,

Sara Hunt

Sara Hunt
Section Supervisor
Shorelands and Environmental Assistance Program
Eastern Regional Office-Spokane, WA

BY CERTIFIED MAIL (7012 3460 0002 8017 9482)

Enclosure

e-cc: Jess Jordan, U.S. Army Corps of Engineers
Federal Permit Coordinator, Department of Ecology

7012 3460 0002 8017 9482

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Mr. Robert Brueggeman
Spokane County Engineering
1023 W Broadway Avenue
Spokane, WA 99260
PS Form 3800, August 2006
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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY	)	
Spokane County	)	
FOR AN ADMINISTRATIVE ORDER TO	)	ORDER #8807
CONDUCT WORK IN ISOLATED WETLANDS	)	First Amendment

TO: Spokane County Engineering
Attn: Robert Brueggeman
1023 W Broadway Avenue
Spokane, WA 99260

On December 7, 2011 the Washington Department of Ecology (Ecology) issued an Administrative Order requiring Spokane County to comply with Chapter 90.48 RCW and the rules and regulations of Ecology for the above-reference project.

Since the Order was issued, additional impacts totaling 0.12 acres were incurred at the project site, requiring 0.72 acres of additional wetland enhancement at the Fish Lake mitigation site at a 6-to-1 ratio. The wetland mitigation plan has been revised and an additional area has been secured by Spokane County at the Fish Lake mitigation site to compensate for all but 0.38 acres of needed mitigation area.

Ecology received a JARPA from Spokane County on January 16, 2015 requesting authorization to mitigate impacts to the original 0.36 acres and 0.34 acres of the remaining 0.72 acres of wetlands at the Thomas Mallon Road project in Airway Heights, Washington at the Fish Lake mitigation site near Cheney, Washington.

Administrative Order No. 8807 dated December 7, 2011 is hereby amended as follows:

The amendment is as follows

I. The condition number A.1. which reads:

The applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on October 24, 2011 or as otherwise approved by Ecology.

Is replaced with (changes underlined):

The applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on October 24, 2011 or as otherwise <u>amended by Spokane County</u> and approved by Ecology.

II. The condition number C.2. which reads:

The Applicant shall submit any changes to the mitigation plan required under C.1. 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.

Is replaced with:

The Applicant shall submit any changes to the mitigation plan required under C.1. 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. When a mitigation site for the remaining 0.38 acres are identified (see new condition C.17. below), a wetland mitigation plan for the remaining acres must be prepared by the Applicant and approved by Ecology.

III. The following condition is added:

C. 17. *The Applicant shall identify a suitable mitigation site for the remaining 0.38 acres of required wetland mitigation for this project no later than one year from receipt of this amendment. If a suitable site cannot be identified within that timeframe, the Applicant shall notify Ecology and request an amendment to this condition of the Order.*

No other conditions or requirements of the above-mentioned order are affected by this amendment.

The Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearings 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 all of 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 **Pollution Control Hearings Board** 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Sara Hunt

2/5/15

Sara Hunt, Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office – Ecology
State of Washington

Date