



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

March 25, 2010

Snohomish County Airport  
Attn: William Dolan  
12214 SE 18th Place  
Bellevue, WA 98005

RE: Administrative Order No. **7453** to impact 0.08 of an acre of isolated wetlands for construction of a taxiway at Snohomish County Airport (Paine Field) in Snohomish County, Washington.

Dear Mr. Dolan:

On May 26, 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, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

ES:PA:ca

Enclosure

**By Certified Mail # 7007 0220 0004 6659 1894**

e-cc: ECY RE FEDPERMITS  
Loree' Randall, Ecology/Headquarters  
Paul Anderson, Ecology /NWRO  
Jonathan Smith, U.S. Army Corps of Engineers  
Lennie Rae Cook, Anchor QEA



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY ) ORDER NO. 7453  
Snohomish County Airport )  
FOR AN ADMINISTRATIVE ORDER TO ) Fill Approximately 0.08 Acre of  
CONDUCT WORK IN ISOLATED WETLANDS ) Wetlands, Near Mukilteo,  
Snohomish County, Washington.

To: Snohomish County Airport  
Attn: William Dolan  
3220 100th Street SW  
Everett, WA 98204

This is an Administrative Order requiring Snohomish County Airport 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 May 26, 2009, Ecology received a request to impact 0.08 of an acre of isolated wetlands to construct the Paine Field Kilo South Taxiway at Snohomish County Airport in Snohomish County.

Project construction will result in permanent impact to 0.08 of an acre of Category III isolated wetland. This impact shall be compensated for by debiting 0.08 credits from the Snohomish County Airport Wetland Compensation Banks.

For purposes of this Order, the term "Applicant" shall mean Snohomish County Airport and its agents, assigns, and contractors.

The project is located in Mukilteo, Snohomish County, Washington, in isolated wetlands, Section 22, T. 28N, R. 4E, WRIA 7.

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

IT IS ORDERED that Snohomish County Airport shall comply with the following:

1. The Applicant shall construct and operate the project in a manner consistent with the description in the Joint Aquatic Resources Permit Application form received by Ecology on May 26, 2009, or as otherwise approved by Ecology.
2. Project mitigation shall be by the debiting of 0.04 credits from the Swanson Wetland Compensation Bank and 0.04 credits from the Narbeck Wetland Compensation Bank.
3. Proof of Mitigation Bank Credit Withdrawal: Prior to impacting wetlands, including buffers, associated with the construction of the project, the Applicant shall submit the following to Ecology within 60 days of the issuance of this Order:
  - i. An updated credit ledger listing the activity (Kilo South Taxiway Project), date of activity, and the debited credits verifying credit withdrawal from the Swanson and Narbeck Snohomish County Airport Wetland Compensation Banks.

4. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology.
5. This Order is valid for two years from the date of issuance. If the authorized work is not completed by that date, please notify Ecology so that we may discuss the status of your authorization.
6. This Order does not authorize placement of fill in wetlands determined to be regulated by the Army Corps of Engineers (Corps of Engineers reference # NWS 2009-537). Placement of 0.18 acres of fill in jurisdictional wetlands has been authorized through Nationwide Permit 14, issued by the Corps of Engineers Seattle District Office on February 16, 2010.
7. 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.
8. 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 orders, 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:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

OR

**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

Deliver your appeal in person to:

OR 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 25<sup>th</sup> day of March, 2010, at Bellevue, Washington.



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