



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 5, 2005

REGISTERED MAIL
RB 253 008 474 US

Lewisville Meadows, LLC
ATTN: Mr. Peter Glavin
PO Box 871717
Vancouver, WA 98684

Dear Mr. Glavin:

RE: **Order No. 2520:** Administrative Order for placement of fill in 0.25 of an acre of isolated wetlands for the construction of a commercial building, three industrial buildings, several storage units, associated parking, and the extension of NE 89th Street in Clark County.

The request for an administrative order for proposed work in isolated wetlands in Clark County has been reviewed. 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 appropriate requirements of State law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Mark Cline at 360-407-7273. Written comments can be sent to Mark at the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600 or at e-mail mcli461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J Lund
Unit Supervisor
Shorelands and Environmental Assistance Program

PJL:LO:dn

cc: Dustin Day, The Resource Company
Brent Davis, Clark County
Ron Klump, Corps of Engineers



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
Lewisville Meadows, LLC)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 2520
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Lewisville Meadows, LLC
ATTN: Mr. Peter Glavin
PO Box 871717
Vancouver, Washington 98684

This is an Administrative Order requiring Lewisville Meadows, LLC 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.

On April 1, 2005, Lewisville Meadows, LLC submitted a request to impact 0.25 of an acre of an isolated wetland for the construction of a commercial building, three industrial buildings, several storage units, associated parking, and the extension of NE 89th Street to create an east/west connection a 6208 NE 88th Street in Clark County.

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

IT IS ORDERED that Lewisville Meadows LLC shall comply with the following:

1. Lewisville Meadows LLC shall construct and operate the project in a manner consistent with the project description contained in the Joint Aquatic Resource Permit Application (JARPA) dated April 1, 2005 and in the Final Wetland Mitigation Plan for 88th Street Mini-Storage Project – Clark County, WA dated July 28, 2005, or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in the Joint Aquatic Resource Permit Application received April 1, 2005 and in the Final Wetland Mitigation Plan for 88th Street Mini-Storage Project – Clark County, WA dated July 28, 2005, or as otherwise approved by Ecology.
3. Compensatory mitigation construction and installation shall occur prior to or concurrently with, project impacts to wetlands.
4. Lewisville Meadows, LLC shall provide access to the project site and all mitigation sites upon request by Ecology.
5. An “as built” report shall be prepared after construction showing any variances from the final mitigation plan. The “as-built” shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:
 - comments from a wetland specialist present on site during mitigation construction;
 - final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;

- photographs of the area taken from permanent photo points which will be designated on the site plan;
- the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting; and,
- an analysis of any changes to the mitigation plan that occurred during construction.
- Deed Restriction: Permanent protection of the wetland mitigation area and buffers shall be recorded on the property deed for the Wetland Mitigation Site. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state".

A copy of the "as-built" report and drawings shall be sent to Ecology's Southwest Regional Office Attn: Mark Cline at P.O. Box 47775, Olympia, WA 98504-7775, within 60 days of completing construction and planting, and in no case later than December 31 of the year that construction is completed.

6. Monitoring and Contingency Plan: Mitigation efforts shall be monitored for compliance with the performance standards referenced on page 6 of the "Final Wetland Mitigation Plan for 88th Street Mini-Storage Project – Clark County, WA" dated July 28, 2005.
 - A.) A written report describing the monitoring results will be submitted to the Department of Ecology's Southwest Regional Office Attn: Mark Cline, the Second, Third, Fourth, and Fifth years after completion of the mitigation installation.
 - B.) Prior to implementing any contingency measures, applicant will consult with permitting agencies.
 - C.) Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
 - D.) Any changes to the mitigation plan or monitoring requirements must be approved by Ecology before they are incorporated into the plan or implemented on the ground.
7. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
8. 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.
9. 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.

Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

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

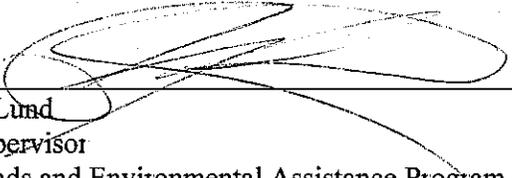
In addition, please send a copy of your appeal to:

Loree' Randall
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>

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 7 day of OCTOBER, 2005, at Olympia, Washington.



Perry J Lund
Unit Supervisor
Shorelands and Environmental Assistance Program

INTEROFFICE MEMO

DATE: OCTOBER 4, 2005
TO: PERRY LUND
FROM: LORI OCHOA
RE: LEWISVILLE MEADOWS (AKA 88TH STREET MINI-STORAGE),
ADMINISTRATIVE ORDER - ISOLATED WETLANDS

Project Description:

This project will include construction of a commercial building, three industrial buildings, several storage units, associated parking, and the extension of NE 89th Street to create an east/west connection a 6208 NE 88th Street in Clark County.

The project is located on a 6.27 acre parcel at 6208 NE 88th Street near Vancouver, Clark County Washington. There are two wetlands within the project area; one Category IV, palustrine scrub-shrub/emergent wetland (Wetland A) and one Category III, palustrine forested/emergent wetland complex (Wetland B). Impacts will occur to 8,742.5 square feet of Category IV wetlands and to 2,163 square feet of Category III wetlands for a total of 0.25 acres of wetlands impacts. Both wetlands have been determined to be isolated by the U.S. Army Corps of Engineers.

Wetland impacts are due to the road frontage improvements and to construction of the mini-storage unit. These impacts were minimized to the extent practicable. Mitigation for wetland impacts include 0.4 acres of on-site wetland creation adjacent to Wetland B.

Recommendation:

I have coordinated with both the previous and current wetland specialists for this project. They have provided review of the Preliminary and Final Wetland Mitigation Plans for the 88th Street Mini-Storage Project – Clark County WA (dated February 22, 2005 and July 28, 2005 respectively.) I have reviewed both the JARPA and the Jurisdictional Determination from the Corps. I recommend that an Administrative Order be issued, Number 2520.