



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 8, 2005

**REGISTERED MAIL**

RB 336 144 305 US

Kathy Fendt  
Port of Seattle Aviation Division  
Environmental Programs  
PO Box 68727  
Seattle WA 98168-0727

Dear Ms. Fendt:

RE: **Administrative Order No. 2562**  
Administrative Order for placement of fill in 1.03 acres of isolated wetlands in  
Borrow Area 1, City of Des Moines, King County, Washington.  
Corps of Engineers Reference No. 200500433

The request for an administrative order for proposed work in isolated wetlands known as Borrow Area 1 in the City of Des Moines 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 Alice Kelly at 425-649-7145. Written comments can be sent to her at the Department of Ecology, Northwest Regional Office, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008 or [akel461@ecy.wa.gov](mailto:akel461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent  
Interim Section Manager  
Shorelands and Environmental Assistance Program

GT:AK:cu

cc: Suzanne Skadowski, Corps of Engineers



DEPARTMENT OF ECOLOGY

**IN THE MATTER OF THE** ) **ORDER NO. 2562**  
**REQUEST BY** ) US Army Corps Reference No. 200500433  
**Port of Seattle Aviation Division** ) Placement of fill in approximately 1.03 acres of  
**FOR AN ADMINISTRATIVE ORDER** ) isolated wetlands in an area known as "Borrow  
**TO CONDUCT WORK IN AN** ) Area 1" in Des Moines and SeaTac, King  
**ISOLATED WETLAND** ) County, Washington.

To: Kathy Fendt  
Port of Seattle Aviation Division  
Environmental Programs  
PO Box 68727  
Seattle WA 98168-0727

This is an Administrative Order requiring Port of Seattle 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 June 13, 2005, the Port of Seattle submitted a request to impact 1.03 acres of isolated wetlands in the Des Moines Creek basin known as Borrow Area 1. This area is between South 200<sup>th</sup> Street to the north and South 216<sup>th</sup> Street to the south, and between 15<sup>th</sup> Avenue South and 24<sup>th</sup> Avenue South in the City of Des Moines and City of SeaTac, King County, Washington.

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

IT IS ORDERED that the Port of Seattle shall comply with the following:

1. The Port of Seattle shall construct and operate the project in a manner consistent with the project description contained in the Port of Seattle's Master Plan Update Project as approved by Ecology Section 401 Water Quality Certification No. 1996-4-02325 (Amended-2) or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in the Port of Seattle's Master Plan Update Project as approved by Ecology Section 401 Water Quality Certification No. 1996-4-02325 (Amended-2) or as otherwise approved by Ecology.

3. The Port of Seattle shall provide access to the project site and all mitigation sites upon request by Ecology.

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.

This Order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903 within thirty (30) days of your receipt of this Order. At the same time, your appeal must also be served on the Department of Ecology, c/o The Enforcement Officer, P.O. Box 47600, Olympia, Washington 98504-7600; and on the Department of Ecology, SEA Program, P.O. Box 47600, Olympia, Washington 98504-7600. 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 Chapter 43.21B RCW.

DATED July 8, 2005, at Bellevue, Washington.



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Geoff Tallent  
Section Manager  
Shorelands and Environmental Assistance Program