



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400

October 10, 2007

REGISTERED MAIL – 7002 0860 0006 1492 4625

Don Whitehouse
WSDOT South Central Region Administrator
P.O. Box 12560
Yakima, WA 98909-2560

RE: **Administrative Order No 5168:** Authorizing impacts 0.23 acres of isolated wetland to construct a four lane separated roadway between the vicinity of Frenchtown and Walla Walla to replace the existing US 12 roadway in wetlands and an irrigation canal near Walla Walla, Washington.

Dear Mr. Whitehouse:

The request for an administrative order for proposed work in isolated wetlands and buffer area for the US 12 Frenchtown to Walla Walla has been reviewed. The State of Washington has determined that the proposed work, as condition 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 Jeremy Sikes at (509) 329-3426. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brian G. Farmer, AICP
Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office

Enclosure

cc: Jeremy Sikes, ERO
Loree Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
DON WHITEHOUSE, P.E)
WASHINGTON DEPARTMENT OF TRANSPORTATION)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO DE 5168
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Don Whitehouse
WSDOT South Central Region Administrator
P.O. Box 12560
Yakima, WA 98909-2560

This is an Administrative Order requiring Don Whitehouse, WSDOT South Central Region Administrator 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 August 6, 2007, Don Whitehouse WSDOT South Central Region Administrator submitted a request to impact 0.23 acres of isolated wetland to construct a four lane separated roadway between the vicinity of Frenchtown and Walla Walla to replace the existing US 12 roadway in wetlands and an irrigation canal near Walla Walla, Washington.

For purposes of this Order, the term "Applicant" shall mean Washington Department of Transportation (WSDOT) 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 WSDOT shall comply with the following:

1. WSDOT shall construct and operate the project in a manner consistent with the project description contained in *the* JARPA dated August 6, 2007 and its appendices, or as otherwise approved by Ecology
2. Project mitigation shall be constructed and maintained as described in JARPA Appendix C Conceptual Mitigation Plan, dated July 2007 and included with the August 6 JARPA packet.
3. WSDOT shall provide access to the project site and all mitigation sites 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.

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

OR

Deliver your appeal in person to:

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

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

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

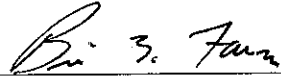
3. And send a copy of your appeal to:

Jeremy Sikes
Wetland Specialist
Department of Ecology
Eastern Region Office
4601 N Argonne
Spokane, Washington 99205

*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 11th day of October, 2007, at Spokane, Washington



Brian Farmer, AICP
Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology, Eastern Region