



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 19, 2007

REGISTERED MAIL

RB 670 438 228 US

Conner Homes, Inc.
Attn: Charlie Conner
846 108th Avenue NE
Bellevue, WA 98004

Dear Mr. Conner:

RE: **Administrative Order No 4166:** Administrative Order for **placement of fill in 0.20 acre of isolated wetlands** as part of a residential development, located at 14539 100th Avenue NE in the City of Bothell, in King County, Washington. U.S. Army Corps of Engineers (Corps) Reference #200400470

The request for an administrative order for proposed work in isolated wetlands for expansion of the existing administrative office and operations center on the property located at 14539 100th Avenue NE in the City of Bothell, 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. The Order does not authorize placement of fill in wetlands determined to be regulated by the Corps under NWP 39 (Corps Reference #200601009).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Richard Robohm at (425) 649-4447. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program

GT:cja

cc: Randel Perry, U.S. Army Corps of Engineers
Scott Brainard, Wetland Resources
Penny Keys, Ecology
Loree Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) **ORDER NO. 4166**
CONNER HOMES, INC.,)
FOR AN ADMINISTRATIVE ORDER TO) **Corps Reference No. 200400470**
CONDUCT WORK IN ISOLATED WETLANDS)

To: Conner Homes, Inc.,
Attn: Charlie Conner
846 108th Avenue NE
Bellevue, WA 98004

This is an Administrative Order requiring Conner Homes, Inc., 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. This Order does not authorize Conner Homes, Inc., to place fill in wetlands that are under U.S. Army Corps of Engineers jurisdiction (Corps Reference #200601009). Ecology has already issued a letter of verification on 15 March 2007 for that activity.

On 18 January 2007, Conner Homes, Inc., submitted a request to Ecology to impact 0.20 acres of isolated wetlands to build a 124-lot residential development. The project will develop 50.8 acres of a 70-acre site at 14539 100th Avenue NE (S 18, T 26N, R 5E) in the City of Bothell, in King County, Washington.

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

IT IS ORDERED that Conner Homes, Inc., shall comply with the following:

1. Wetland compensatory mitigation and monitoring for the wetland fill shall be performed as described in: (1) the Wetland Mitigation Plan (Mitigation Plan), Bentley Residential Subdivision, dated February 15, 2006, by Wetland Resources, Inc., and accompanying drawings; (2) the revised supplement to this plan (Supplement), dated March 12, 2007, except as modified in this Order.
 - a) Timing: The wetland restoration and enhancement described in the Mitigation Plan and Supplement shall be implemented concurrently with site construction for the development. Buffers affected temporarily by site construction shall be restored during the first planting season after these areas are no longer needed for construction access or storage.

- b) Construction Monitoring: Grading and plant installation for wetland and buffer mitigation shall be monitored during construction by a qualified wetland ecologist to ensure proper elevations and that plants are appropriate placed.
- c) Performance Standards: The performance of the wetland and buffer mitigation shall be measured by the standards listed under the Performance Standards sections of the Wetland Mitigation and the Supplement.
- d) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as specified in the Monitoring Plan sections of the Mitigation Plan and Supplement. **Two (2) copies of all monitoring reports shall be submitted to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 – 160th Avenue SE, Bellevue, WA, 98008-5452**, identified with Order No. 4166. Copies should also be submitted to King County.
- e) Maintenance: The Applicant is responsible for maintenance of the wetland mitigation sites such that the required performance standards are met. Maintenance shall be performed as listed under the Maintenance Program sections of the Mitigation Plan and Supplement.
- f) Contingency Plan: The Applicant shall be responsible for preparing a contingency plan if performance standards and plan objectives have not been met. A contingency plan may include the items described under the Contingency Plans sections of the Mitigation Plan and Supplement.
- g) An “as-built” report and drawing documenting the final design of the mitigation area shall be prepared when the mitigation plan has been implemented. The as-built documents shall include the following:
- Vicinity map showing site access;
 - Final site topography;
 - Drawings that clearly identify the boundaries of the mitigation areas;
 - The installed planting scheme showing quantities, densities, sizes, and approximate locations of plants, as well as plant sources and the time of planting;
 - Photographs of the area taken from permanent reference points;
 - Locations of photopoints, sampling and monitoring sites; and
 - An analysis of any changes to the mitigation plan that occurred during construction

A copy of the as-built report and drawing shall be sent to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 160th Avenue SE, Bellevue, Washington 98008-5452 within 90 days of completing mitigation construction and planting.

2. During the monitoring period, Conner Homes, Inc., shall provide access to the project site upon request by Ecology.
3. This Order does not exempt the Applicant from and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
4. 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.
5. 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 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.

Order #4166, Corps Reference #200400470

March 19, 2007

Page 4 of 4

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

Federal Permit Appeals Coordinator
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 March 19, 2007 Bellevue, Washington.



Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program