



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 1, 2006

REGISTERED MAIL
RB 670 437 868 US

Wig Properties LLC
Attn: Mon Wig
4811 134th Place SE
Bellevue, WA 98006

Dear Mr. Wig:

RE: **Administrative Order No. 3815:** Administrative Order for **placement of fill in 1.02 acre of isolated wetlands** as part of a commercial development for Southcenter Square on Southcenter Parkway, City of Tukwila, in King County, Washington.
U.S. Army Corps of Engineers (Corps) Reference #200400822

We have reviewed your request for an administrative order for proposed work in isolated wetlands for construction of a commercial development on Southcenter Parkway, City of Tukwila. 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 Nationwide Permit #39 (Corps Reference #200400822).

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 or (425) 649-7000. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Sheila Hoover, for Geoff Tallent

Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program

GT:RR:cja

cc: Kathy Kunz, U.S. Army Corps of Engineers
Steve Lancaster, City of Tukwila Department of Community Development
Chad Armour, Chad Armour LLC
Richard Robohm, Ecology
Rebekah Padgett, Ecology
Penny Keys, Ecology
Loree' Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
WIG PROPERTIES LLC)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 3815
CONDUCT WORK IN ISOLATED WETLANDS)

To: Wig Properties LLC
Attn: Mon Wig
4811 134th Place SE
Bellevue, WA 98006

This is an Administrative Order requiring Wig Properties 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. This Order does not authorize Wig Properties LLC to place fill in wetlands that are under U.S. Army Corps of Engineers jurisdiction (Corps Reference #200400822).

In June 2006, Wig Properties LLC submitted a request to Ecology to fill 1.02 acre of isolated wetlands to enable construction of the Southcenter Square commercial development, northeast of the intersection of Southcenter Parkway and Minkler Boulevard in the City of Tukwila, in King County, Washington.

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

IT IS ORDERED that Wig Properties LLC shall comply with the following:

1. Wetland compensatory mitigation and monitoring for the wetland fill shall be performed as described in the *Final Wetland Mitigation Plan, Tukwila Pond*, dated July 6, 2006, by Chad Armour LLC (hereafter referred to as "Final Mitigation Plan"), except as modified in this Order.
 - a) Timing: Construction of the wetland mitigation shall begin before or concurrent with wetland impacts of the development. Construction and installation of the wetland mitigation as specified in the plan shall be completed no later than June 1 of the year following the start of construction.
 - b) Construction Monitoring: To ensure that proper elevations are achieved and plants are appropriately placed, monitoring of wetland mitigation grading and plant installation, as described in Section 7.2, "Construction Monitoring," shall be done by a qualified wetland ecologist. This monitoring shall be in addition to the pre- and

- c) post-construction meetings described in Section 6.5, "Installation Sequence," of the Final Mitigation Plan.
- d) Performance Standards: The performance of the wetland mitigation shall be measured by the standards described in Section 5.5, "Performance Standards," of the Final Mitigation Plan.
- e) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as specified in Section 7.3, Post-Construction Monitoring, of the Final Mitigation Plan. **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. 3815. Monitoring reports will also be submitted to the City of Tukwila.
- f) Maintenance: The Applicant is responsible for maintaining the wetland mitigation site to ensure that performance standards are met. Maintenance shall be performed as described in Section 9, "Maintenance Plan," of the Final Mitigation Plan.
- g) Contingency Plan: The Applicant shall be responsible for implementing contingency measures if performance standards and plan objectives have not been met. Such measures may include those described in Section 10, "Contingency Plan," of the Final Mitigation Plan.
- h) 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. Wig Properties LLC shall provide access to the project site upon request by Ecology.

3. This Order does not exempt 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.

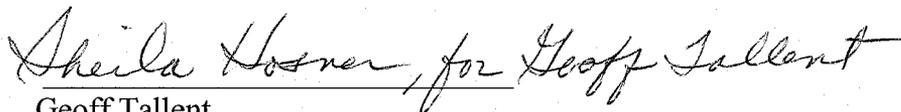
In addition, please send a copy of your appeal to:

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 September 1, 2006 Bellevue, Washington.



Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program