



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

September 6, 2007

**REGISTERED MAIL**  
**RB 670 439 223 US**

Covington Legacy, LLC  
Attn: Don Ramsey  
c/o Ashton Capitol Corp.  
1201 Monster Road #350  
Renton, WA 98055

Dear Mr. Ramsey:

RE: **Administrative Order No. 5041:** Administrative Order for **placement of fill in 0.17 acre of isolated wetlands** for commercial development located at the north side of Kent Kangley Road (S. 272<sup>nd</sup> Street) between SE Wax Road and 186<sup>th</sup> Avenue SE, Covington, in King County, Washington. U.S. Army Corps of Engineers (Corps) Reference #200600715.

The request for an administrative order for proposed work in isolated wetlands to enable the construction of a large commercial building, parking lot, utilities, underground storm drainage control facilities and frontage improvements located at the north side of Kent Kangley Road (S. 272<sup>nd</sup> Street) between SE Wax Road and 186<sup>th</sup> Avenue SE, Covington, in King County, 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 (Corps Reference #200600715).

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: Susan Powell, U.S. Army Corps of Engineers  
Emmett Pritchard, Raedeke Associates, Inc.  
Penny Keys, Ecology  
Loree' Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY )  
COVINGTON LEGACY, LLC )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER NO. 5041  
CONDUCT WORK IN ISOLATED WETLANDS )

To: Covington Legacy, LLC  
Attn: Don Ramsey  
c/o Ashton Capital Corp.  
1201 Monster Road #350  
Renton, WA 98055

This is an Administrative Order requiring Covington Legacy, LLC, 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 Covington Legacy, LLC, to place fill in wetlands that are under U.S. Army Corps of Engineers jurisdiction (Corps Reference #200600715).

On August 21, 2006, Covington Legacy, LLC, submitted a request to Ecology to impact 0.17 acres of isolated wetlands to enable the construction of a large commercial building, parking lot, utilities, underground storm drainage control facilities and frontage improvements located at the north side of Kent Kangley Road (S. 272<sup>nd</sup> Street) between SE Wax Road and 186<sup>th</sup> Avenue SE, Covington, in King County, Washington.

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

IT IS ORDERED that Covington Legacy, LLC shall comply with the following:

1. Except as modified in this Order, compensatory wetland mitigation and monitoring shall be performed as described in the following:
  - Conceptual Wetland Mitigation Plan, Covington Legacy Property, dated January 16, 2007 (Mitigation Plan), by Raedeke Associates, Inc. (Raedeke).
  - Letter of 5 April 2007 from Christopher W. Wright of Raedeke to Mr. Don Ramsey of Covington Legacy, LLC.
- a) Timing: The wetland mitigation plan shall be implemented concurrently with the site construction for the development, or within the first year following the site construction.

- b) Construction Monitoring: The wetland mitigation grading activity and plant installation shall be monitored during construction by a qualified wetland ecologist to ensure proper elevations are achieved and plants are appropriately placed.
- c) Performance Standards: The performance of the wetland mitigation shall be measured by the standards listed under the Performance Standards section of the Mitigation Plan.
- d) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as specified in the Monitoring Plan section of the Mitigation Plan. **Two copies of all monitoring reports shall be submitted to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 – 160<sup>th</sup> Avenue SE, Bellevue, WA, 98008-5452, identified with Order No. 5041 and also submitted to the City of Covington.**
- 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 section in the Mitigation Plan.
- 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 section in the Mitigation Plan.
- 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 160<sup>th</sup> Avenue SE, Bellevue, Washington 98008-5452 within 60 days of completing mitigation construction and planting.

2. Covington Legacy, 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 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:

Deliver your appeal in person to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

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:

Deliver your appeal in person to:

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

OR

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

**3. And send a copy of your appeal to:**

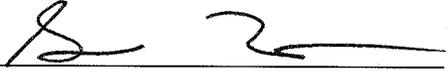
Department of Ecology  
Northwest Regional Office  
Attn: Richard Robohm  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

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 September 6, 2007 Bellevue, Washington.

  
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Geoff Tallent  
Section Manager  
Shorelands and Environmental Assistance Program