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

October 29, 2007

REGISTERED MAIL
RB 670 439 427 US

Charter Homes, Inc.
Attn: Eric Wicklund
601 Union Avenue, Suite 5100
Seattle, WA 98101

Dear Mr. Wicklund:

RE: **Administrative Order No. 5094:** Administrative Order for Impact 0.75 Acre of Isolated Wetlands to Enable Construction of a Residential Subdivision, located at 5926 Sunnyside Boulevard in Marysville, Snohomish County, Washington.
U.S. Army Corps of Engineers (Corps) Reference #NWS-2007-312-NO

The request for an administrative order for proposed work in isolated wetlands to enable construction of a residential subdivision on the property located at 5926 Sunnyside Boulevard in Marysville, 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 #NWS-2007-312-NO).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Paul Anderson at (425) 649-7148 or (425) 649-7000. 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 Glenn, U.S. Army Corps of Engineers
Chad Armour, Chad Armour, LLC
Penny Keys, Ecology
Loree' Randall, Ecology

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY CHARTER HOMES, INC. FOR AN ADMINISTRATIVE ORDER TO CONDUCT WORK IN ISOLATED WETLANDS	))))	ORDER NO. 5094

To: Charter Homes, Inc.
Attn: Eric Wicklund
601 Union Avenue, Suite 5100
Seattle, WA 98101

This is an Administrative Order requiring Charter Homes, Inc. 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 Charter Homes, Inc. to place fill in wetlands that are under Army Corps of Engineers (Corps) jurisdiction (Corps Reference No. NWS-2007-312-NO).

On August 6, 2007, Charter Homes, Inc. submitted a request to Ecology to impact 0.75 acre of isolated wetlands to enable construction of a residential subdivision at 5926 Sunnyside Boulevard in Marysville, Washington (Parcel Nos. 300534-011-003-00 and 300534-002-004-00). The isolated wetland fill is described in the Conceptual Mitigation Plan (Mitigation Plan) for the Wood/Snyder Preliminary Plat, Marysville, Washington, prepared by Chad Armour, LLC, dated August 1, 2007.

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

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

1. Compensatory wetland mitigation for the 0.75 acre isolated wetland fill shall be provided on-site by granting a 3.7 acre flood easement as described in the Mitigation Plan. The Mitigation Plan also proposes enhancement of 3.03 acres of buffer on-site to mitigate for impacts to the buffers of jurisdictional wetlands.

2. Timing: The dedication of the 3.7 acre flood easement shall occur prior to or concurrently with the site construction for development. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.

3. 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.

4. 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 Order 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: Paul Anderson
3190 160th 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 _____October 29, 2007_____ at Bellevue, Washington.

Geoff Tallent, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology, Northwest Regional Office
State of Washington