



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 17, 2009

CERTIFIED MAIL

7009 1410 0002 4050 6533

Rick and Joan Hanson
103 East Utsalady Road
Camano Island, WA 98292

RE: Administrative Order No. 7105 to impact 0.03 of an acre of isolated wetlands to construct a residential development on a 7-acre site in the City of Mount Vernon and Skagit County, Washington.

Dear Mr. and Mrs. Hanson:

On January 4, 2007, you submitted a Joint Aquatic resources Permit Application to the Department of Ecology (Ecology) to request an Administrative Order for proposed work in isolated wetlands. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

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. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:PA:ca

Enclosure

e-cc: ECY RE FEDPERMITS
Randel Perry, U.S. Army Corps of Engineers
Brandon Black
Loree' Randall, Ecology/Headquarters
Paul Anderson, Ecology /NWRO
Jana Hanson, City of Mount Vernon



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
Rick and Joan Hanson)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 7105
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Rick and Joan Hanson
103 East Utsalady Road
Camano Island, WA 98292

This is an Administrative Order requiring Rick and Joan Hanson 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.

On January 4, 2007, you submitted a request to impact 0.03 of an acre of isolated wetlands to construct a residential development and associated infrastructure known as Hanson Heights in Skagit County.

Mitigation for this proposal includes: Creation of approximately 0.50 acres and preservation of approximately 0.33 acres of wetland onsite and; Rehabilitation of 1.08 acres of wetland offsite at Bakerview Park in the City of Mount Vernon, Washington.

For purposes of this Order, the term "Applicant" shall mean Rick and Joan Hanson and your agents, assigns, and contractors.

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

IT IS ORDERED that Rick and Joan Hanson shall comply with the following:

1. The Applicant shall construct and operate the project in a manner consistent with the *Conceptual On Site Mitigation Plan for Hanson Heights Plat (LU07-037)* (Mitigation Plan) prepared by Graham-Bunting Associates, Inc., (September 26, 2008) and received by Ecology on October 1, 2008, or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in the Mitigation Plan, the Mitigation Plan addendum (Graham-Bunting Associates, Inc., February 11, 2009), and the *Agreement for Critical Area Mitigation with the City of Mount Vernon*, dated August 19, 2009.
3. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology.
4. This Order does not authorize placement of fill in wetlands determined to be regulated by the Army Corps of Engineers under NWP #29 (Corps of Engineers reference #2007-54-NO).

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:

Paul S. Anderson
Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

*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 17 day of SEPTEMBER, 2009, at Bellevue, Washington.



Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington