



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 21, 2008

REGISTERED MAIL
RB 252 945 430 US

Pioneer Estates, LLC
2 North Cascade Avenue, Suite 1280
Colorado Springs, CO 80903

RE: Administrative Order #5409 to place fill in 0.78 of an acre of prior converted cropland wetland for the construction of a mixed-use development, "Union Ridge South", Ridgefield, Clark County, Washington.

Dear Sir or Madam:

The request for an Administrative Order for proposed work in the prior converted cropland wetland in Ridgefield, Clark County has been reviewed. 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 appropriate requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Sarah M. Lukas at (360) 407-7459. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J. Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

PJL:SML:dn
Enclosure

cc: Andrea Aberle, Ecological Land Services, Inc.
Anne Friesz, Washington State Department of Fish and Wildlife

e-cc: Loree' Randall, Ecology Headquarters
Mark Cline, Ecology Wetland Specialist
Deborah Cornett, Ecology Water Quality



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
PIONEER ESTATES, LLC)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. DE 5409
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Pioneer Estates, LLC
2 North Cascade Avenue, Suite 1280
Colorado Springs, CO 80903

This is an Administrative Order requiring Pioneer Estates, 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.

On August 3, 2007, Pioneer Estates, LLC submitted a request to construct Union Ridge South, a mixed-use development in Clark County. The Union Ridge South mixed-use development will directly impact 0.78 and indirectly impact 0.91 of an acre of a Prior Converted Cropland (PCC) Sloped Wetland. The compensatory mitigation proposed for this proposal includes: 2.08 acres of wetland creation, a ratio of 1.23 to 1; 2.60 acres of wetland enhancement, a ratio of 1.54 to 1; and 3.05 acres of wetland buffer enhancement.

For purposes of this Order, the term "Applicant" shall mean Pioneer Estates, LLC and its agents, assigns, and contractors.

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

IT IS ORDERED that Pioneer Estates, LLC shall comply with the following:

1. Pioneer Estates, LLC shall construct and operate the project in a manner consistent with the project description contained in the JARPA and Mitigation Plan received by Ecology August 13, 2007, or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in *Mitigation Plan for Union Ridge South PCC City of Ridgefield, Washington*, dated August 2007.
3. Pioneer Estates, LLC shall provide access to the project site and all mitigation sites upon request by Ecology.
4. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
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:

Sarah M. Lukas
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

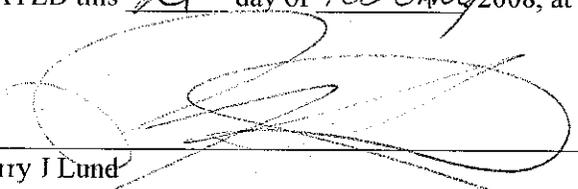
For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

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*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 21 day of FEBRUARY 2008, at Lacey, Washington.



Perry J Lund
Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office