



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 16, 2006

REGISTERED MAIL
RB 252 973 886 US

Tacoma Housing Authority
ATTN: Mr. Steve Clair
902 South L Street Suite 28
Tacoma, Washington 98405-4037

Dear Mr. Clair:

RE: **Order No. 3120:** Administrative Order for placement of fill in a 7,675 square foot (0.18 acre) isolated wetland for the redevelopment of the former Hillsdale Lumber and Manufacturing Company site into a residential neighborhood at the northwest corner of McKinley Avenue and East 60th Street within the City of Tacoma, Pierce County, Washington.

The request for an administrative order for proposed work in isolated wetlands in Pierce 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 Gretchen Lux at 360-407-6221. Written comments can be sent to Gretchen at the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, WA 98504-7775 or at e-mail glux461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J Lund
Unit Supervisor
Shorelands and Environmental Assistance Program

PJL:LO:dn
Enclosure

cc: Hillsdale Holdings, LLC
Ron Wilcox, Corps of Engineers



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
Tacoma Housing Authority)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 3120
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Tacoma Housing Authority
ATTN: Mr. Steve Clair
902 South L Street Suite 28
Tacoma, Washington 98405-4037

This is an Administrative Order requiring the Tacoma Housing Authority 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 February 10, 2006, the Tacoma Housing Authority submitted a request to impact a 7,675 square foot (0.18 acre) isolated wetland for the redevelopment of the 6.9 acre former Hillsdale Lumber and Manufacturing Company Site into a new residential neighborhood that will include 75 rental apartments and 50 town homes at the northwest corner of McKinley Avenue and East 60th Street in the city of Tacoma, Pierce County, Washington.

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

IT IS ORDERED that the Tacoma Housing Authority shall comply with the following:

1. Tacoma Housing Authority shall construct and operate the project in a manner consistent with the project description contained in the Joint Aquatic Resource Permit Application (JARPA) dated February 10, 2006, and in the Wetland Mitigation Conceptual design for the Hillsdale Heights Redevelopment - Tacoma, Washington dated February 2006, or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in the Joint Aquatic Resource Permit Application received February 10, 2006, and in the Wetland Mitigation Conceptual design for the Hillsdale Heights Redevelopment - Tacoma, Washington dated February 2006, or as otherwise approved by Ecology.
3. Compensatory mitigation construction and installation shall occur prior to or concurrently with, project impacts to wetlands.
4. Tacoma Housing Authority shall provide access to the project site and all mitigation sites upon request by Ecology.
5. An "as built" report shall be prepared after construction showing any variances from the final mitigation plan. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:

- final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
- photographs of the area taken from permanent photo points which will be designated on the site plan; and,
- the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting.

A copy of the "as-built" report and drawings shall be sent to Ecology's Southwest Regional Office Attn: Gretchen Lux at P.O. Box 47775, Olympia, WA 98504-7775, within 60 days of completing construction and planting, and in no case later than December 31 of the year that construction is completed.

6. Monitoring and Contingency Plan: Mitigation efforts shall be monitored for compliance with the performance standards referenced in Section 3 4.1 of the "Wetland Mitigation Conceptual Plan" Wetland Mitigation Conceptual Design for the Hillsdale Heights Redevelopment, Tacoma, Washington dated February 2006.
 - A.) A written report describing the monitoring results will be submitted to the Department of Ecology's Southwest Regional Office Attn: Gretchen Lux, the first, third, and fifth years after completion of the mitigation installation
 - B.) Prior to implementing any contingency measures, applicant will consult with permitting agencies.
 - C.) Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
 - D.) Any changes to the mitigation plan or monitoring requirements must be approved by Ecology before they are incorporated into the plan or implemented on the ground.
7. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
8. 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.
9. 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.

Appeal Process:

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:

Loree' Randall
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 this 17 day of MARCH, 2006, at Olympia, Washington.



Perry J. Lund
Unit Supervisor
Shorelands and Environmental Assistance Program

