STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 10, 2007

REGISTERED MAIL
RB 252 944 920 US

Spacemaster Construction, LLC
Mr. Patrick McGraw
1205 NW 20th Avenue
Vancouver, WA 98685

RE: **Administrative Order No 4216:** Administrative Order for **placement of fill in 0.25 acre of isolated wetlands** as part of a residential subdivision, located south of E. Southview Heights Drive and north of E. 7th Avenue in the City of La Center, in Clark County, Washington. U.S. Army Corps of Engineers (Corps) Reference #200600447

Dear Mr. McGraw:

The request for an administrative order for proposed work in isolated wetlands for a residential subdivision and two access roads on the property located south of E. Southview Heights Drive and north of E. 7th Avenue in the City of La Center, 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 under NWP 39 (Corps Reference #200600447).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Randi Redick at (360) 407-7391. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Paula Ehlers

Paula Ehlers
Section Manager
Shorelands and Environmental Assistance Program

PE:RR:dn
Enclosure

cc: Tina Tong, U.S. Army Corps of Engineers
Steve Kay, NW Land Development
Penny Keys, Ecology
Loree' Randall, Ecology

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY SPACEMASTER CONSTRUCTION, LLC., FOR AN ADMINISTRATIVE ORDER TO CONDUCT WORK IN ISOLATED WETLANDS	))))	ORDER NO. 4216

To: Spacemaster Construction, LLC
Attn: Patrick McGraw
12505 NW 20th Avenue
Vancouver, WA 98685

This is an Administrative Order requiring Spacemaster Construction, 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 Spacemaster Construction, LLC, to place fill in wetlands that are under U.S. Army Corps of Engineers jurisdiction (Corps Reference #200600447). Ecology has already issued a letter of verification on April 10, 2007 for that activity.

On April 17, 2006, Spacemaster Construction, LLC, submitted a request to Ecology to impact 0.25 acres of isolated wetlands to build a 14 lot residential subdivision. The project will develop a 3.87 acre site at south of E. Southview Heights Drive and north of E. 7th Avenue (S 3, T 4N, R 1E) in the City of La Center, in Clark County, Washington.

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

IT IS ORDERED that Spacemaster Construction, LLC, shall comply with the following:

1. Wetland compensatory mitigation and monitoring for the wetland fill shall be performed as described in: (1) the Wetland Mitigation Plan (Mitigation Plan), Dana Heights Residential Subdivision, dated January, 2006, by SWCA Environmental Consulting, and accompanying drawings; (2) the revised addendum to this plan (Addendum), dated January, 2006, except as modified in this Order.

   a) Timing: The wetland restoration and enhancement described in the Mitigation Plan and Addendum shall be implemented concurrently with site construction for the development. Buffers affected temporarily by site construction shall be restored during the first planting season after these areas are no longer needed for construction access or storage.

   b) Construction Monitoring: Grading and plant installation for wetland and buffer mitigation shall be monitored during construction by a qualified wetland ecologist to ensure proper elevations and that plants are appropriately placed.

c) Performance Standards: The performance of the wetland and buffer mitigation shall be measured by the standards listed under the Performance Standards sections of the Wetland Mitigation and the Addendum.

d) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as specified in the Monitoring Plan sections of the Mitigation Plan and Addendum. **Two (2) copies of all monitoring reports shall be submitted to Federal Permit Manager, Shorelands and Environmental Assistance Program, PO Box 47775, Olympia, WA 98504-7775,** identified with Order No. 4216. Copies should also be submitted to Clark County.

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 sections of the Mitigation Plan and Addendum.

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 sections of the Mitigation Plan and Addendum.

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 Federal Permit Manager, Shorelands and Environmental Assistance Program, PO Box 47775, Olympia, WA 98504-7775, within 60 days of completing mitigation construction and planting.

2. During the monitoring period, Spacemaster Construction, LLC, shall provide access to the project site upon request by Ecology.

3. This Order does not exempt the Applicant from 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 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:

Federal Permit Appeals Coordinator
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 April 10, 2007 Lacey, Washington.

Paula Ehlers

Paula Ehlers
Section Manager
Shorelands and Environmental Assistance Program