



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 20, 2008

REGISTERED MAIL
RB 252 945 514 US

Clark County Public Works
1300 Franklin Street
Vancouver, WA 98666-9810

RE: Administrative Order 5448 for NE 88th Street Improvements impacting 0.08 of an acre of isolated wetlands Vancouver, Clark County Washington

Dear Applicant:

The request for an administrative order for proposed work in the isolated wetland in Vancouver, 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
Southwest Regional Office
Shorelands and Environmental Assistance Program

PJL:SML:dn
Enclosure

cc: Sandra Manning, U.S. Army Corps of Engineers
Susan Cunningham, Vigil-Agrimis, Inc.

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)
CLARK COUNTY DEPARTMENT OF PUBLIC WORKS)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 5448
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Clark County Public Works
PO Box 9810
Vancouver, WA 98666-9810

This is an Administrative Order requiring Clark County Department of Public Works 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 January 17, 2008, Clark County Department of Public Works submitted a request to directly impact 0.08 of an acre of isolated wetlands and indirectly impact 1.07 acres of isolated wetlands to construct the 88th Street Improvements Project and Halber Storm Facility in Clark County.

Mitigation for this proposal includes:

1. Enhancement of 0.08 acres of wetland buffer by planting wetland trees and shrubs at the edge of wetland 'B' along NE 88th Street.
2. Creation of 1.07 acres of wetland by extending wetland 'E' through re-grading and planting. This wetland will consist of 0.47 acres of forested wetland, 0.45 acres of scrub shrub wetland, and 0.15 acres of emergent wetland.
3. Enhance 0.08 acres of wetland buffer by planting wetland trees and shrubs at the edge of wetland 'E' along NE 88th Street.
4. Enhancement of 0.84 acres of wetland buffer around the three created wetland stormwater treatment facilities.
5. Create 1.06 acres of Oak woodland to compensate for the wetland buffer impacts.

For purposes of this Order, the term "Applicant" shall mean Clark County Public Works and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48 120(1):

IT IS ORDERED that Clark County Department of Public Works shall comply with the following:

1. Clark County Department of Public Works shall construct and operate the project in a manner consistent with the project description contained in the JARPA, received by Ecology January 17, 2008, or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in the compensatory mitigation proposal, *Wetland & Habitat Mitigation Plan*, dated April 6, 2004
3. Clark County Public Works 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
PO 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>
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 20th day of March, 2008, at Lacey, Washington.



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

