



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 14, 2005

**REGISTERED MAIL**  
**RR 359 893 828 US**

Island Construction  
ATTN: John Williams  
Post Office Box 399  
Oak Harbor, WA 98277

Dear Mr. Williams:

RE: **Administrative Order No. 2869:** Administrative Order for **placement of fill in 540 square foot isolated wetland** as part of development of a townhouse residential development on Tax Parcel # P25889 in the City of Mount Vernon, Skagit County, Washington.  
U.S. Army Corps of Engineers Reference # 200500996

The request for an administrative order for proposed work in isolated wetlands for construction of a townhouse residential development on Tax Parcel #P25889 in the City of Mount Vernon, Skagit County, 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 Army Corps of Engineers.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Laura Casey at (425) 649-7148 or (425) 649-7000. Written comments can be sent to her at the Department of Ecology, Northwest Regional office, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008 or at [cala461@ecy.wa.gov](mailto:cala461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent  
Interim Section Manager  
Shorelands and Environmental Assistance Program

GT:RP:rc

cc: Randel Perry, U.S. Army Corps of Engineers  
Robert Whitefield, Skagit Wetlands & Critical Areas, Inc.  
Penny Keys, Ecology  
Loree' Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY )  
ISLAND CONSTRUCTION, INC. )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER NO. 2869  
CONDUCT WORK IN AN ISOLATED WETLAND )

To: Island Construction, Inc.  
ATTN: John Williams  
Post Office Box 399  
Oak Harbor, Washington 98277

This is an Administrative Order requiring Island Construction, Inc., 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. This Order does not authorize Island Construction, Inc., to place fill in wetlands that are under Army Corps of Engineers jurisdiction (Corps Reference No. 200500996).

On October 4, 2005, Island Construction, Inc., submitted a request to impact 540 square feet of an isolated wetland to enable construction of a townhouse residential development on Tax Parcel #P25889 in the City of Mount Vernon, Skagit County, Washington.

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

IT IS ORDERED that Island Construction, Inc. shall comply with the following:

1. Island Construction, Inc. shall construct and operate the project in a manner consistent with the project description contained in the Joint Aquatic Resources Permit Application dated August 22, 2005, or as otherwise approved by Ecology.
2. Island Construction, Inc. shall provide access to the project site upon request by Ecology.
3. This Order does not exempt 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 October 14, 2005 Bellevue, Washington.

  
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Geoff Tallent  
Interim Section Manager  
Shorelands and Environmental Assistance Program