



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341*

April 16, 2021

Patrick Sullivan
Habitat for Humanity Seattle
560 Naches Avenue SW, Suite 110
Renton, WA 98057

Re: Administrative Order No. 19904 to permanently fill/impact 893 ft² of non-federally regulated wetlands for Burien Demonstration Cottages in King County, Washington

Dear Patrick Sullivan:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on January 19, 2021, requesting an Administrative Order for proposed work in non-federally regulated wetlands. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Doug Gresham at (425) 429-1846. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar".

Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

Enclosure

Sent via email to: Patrick.sullivan@habitatskc.org

ecc: Amanda Nadjkovic, U.S. Army Corps of Engineers
Ryan Kahlo, Watershed Company
ECY RE FED PERMITS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)	ORDER # 19904
HABITAT FOR HUMANITY SEATTLE)	Corps AJD Ref # NWS-2021-86
FOR AN ADMINISTRATIVE ORDER TO)	
CONDUCT WORK IN NON-FEDERALLY)	
REGULATED WETLANDS)	

TO: Patrick Sullivan
Habitat for Humanity Seattle
560 Naches Avenue SW, Suite 110
Renton, WA 98057

This is an Administrative Order requiring Habitat for Humanity Seattle 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 19, 2021, Ecology received a request to impact 893 ft² of non-federally regulated wetland to construct the Burien Demonstration Cottages in Burien. This project consists of 40 townhome units, a community center, outdoor playground, access road, and 43 parking stalls. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on March 31, 2021. The site is located at 511- and 515- South 136th Street, Section 17, Township 23N, Range 4E, King County, in WRIA 9.

This Administrative Order authorizes 893 ft² of Category III wetland impacts at the project location. Offsite mitigation for this proposal will consist of purchasing 1.44 credits at King County Mitigation Reserves Program.

For purposes of this Order, the term “Applicant” shall mean Habitat for Humanity Seattle and its agents, assigns, and contractors.

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

IT IS ORDERED that the Applicant shall comply with the following:

A. General Conditions:

- A.1 The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on January 19, 2021 or as otherwise approved by Ecology.
- A.2 For purposes of this Order, all submittals required by its conditions shall be sent to Ecology’s Northwest Regional Office, Attn: Doug Gresham, SEA Program, PO Box

330316, Shoreline, WA 98133 or via e-mail to fednotification@ecy.wa.gov and a cc to doug.gresham@ecy.wa.gov. Any submittals shall reference Order No. 19904

- A.3 The Applicant shall provide access to the project site upon request by Ecology.
- A.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.
- A.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.
- A.6 The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.

B. Notification Requirements:

- B.1 The Applicant shall provide written notification (e-mail or mail) to Doug Gresham in Ecology's Northwest Regional Office, in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to the onset of any work on site
 - b. At least seven (7) days within the start of impacts to wetlands.
 - c. Immediately following a violation of the state water quality standards or any condition of this Order
 - d. Within fourteen (14) days after completion of construction.

C. Wetland Compensatory Mitigation Conditions:

- C.1 The Applicant shall mitigate wetland impacts as described in the In-Lieu Fee Plan-Burien Habitat for Humanity (hereafter called the "in-lieu fee plan") prepared by the Watershed Company, Inc., dated January 8, 2021 or as revised and approved by Ecology.
- C.2 Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 1.44 credits (credits) from the King County Mitigation Reserves Program. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.
- C.3 The Applicant shall notify and submit in writing to Ecology (see A.2) any proposed changes to the amount of wetland impacts, revision to the bank use plan, and/or submittal of new information for review and approval before work begins.

- C.4 The Applicant shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for additional temporal loss.
- C.5 If the Applicant has not purchased credits or completed the Burien Demonstration Cottages within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
- a) Burien Demonstration Cottages
 - b) When credits will be purchased
- With the:
- c) Reason for the delay
 - d) Expected date of completion
- The Applicant shall submit an updated written notification every 12 months thereafter until Burien Demonstration Cottages is complete and the required credits are purchased.

D. Timing:

- D.1 This Order shall remain in effect for a period of two years from the date of issuance unless otherwise modified by Ecology. 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.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608

Pollution Control Hearings Board
1111 Israel Road SW
STE 301
Tumwater, WA 98501

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

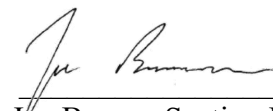
Doug Gresham
Department of Ecology
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133
(425) 429-1846
Doug.Gresham@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>

SIGNATURE

DATED this 16th day of April, 2021, at Bellevue, Washington.



4/16/2021

Joe Burcar, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program