



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 4, 2021

Jennifer Taylor
Clark County Public Works
1300 Franklin Street
Vancouver, WA 98660

Re: Administrative Order No. 20031 to permanently fill/impact 1.3 acres of non-federally regulated wetlands to construct a bioinfiltration stormwater detention/infiltration facility in Clark County, Washington

Dear Jennifer Taylor:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on April 16, 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 Miranda Adams at (360) 210-2783 or miranda.adams@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", is written over a blue circular stamp or seal.

Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Region

Enclosure

cc: Amanda Nadjkovic, U.S. Army Corps of Engineers
ECYREFEDPERMITS@ECY.WA.GOV

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER No. 20031
CLARK COUNTY PUBLIC WORKS)
FOR AN ADMINISTRATIVE ORDER TO) Corps Ref. No. #NWS-2021-180
CONDUCT WORK IN NON-FEDERALLY)
REGULATED WETLANDS)

TO: Clark County Public Works
Attn: Jennifer Taylor
1300 Franklin Street
Vancouver, WA 98660

This is an Administrative Order requiring Clark County 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.

Ecology received the Clark County Public Works Joint Aquatic Resources Permit Application (JARPA) on April 16, 2021, requesting an Administrative Order to impact 1.3 acres of non-federally regulated wetlands to construct the 99th Street Improvements Project Stormwater Facility in Clark County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on March 26, 2021. The site is located at parcel 200221364, SE ¼, S33, T3N, R2E, Clark County, and WRIA 28: Salmon – Washougal.

This Administrative Order authorizes 1.3 acres of Category 3 wetland impacts at the project location. Mitigation for this proposal will consist of 1.3 acres of credit purchase from the Curtin Creek Advanced Mitigation Site and all other actions as proposed in the Mitigation Site Use Plan Curtin Creek Advance Mitigation Site dated February 5, 2021, on Clark County parcel 986027418, SW 1/4,S29,T3N,R2E, NE 119th St and NE 87th Ave.

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 the Applicant shall comply with the following:

A. General Conditions:

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 April 16, 2021.

2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Miranda Adams, SEA Program, Vancouver Field Office, 12121 NE 99th St., Suite 2100, Vancouver, WA 98682 or via email to fednotification@ecy.wa.gov and a cc to miranda.adams@ecy.wa.gov. Any submittals shall reference Order No. 20031.
3. The Applicant shall provide access to the project site and mitigation site upon request by Ecology.
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 forepersons, 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.
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:

1. The Applicant shall provide written notification to Ecology in accordance with condition A.2. at least three (3) days prior to the start of construction at the project and mitigation site.
2. The Applicant shall provide written notification to Ecology in accordance with condition A.2. within fourteen (14) days after completion of construction.

NOTE: These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

C. Wetland Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the Mitigation Site Use Plan Curtin Creek Advance Mitigation Site (hereafter called the "Mitigation Plan") prepared by Pam Schense, Clark County Public Works, and dated February 5, 2021.
2. Proof of credit transfer must occur prior to any impacts to wetlands.

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, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

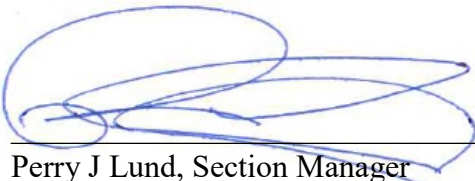
Please direct all questions about this Order to:

Miranda Adams, Shoreland and Wetlands Specialist
Department of Ecology, Vancouver Field Office
12121 NE 99th St., Suite 2100
Vancouver, WA 98682
360-210-2783
miranda.adams@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>

DATED May 4, 2021, at Olympia, Washington.



Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Region