



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

June 24, 2021

Joe Sievers
H.O. Seiffert Company
2320 Hewitt Avenue
Everett, WA 98201

RE: Administrative Order #20118 to permanently fill/impact 0.21 acres of non-federally regulated wetlands for Creekside Apartments in Snohomish County, Washington

Dear Joe Sievers:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on April 9, 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", is written over a faint, larger signature.

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

Enclosure

Sent via email to: joe@hoseiffert.com

cc: Amanda Nadjkovic, U.S. Army Corps of Engineers
Katy Crandall, Watershed Company
ecyrefedpermits@ecy.wa.gov

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

| | | |
|---------------------------------|---|------------------------------|
| IN THE MATTER OF THE REQUEST BY |) | ORDER # 20118 |
| CREEKSIDE 2020, LLC |) | Corps AJD Ref # NWS-2015-522 |
| FOR AN ADMINISTRATIVE ORDER TO |) | |
| CONDUCT WORK IN NON-FEDERALLY |) | |
| REGULATED WETLANDS |) | |

TO: Joe Sievers
H.O. Seiffert Company
2320 Hewitt Avenue
Everett, WA 98201

This is an Administrative Order requiring Creekside 2020, LLC 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 April 9, 2021, Ecology received a request to impact 7,188 ft² of non-federally regulated wetland and 1,478 ft² of buffer to construct the Creekside Apartments residential development in the City of Stanwood. This project consists of a 60-unit multi-family apartment complex within four buildings, a 95-vehicle parking lot, and associated facilities. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on September 19, 2016. The site is located at 7011 Pioneer Highway NW, Section 29, Township 32N, Range 4E, Snohomish County, in WRIA 5.

This Administrative Order authorizes 7,188 ft² of non-federally regulated wetland and 1,478 ft² of buffer impacts at the project location. Mitigation for this proposal will consist of purchasing 0.191 credits at the Nookachamps Wetland Mitigation Bank.

For purposes of this Order, the term “Applicant” shall mean Creekside 2020, LLC 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 April 9, 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 via e-mail to

fednotification@ecy.wa.gov and a cc to doug.gresham@ecy.wa.gov. Any submittals shall reference Order No. 20118.

- A.3 The Applicant shall provide access to the project site and mitigation 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 *Nookachamps Mitigation Bank Use Plan for Creekside 2020, LLC* (hereafter called the "bank use plan") prepared by the Watershed Company, and dated June 21, 2021, or as modified by this Order or 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 0.191 wetland mitigation bank credits (credits) from the Nookachamps Wetland Mitigation Bank. 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 Creekside Apartments within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
- a) The Creekside Apartments
 - 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 Creekside Apartments 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 Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501 | Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |

CONTACT INFORMATION

Please direct all questions about this Order to:

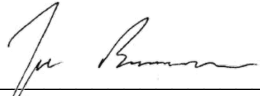
Doug Gresham
Department of Ecology
Northwest Regional Office
(425) 429-1846
Doug.Gresham@ecy.wa.gov

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 24th day of June 2021, at Shoreline, Washington.

A handwritten signature in black ink, appearing to read "Joe Burcar", is written above a horizontal line.

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