



Recipient was updated from the
07/20/2021 Administrative Order (AO)
that was sent out. This replaces that
AO.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 22, 2021

Carl Skoro
1635 SE Grand Ave.
Portland, OR 97214

Re: Administrative Order No. 20193 to permanently fill/impact 0.40 acres and indirectly impact 0.05 acres of non-federally regulated wetlands in order to construct a commercial business in Ridgefield, Washington

Dear Carl Skoro:

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 Miranda Adams at (360) 210-2783 or via email at 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.

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

Enclosure

cc: James Carsner, U.S. Army Corps of Engineers
ecyrefedpermits@ecy.wa.gov
Bob Schatz

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER No. 20193
CARL SKORO)
FOR AN ADMINISTRATIVE ORDER TO) Corps Ref. No. #NWS-2021-49
CONDUCT WORK IN NON-FEDERALLY)
REGULATED WETLANDS)

TO: Carl Skoro
1635 SE Grand Ave.
Portland, OR 97214

This is an Administrative Order requiring Carl Skoro 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 Carl Skoro Joint Aquatic Resources Permit Application (JARPA) on April 9, 2021, requesting an Administrative Order to directly impact 0.40 acres and indirectly impact 0.05 acres of non-federally regulated wetlands to construct Marion's Carpets commercial business in Clark County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on March 19, 2021. The site is located at 17108 NE 10th Avenue in Ridgefield, Washington, 98642, NE 1/4, Section 15, T3N, R1E, Clark County, and in the Salmon-Washougal watershed (WRIA 28).

This Administrative Order authorizes 0.40 acres of direct impacts and 0.05 acres of indirect impacts to Category IV wetlands at the project location. Mitigation for this proposal will consist be compensated for through the purchase of 0.45 mitigation credits from the East Fork Lewis River Mitigation Bank and all other actions as proposed in the *Bank Use Plan for Marion's Carpets Commercial Project* dated May 9, 2021.

For purposes of this Order, the term "Applicant" shall mean Carl Skoro and their 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 9, 2021, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Vancouver Field Office, Attn: Miranda Adams, SEA Program, 12121 NE 99th St. Suite 2100, Vanocuver, WA 98682 or via email to fednotification@ecy.wa.gov and an cc to miranda.adams@ecy.wa.gov. Any submittals shall reference Order No. 20193.
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 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 *Bank Use Plan for Marion's Carpets Commercial Project* (hereafter called the "Mitigation Plan")

- prepared by Stephanie James of Turnstone Environmental Consultants, Inc., and dated May 9, 2021 or as modified by this Order or revised and approved by Ecology.
2. This Administrative Order is not effective until such time that proof of mitigation credit purchase by the applicant has been sent to Ecology; therefore, wetland impacts must not occur prior to purchase of mitigation credits.

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
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>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

DATED July 22, 2021 at Olympia, Washington.



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