



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
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July 30, 2021

Sound Transit
Attn: Rebecca McAndrew
401 South Jackson Street
Seattle, WA 98104

Re: Administrative Order No. 20403 to permanently fill/impact 0.02 acres of non-federally regulated wetlands for Federal Way Link Extension in King County, Washington

Dear Rebecca McAndrew:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on July 21, 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,

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

Enclosure

Sent via email to: Rebecca.McAndrew@SoundTransit.org

cc: Kristin McDermott, U.S. Army Corps of Engineers
Katie Walter, Shannon & Wilson
ECY RE FED PERMITS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER # 20403
SOUND TRANSIT) Corps Ref # NWS-2013-697
FOR AN ADMINISTRATIVE ORDER TO)
CONDUCT WORK IN NON-FEDERALLY)
REGULATED WETLANDS)

TO: Sound Transit
Attn: Rebecca McAndrew
401 South Jackson Street
Seattle, WA 98104

This is an Administrative Order (AO) requiring Sound Transit 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 AO 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 July 21, 2021 Ecology received a request to impact 0.02 acres of non-federally regulated wetland (Wetland WFW-25-2b) to construct the Federal Way Link Extension in King County. The U.S. Army Corps of Engineers (Corps) declined to take jurisdiction over Wetland WFW-25-2b on May 10, 2021.

The light rail guideway in the vicinity of Wetland WFW-25-2b is located on the west side of I-5 and is at-grade. The wetland is located near 27610 27th Avenue South, Section 33, Township 22N, Range 4E, King County, in WRIA 9. This project will extend the Sound Transit Link light rail system from Angle Lake Station in the city of SeaTac south to the cities of Des Moines, Kent, and Federal Way. The 7.8-mile project alignment generally follows I-5, one of the major north-south routes through the project corridor.

This AO authorizes 0.02 acres of Category III wetland impacts at the project location. Offsite mitigation for this proposal will consist of purchasing 0.96 credits from the King County Mitigation Reserves Program.

For purposes of this AO, the term “Applicant” shall mean Sound Transit and its agents, assignees, 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 July 21, 2021 or as otherwise approved by Ecology.
- A.2 For purposes of this AO, all submittals required by its conditions shall be sent to Ecology's Headquarters Office, Attn: Federal Permit Manager, via e-mail to fednotification@ecy.wa.gov and cc to doug.gresham@ecy.wa.gov. Any submittals shall reference Order No. 20403
- A.3 The Applicant shall provide access to the project site upon request by Ecology.
- A.4 Copies of this AO 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 AO 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 AO. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this AO and the above-referenced permits, plans, documents and approvals. **These statements shall be provided to Ecology before construction begins at the project.**

B. Notification Requirements:

- B.1 The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to fednotification@ecy.wa.gov and cc to doug.gresham@ecy.wa.gov., in accordance with condition A.2 above for the following activities:
- a. At least seven (7) days within the start of impacts to Wetland WFW-25-2b.
 - b. Immediately following a violation of the state water quality standards or any condition of this AO
 - c. 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 Wetland WFW-25-2b In-Lieu Fee Use Plan-for the Federal Way Link Extension Project (hereafter called the “in-lieu fee plan”) prepared by Shannon & Wilson, Inc., dated July 20, 2021 or as revised and approved by Ecology.
- C.2 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 in-lieu fee plan, and/or submittal of new information for review and approval before work begins.
- C.3 The Applicant shall obtain a Statement of Sale from the King County Mitigation Reserves Program (Sponsor) as documentation of purchase of 0.96 credits for this impact project. The Applicant shall submit a copy of the Statement of Sale to Ecology (see A.2) before impacting Wetland WFW-25-2b.
1. Documentation from the Sponsor shall include:
 - a. Ecology’s AO number,
 - b. AO issuance date,
 - c. Description of mitigation credits purchased,
 - d. Signatures from the Sponsor and the Applicant.
- 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 Federal Way Link Extension within 13 months of the date of this AO, the Applicant shall inform Ecology, in writing, of the status of
- a) Federal Way Link Extension
 - 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 Federal Way Link Extension is complete and the required credits are purchased.

D. Timing:

- D.1 This AO is valid until the Applicant meets all its requirements and the applicant has received written notification from Ecology to that effect.

You have a right to appeal this AO to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this AO. 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 AO:

- File your appeal and a copy of this AO 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 AO 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 AO to:

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

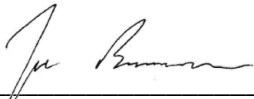
MORE INFORMATION

- **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 30th day of July, 2021, at Shoreline, Washington.



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

Attachment A

**Statement of Understanding
Administrative Order (AO) Conditions**

Federal Way Link Extension

AO # 20403

As the Project Proponent for the Federal Way Link Extension project, I have read and understand the conditions of Washington State Department of Ecology AO # 20403 and any permits, plans, documents, and approvals referenced in the AO. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this AO and any permits, plans, documents, and approvals referenced in the AO.

Signature _____ Date _____

Title _____ Phone _____

Company _____