



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
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August 17, 2021

Mark Verbarendse and
Vince Thomas
Cook Road LLC
2807 Norman Road
Stanwood, WA 98292

Re: Administrative Order No. 20475 to permanently fill/impact 0.083 of non-federally regulated wetlands to construct Cook Road Apartments in Skagit County, Washington

Dear Mark Verbarendse and Vince Thomas:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on June 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 Chris Luerkens at chris.luerkens@ecy.wa.gov or (360) 255-4399. 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 horizontal line.

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

Enclosure

Sent electronically to: vince@vincethomas.com and markquilceda.ex@gmail.com

e-cc: Randel Perry, Project Manager, U.S. Army Corps of Engineers
ECYREFEDPERMITS@ECY.WA.GOV
mharenda@cablespeed.com

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER No. 20475
COOK ROAD LLC) Corps Ref. No. NWS-2021-421
FOR AN ADMINISTRATIVE ORDER TO)
CONDUCT WORK IN NON-FEDERALLY)
REGULATED WETLANDS)

TO: COOK ROAD LLC
Attn: VINCE THOMAS and MARK VERBARENDSE
2807 NORMAN ROAD
STANWOOD, WA 98292

This is an Administrative Order requiring Cook Road 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 June 21, 2021 Ecology received a request to impact 0.083 acres of non-federally regulated wetlands to construct Cook Road Apartments in Skagit County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on May 3, 2021. The site is located at Cook Road, Sedro-Woolley, WA, 98284, Section 23, Township 35N, Range 4E, Skagit County, WRIA 3, Lower Skagit Valley.

The project consists of construction of a 28-unit residential apartment development in the R-15 zone, along with the required utilities, infrastructure, and landscaping. The site is one parcel, Parcel # P135457, and is 1.88 acres (81,904 square feet) in size.

This Administrative Order authorizes 0.083 acres of Category IV wetland impacts at the project location. Offsite Mitigation for both wetland (0.083 acres) and wetland buffer (0.273 acres) impacts will consist of the purchase of 0.125 credits from the Skagit Environmental Bank and all other actions as proposed in the Bank Use Plan for Cook Road Apartments Sedro-Woolley, Washington 98284 dated April 12, 2021. The Skagit Environmental Bank is located in WRIA 3, Mount Vernon, Skagit County, WA.

For purposes of this Order, the term “Applicant” shall mean Cook Road 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 June 21, 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 Bellingham Field Office, Attn: Chris Luerkens, Ecology, Bellingham Field Office, 913 Squalicum Way, Suite 101, Bellingham, WA 98225 or via e-mail to fednotification@ecy.wa.gov and a cc to chris.luerkens@ecy.wa.gov. Any submittals shall reference Order No. 20475.
- 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 forepersons, 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 to Ecology in accordance with condition A.2 above for the following activities:
 - a. At least three (3) days prior to the start of construction at the project site.
 - b. Within fourteen (14) days after completion of construction at the project site.
 - c. Immediately following a violation of the state water quality standards or any condition of this Order.

C. Wetland Compensatory Mitigation Conditions

- C.1 The Applicant shall mitigate wetland impacts as described in the Bank Use Plan for Cook Road Apartments Sedro-Woolley, Washington 98284 (hereafter called the “bank use plan”) prepared by Essency Environmental, LLC, and dated April 12, 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 0.125 acres wetland mitigation bank credits (credits) from the Skagit Environmental 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 of wetland functions.
- C.5 If the Applicant has not purchased credits or completed Cook Road Apartments within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
 - a) Cook Road Apartments
 - b) When credits will be purchasedWith the:
 - c) Reason for the delay
 - d) Expected date of completion.

The Applicant shall submit an updated written notification every 12 months thereafter until Cook Road Apartments are 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, 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:

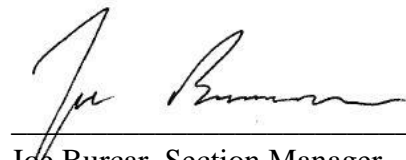
Chris Luerkens
Department of Ecology, Bellingham Field Office
913 Squalicum Way, Suite 101
Bellingham, WA 98225
(360) 255-4399
chris.luerkens@ecy.wa.gov

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 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **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 August 17, 2021 at Shoreline, Washington.



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