



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
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August 24, 2021

Reid Development Group LLC
Attn: Mike Reid
P.O. Box 1930
Woodinville, WA 98072

Re: Administrative Order No. 20682 to permanently fill/impact 5,847 ft² of non-federally regulated wetlands for the Nordstrom Property in Snohomish County, Washington

Dear Mike Reid:

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,

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

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

Sent by electronic mail to: reid_dev@comcast.net

Enclosure

ecc: Amanda Nadjkovic U.S. Army Corps of Engineers
Jon Pickett, Soundview Consultants
ECY RE FED PERMITS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)	ORDER # 20682
REID DEVELOPMENT GROUP LLC)	Corps Ref # NWS-2021-542
FOR AN ADMINISTRATIVE ORDER TO)	
CONDUCT WORK IN NON-FEDERALLY)	
REGULATED WETLANDS)	

TO: Reid Development Group LLC
Attn: Mike Reid
P.O. Box 1930
Woodinville, WA 98072

This is an Administrative Order (Order) requiring Reid Development Group 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 when 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 5,847 ft² of non-federally regulated wetlands to construct the Nordstrom Property residential development in Snohomish County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on July 14, 2021. The site is located at 4713 87th Avenue NE in Marysville, Section 36, Township 20N., Range 5E., Snohomish County, in WRIA 7.

This Administrative Order authorizes 5,847 ft² of Category IV wetland impacts at the project location. Offsite mitigation for this proposal will consist of purchasing 0.11 credits at the Snohomish Basin Mitigation Bank.

For purposes of this Order, the term “Applicant” shall mean Reid Development Group 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 July 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 Northwest Regional Office, Attn: Doug Gresham, SEA Program, or via e-mail

to fednotification@ecy.wa.gov and cc to doug.gresham@ecy.wa.gov. Any submittals shall reference Order No. 20682.

- A.3 The Applicant shall provide access to the project 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 three (3) days prior to the start of construction at the project site.
 - b. Immediately following a violation of the state water quality standards or any condition of this Order
 - 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 Conceptual Mitigation Plan for Nordstrom Property (hereafter called the "Mitigation Bank Use Plan") prepared by Soundview Consultants, LLC., and dated May 7, 2021, revised July 19, 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 0.11 wetland mitigation bank credits (credits) from the Snohomish Basin Mitigation Bank. This documentation must include the Ecology Order number, Order issuance date, impact acreage, the amount of credits required by the Order, and date of credit purchase.

- C. 3 The Applicant shall notify Ecology of any changes to the amount of wetland impacts, or revisions to the mitigation plan.
- 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 temporal loss of wetland functions.
- C.5 If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing of:
- a. The status of wetland impacts on the Nordstrom Property and an estimate of when bank credits will be purchased;
 - b. A description of the reason for the delay and an estimate of when bank credits will be purchased and project completed.

The Applicant shall submit an updated written notification every 12 months thereafter until Nordstrom Property is complete and the required credits are purchased.

D. Timing:

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

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 STE 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:

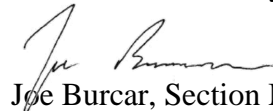
Department of Ecology, Northwest Regional Office
Attn: Doug Gresham
(425) 429-1846
Doug.Gresham@ecy.wa.gov

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 August, 2021, at Shoreline, Washington.



Joe Burcar, Section Manager

Northwest Regional Office, Shorelands and Environmental Assistance Program