



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 27, 2021

North Columbia Homes, LLC
Attn: Lacy Weed
PO Box 822396
Vancouver, WA 98682

Re: Administrative Order No. 20753 to permanently fill 1.26 acres and indirectly impact 0.98 acre of non-federally regulated wetlands to construct Hi Cedar Crossing in Clark County, Washington

Dear Lacy Weed:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on September 25, 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 circular stamp that partially overlaps the signature.

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

Enclosure

cc: Jim Carsner, U.S. Army Corps of Engineers
ECYREFEDPERMITS@ECY.WA.GOV

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)	ORDER No. 20753
NORTH COLUMBIA HOMES, LLC)	Corps Ref. No. NWS-2020-829
FOR AN ADMINISTRATIVE ORDER TO)	
CONDUCT WORK IN NON-FEDERALLY)	
REGULATED WETLANDS)	

TO: North Columbia Homes, LLC
ATTN: Lacy Weed
PO Box 822396
Vancouver, WA 98682

This is an Administrative Order requiring North Columbia Homes, 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 September 25, 2021, Ecology received a request to directly impact 1.14 acres of Category 3 and 0.12 acre of Category 2 and indirectly impact 0.98 acre of non-federally regulated wetlands to construct the Hi Cedar Crossing 47-lot residential subdivision in Clark County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on January 6, 2021. The site is located at 3305 SE Grace Ave., Battle Ground, WA 98604, S11, T3N, 2E, Clark County, in the Lewis/Salmon-Washougal WRIA (27/28).

This Administrative Order authorizes 1.14 acres of Category 3 and 0.12 acre Category 2 emergent, depressionnal direct wetland impacts and 0.98 acre Category 2 indirect impacts at the project location. Mitigation for this proposal will consist of purchasing 2.81 credits from the East Fork Lewis River Mitigation Bank as proposed in the *Wetland Bank Use Plan – Hi Cedar Crossing* dated September 14, 2021.

For purposes of this Order, the term “Applicant” shall mean North Columbia Homes, 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:

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 September 25, 2021, or as otherwise approved by Ecology.

2. For purposes of this Order, all submittals required by its conditions shall be sent to fednotification@ecy.wa.gov and a cc to miranda.adams@ecy.wa.gov. Any submittals shall reference Order No. 20753.
3. The Applicant shall provide access to the project 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. The Applicant shall provide Ecology a signed statement (Attachment A) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. **These statements shall be provided to Ecology before construction begins at the project.**

B. Wetland Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the *Wetland Bank Use Plan – Hi Cedar Crossing* (hereafter called the "Mitigation Plan") prepared by Jim Barnes of Cascadia Ecological Services, Inc. and dated September 14, 2021, or as modified by this Order or revised and approved by Ecology.
2. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 2.81 wetland mitigation bank credits from the East Fork Lewis River 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.
3. The Applicant shall notify Ecology of any changes to the amount of wetland impacts or revisions to the mitigation plan.
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.

5. If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
 - a. Hi Cedar Crossing development project
 - b. When bank 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 Hi Cedar Crossing is complete and the required credits are purchased.

6. On-site wetland protection - all remaining wetlands at the Hi Cedar Crossing project location shall be permanently demarcated with fencing (split-rail preferred) and signage that indicates the wetlands and wetland buffers are to remain in an undisturbed state and a restrictive covenant shall be placed on these wetlands and wetland buffers to prevent further encroachment or impact as a result of the residential development. The Applicant shall:
 - a. Request a restrictive covenant template from Ecology or use an appropriate alternative to develop a draft restrictive covenant.
 - b. Send the draft restrictive covenant to Ecology for review and approval prior to recording.
 - c. Record the Ecology-approved restrictive covenant with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
 - d. Record the restrictive covenant with a figure that corresponds with the legal description showing the area that is being protected, a copy of this Order, and a site map showing the location of wetlands and their buffers that are being protected.
 - e. Send a copy of the recorded restrictive covenant to Ecology.

C. Notification Requirements:

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. 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.

D. Timing

1. This Order will expire when all its conditions have been met and upon receipt of a mitigation closeout letter from 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

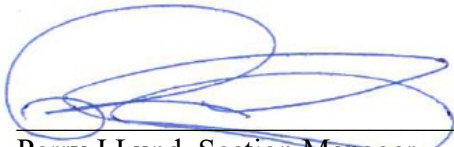
Please direct all questions about this Order to:

Miranda Adams
Department of Ecology
Vancouver Field Office
12121 NE 99th St., Suite 2100
Vancouver, WA 98682
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 September 27, 2021, at Olympia, Washington.



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

Attachment A
Statement of Understanding
Administrative Order Conditions

Hi Cedar Crossing
North Columbia Homes, LLC
Administrative Order No. **20753**

I, _____, state that I will be involved as an agent or contractor for North Columbia Homes, LLC in the site preparation and/or construction of the Hi Cedar Crossing located at 3305 SE Grace Ave., in Battle Ground, Clark County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Administrative Order No. 20753 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company