



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
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October 14, 2021

Prospect Development, LLC
Attn: Justin Holland
2913 5th Avenue NE
Puyallup, WA 98372

Re: Administrative Order No. 20763 to permanently fill/impact 1,549 square feet of non-federally regulated wetlands to construct 143rd Place, a residential development in King County, Washington

Dear Justin Holland:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on September 3, 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 Leah Beckett at 425-324-5590 or Leah.Beckett@ecy.wa.gov. 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 light blue horizontal line.

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

Enclosure

cc: Colleen Anderson, U.S. Army Corps of Engineers
Jon Pickett, Soundview Consultants, L.L.C.
ECYREFEDPERMITS@ECY.WA.GOV

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)	ORDER No. 20763
PROSPECT DEVELOPMENT, L.L.C.)	Corps Ref. No. NWS-2021-367
FOR AN ADMINISTRATIVE ORDER TO)	
CONDUCT WORK IN NON-FEDERALLY)	
REGULATED WETLANDS)	

TO: Prospect Development, LLC
Attn: Justin Holland
2913 5th Avenue NE
Puyallup, WA 98372

This is an Administrative Order requiring Prospect Development, 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 3, 2021, Ecology received a request to impact three non-federally regulated wetlands totaling 1,549 square feet to construct 143rd Place, a residential development, in King County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on August 23, 2021. The site is located at 26855 Northeast 143rd Place, Duvall, Section 24, Township 26 North, Range 6E, King County, WRIA 7 – Snohomish.

The project proposes to fill three, Category IV, non-federally regulated wetlands in order to construct a residential development consisting of 28 single family residences, an internal access road, utilities, and stormwater infrastructure.

This Administrative Order authorizes 1,549 square feet of Category IV wetland impacts at the project location. Offsite mitigation for this proposal will consist of the purchase of 0.031 acre credits from the Snohomish Basin Mitigation Bank and all other actions as proposed in the Conceptual Mitigation Plan 143rd Place dated December 2020.

For purposes of this Order, the term “Applicant” shall mean Prospect Development, 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 September 3, 2021, or as otherwise approved by Ecology.
- A.2 For purposes of this Order, all submittals required by its conditions shall be sent to fednotification@ecy.wa.gov and a cc to Leah.Beckett@ecy.wa.gov. Any submittals shall reference Order No. 20763.
- 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 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 seven (7) days prior to conducting work activities in wetlands
 - b. Immediately following a violation of the state water quality standards or any condition of this Order
 - c. Within seven (7) days of completing work activities in wetlands

C. Wetland Mitigation Conditions

- C. 1 The Applicant shall mitigate wetland impacts as described in Conceptual Mitigation Plan 143rd Place (hereafter called the "mitigation plan") prepared by Soundview Consultants, LLC, dated December 21, 2020, 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 or revisions to the mitigation plan before implementing the changes.
- C.3 Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.031 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.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 Applicant has not purchased credits within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
 - a. The work activities in wetlands at the 143rd Place residential 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 the wetland impacts at 143rd Place are complete and the required credits are purchased.

- C.6 Until the Applicant has received written notice from Ecology that the mitigation plan has been fully implemented, the Applicant's obligation under Condition C.1 to mitigate for wetland impacts is not met.

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, 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:

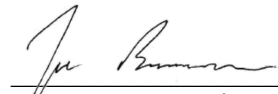
Department of Ecology
Northwest Regional Office
Attn: Leah Beckett
(425) 324-5590
Leah.Beckett@ecy.wa.gov

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 14th day of October, 2021, at Shoreline, Washington.



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