



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
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December 10, 2021

Achen Development  
ATTN: Kelly Achen  
20926 NE Allworth Road  
Battle Ground, WA 98604

RE: Water Quality Certification Order No. **20902** for Corps Reference No. NWS-2021-766,  
25th Street Townhomes, Wetlands, Battle Ground, Clark County, Washington

Dear Kelly Achen:

On July 30, 2021, Achen Development submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 25th Street Townhomes Project in Clark County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Lori Kingsbury at [Lori.kingsbury@ecy.wa.gov](mailto:Lori.kingsbury@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", is written over a circular stamp that partially obscures the signature.

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

Enclosure

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e-cc: James Carsner, Corps of Engineers  
Loree' Randall, Ecology, HQ SEA  
Miranda Adams, Ecology, SWRO SEA  
Lori Kingsbury, Ecology, SWRO SEA  
ECY RE FEDPERMITS

**IN THE MATTER OF GRANTING A ) ORDER No. 20902**  
**WATER QUALITY ) Corps Reference No. NWS-2021-766**  
**CERTIFICATION TO ) 25th Street Townhomes, Wetlands, Battle**  
Achen Development ) Ground, Clark County, Washington  
pursuant to 33 U.S.C. 1341 (FWPCA )  
§ 401), RCW 90.48.120, RCW 90.48.260 )  
and Chapter 173-201A WAC )

Achen Development  
Attn: Kelly Achen  
20926 NE Allworth Road  
Battle Ground, WA 98604

On July 30, 2021, Achen Development submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 25th Street Townhomes Project, Clark County, Washington. The following processing dates are referenced below:

- On August 19, 2021, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 29 and an individual Section 401 is required.
- On August 19, 2021, Ecology issued a public notice for the project.

This project proposes to construct a 28 lot subdivision consisting of two single-family residences and 26 townhomes on a 3.72-acres site with associated parking, roads, utilities, landscaping, and stormwater facilities.

The proposed project will directly impact 0.17-acres of Category III wetlands and 0.06-acre of Category IV wetlands. The project will also indirectly impact 0.05 acres of category III wetlands. To compensate for the wetland impacts, mitigation will be provided through the purchase of 0.25 credits from the Terrace Mitigation Bank.

The project site is located near 2500 SE Grace Avenue, Battle Ground, Clark County, Washington, NW Quarter of Section 11, Township 3 N, Range 2 East, within Water Resource Inventory Area (WRIA) 28, Salmon-Washougal Watershed.

With this Order, Ecology is granting Achen Development's request for a Section 401 Water Quality Certification for the 25th Street Townhomes Project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on July 30, 2021, and the following supporting documentation:

1. Bank Use Plan for the 25th Street Townhomes Project prepared by PBS Engineering and Environmental dated July 29, 2021.
2. Terrace Mitigation Bank LLC, Credit Reservation Documentation dated June 18, 2021.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that

materially alter the project, Achen Development must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Achen Development to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the Achen Development for the 25th Street Townhomes project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. 20902 will remain valid for the duration of the associated DA permit. Achen Development should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) within two weeks of receiving it.

## **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearings 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 all 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.

## **Filing an appeal with the PCHB:**

### **Mailing Address:**

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

### **Street Address:**

Pollution Control Hearings Board  
1111 Israel RD SW, Suite 301  
Tumwater, WA 98501

### **Serving a copy of the appeal on Ecology:**

**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

### **CONTACT INFORMATION**

Please direct all questions about this Order to:

Lori Kingsbury  
Department of Ecology  
PO Box 47775  
Olympia, WA 98504-7775  
Lori.kingsbury@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>

**SIGNATURE**



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

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