



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
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December 13, 2021

Woodin Creek Subdivision, LLC  
ATTN: Arthur Ryapolov  
275 W 3rd Street  
Vancouver, WA 98660

RE: Water Quality Certification Order No. **20877** for Corps Reference No. **NWS-2020-762**,  
Woodin Creek, Clark County, Washington

Dear Arthur Ryapolov:

On August 12, 2021, Woodin Creek Subdivision, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Woodin Creek, 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 by e-mail 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 blue circular stamp or seal.

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

Enclosure

Woodin Creek, Aquatics No. 139746  
Order No. 20877  
Corps No. NWS-2020-762  
December 13, 2021  
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e-cc: James Carsner, Corps of Engineers  
Annie Jean Rendleman, Ecological Land Services Inc.  
Lyall Crary and David Hager  
Loree' Randall, Ecology  
Lori Kingsbury, Ecology, SWRO  
Miranda Adams, Ecology, SWRO  
ecyrefedpermits@ecy.wa.gov

**IN THE MATTER OF GRANTING A ) ORDER No. 20877**  
**WATER QUALITY ) Corps Reference No. NWS-2020-762**  
**CERTIFICATION TO ) Woodin Creek, Wetlands, within the City of**  
Woodin Creek Subdivision, LLC ) Battle 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 )

Woodin Creek Subdivision, LLC  
Attn: Arthur Ryapolov  
275 W 3rd Street  
Vancouver, WA 98660

On August 12, 2021, Woodin Creek Subdivision, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Woodin Creek, Clark County, Washington. On August 17, 2021, Ecology issued a public notice for the project.

This project proposes to construct a residential development in seven construction phases. The development will include a 318-lot residential subdivision and a 180-unit apartment complex, associated parking, access roads, and stormwater detention facilities.

The project will directly impact 0.05 acres of Category 3 wetlands and indirectly impact 0.72 acres of Category 3 wetlands. To mitigate for impacts to wetlands, the Applicant will provide 0.44 acres of wetland enhancement and 0.63 acres of wetland buffer enhancement and will purchase 0.12 acres at Remy Consolidated Mitigation Site for the remaining 0.09 acres of indirect impacts that will not be mitigated on-site.

The project site is located at 18717 NE 122nd Avenue, Battle Ground, Clark County, Washington; SE Quarter, Section 10, Township 3 North, Range 2 East, within Water Resource Inventory Area (WRIA) 28 Salmon-Washougal Watershed.

With this Order, Ecology is granting Woodin Creek Subdivision, LLC's request for a Section 401 Water Quality Certification for the Woodin Creek project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 12, 2021, and the following supporting documentation:

1. Final Mitigation Plan prepared by Ecological Land Services for Woodin Creek Subdivision LLC, revised on October 14, 2021.
2. E-mail letter to Ecology dated December 8, 2021, with an Addendum to the Final Mitigation Plan.
3. E-mail letter to Ecology dated August 16, 2021, with attached SWPP.

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, Woodin Creek Subdivision, LLC 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 Woodin Creek Subdivision, LLC 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.

### **Special Conditions:**

1. The Applicant shall submit any proposed changes to the Mitigation Plan via e-mail to Ecology's Headquarters Office, at [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) with a copy to [Lori.kingsbury@ecy.wa.gov](mailto:Lori.kingsbury@ecy.wa.gov) for review and approval before implementing the changes.
2. The Applicant shall install a split-rail fence, or other wildlife-friendly barrier approved by Ecology, along the outer boundary of wetland buffers directly adjacent to lots and roads to limit intrusion, encroachment, and other impacts.
3. Signs to mark the area as a mitigation site shall be placed on the fence posts at the spacing intervals defined in the approved Mitigation Plan.

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 Woodin Creek Subdivision, LLC for the Woodin Creek 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. **20877** will remain valid for the duration of the associated DA permit. Woodin Creek Subdivision, LLC 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  
STE 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:

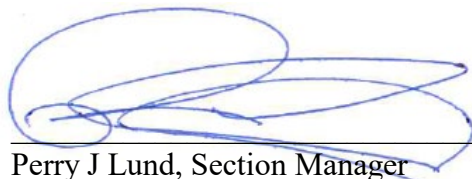
Lori Kingsbury  
Department of Ecology  
PO Box 47775  
Olympia, WA 98504-7775  
Lori.kingsbury@ecy.wa.gov

**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

December 13, 2021

Date