



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 14, 2021

Lakewood Investors, LLC
ATTN: Aaron Fuller
12030 Sunrise Valley Drive, Suite 450
Reston, VA 20191

RE: Water Quality Certification Order No. **20907** for Corps Reference No. **202100369**,
Jackson Villa 4, Lewis County, Washington

Dear Aaron Fuller:

On May 27, 2021, Lakewood Investors, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Jackson Villa 4, Lewis 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 Jennifer Riedmayer at (360) 995-3252. 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 blue stamp or seal.

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

Enclosure

Lakewood Investors, LLC
December 14, 2021
Page 2

e-cc: James Carsner, Corps of Engineers
Cassie Fuller, Fuller Designs
Tammy Baraconi, City of Chehalis
Zach Meyer, Ecology, Southwest Regional Office SEA Program
Lori Kingsbury, Ecology, Southwest Regional Office SEA Program
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A) ORDER No. 20907
WATER QUALITY) Corps Reference No. 202100369
CERTIFICATION TO) Jackson Villa 4 located within Upper Chehalis
Lakewood Investors LLC) *Watershed, Chehalis, Lewis County, Washington*
pursuant to 33 U.S.C. 1341 (FWPCA)
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

Lakewood Investors LLC
Attn: Aaron Fuller
12030 Sunrise Valley Drive, Suite 450
Reston, VA 20191

On May 27, 2021, Lakewood Investors LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Jackson Villa 4, Lewis County, Washington. The following processing dates are referenced below:

- On August 18, 2021, the U.S. Army Corps of Engineers (Corps) notified Ecology that they are reviewing the project for authorization under Nationwide Permit #29 and an individual Section 401 is required.
- On August 24, 2021, the U.S. Army Corps of Engineers (Corps) sent a provisional notification to Lakewood Investors LLC and Ecology that it had completed the majority of its review and was waiting for Ecology's WQC.
- On November 23, 2021, Ecology issued a public notice for the project.

This project proposes to construct a phased multi-family residential facility that will comprise of 21 duplexes and a single 23-unit apartment building, which includes street improvements, public supplied sewer and water, on-site parking, street lighting, and landscaping.

The first phase of the project will have no impacts to the wetland areas. The second phase will fill in 0.47 acres of a Category III wetland (Wetland A). The filling of Wetland A, which is approximately 20,473 square feet, will achieve the desired density for zoning in the City of Chehalis Residential Urban Growth Area. The project will use earthen fill from on-site and imported granular rock for foundations. None of the proposed activities is located within the 100-year floodplain. The project calls for the purchasing of 0.47 bank credits from the Chehalis Basin Wetland Mitigation Bank.

The project site is located at parcel number 0107991000 located on Jackson Highway, Upper Chehalis Watershed, Lewis County, Washington, Section 3, Township 13 N., Range 2 West, within Water Resource Inventory Area (WRIA) 23 Upper Chehalis.

With this Order, Ecology is granting Lakewood Investor LLC's request for a Section 401 Water Quality Certification for the Jackson Villa 4 project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments that Ecology received on May 27, 2021 and the following supporting documentation:

1. E-mail letter to Ecology dated April 15, 2021, regarding the project's Wetland Mitigation Bank Use Plan.
2. E-mail letter to Ecology dated May 27, 2021, regarding the project's Preliminary Drainage and Erosion Control Report.
3. E-mail letter to Ecology dated May 27, 2021, regarding the project's SEPA Environmental Checklist.
4. E-mail letter to Ecology dated August 13, 2021, regarding the project's Revised Wetland Mitigation Bank Use Plan.
5. E-mail letter to Ecology dated November 8, 2021, regarding the project's SEPA's Mitigated Determination of Nonsignificance.

Based on the information submitted, Ecology has determined that the discharge(s) from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Lakewood Investors 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 Lakewood Investors 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 Condition:

1. The Project Proponent shall comply with the conditions of the current Construction Stormwater General Permit (National Pollutant Discharge Elimination System - NPDES) issued for this project.

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 Lakewood Investors LLC for the Jackson Villa 4 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. **20907** will remain valid for the duration of the associated DA permit. Lakewood Investors LLC should send a copy of the final DA permit to 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 WQC Order to:

Jennifer Riedmayer
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Jennifer.Riedmayer@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 14, 2021
Date