



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

May 26, 2022

2003-WLD Bruntsfield, LLC
Attn.: Melanie Davies
1010 Market Street
Kirkland, WA 98033

**RE: Water Quality Certification Order No. 20749 for Corps Reference No. NWS-2021-439,
Bruntsfield, Snohomish County, Washington**

Dear Melanie Davies:

On June 1, 2021, 2003-WLD Bruntsfield, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Bruntsfield, Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice 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 Doug Gresham at (425) 429-1846 or via e-mail at doug.gresham@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

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

Date: 5/26/2022

Enclosure (1)

2003-WLD Bruntsfield, LLC

May 26, 2022

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Sent via email to: mdavies@westcotthomes.com

ecc: Kelly Werdick, Corps of Engineers
Mark Merklebach, Green Earth Operations
Todd Gray, Tulalip Tribe
Emily Swaim, Snohomish County
Jesse Dykstra, WDFW
Loree' Randall, Department of Ecology
ECY RE FEDPERMITS



IN THE MATTER OF GRANTING A)	ORDER No. 20749
WATER QUALITY CERTIFICATION TO)	Corps Ref # NWS-2021-439
2003-WLD Bruntsfield, LLC)	Bruntsfield project located within wetlands,
pursuant to 33 U.S.C. 1341 (FWPCA)	Lynnwood, Snohomish County, Washington.
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	
2003-WLD Bruntsfield, LLC)	

Attn.: Melanie Davies
1010 Market Street
Kirkland, WA 98033

On June 1, 2021, 2003-WLD Bruntsfield, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Bruntsfield project located in Snohomish County, Washington. On April 28, 2021, the WLD Bruntsfield, LLC submitted a pre-filing meeting request and on May 10, 2022 the Department of Ecology issued a public notice for the project.

The project involves construction of a 72-unit residential townhomes, and associated road network, parking areas, utilities, and stormwater infrastructure for water quality treatment. The 2,362 ft² of impacts to Category III wetlands will be mitigated on-site by 7,455 ft² of wetland rehabilitation/restoration. The project site is located at 14424 Madison Way in Lynnwood, Snohomish County, Washington, Section 35, Township 28N., Range 4E., within Water Resource Inventory Area (WRIA) 8 Cedar-Sammamish.

With this Order, Ecology is granting, 2003-WLD Bruntsfield, LLC's request for a Section 401 Water Quality Certification for the Bruntsfield project, provided the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments that Ecology received on June 1, 2021, and the supporting documentation identified in Table 1.

Table 1. Supporting Documents

Date Received	Document Type	Title & Date	Author
April 29, 2021	Endangered Species Act Compliance	<i>No Effect Letter for Bruntsfield Development</i>	Confluence Environmental Company
July 12, 2021	Stormwater Pollution Prevention Plan	<i>Draft Storm Water Pollution Prevention Plan for Bruntsfield Development</i>	CPH Consultants
July 12, 2021	Dewatering Plan	<i>Email coorespondence with justification that a Dewatering Plan was not needed.</i>	Green Earth Operations
May 6, 2022	Mitigation Plan	<i>Critical Areas Report and Compensatory Mitigation Plan for Bruntsfield Development, dated</i>	Green Earth Operations

		April 9, 2021, Revision 1: March 15, 2022, Revision 2: April 13, 2022.	
May 6, 2022	Mitigation Plan	Bruntsfield Stream and Wetland Compensatory Mitigation Drawings	Green Earth Operations

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, 2003-WLD Bruntsfield, 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 2003-WLD Bruntsfield, 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 WLD Bruntsfield, LLC shall mitigate wetland impacts as described in the *Critical Areas Report and Compensatory Mitigation Plan for Bruntsfield Development* as identified in Table 1 or as modified by this order.
 - *Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.*
 - *Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*
2. Work within waters of the state shall be conducted in the dry or during periods of low flow.
 - *Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.*

3. Prior to impacting 16,550 ft² of wetland buffers, the WLD Bruntsfield, LLC shall submit to Ecology documentation from the bank sponsor verifying the purchase of mitigation bank credits (credits) from the Keller Farm Mitigation Bank. This documentation must include the Ecology Order number, Order issuance date, impact acreage, the amount of credits purchased, and date of credit purchase.

- *Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the bank.*
- *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*

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 2003-WLD Bruntsfield, LLC for the Bruntsfield 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. 20749 will remain valid for the duration of the associated DA permit. 2003-WLD Bruntsfield, 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:

Doug Gresham
Department of Ecology
Northwest Regional Office
(425) 429-1846
Doug.Gresham@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>

Order No. 20749, Corps No. NWS-2021-439

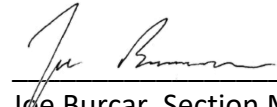
Aquatics No. 140494

May 26, 2022

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SIGNATURE

DATED this 26 day of May, 2022, at Shoreline, Washington.



Joe Burcar, Section Manager

Northwest Regional Office

Shorelands and Environmental Assistance Program