



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

June 28, 2022

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

Re: First Amendment for Administrative Order No. 20916, Corps Reference No. NWS-2020-762

Dear Arthur Ryapolov:

One June 22, 2022, The Department of Ecology received a request from Woodin Creek Subdivision, LLC to amend the project description provided in Administrative Order No. 20916.

Enclosed is an amendment to this Order, as well as a strikeout version of the issued Administrative Order that reflects the changes that have been made. All conditions of the Administrative Order remain in effect.

If you have any questions, please contact Lori White at (509) 379-1917 or e-mail Lori.White@ecy.wa.gov. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Maria Sandercock, Section Manager
Shorelands and Environmental Assistance Program
Southwest Region Office

Enclosure

ec: Jim Carsner, U.S. Army Corps of Engineers
Sam Crummett, City of Battle Ground
Annie Jean Rendlemen, Ecological Land Services
ECYREFEDPERMITS@ECY.WA.GOV



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF ISSUING AN) ORDER No. 20916
ADMINISTRATIVE ORDER TO) Corps Ref. No. NWS-2020-762
WOODIN CREEK SUBDIVISION, LLC)
pursuant to RCW 90.48.120(2))

TO: WOODIN CREEK SUBDIVISION, LLC
ATTN: ARTHUR RYAPOLOV
275 W 3RD STREET
VANCOUVER, WA 98660

On December 27, 2021, the Washington Department of Ecology (Ecology) issued an Administrative Order requiring Woodin Creek Subdivision, LLC to comply with Chapter 90.48 RCW and the rules and regulations of Ecology for the above-reference project.

Ecology received a request on June 22, 2022 to Amend the December 27, 2021 issued Administrative Order. The amendment is requested due to a change in the U.S. Army Corps of Engineers jurisdictional coverage of Wetland D as a result of the change in the definition of a water of the United States.

Administrative Order No. 20916 dated December 27, 2021 is hereby amended as follows:

The amendment is as follows

I. The project description starting with the third paragraph which reads:

On August 12, 2021, Ecology received a request to directly impact 0.79 acres and indirectly impact 0.13 acres of non-federally regulated wetlands to construct Woodin Creek Subdivision in Clark County.

This Administrative Order authorizes 0.15 acres direct and 0.13 acres indirect impacts to Category II wetlands, 0.19 acres direct impacts to Category III wetlands and 0.45 acres direct impacts to Category IV wetlands at the project location. Offsite mitigation for this proposal will consist of 2.21 acres of created/re-established or rehabilitated wetlands at the Remy Consolidated Mitigation Site and all other actions as proposed in the Final Mitigation Plan for Woodin Creek Subdivision, LLC, dated October 14, 2021.

Is replaced with:

On August 12, 2021, Ecology received a request to directly impact 0.39 acres and indirectly impact 0.13 acres of non-federally regulated wetlands to construct Woodin Creek Subdivision in Clark County.

This Administrative Order authorizes 0.15 acres direct and 0.13 acres indirect impacts to Category II wetlands, 0.19 acres direct impacts to Category III wetlands and 0.05 acres direct impacts to Category IV wetlands at the project location. Offsite mitigation for this proposal will consist of 1.29 acres of created/re-established or rehabilitated wetlands at the Remy Consolidated Mitigation Site and all other actions as proposed in the Final Mitigation Plan for Woodin Creek Subdivision, LLC, dated October 14, 2021.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through a supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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 White
Department of Ecology
Central Regional Office
1250 W Alder Street
Union Gap, WA 98903

(509) 575-2616
lori.white@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>



Maria Sandercock, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

June 28, 2022
Date

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER No. 20916
WOODIN CREEK SUBDIVISION, LLC) Corps Ref. No. NWS-2020-762
FOR AN ADMINISTRATIVE ORDER TO)
CONDUCT WORK IN NON-FEDERALLY)
REGULATED WETLANDS)

TO: WOODIN CREEK SUBDIVISION, LLC
ATTN: ARTHUR RYAPOLOV
275 W 3RD STREET
VANCOUVER, WA 98660

This is an Administrative Order requiring WOODIN CREEK SUBDIVISION, 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 April, 6, 2021, Ecology received a draft Joint Aquatic Resources Permit Application (JARPA) to impact wetlands and wetland buffers at 18717 NE 122nd Avenue in Battle Ground, Washington; Section 10, Township 3 North, and Range 2, and WRIA 28 (Salmon – Washougal) for the purpose of constructing a residential development. The development will occur in seven phases and will include a 318-lot residential subdivision and a 180-unit apartment complex, associated parking, access roads, and stormwater detention facilities.

The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on March 24, 2021. Impacts to federally jurisdictional wetlands were authorized by Ecology under separate cover (see Water Quality Certification No. 20877).

On August 12, 2021, Ecology received a request to directly impact ~~0.39~~ ~~0.79~~ acres and indirectly impact 0.13 acres of non-federally regulated wetlands to construct Woodin Creek Subdivision in Clark County.

This Administrative Order authorizes 0.15 acres direct and 0.13 acres indirect impacts to Category II wetlands, 0.19 acres direct impacts to Category III wetlands and ~~0.05~~ ~~0.45~~ acres direct impacts to Category IV wetlands at the project location. Offsite mitigation for this proposal will consist of ~~1.29~~ ~~2.24~~ acres of created/re-established or rehabilitated wetlands at the Remy Consolidated Mitigation Site and all other actions as proposed in the Final Mitigation Plan for Woodin Creek Subdivision, LLC, dated October 14, 2021.

For purposes of this Order, the term “Applicant” shall mean WOODIN CREEK SUBDIVISION, 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:

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 August 12, 2021, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to fednotification@ecy.wa.gov and a cc to miranda.adams@ecy.wa.gov. Any submittals shall reference Order No. 20916.
3. The Applicant shall provide access to the project site upon request by Ecology.
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.
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.
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:

1. The Applicant shall provide written notification to Ecology in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to the onset of any work on site.
 - b. At least seven (7) days within the start of impacts to wetlands.
 - c. Immediately following any violation of the state water quality standards or any condition of this Order.

- d. Within fourteen (14) days after completion of construction.

C. Wetland Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the Final Mitigation Plan prepared by Ecological Land Services for Woodin Creek Subdivision, LLC, revised on October 14, 2021 (hereafter referred to as the “Mitigation Plan”), or as modified by this Order or revised and approved by Ecology.
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.

Implementation

3. At the Woodin Creek project site, the Applicant shall install a split-rail fence, or other wildlife-friendly barrier approved by Ecology, along the outer boundary of wetlands and wetland buffers directly adjacent to lots and roads to limit intrusion, encroachment, and other impacts.
4. At the Woodin Creek project site, signs to mark the area as wetland and/or wetland buffer shall be placed on the fence posts at the spacing intervals defined in the approved Mitigation Plan.
5. The Applicant will purchase area at the Remy Consolidated Wetland Mitigation Site according to the “Mitigation Acreage and Purchase or Transfer Timing” section of the Mitigation Plan (pages 30 and 31). Within 60 days of the issuance of this Order, the Applicant shall submit the following to Ecology per Condition A.2:
 - a. Documentation of the mitigation transfer. This documentation shall include the legal description of the area within the Remy site used for mitigation for the Woodin Creek project.
 - b. A copy of the recorded notice that will be amended to the property title that identifies the legal portion of the site dedicated to the Woodin Creek project. Prior to submittal to Ecology, this notice shall be submitted to the Clark County Auditor’s office for filing, along with the Order number, the Order issuance date, and the amount of mitigation required by the Order.
6. Unless otherwise approved by Ecology in writing, the Applicant shall secure the required area at the Remy Consolidated Mitigation Site before impacting wetlands, or Ecology

may require additional compensation to account for additional temporal loss of wetland functions.

7. The Applicant shall ensure that the monitoring reports required in the Mitigation Plan are submitted to Ecology by December 31 of each monitoring year.

Timing

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.