



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

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

June 30, 2022

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

Re: Amendment to 401 Water Quality Certification Order No. 20877 for U.S. Army Corps of Engineers Reference No. NWS-2020-762, Woodin Creek, Wetlands, City of Battle Ground, Clark County, Washington

Dear Arthur Ryapolov:

Enclosed is an amendment to Water Quality Certification Order No. 20877, issued on December 13, 2021, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification Order No. 20877 remain in effect.

The purpose of this amendment is to amend the direct and indirect impacts to the Corps jurisdictional wetlands.

If you have any questions, please contact Jennifer Riedmayer at (360) 995-3252 or email at [Jennifer.riedmayer@ecy.wa.gov](mailto:Jennifer.riedmayer@ecy.wa.gov). The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Enclosure

ec: James Carsner, U.S. Army Corps of Engineers  
Annie Jean Rendleman, Ecological Land Services, Inc.  
Lyll Crary and David Hager  
Lori Kingsbury, Ecology-SWRO  
Lori White, Ecology-CRO  
Loree' Randall, Ecology-HQ  
Jennifer Riedmayer, Ecology-HQ  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

**IN THE MATTER OF GRANTING A ) ORDER No. 20877**  
**WATER QUALITY CERTIFICATION TO ) First Amendment**  
Woodin Creek Subdivision, LLC ) **Corps Reference No. NWS-2020-762**  
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 December 13, 2021, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Woodin Creek Subdivision, LLC for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on June 21, 2022, to amend the direct and indirect wetland impacts to the Corps jurisdictional wetlands.

Order No. 20877 dated December 13, 2021, is hereby amended as follows:

I. The third paragraph, which reads:

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.

Is replaced with:

The project will directly impact 0.05 acres of Category 3 wetlands (Wetland F) and 0.40 acres of Category IV wetlands (Wetland D) and indirectly impact 0.72 acres of Category 3 wetlands (Wetlands E, F, and G). To mitigate for impacts to wetlands, the Applicant will provide both onsite and offsite mitigation. Onsite mitigation includes 0.44 acres of wetland enhancement, 0.75 acres of wetland buffer enhancement of emergent areas, and 0.97 acres of wetland buffer enhancement of forested areas. Additional mitigation actions will occur as described in the Mitigation Plan and June 2022 amended tables. Offsite mitigation will consist of 1.04 acres of created/re-established or rehabilitated wetlands at the Remy Consolidated Mitigation Site (0.12 acres for the remaining 0.09 acres of indirect impacts that will not be mitigated on-site and 0.92 acres for impacts to Wetland D).

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental orders, 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:

Jennifer Riedmayer  
Department of Ecology  
Shorelands and Environmental Assistance Program-HQ  
(360) 995-3252  
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>

#### SIGNATURE



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

June 30, 2022

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

**IN THE MATTER OF GRANTING A ) ORDER No. 20877 – 1<sup>st</sup> Amendment**  
**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 3<sup>rd</sup> 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 (Wetland F) and 0.40 acres of Category IV wetlands (Wetland D) and indirectly impact 0.72 acres of Category 3 wetlands (Wetlands E, F, and G). To mitigate for impacts to wetlands, the Applicant will provide both onsite and offsite mitigation. Onsite mitigation includes 0.44 acres of wetland enhancement and 0.75 ~~0.63~~ acres of wetland buffer enhancement of emergent areas, 0.97 acres of onsite wetland buffer enhancement of forested areas. Additional mitigation actions will occur as described in the Mitigation Plan and June 2022 amended tables. Offsite mitigation will consist of 1.04 acres of created/ re-established or rehabilitated wetlands at the Remy Consolidated Mitigation Site (~~and will purchase~~ 0.12 acres for the remaining 0.09 acres of indirect impacts that will not be mitigated on-site and 0.92 acres for the impacts to Wetland D.) ~~for the remaining 0.09 acres of indirect impacts that will not be mitigated on-site.~~

The project site is located at 18717 NE 122<sup>nd</sup> 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.

**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](mailto:Lori.kingsbury@ecy.wa.gov)