



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 6, 2022

Laventure Group, LLC
Attn: Rex W. Orkney
129 Olympic Ave
Arlington, WA 98223

Re: Administrative Order No. **21417** to permanently fill/impact 0.37 acres of wetlands, which are waters of the state, to construct The Lofts project in Mount Vernon, Skagit County, Washington

Dear Rex W. Orkeny:

The Department of Ecology (Ecology) received your request for an Administrative Order (AO) Application on May 23, 2022, requesting authorization for proposed work in wetlands, which are waters of the state. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Chris Luerkens at (360) 410-4807 or Chris.Luerkens@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Enclosure (1)

Sent via email to: rexorkney@gmail.com

Laventure Group, LLC

October 6, 2022

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cc: Mark Merkelbach, Green Earth Operations

Kelly Werdick, U.S. Army Corps of Engineers

Rebecca Lowell, City of Mount Vernon

Chris Luerkens, Department of Ecology

ECYREFEDPERMITS@ECY.WA.GOV – Aquatics ID No 141695



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

IN THE MATTER OF ISSUING AN) ORDER No. 21417
ADMINISTRATIVE ORDER TO) The Lofts, wetland located in
Laventure Group, LLC) Skagit County, Washington
pursuant to RCW 90.48.120 and WAC 173-201A)

TO: Laventure Group, LLC
Attn: Rex W. Orkney
129 Olympic Ave
Arlington, WA 98223

This is an Administrative Order requiring Laventure Group, 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(2) 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 May 23, 2022, Ecology received a request to impact approximately 0.37 acres of wetlands, which are waters of the state, to construct The Lofts project in Skagit County. The project is located on an approximately 1.75 acre property within the City of Mount Vernon, approximately 200 feet north of the intersection of East Section Street and South LaVenture Road on the west side of South LaVenture Road, within Section 20, Township 34N, Range, 04E, Skagit County, and WRIA 3 (Lower Skagit/Samish).

This Administrative Order authorizes 0.37 acres of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of purchase of 0.32 credits from the Skagit Environmental Wetland Mitigation Bank along with all other actions as proposed in the *Wetland Mitigation Bank Use Plan*, written by Green Earth Operations, dated September 1, 2022.

For purposes of this Order, the term "Project Proponent" shall mean Laventure Group, LLC, and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the Project Proponent shall comply with the following:

A. General Conditions:

1. The Project Proponent shall construct and operate the project in a manner consistent with the project description contained in the Administrative Order (AO) Application received by Ecology on May 23, 2022 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 cc to chris.luerkens@ecy.wa.gov. Any submittals shall reference Order No. 21417.
3. The Project Proponent 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 Project Proponent 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 Project Proponent shall provide written notification to Ecology in accordance with condition A.2. for the following activities:
 - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any condition of this Order.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in the *Wetland Mitigation Bank Use Plan*, prepared by Green Earth Operation, dated September 1, 2022 (hereafter called the "Mitigation Plan"), or as revised and approved by Ecology.
2. The Project Proponent shall notify and submit in writing to Ecology (see A.2) any proposed changes to the amount of wetland impacts or revisions to Mitigation Plan before implementing the changes.
3. Prior to impacting wetlands, the Project Proponent shall submit to Ecology documentation from the bank sponsor verifying the purchase of **0.32** mitigation bank credits (credits) from the Skagit Environmental Wetland Mitigation Bank. This documentation must include the Ecology Order Number, Order issuance date, impact acreage, the amount of credits required by the Order, and date of credit purchase.
4. The Project Proponent shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for temporal loss of wetland functions.
5. If the Project Proponent has not purchased credits within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of
 - a) The Lofts project
 - b) When bank credits will be purchased

With the:

- c) Reason for the delay
- d) Expected date of completion

The Project Proponent shall submit an updated written notification every 12 months thereafter until The Lofts project is complete and the required credits are purchased.

6. Until the Project Proponent has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Project Proponent's obligation under Condition C.1 to mitigate for wetland impacts is not met.

D. Timing

1. This Order is valid until the Project Proponent meets all its requirements and the Project Proponent 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.

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 RCW 43.21B and WAC 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2). More information is available at <https://elaho.wa.gov/content/11>.

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
www.elaho.wa.gov/content/11

Filing by mail

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Filing electronically

Email address:

pchb-shbappeals@elaho.wa.gov

Filing in person (or by certified mail/courier)

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 98501

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)

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:

Chris Luerkens
Department of Ecology
Bellingham Field Office
(360) 410-4807
chris.luerkens@ecy.wa.gov

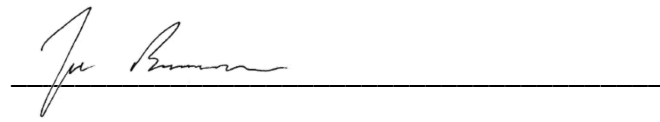
More information

- **Pollution Control Hearings Board Website**
[https:// elaho.wa.gov/content/11](https://elaho.wa.gov/content/11)
- **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 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature

Dated this 6th day of October, 2022 at the Department of Ecology, Shoreline, Washington.

A handwritten signature in black ink, appearing to read "Joe Burcar", is written over a horizontal line.

Joe Burcar, Section Manger
Northwest Regional Office
Shorelands and Environmental Assistance Program