



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

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

November 1, 2022

STCA, LLC
Attn: Peter Brennan
127 Bellevue Way SE, Suite 108
Bellevue, WA 98004

Re: Administrative Order No. **21430** to permanently fill/impact 0.016 acres of non-federally regulated wetlands, which are waters of the state, to construct Brownstones West in King County, Washington

Dear Peter Brennan:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on August 26, 2022 requesting authorization for proposed work in non-federally regulated 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 Leah Beckett at (425) 324-5590 or Leah.Beckett@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Joe Burcar, Section Manager
Northwest Region
Shorelands and Environmental Assistance Program

Enclosure (1)

Sent via email to: pete@innovationrealtypartners.com

cc: Matt Bennett, U.S. Army Corps of Engineers
Scott Brainard, Wetland Resources, Inc.
ECYREFEDPERMITS@ECY.WA.GOV

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

IN THE MATTER OF ISSUING AN) ORDER No. 21430
ADMINISTRATIVE ORDER TO) Corps Ref. No. NWS-2018-730
STCA, LLC) Brownstones West, Wetlands located in
pursuant to RCW 90.48.120 and WAC 173-201A) King County, Washington.

TO: STCA, LLC
Attn: Peter Brennan
127 Bellevue Way SE, Suite 108
Bellevue, WA 98004

This is an Administrative Order requiring STCA, 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.

The U.S. Army Corps of Engineers (Corps) issued a jurisdictional determination on June 20, 2019, concluding that Wetlands 1 and 2 are not waters of the U.S. On August 26, 2022 Ecology received a request to impact 0.016 acres of non-federally regulated wetlands, which are waters of the state, to construct Brownstones West in King County. The project is located at 22225 SE 4th Street, Sammamish, WA, 98074, Section 33, Township 25, Range 6, King County, and WRIA 8.

This Administrative Order authorizes 0.016 acres of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of the purchase of 0.013 credits from the Keller Farm Mitigation Bank as proposed in the *Mitigation Plan for STCA Brownstones West, Sammamish, WA, Wetland Resources, Inc. Project #18351* dated July 7, 2022.

For purposes of this Order, the term "Project Proponent" shall mean STCA, 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 JARPA received by Ecology on August 26, 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 Leah.Beckett@ecy.wa.gov. Any submittals shall reference Order No. 21430.
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 wetlands 1 and 2 impacts as described in *Mitigation Plan for STCA Brownstones West, Sammamish, WA, Wetland Resources, Inc. Project No. 18351* (hereafter called the "mitigation plan") prepared by Wetland Resources, Inc., dated July 7, 2022 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 the 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 0.013 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 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. Brownstones West
 - 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 Brownstones West 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://eluhwa.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.eluhwa.gov/content/11

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

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

Filing electronically

Email address:

pchb-shbappeals@eluhwa.gov

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:

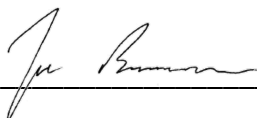
Leah Beckett
Department of Ecology
Northwest Region Office
(425) 324-5590
Leah.Beckett@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
[https:// eluh0.wa.gov/content/11](https://eluh0.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 1st day of November, 2022 at the Department of Ecology, Shoreline, Washington.



Joe Burcar, Section Manager
Northwest Region
Shorelands and Environmental Assistance Program