



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

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

February 28, 2023

Pacific Ridge - DRH, LLC
ATTN: John Mirante
17921 Bothell-Everett Highway, Suite 100
Bothell, WA 98012

Re: Water Quality Certification Order No. 21393 for Corps Reference No. NWS-2022-269, Harrison Pointe, Snohomish County, Washington

Dear John Mirante:

On March 22, 2022, Pacific Ridge – DRH, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Harrison Pointe project, in Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents 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 Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Doug Gresham at (425) 429-1846 or send an email to Doug.Gresham@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Burcar".

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

2/28/2023

Date

WQC Order 21393, Corps No. NWS-2022-269
Aquatics No. 141557
February 28, 2023
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By certified mail: 9171 9690 0935 0233 1189 68

Enclosure (1)

Sent via email to: JVMirante@drhorton.com

E-cc: Matt DeCaro, Soundview Consultants
Mae Ancheta, U.S. Army Corps of Engineers
Todd Gray, Tulalip Tribe
Allison O'Sullivan, Suquamish Tribe
Dennis Osborn, City of Everett
Doug Gresham, Department of Ecology
Loree' Randall, Department of Ecology
Shreejita Basu, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21393
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2022-269
Pacific Ridge – DRH, LLC)	<i>Harrison Pointe, Wetland A located in Everett,</i>
pursuant to 33 U.S.C. 1341 (FWPCA §)	<i>Snohomish County, Washington</i>
401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Pacific Ridge – DRH, LLC
 ATTN: John Mirante
 17921 Bothell-Everett Highway, Suite 100
 Bothell, WA 98012

On March 22, 2022, Pacific Ridge – DRH, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Harrison Pointe, Snohomish County, Washington. The following required processing dates are referenced below:

- On April 6, 2022, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 29 and requires an individual Section 401.
- On September 6, 2022, Ecology issued a public notice for the project.

This project proposes to construct a multi-family residential development with associated infrastructure such as internal access road, stormwater management, and associated utilities. The project will cause 6,113 ft² of direct impacts, 5,636 ft² of indirect impacts, and 1,086 ft² of buffer impacts to Wetland A. This will be mitigated by a combination of 15,622 ft² of on-site wetland creation and by purchasing 0.11 credits at the Keller Farm Mitigation Bank.

The project site is located adjacent to 9500 18th Avenue West in Everett, Snohomish County, Washington, Section 14, Township 28 N., Range 4 E., within Water Resource Inventory Area (WRIA) #8—Cedar-Sammamish.

With this WQC Order, Ecology is granting Pacific Ridge – DRH, LLC’s request for a Section 401 Water Quality Certification for the Harrison Pointe project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on October 24, 2022, and February 9, 2023.

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, Pacific Ridge – DRH, 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 Pacific Ridge – DRH, 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 Pacific Ridge – DRH, LLC from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special Conditions:

A. On-site Wetland Mitigation Conditions

1. Pacific Ridge – DRH, LLC shall mitigate wetland impacts as described in the *Conceptual Mitigation Plan for Harrison Pointe*, prepared by Soundview Consultants, dated February 8, 2023, or as required by this WQC Order.
 - *Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate 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 – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010 WAC.*

B. Wetland Mitigation Bank Conditions

1. Prior to impacting wetlands, Pacific Ridge – DRH, LLC shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.11 wetland mitigation bank credits from the Keller Farm Mitigation Bank. This documentation must include the Ecology WQC Order number, WQC Order issuance date, impact acreage, the amount of credits required by the WQC Order, 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, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.*
2. Unless otherwise authorized by this WQC Order, Pacific Ridge – DRH, LLC shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require

Pacific Ridge – DRH, LLC to provide additional compensation to account for additional temporal loss of wetland functions.

- *Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action through temporal loss of functions.*
- *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.*

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 Pacific Ridge – DRH, LLC for the Harrison Pointe 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. WQC Order No. 21393 will remain valid for the duration of the associated DA permit. Pacific Ridge – DRH, 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. The appeal process is governed by RCW 43.21B and WAC 371-08. “Date of receipt” is defined in RCW 43.21b.001 (2). More information is available at <https://eluh.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:
<https://elaho.wa.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

E-mail Address:

pchb-shbappeals@elaho.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department 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:

Doug Gresham
Department of Ecology
Northwest Regional Office
(425) 429-1846
doug.gresham@ecy.wa.gov

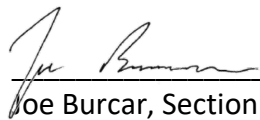
More Information

- **Pollution Control Hearings Board Website**
<http://www.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 173.204 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>

Signature

Dated this 28th day of February, 2023 at the Department of Ecology, Shoreline, Washington



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