



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 18, 2023

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

Re: Water Quality Certification Order No. **21451** for Corps Reference No. **NWS-2022-682**,
Eastview Village, Snohomish County, Washington

Dear John Mirante:

On August 30, 2022, Pacific Ridge – DRH, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Eastview Village project, 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,

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

WQC Order 21451, Corps No. NWS-2022-682
Aquatics No. 141844
April 18, 2023
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Enclosure (1)

By certified mail: 9171 9690 0935 0233 1185 55

Sent via email to: JVMirante@drhorton.com

E-cc: Matt DeCaro, Soundview Consultants
Tina Tong, U.S. Army Corps of Engineers
Todd Gray, Tulalip Tribe
Emily Swaim, Snohomish County
Doug Gresham, Department of Ecology
Loree' Randall, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21451
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2022-682
Pacific Ridge – DRH, LLC)	<i>Eastview Village, Wetland A located in</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

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

- On July 18, 2022, Pacific Ridge – DRH, LLC submitted a pre-filing meeting request.
- On August 30, 2022, Pacific Ridge – DRH, LLC submitted a request for a Section 401 Water Quality Certification.
- On October 22, 2022, the U.S. Army Corps of Engineers (Corps) sent a permit notification to Ecology that indicated that they are processing the project under Nationwide Permit (NWP) No. 29.
- On October 31, 2022, Ecology issued a public notice for the project.

The project proposes to re-develop the site of a previously constructed landfill with a mixed residential and commercial development. The proposed residential areas will include single-family residential lots and townhomes. The proposed project will impact a Category IV wetland (7,667 ft²). Offsite mitigation will compensate for these impacts through the purchase of 0.15 credits from the Snohomish Basin Mitigation Bank.

The project site is located at 8915 Cathcart Way, near the City of Snohomish, Snohomish County, Washington, Section 35, Township 28N., Range 5E., within Water Resource Inventory Area (WRIA) 7 – Snohomish River.

With this WQC Order, Ecology is granting Pacific Ridge – DRH, LLC’s request for a Section 401 Water Quality Certification for the Eastview Village project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 30, 2022, and the following supporting documentation:

Table 1. Supporting Documents

Date Received	Document Type	Title & Date	Author
August 30, 2022	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA for Eastview Village, dated August 23, 2022	Soundview Consultants
August 30, 2022	Stormwater Drainage Plan	Targeted Storm Drainage Report for Eastview Village, dated August 11, 2022	Core Design
August 30, 2022	Wetland Delineation	Wetland and Fish and Wildlife Habitat Assessment for Eastview Village, dated July 25, 2022	Soundview Consultants
August 30, 2022	Stormwater Pollution Prevention Plan (SWPPP)	SWPPP for Eastview Village, dated August 11, 2022	Core Design
October 13, 2022	Review Comments	Response to review comments by Emily Swaim at Snohomish County, dated August 1, 2022	Soundview Consultants
March 14, 2023	Mitigation Plan	Mitigation Plan for Eastview Village, dated March 13, 2023	Soundview Consultants

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 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. Prior to impacting Wetland A, Pacific Ridge – DRH, LLC shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.15 wetland mitigation bank credits from the Snohomish Basin 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 WAC.*
3. The Project Proponent shall obtain and comply with the conditions of the Construction Stormwater General Permit (National Pollutant Discharge Elimination System - NPDES) issued for this project.
- *Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.*
 - *Citation – Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, RCW 90.48.260, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, 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 Eastview Village 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. 21451 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://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:
<https://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

E-mail Address:

pchb-shbappeals@eluhwa.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 WQC 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.eluho.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>

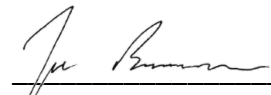
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Signature



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

4/18/2023

Date