



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 3, 2023

Groundhog Land Development Company LLC
ATTN: Joey Ferrick
505 106th Avenue NE, Suite 110
Bellevue, WA 98004

Re: Water Quality Certification Order No. **21618**, (Corps No. **NWS-2022-564**), Prospector 6,
Snohomish County, Washington

Dear Joey Ferrick:

On December 8, 2022, the Groundhog Land Development Company LLC, submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Prospector 6, 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 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 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

Enclosure (1)

WQC Order No. 21618, Corps No. NWS-2022-564
Aquatics ID No. 141961
May 3, 2023
Page 2 of 2

By certified mail: 9171 9690 0935 0233 1188 90

Sent via email to: Ferrickcg@kw.com

E-cc: Tina Tong, U.S. Army Corps of Engineers
Jon Pickett, Soundview Consultants
Doug Gresham, Department of Ecology
Rowan Kelsall, Department of Ecology
Loree' Randall, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21618
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2022-564
Groundhog Land Development)	Prospector 6 located within Wetlands A, B, and
Company LLC)	D; Marysville, Snohomish County, Washington
pursuant to 33 U.S.C. 1341 (FWPCA §)	
401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Groundhog Land Development Company LLC
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Groundhog Land Development Company LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Prospector 6, Snohomish County, Washington. The following required processing dates are referenced below:

- On August 22, 2022, Groundhog Land Development Company LLC submitted a pre-filing meeting request.
- On December 8, 2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On August 19, 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 February 1, 2023, Ecology issued a public notice for the project.

Groundhog Land Development Company LLC proposes to construct a residential development consisting of 25 single-family residential lots, internal access roads, recreational areas open space, and associated utilities and infrastructure. This will directly impact Wetland B (2,843 ft²); and indirectly impact Wetlands A (1,190 ft²) and Wetland D (3,568 ft²) for a total of 4,758 ft². These impacts would be compensated by purchasing 0.125 credits at the Snohomish Basin Mitigation Bank.

The project site is located at 5110 83rd Ave NE in Marysville, Snohomish County, Washington, Section 35, Township 30 N., Range 5 E., within Water Resource Inventory Area (WRIA) No. 7 Snohomish.

With this Order, Ecology is granting Groundhog Land Development Company LLC's request for a Section 401 Water Quality Certification for the Prospector 6 project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on December 8, 2022.

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, the Groundhog Land Development Company 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 the Groundhog Land Development Company 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 Groundhog Land Development Company 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. Wetland Mitigation Bank Conditions

1. Groundhog Land Development Company LLC shall mitigate wetland impacts as described in *Conceptual Mitigation Plan for Prospector 6*, prepared by Soundview Consultants, dated May 27, 2022, (hereafter called the "Mitigation Plan") or as required by this 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.*
2. Prior to impacting Wetlands A, B, and D; Groundhog Land Development Company LLC shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.125 wetland mitigation bank credits (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.*

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 Groundhog Land Development Company LLC for the Prospector 6 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. 21618 will remain valid for the duration of the associated DA permit. The Groundhog Land Development Company 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 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 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

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

Address and Location Information

Street Address:

Department of Ecology

Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

1111 Israel RD SW
STE 301
Tumwater, WA 98501

Mailing Addresses:

Department of Ecology

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

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see WAC 371-08)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

Contact Information

Please direct all questions about this WQC Order to:

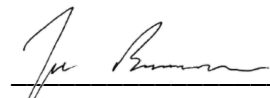
Doug Gresham
Department of Ecology
Northwest Regional Office
(425) 429-1846
Doug.Gresham@ecy.wa.gov

More Information

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



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

5/3/2023