



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Region Office

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

November 20, 2023

Reid Development Group LLC
ATTN: Mike Reid
PO Box 1930
Woodinville, WA 98072

Re: Water Quality Certification Order No. **21551** (Corps No. **NWS-2022-0845**),
87th Townhomes Project, Snohomish County, Washington

Dear Mike Reid:

On November 23, 2022, Reid Development Group LLC (Mike Reid) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 87th Townhomes 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 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 Region Office
Shorelands and Environmental Assistance Program

Enclosure (1)

WQC Order No. 21551, Corps No. NWS-2022-0845
Aquatics ID No. 142113
November 20, 2023
Page 2 of 2

By certified mail: 9171 9690 0935 0233 1187 22

Sent via e-mail: reid_dev@comcast.net

E-cc: Mae Ancheta, 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 Water Quality
Certification to Reid Development Group LLC (Mike Reid)
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC**

Reid Development Group LLC
ATTN: Mike Reid
PO Box 1930
Woodinville, WA 98072

WQC Order No.	21551
Corps Reference No.	NWS-2022-0845
Site Location	87 th Townhomes project, located within wetlands, Marysville, Snohomish County, Washington.

Reid Development Group LLC (Mike Reid) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 87th Townhomes project, Snohomish County, Washington. The following required processing dates are listed below:

- On October 18, 2022, the Reid Development Group LLC (Mike Reid) submitted a pre-filing meeting request.
- On November 23, 2022, Reid Development Group LLC (Mike Reid) submitted a Water Quality Certification request.
- On December 15, 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 (NWP) No. 29, which requires an individual Section 401.
- On January 4, 2023, Ecology issued a public notice for the project.

This project involves construction of 188 townhomes, internal access roads, and other associated infrastructure. Reid Development Group LLC (Mike Reid) proposes to discharge fill within: 17,164 square feet (0.39 acre) of Wetland A, a Category III depressional wetland; and within 1,231 square feet (0.03 acre) of Wetland B, a Category III depressional wetland for a total of 18,395 square feet of wetland fill (0.42 acre). To compensate for these impacts, the applicant proposes to purchase 0.42 credits from the Snohomish Basin Mitigation Bank.

The project site is located at 4018- and 4112- 87th Avenue NE, in Marysville, Snohomish County, Washington, Section 1, Township 29 N., Range 5 E., within Water Resource Inventory Area (WRIA) No. 7 - Snohomish.

With this WQC Order, Ecology is granting with conditions Reid Development Group LLC's (Mike Reid) request for a Section 401 Water Quality Certification for the 87th Townhomes project,

provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on November 23, 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, Reid Development Group LLC (Mike Reid) 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 Reid Development Group LLC (Mike Reid) 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 Reid Development Group LLC (Mike Reid) from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special Conditions:

Wetland Mitigation Bank Conditions

1. Reid Development Group LLC (Mike Reid) shall mitigate wetland impacts as described in Bank Use Plan for 87th Avenue Townhomes, prepared by Soundview Consultants, dated November 22, 2022, 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. Reid Development Group LLC (Mike Reid) shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.42 wetland mitigation bank credits (credits) from the Snohomish Basin 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.
 - 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.
3. Unless otherwise authorized by this WQC Order, Reid Development Group LLC (Mike Reid) shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require Reid Development Group LLC (Mike Reid) 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.

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 with conditions to Reid Development Group LLC (Mike Reid) for the 87th Townhomes 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. **21551** will remain valid for the duration of the associated DA permit. Reid Development Group LLC (Mike Reid) should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

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 information 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 mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

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

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov>
- **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 20th day of November 2023, at the Department of Ecology, Shoreline, Washington.



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