



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

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

February 5, 2024

Pacific Ridge-DRH, LLC
ATTN: Nicole Benert
17921 Bothell-Everett Hwy., Suite 100
Bothell, WA 98012

Re: Amendment to 401 Water Quality Certification Order No. **22061**
(Corps No. **NWS-2023-0309**), Trellis Townhomes project, Snohomish County,
Washington

Dear Nicole Benert:

Enclosed is an amendment to Water Quality Certification Order No. 22061, issued on December 13, 2023, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 22061 remain in effect.

The purpose of this amendment is to update the number of credits that will be purchased at the Keller Farm Mitigation Bank.

If you have any questions, please contact Doug Gresham at (425) 429-1846 or doug.gresham@ecy.wa.gov. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Enclosure (2)

By certified mail: 9171 9690 0935 0233 1187 53

WQC Order No. 22061, Corps No. NWS-2023-0309

Aquatics ID No. 142553

February 5, 2024

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Sent via email to: NMBenert@drhorton.com

E-cc: Mae Ancheta, U.S. Army Corps of Engineers
John Laufenberg, Wetland Resources
Todd Gray, Tulalip Tribe
Jesse Dykstra, WDFW
Loree' Randall, Department of Ecology
Doug Gresham, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Granting a Water Quality
Certification to Pacific Ridge-DRH, LLC (Nicole Benert)
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC**

Pacific Ridge-DRH, LLC
ATTN: Nicole Benert
17921 Bothell-Everett Hwy., Suite 100
Bothell, WA 98012

WQC Order No.	22061
Corps Reference No.	NWS-2023-0309
Site Location	Trellis Townhomes located within Wetland B, Lynnwood, Snohomish County, Washington.

On December 13, 2023, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Pacific Ridge-DRH, LLC (Nicole Benert) for the above reference project pursuant to the provision of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on December 21, 2023, to update the number of credits that will be purchased at the Keller Farm Mitigation Bank.

WQC Order No. 22061 dated December 13, 2023, is hereby amended as follows:

- I. Second paragraph of the project description, which currently reads:

This project proposes to construct 50 townhomes on the western portion of the property, along with associated roads and utilities. Road frontage improvements along Ash Way will require the filling of 99 ft² of Wetland B and 3,015 ft² of its buffer. This will be mitigated by purchasing 0.143 credits at the Keller Farm mitigation bank.

Is replaced with:

This project proposes to construct 50 townhomes on the western portion of the property, along with associated roads and utilities. Road frontage improvements along Ash Way will require the filling of 99 ft² of Wetland B and 3,015 ft² of its buffer. This will be mitigated by purchasing 0.0462 credits at the Keller Farm mitigation bank.

- II. Wetland Mitigation Condition number 2 which reads:

Pacific Ridge-DRH, LLC (Nicole Benert) shall submit to Ecology a Statement of Sale from the Keller Farm Mitigation Bank verifying the purchase of 0.143 credits for this impact project. 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.

Is replaced with:

Pacific Ridge-DRH, LLC (Nicole Benert) shall submit to Ecology a Statement of Sale from the Keller Farm Mitigation Bank verifying the purchase of 0.0462 credits for this impact project. 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.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended 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. 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

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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:

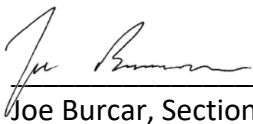
Doug Gresham
Department of Ecology
(425) 429-1846
doug.gresham@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.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 5th day of February 2024, at the Department of Ecology, Shoreline, Washington



Joe Burcar, Section Manager

Northwest Region Office

Shorelands and Environmental Assistance Program

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

**In The Matter of Granting a Water Quality
Certification to Pacific Ridge-DRH, LLC (Nicole Benert)
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC**

Pacific Ridge-DRH, LLC
ATTN: Nicole Benert
17921 Bothell-Everett Hwy., Suite 100
Bothell, WA 98012

WQC Order No.	22061, First Amendment
Corps Reference No.	NWS-2023-0309
Site Location	Trellis Townhomes located within Wetland B, Lynnwood, Snohomish County, Washington.

Pacific Ridge-DRH, LLC (Nicole Benert) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Trellis Townhomes project, Snohomish County, Washington. The following required processing dates are listed below:

- On April 4, 2023, Pacific Ridge-DRH, LLC (Nicole Benert) submitted a pre-filing meeting request.
- On May 12, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On May 31, 2023, 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. 14 and requires an individual Section 401.
- On June 13, 2023, Ecology issued a public notice for the project.

This project proposes to construct 50 townhomes on the western portion of the property, along with associated roads and utilities. Road frontage improvements along Ash Way will require the filling of 99 ft² of Wetland B and 3,015 ft² of its buffer. This will be mitigated by purchasing ~~0.143~~ **0.0462** credits at the Keller Farm mitigation bank.

The project site is a vacant lot located south of 16717 Alderwood Mall Parkway, in Snohomish County. This property is within Section 11, Township 27 N., and Range 4 E. This area is within Water Resource Inventory Area (WRIA) 8-Cedar/Sammamish basin.

With this WQC Order, Ecology is granting with conditions Pacific Ridge-DRH, LLC's (Nicole Benert) request for a Section 401 Water Quality Certification for the Trellis Townhomes project, provided that the activity is conducted in accordance with the Section 401 Water Quality

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Certification request and attachments Ecology received on May 12, 2023, and the following supporting documentation:

1. Joint Aquatic Resources Permit Application (JARPA) and drawings, prepared by Wetland Resources, received on November 20, 2023.
2. Wetland delineation report, dated March 15, 2023, prepared by Wetland Resources, and received on May 12, 2023.
3. Mitigation Bank Use Plan for Alderwood Mall Parkway Townhomes, prepared by Wetland Resources, and revised on November 17, 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 (Nicole Benert) 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 (Nicole Benert) 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 (Nicole Benert) from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Wetland Mitigation Conditions

1. Pacific Ridge-DRH, LLC (Nicole Benert) shall mitigate wetland impacts as described in the Mitigation Bank Use Plan for Alderwood Mall Parkway Townhomes, prepared by Wetland Resources, dated November 17, 2023, 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.

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2. Pacific Ridge-DRH, LLC (Nicole Benert) shall submit to Ecology a Statement of Sale from the Keller Farm Mitigation Bank verifying the purchase of ~~0.143~~ 0.0462 credits for this impact project. 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 in-lieu-fee program.
 - 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) and WAC 173-201A-300.
3. Unless otherwise authorized by this Order, Pacific Ridge-DRH, LLC (Nicole Benert) shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require the Project Proponent 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.
4. Pacific Ridge-DRH, LLC (Nicole Benert) shall obtain and comply with 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 – 40 CFR 122, 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 with conditions to Pacific Ridge-DRH, LLC (Nicole Benert) for the Trellis Townhomes project.

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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. **22061** will remain valid for the duration of the associated DA permit. Pacific Ridge-DRH, LLC (Nicole Benert) 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>.

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