



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

February 9, 2024

Pahlisch Homes at Sanderling Park LLC  
ATTN: Mike Morse  
210 SW Wilson Avenue, Suite 100  
Bend, OR 97702

Re: Water Quality Certification Order No. **22503** (Corps No. **NWS-2023-823**), Sanderling Park  
PUD Phases 4-7, Clark County, Washington

Dear Mike Morse:

On October 25, 2023, Pahlisch Homes at Sanderling Park LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sanderling Park PUD Phases 4-7, Clark 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 Meghan Tait at (360) 210-2783. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Maria Sandercock, Section Manager  
Southwest Region Office  
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6094 0259 32

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e-cc: Ari Sindel, U.S. Army Corps of Engineers  
Stacey Reed, AKS Engineering and Forestry  
Loree' Randall, Ecology  
Meghan Tait, Ecology  
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Granting a Water Quality  
Certification to Pahlisch Homes at Sanderling Park LLC  
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC**

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<b>WQC Order No.</b>	22503
<b>Corps Reference No.</b>	NWS-2023-823
<b>Site Location</b>	Sanderling Park PUD Phases 4-7 located within Wetland A, Ridgefield, Clark County, Washington.

Pahlisch Homes at Sanderling Park LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sanderling Park PUD Phases 4-7, Clark County, Washington. The following required processing dates are referenced below:

- On 8/15/2023, the Pahlisch Homes at Sanderling Park LLC submitted a pre-filing meeting request.
- On 10/25/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 10/27/2023, Ecology issued a public notice for the project.
- On 12/1/2023 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. 29 and requires an individual Section 401.

This project proposes to develop Phases 4-7 of a residential subdivision with a new collector road crossing a Category 2 wetland and replacement of existing culverts with fish passage culverts. Compensatory mitigation for wetland impacts will be provided through purchase of mitigation bank credits from the East Fork Lewis Mitigation Bank.

The project site is located at 23115 NW Hillhurst Rd, Ridgefield, Wetland A, Clark County, Washington, Section 33, Township 4 N., Range 1 E., within Water Resource Inventory Area (WRIA) 27-Lewis.

With this WQC Order, Ecology is granting with conditions Pahlisch Homes at Sanderling Park LLC's request for a Section 401 Water Quality Certification for the Sanderling Park PUD Phases 4-7 project, provided that the activity is conducted in accordance with the Section 401 Water

Quality Certification request and attachments Ecology received on 10/25/2023, and the following supporting documentation:

- Final Wetland Mitigation Bank Use Plan, dated January 16, 2024
- Bank Credit Availability Verification

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, Pahlisch Homes at Sanderling Park 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 Pahlisch Homes at Sanderling Park 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.

#### **Wetland Mitigation Conditions**

1. The Project Proponent shall mitigate wetland impacts as described in *Sanderling Park PUD Phase 4-7 Wetland Mitigation Bank Use Plan*, prepared by AKS Engineering & Forestry, LLC, dated January 2024, 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. The Project Proponent shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.42 wetland mitigation bank credits (credits) from the East Fork Lewis 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, the Project Proponent 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.*

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 the Pahlisch Homes at Sanderling Park LLC for the Sanderling Park PUD Phases 4-7 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. **22503** will remain valid for the duration of the associated DA permit. Pahlisch Homes at Sanderling Park LLC should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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.

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- 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://eluh.wa.gov/content/11>

### **Address and Location Information**

#### **Street Addresses:**

##### **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 Chapter 371-08 WAC)

##### **Pollution Control Hearings Board**

Pchb-shbappeals@eluh.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:

Meghan Tait  
Department of Ecology  
360-210-2783  
[Meghan.tait@ecy.wa.gov](mailto:Meghan.tait@ecy.wa.gov)

## More Information

- **[Pollution Control Hearings Board Website](http://www.eluho.wa.gov/content/11)**  
<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)**  
<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)**  
<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)**  
<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)**  
<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)**  
<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)**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

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- **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 9th day of February 2024, at the Department of Ecology, Lacey Washington.



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Maria Sandercock, Section Manager  
Southwest Region Office  
Shorelands and Environmental Assistance Program