



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

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

July 8, 2024

MainVue Homes, LLC
ATTN: Allison Rothstein
121 3rd Avenue
Kirkland, WA 98033

Re: Administrative Order No. **22948** to permanently fill/impact 0.107 acres of wetlands, which are waters of the state, to construct Diamond Valley Estates in King County, Washington

Dear Allison Rothstein:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on November 14, 2023 requesting authorization for proposed work in non-federally regulated wetlands, which are waters of the state, and an amended request to authorize additional wetland impacts on June 20, 2024. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Leah Beckett at (425) 324-5590 or Leah.Beckett@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

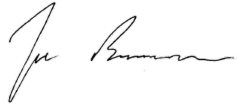
MainVue Homes, LLC (Allison Rothstein)

Administrative Order 22948

July 8, 2024

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Sincerely,



Joe Burcar, Section Manager

Northwest Region Office

Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 9171 9690 0935 0233 1417 06

Sent via email to: Allison.rothstein@mainvuehomes.com

e-cc: Mae Ancheta, U.S. Army Corps of Engineers
Alex Murphy, Soundview Consultants
Tom Barghausen, Barghausen Consulting Engineers, Inc
Jon Pickett, Soundview Consultants
Jeff Dixon, City of Auburn
Leah Beckett, Department of Ecology
ECYREFEDPERMITS@ECY.WA.GOV

In The Matter of Issuing an Administrative Order
to MainVue Homes, LLC (Allison Rothstein)
pursuant to RCW 90.48.120 and WAC 173-201A

MainVue Homes, LLC
Attn: Allison Rothstein
121 3rd Avenue
Kirkland, WA 98033

Order No.	22948
Corps Reference No.	NWS-2023-724
Site Location	Diamond Valley Estates, located within Wetlands D, E, F, Auburn, King County, Washington.

This is an Administrative Order requiring MainVue Homes, LLC (Allison Rothstein) to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(2) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

The U.S. Army Corps of Engineers (Corps) issued a jurisdictional determination for Wetland D on December 7, 2023, concluding that Wetland D is not a water of the U.S.. Wetlands E and F were not part of the area reviewed by the Corps during the JD process for Wetland D. On June 20, 2024, Ecology received a request to impact Wetlands E and F in addition to Wetland D, totaling 0.107 acres of wetlands, which are waters of the state, to construct Diamond Valley Estates in King County. The project is located at Evergreen Way Southeast, Auburn, Parcel Numbers 322105-9037, 322105-9010, 322105-9011, and 322105-9030, Section 32, Township 21N, Range 5E, King County, and WRIA 10 – Puyallup-White.

This Administrative Order authorizes 0.074 acres of Category IV and 0.033 acres of Category III wetland impacts at the project location. Offsite Mitigation for this proposal will consist of purchase of 7.571 credits from the King County Mitigation Reserves (In-Lieu Fee) program and all other actions as proposed in the *[Revised] Mitigation Plan Diamond Valley Estates* dated June 20, 2024.

For purposes of this Order, the term “Project Proponent” shall mean MainVue Homes, LLC (Allison Rothstein) and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the Project Proponent shall comply with the following:

A. General Conditions:

1. The Project Proponent shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on November 14, 2023, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to fednotification@ecy.wa.gov and a cc to Leah.Beckett@ecy.wa.gov. Any submittals shall reference Order No. 22948.
3. The Project Proponent shall provide access to the project site upon request by Ecology.
4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and forepersons, and state and local government inspectors.
5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
6. The Project Proponent shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Project Proponent shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.
7. To transfer this Order to a new owner or operator the Project Proponent shall:
 - a. Complete a Request for Transfer of Order with a specific transfer date of the Order's obligations, coverage, and liability and submit it to Ecology per condition A.2. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
 - b. Provide a copy of this Order to the new owner or operator; and
 - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.
8. The Project Proponent is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

B. Notification Requirements:

1. The Project Proponent shall provide written notification to Ecology in accordance with condition A.2 above for the following activities:
 - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any condition of this Order
 - b. At least seven (7) days prior to conducting work activities in wetlands
 - c. Within seven (7) days of completing work activities in wetlands.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in [Revised] Mitigation Plan Diamond Valley Estates (hereafter called the “mitigation plan”) prepared by Soundview Consultants, LLC, dated June 20, 2024 or as revised and approved by Ecology.
2. The Project Proponent shall notify and submit in writing to Ecology (see A.2) any proposed changes to the amount of wetland impacts or revision to the mitigation plan for review and approval before implementing the changes.
3. The Project Proponent shall obtain a Statement of Sale from the Sponsor as documentation of purchase of 7.571 credits for this impact project. The Project Proponent shall submit a copy of the Statement of Sale to Ecology (see A.2) before impacting wetlands. Documentation from the Sponsor shall include:
 - a. Ecology’s Order number,
 - b. Order issuance date,
 - c. Description of mitigation credits purchased,
 - d. Signatures from the Sponsor and the Project Proponent.
4. The Project Proponent shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for temporal loss of wetland functions.
5. If the Project Proponent has not purchased credits within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of
 - a. Diamond Valley Estates
 - b. When ILF credits will be purchased

With the:

- c. Reason for the delay
- d. Expected date of completion.

The Project Proponent shall submit an updated written notification every 12 months thereafter until Diamond Valley Estates is complete and the required credits are purchased.

- 6. Until the Project Proponent has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Project Proponent's obligation under Condition C.1 to mitigate for wetland impacts is not met.

D. Timing

- 1. This Order is valid until the Project Proponent meets all its requirements and the Project Proponent has received written notification from Ecology to that effect.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this 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 RCW 43.21B and WAC 371-08. "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 by mail, in person, or by email (see addresses below).

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

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

Contact information

Please direct all questions about this Order to:

Leah Beckett
Department of Ecology
Northwest Region Office
425-324-5590
Leah.Beckett@ecy.wa.gov

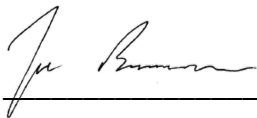
More information

- **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 173-201A 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 8th day of July, 2024 at the Department of Ecology, Shoreline, Washington



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

Attachment A

Statement of Understanding Administrative Order Conditions

Diamond Valley Estates

Administrative Order No. 22948

As the Project Proponent for Diamond Valley Estates project, I have read and understand the conditions of Washington State Department of Ecology Order No. 22948, and any permits, plans, documents, and approvals referenced in the Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

Signature

Date

Title

Phone

Company