



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 9, 2024

San Juan County Conservation Land Bank
Attn: Peter Guillozet
350 Court Street, No. 6
Friday Harbor, WA 98250

Re: Administrative Order No. **22934** to impact wetlands, which are waters of the state, to construct North Shore Property Restoration Project in San Juan County, Washington

Dear Peter Guillozet:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on 4/12/2024 requesting authorization for proposed work in wetlands, which are waters of the state. 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 Chris Luerkens at (360) 410-4807 or chris.luerkens@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Enclosure (3)

By certified mail: 9171 9690 0935 0233 1417 13

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Administrative Order 22934

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Sent via email to: peterg@sjclandbank.org

E-cc: Jaime Liljegren, U.S. Army Corps of Engineers

Brooke Sullivan, San Juan County

Chris Luerkens, Department of Ecology

ECYREFEDPERMITS@ECY.WA.GOV

**In The Matter of Issuing an Administrative Order
to San Juan County Conservation Land Bank
pursuant to RCW 90.48.120 and WAC 173-201A**

San Juan County Conservation Land Bank
Attn: Peter Guillozet
350 Court Street, No. 6
Friday Harbor, WA 98250

Order No.	22934
Site Location	North Shore Property Restoration Project, located within wetlands, Eastsound, San Juan County, Washington.

This is an Administrative Order requiring San Juan County Conservation Land Bank 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.

On 4/12/2024 Ecology received a request to temporarily impact approximately 0.38 acres of wetlands, which are waters of the state, to construct North Shore Property Restoration Project in San Juan County. The project is located at 546 Glenwood Inn Road, Section 10, Township 37 N., Range 2 W., and Water Resource Inventory Area (WRIA) 2 - San Juan.

This Administrative Order authorizes temporary impacts to approximately 0.38 acres of wetland in order to rehabilitate and enhance areas of wetland. The site has historically been used for residential development. Temporary impacts will involve partial filling and recontouring of excavated ponds in order to restore wetland areas, and temporary machine access into wetland and buffer areas to remove existing debris associated with past development. The project is expected to result in creation of approximately 0.5 acres of new depressional wetland and enhancement of approximately 1.3 acres of existing wetland.

For purposes of this Order, the term "Project Proponent" shall mean San Juan County Conservation Land Bank 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 4/12/2024 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 chris.luerkens@ecy.wa.gov. Any submittals shall reference Order No. 22934.
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.
2. In addition to the phone or e-mail notification required under B.1.a. above, the Project Proponent shall submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

C. Construction

1. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.
2. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
3. Work within waters of the state shall be conducted in the dry season to the extent practicable.
4. Turbid dewatering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid dewatering water shall be routed to an upland area for on-site or off-site settling.
5. The dewatering outfall or method of discharge shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation.

D. Post-construction reporting, monitoring, and contingency measures

1. After completing construction and planting of the project site, the Project Proponent shall submit to Ecology (see A.2) an email or memorandum documenting the outcome of construction and the as-built condition, including a description of any modifications made during construction.
2. The Project Proponent shall conduct wetland monitoring and implement contingency measures described in the memo *RE: Wetland Functional Lift Assessment and Mitigation Plan: North Shore Property Restoration Project*, dated 4/9/2024, prepared by Natural Systems Design + Coastal Geologic Services (NSD + CGS).

E. 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.

F. Emergency/Contingency Measures

1. Work causing distressed or dying fish and discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Project Proponent shall notify Ecology's Federal Permit Manager, per condition A2, and immediately take the following actions:
 - a. Cease operations at the location of the non-compliance.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
 - c. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
 - d. Immediately notify Ecology's Regional Spill Response Office and the Washington State Department of Fish and Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.

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:

Chris Luerkens
Department of Ecology
Bellingham Field Office
(360) 410-4807
chris.luerkens@ecy.wa.gov

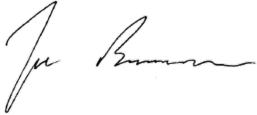
More information

- **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>

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Signature

Dated this 9th day of July 2024 at the Department of Ecology, Shoreline, Washington

A handwritten signature in black ink, appearing to read "Joe Burcar". The signature is written in a cursive style with a large initial "J" and "B".

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

Attachment A

**Statement of Understanding
Administrative Order Conditions**

North Shore Property Restoration Project

Administrative Order No. 22934

As the Project Proponent for North Shore Property Restoration Project, I have read and understand the conditions of Washington State Department of Ecology Order No. 22934, 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