



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 18, 2024

200 Acres Partners LLC
ATTN: Lisa Pascualy
4318 55th Ave NE
Seattle, WA 98105

Re: Administrative Order No. **22842** to permanently fill/impact 0.02 acres of wetlands, which are waters of the state, to construct the Werner Road Industrial Park project, City of Bremerton, Kitsap County, Washington.

Dear Lisa Pascualy:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on April 11, 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 Neil Molstad at (425) 389-5549 or neil.molstad@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

By certified mail: 9171 9690 0935 0233 1417 44

Sent via email to: ken.devprojects@gmail.com

200 Acres Partners LLC (Lisa Pascualy)
Administrative Order No. 22842, Corps No. NWS-2022-821
Aquatics ID No. 143760
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E-cc: Sarah Albright-Garland, U.S. Army Corps of Engineers
Kelli Lambert, City of Bremerton
Christian Fromuth, Aqua Tierra Land and Water Services, Inc.
Neil Molstad, Department of Ecology
ECYREFEDPERMITS@ECY.WA.GOV



In The Matter of Issuing an Administrative Order
to 200 Acres Partners LLC (Lisa Pascualy)
pursuant to RCW 90.48.120 and WAC 173-201A

200 Acres Partners LLC]
Attn: Lisa Pascualy
4318 55th Ave NE
Seattle, WA 98105

Order No.	22842
Corps Reference No.	NWS-2022-821
Site Location	Werner Road Industrial Park, City of Bremerton, Kitsap County, Washington.

This is an Administrative Order requiring 200 Acres Partners LLC (Lisa Pascualy) 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 April 11, 2024, Ecology received a request to impact 0.02 acres of wetlands, which are waters of the state, to construct the Werner Road Industrial Park project. The project is located on Parcels 212401-2-079-2004, 212401-2-080-2001, 212401-2-081-2000, and 212401-2-082-2009, Section 21, T24N, R01E, City of Bremerton, Kitsap County, within Water Resource Inventory Area (WRIA 15 - Kitsap).

This Administrative Order authorizes 0.02 acres of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of 0.039 acres of wetland creation for a total mitigation area of 0.039 acres, and all other actions as proposed in the *Wetland Mitigation Plan* for the project area, updated October 2023. The wetland mitigation will be located in the northeastern portion of the project area.

For purposes of this Order, the term “Project Proponent” shall mean 200 Acres Partners LLC (Lisa Pascualy) 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 April 11, 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 cc to neil.molstad@ecy.wa.gov. Any submittals shall reference Order No. 22842.
3. The Project Proponent shall provide access to the project site and mitigation 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 appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.
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. 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.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in the *Wetland Mitigation Plan* (hereafter called the "Mitigation Plan") prepared by Agua Tierra Land and Water Services, Inc., revised October 2023, or as required by this Order or revised and approved by Ecology.
2. The Project Proponent shall provide a status report on the mitigation construction to Ecology 13 months from the date of permit issuance. Annual status reports on mitigation construction are required until mitigation construction is complete.
3. The Project Proponent shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.
4. Unless otherwise approved by Ecology in writing, the Project Proponent shall begin the compensatory mitigation project before, or concurrent with, impacting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
5. After completing construction and planting of the mitigation site, the Project Proponent shall submit to Ecology (see A.2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
 - a. Be submitted within 90 days of completing construction and planting.

- b. Include the information listed in Attachment A (Information required for As-built reports).
 - c. Include documentation of the recorded legal mechanism required in Condition C.6.
6. The Project Proponent shall follow the steps below to record a legal site protection mechanism for the Werner Road Business Park mitigation site:
 - a. Request a template from Ecology or use an appropriate alternative to develop a draft site protection mechanism.
 - b. Send the draft site protection mechanism to Ecology for review and approval.
 - c. Record the Ecology-approved site protection mechanism with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
 - d. Record the site protection mechanism with a figure that corresponds with the legal description showing the area that is being protected, a copy of this Order, and a site map showing the location of wetlands and buffers that are being protected.
 - e. Send a copy of the recorded site protection mechanism to Ecology with the as-built report (see C.5), unless otherwise approved by Ecology.
7. The Project Proponent shall place permanent signs and fencing (as appropriate) at the mitigation area's boundaries, including buffers. Signs should be installed at the intervals necessary so that they are visible from any potential access points and at a maximum interval of 100 feet.
8. The Project Proponent shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless permission is received in writing from Ecology to allow the system to remain for a longer period.
9. The Project Proponent shall monitor the mitigation site for a minimum of five (5) years. The Project Proponent shall use the monitoring methods described on pages 21 and 22 of the Mitigation Plan.

10. The Project Proponent shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions at the intervals described in the Mitigation Plan. The monitoring reports must:
 - a. Be submitted by December 31 of each monitoring year.
 - b. Include the information listed in Attachment B (Information Required for Monitoring Reports).
11. The Project Proponent shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
12. When necessary to meet the performance standards, the Project Proponent shall replace dead or dying plants with the same species, or an approximate native plant alternative, during the current or upcoming planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
13. For monitoring year five (5), the Project Proponent shall use the currently approved federal wetland delineation manual and appropriate regional supplement to delineate all compensatory wetlands and include delineation information (e.g. data sheets, maps, etc.) in the monitoring report.
14. For monitoring year five (5), the Project Proponent shall use the October 2014 or updated version of "Washington State Wetlands Rating System for Western Washington" to rate the mitigation wetland and include the information in the monitoring report.
15. If the Project Proponent has not met all conditions, including performance standards, for the mitigation site at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.
16. The Project Proponent's obligation to compensate for wetland impacts under Condition C.1 is not met until the Project Proponent has received written notice from Ecology that the obligation is 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://eluh0.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

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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:

Neil Molstad
Department of Ecology
(425) 389-5549
neil.molstad@ecy.wa.gov

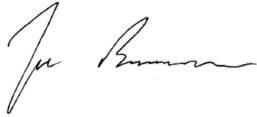
More information

- **Pollution Control Hearings Board Website**
[https:// elaho.wa.gov/](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>

200 Acres Partners LLC (Lisa Pascualy)
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Signature

Dated this 18th 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
Information Required for As-built Reports

Werner Road Industrial Park Project

Ecology Order No. 22842

And

Corps Reference No. NWS-2022-821

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
 - a. The Project Proponent
 - b. The landowner
 - c. Wetland professional on site during construction of the mitigation site(s).
4. Date the report was produced.

Mitigation Project Information

5. Brief description of the final mitigation project with any changes from the approved plan made during construction. Include:
 - a. Actual acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
 - b. Important dates, including:
 01. Start of project construction.
 02. When work on the mitigation site began and ended.

03. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.

6. Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the mitigation site(s).
7. List of any follow-up actions needed, with a schedule.
8. Vicinity map showing the geographic location of the site(s) with landmarks.
9. Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
 - a. Boundary of the site(s).
 - b. Topography (with a description of how elevations were determined).
 - c. Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
 - d. Location of habitat features.
 - e. Location of permanent photo stations and any other photos taken.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.
10. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
11. A copy of any deed notifications, conservation easements, or other approved site protection mechanism.

Attachment B
Information Required for Monitoring Reports

Werner Road Industrial Park Project

Ecology Order No. 22842

And

Corps Reference No. NWS-2022-821

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
 - a. The Project Proponent
 - b. The landowner
 - c. The party responsible for the monitoring activities.
4. Dates the monitoring data were collected.
5. Date the report was produced.

Mitigation Project Information

6. Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
7. Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
 - a. Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.

- b. Size and shape of plots or transects.
 - c. Number of sampling locations and how you determined the number of sampling locations to use.
 - d. Percent of the mitigation area being sampled.
 - e. Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
 - f. Schedule for sampling (how often and when).
 - g. Description of how the data was evaluated and analyzed.
8. Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
9. Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
10. Goals and objectives and a discussion of whether the project is progressing toward achieving them.
11. Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
12. Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
13. Specific recommendations for additional maintenance or corrective actions with a timetable.
14. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
15. Vicinity map showing the geographic location of the site(s) with landmarks.
16. Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
 - a. Boundary of the site(s).
 - b. Location of permanent photo stations and any other photos taken.

- c. Data sampling locations, such as points, plots, or transects.
- d. Approximate locations of any replanted vegetation.
- e. Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.