



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 13, 2024

Sager Family Homes
Attn: Bill Sager
PO Box 44428
Tacoma, WA 98448

Re: Administrative Order No. 22982 to permanently fill/impact 0.1 acre of wetlands, which are waters of the state, to construct Scarlett's Landing in Pierce County, Washington

Dear Bill Sager:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on February 28, 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 Zach Meyer at 360-481-9885 or zachary.meyer@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

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Enclosure

By certified mail: 9489 0090 0027 6391 8521 25

Sent via email to: fred@sagerfamilyhomes.com

E-cc: Dara Kessler, Pierce County
Jeff Mallahan, Wetland Resources
ECYREFEDPERMITS@ECY.WA.GOV

In The Matter of Issuing an Administrative Order
to Sager Family Homes
pursuant to RCW 90.48.120 and WAC 173-201A

Sager Family Homes
Attn: Bill Sager
PO Box 44428
Tacoma, WA 98448

Order No.	22982
Corps Reference No.	NWS-2023-0072
Site Location	Scarlett's Landing, located in Puyallup, Pierce County, Washington.

This is an Administrative Order requiring Sager Family Homes 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 February 28, 2024, Ecology received a request to impact 0.1 acres of wetlands, which are waters of the state, to construct Scarlett's Landing in Pierce County. The project is located at 14609 58th Ave East, Section 19 Township 19 North, Range 04 East, Pierce County, and WRIA 10.

This Administrative Order authorizes 0.1 acres of Category 3 wetland impacts at the project location. Mitigation for this proposal will consist of 0.05 acre of rehabilitation/reestablishment, 0.6 acre of wetland enhancement, and 0.6 acre of buffer enhancement for a total area of mitigation of 1.25 acres and all other actions as proposed in the Final Mitigation Plan Scarlett's Landing dated 7/25/2024 in the approximate location of 14609 58th Ave East, Puyallup, WA.

For purposes of this Order, the term "Project Proponent" shall mean Sager Family Homes 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 2/28/2024, 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 zachary.meyer@ecy.wa.gov. Any submittals shall reference Order No. 22982.
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.
2. If U.S. Army Corps of Engineers (Corps) determines the proposed project requires a Federal permit, the Project Proponent shall inform Ecology immediately in order to receive the appropriate authorization.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in the Final Mitigation Plan Scarlett's Landing prepared by Jeff Mallahan, Wetland Resources, and dated 7/25/2024, 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. The Project Proponent shall follow the steps below to record a deed notification (see Attachment A: Wetland Notice for Deed Notification for an example) or other approved legal site protection mechanism for the Scarlett's Landing Mitigation Site.
 - a. Send the draft site protection mechanism to Ecology for review prior to recording and make edits based on Ecology's comments.
 - b. Record, on the mitigation site property deed, a description of the mitigation area identified in the final mitigation plan and a site map from the final wetland mitigation plan showing the location of wetlands and their buffers.

- c. Record these documents with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
 - d. Submit proof of this recorded documentation to Ecology within 180 days of this Order, unless otherwise approved by Ecology.
6. The Project Proponent shall install the following site protection measures:
- a. Split rail fencing, or other wildlife-friendly barrier approved by Ecology, along the outer boundary of onsite wetlands and wetland buffers directly adjacent to lots and roads to limit intrusion, encroachment, and other impacts.
 - b. Critical area signs at the mitigation area's(s') boundaries, including buffers, at least every 50 feet to mark the area as a wetland mitigation site or wetland.

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://eluhwa.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:

Zach Meyer
Department of Ecology
360-481-9885
zachary.meyer@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
[https:// eluhwa.gov/](https://eluhwa.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 13th day of August 2024 at the Department of Ecology, Lacey, Washington.



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

Attachment A

**Wetland Notice for Deed Notification
(See Condition C.5)**

Scarlett's Landing
Ecology Administrative Order # 22982

Tax Parcel Number: _____
Legal Description: _____
Legal Owner: _____

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(21) RCW, Chapter 90.58.030 (2)(h) RCW and WAC 173-201A-020. The property was the subject of an Ecology action under Chapter 90.48.260 RCW or Chapter 90.48.120(1) RCW.

Ecology Order #: _____, issued on _____, 20____
To (Responsible Party Name): _____
For (Project Name): _____

Restrictions on use or alteration of the wetlands may exist due to natural conditions of the property and resulting regulations. A site map indicating the location of wetlands and their buffers is attached hereto.

EXECUTED this _____ day of _____, 20 ____.

State of Washington)
County of _____)

I certify that I know or have satisfactory evidence that _____
signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand an official seal this _____ day of _____, 20 ____.

NOTARY PUBLIC in and for the state of Washington,
residing at _____.
(Amended by Ord. 11200 § 50 (part), 1996)