



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

November 22, 2024

MainVue Homes  
ATTN: Allison Rothstein  
121 3<sup>rd</sup> Avenue  
Kirkland, WA 98033

Re: Administrative **Order No. 23348** to permanently fill/impact 253 ft<sup>2</sup> of a non-federally regulated wetland, which is a water of the state, to construct Maltby Grove in Snohomish County, Washington

Dear Allison Rothstein:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on November 21, 2023, requesting authorization for proposed work in a non-federally regulated wetland, which is a water 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 Doug Gresham at (425) 429-1846 or send an email to [Doug.Gresham@ecy.wa.gov](mailto:Doug.Gresham@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

By certified mail: 9171 9690 0935 0233 1810 23

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Enclosure (1)

Sent via email to: [allison.rothstein@mainvuehomes.com](mailto:allison.rothstein@mainvuehomes.com)

E-cc: Ryan Cochoit, U.S. Army Corps of Engineers  
Alex Murphy, Soundview Consultant LLC  
Doug Gresham, Ecology  
Erin Hanlon Brown, Ecology  
[ECYREFEDPERMITS@ECY.WA.GOV](mailto:ECYREFEDPERMITS@ECY.WA.GOV)

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

MainVue Homes  
ATTN: Allison Rothstein  
121 3<sup>rd</sup> Avenue  
Kirkland, WA 98033

<b>Order No.</b>	23348
<b>Corps Reference No.</b>	NWS-2023-867
<b>Site Location</b>	Maltby Grove, located within Wetland A, near Snohomish, in Snohomish County, Washington.

This is an Administrative Order requiring MainVue 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.

The U.S. Army Corps of Engineers (Corps) issued a jurisdictional determination on September 5, 2024, concluding that Wetland A is not a water of the United States. On November 21, 2023, Ecology received a request to impact 253 ft<sup>2</sup> of a non-federally regulated wetland, which is a water of the state, to construct Maltby Grove in Snohomish County. This project involves constructing a rural cluster subdivision of 17 single-family homes on lots greater than 22,000-square feet with associated internal access roads and stormwater infrastructure. The project is located at 10510 206th St SE, near Snohomish, Section 19, Township 27, Range 6, Snohomish County, and Water Resource Inventory Area (WRIA) 7-Snohomish.

This Administrative Order authorizes 253 ft<sup>2</sup> of Category III wetland impacts at the project location. Mitigation for this proposal will consist of purchasing 0.006 credits from the Skykomish Habitat Mitigation Bank as proposed in the Mitigation Plan for Maltby Grove dated November 6, 2023.

For purposes of this Order, the term “Project Proponent” shall mean MainVue 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 November 21, 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](mailto:fednotification@ecy.wa.gov) and cc to [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov). Any submittals shall reference Order No. 23348.
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 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 Mitigation Plan for Maltby Grove prepared by Soundview Consultants, and dated November 6, 2023, or as required by this Order or revised and approved by Ecology.
2. The Project Proponent shall submit to Ecology documentation from the bank sponsor verifying the purchase of credits as specified in the Mitigation Plan. 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.
3. Unless otherwise authorized by this 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.

**D. Timing**

1. This Order expires 5 years from the date of this Order, unless otherwise approved by Ecology.

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 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 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

## 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

#### Mailing Addresses:

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

#### E-Mail Address:

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

## Contact information

Please direct all questions about this Order to:

Doug Gresham  
Department of Ecology  
(425) 429-1846  
[Doug.Gresham@ecy.wa.gov](mailto:Doug.Gresham@ecy.wa.gov)

## More information

- **Pollution Control Hearings Board Website**  
<https://eluh0.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 22 day of November 2024, at the Department of Ecology, Shoreline, Washington.



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