



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 11, 2025

Herman Lanier
5710 S Bangor Street
Seattle, WA 98178

Re: Administrative Order No. 23326, to permanently relocate approximately 102 linear feet of a non-federally regulated ditch, which is a water of the state, to construct the Lanier Driveway Extension project in unincorporated King County, Washington

Dear Herman Lanier:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on October 11, 2024, requesting authorization for proposed work in a non-federally regulated ditch, 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 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 (1)

By certified mail: 9171 9690 0935 0233 1812 45

Lanier Driveway Extension Project
Administrative Order No. 23326, Corps No. NWS-2024-0414
Aquatics ID No. 144415
March 11, 2025
Page 2 of 2

Sent via email to: herman@laniersfinecandies.com

E-cc: Shane Shelburne, U.S. Army Corps of Engineers
Sam Payne, Facet
Erin Hanlon Brown, Ecology
Neil Molstad, Ecology
ECYREFEDPERMITS@ECY.WA.GOV



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

Herman Lanier
5710 S Bangor Street
Seattle, WA 98178

Order No.	23326
Corps Reference No.	NWS-2024-0414
Site Location	Lanier Driveway Extension project, located within a non-federally regulated water of the state in the Cherry Creek watershed, near Duvall in unincorporated King County, Washington.

This is an Administrative Order requiring Herman Lanier 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 August 27, 2024, concluding that two wetlands outside of the project area and a feature described as Ditch 1 are not waters of the U.S. On October 11, 2024, Ecology received a request to permanently relocate approximately 102 linear feet of non-federally regulated Ditch 1, which is a water of the state, to construct the Lanier Driveway Expansion project in King County. King County is regulating this feature as a Type O watercourse.

The project is located on King County Parcels 1550000500 and 15550000501, SW ¼ of Section 4, Township 26 N, Range 07 E, King County, Water Resource Inventory Area (WRIA) 7 - Snohomish.

This Administrative Order authorizes the relocation of approximately 102 linear feet of Ditch 1, a water of the state, 5 to 10 feet north of its current location. Mitigation for this proposal will consist of actions as proposed in Section 6 of the July 3, 2024 *Critical Area Report* prepared for the project and as depicted in mitigation plan drawings also dated July 3, 2024.

For purposes of this Order, the term “Project Proponent” shall mean Herman Lanier and their 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 October 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. 23326.
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.

C. Water of the State Mitigation Conditions:

1. The Project Proponent shall mitigate the relocation of a portion of Ditch 1 as proposed in Section 6 of the July 3, 2024 *Critical Area Report* (Mitigation Plan) prepared for the project and as depicted in mitigation plan drawings also dated July 3, 2024, or as required by this Order or revised and approved by Ecology.
2. The Project Proponent shall have a restoration professional on site to supervise during construction and planting.
3. Annual monitoring reports described in Section 6.5 of the Mitigation Plan shall also be provided to Ecology, in accordance with Condition A.2 of the Order.

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.

Address and Location Information

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:

Neil Molstad
Department of Ecology
(425) 389-5549
neil.molstad@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 11 day of March, 2025 at the Department of Ecology, Shoreline, Washington.



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