



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 21, 2025

Everest LLC
Attn: Jon Langston
14425 235th Street Southeast
Snohomish, WA 98296

Re: Water Quality Certification Order No. **23631** (Corps No. **NWS-2024-0848**), Canyon Park Ridge Medical Office Building, Snohomish County, Washington

Dear Jon Langston:

On 10/21/2024, Everest LLC (Jon Langston) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Canyon Park Ridge Medical Office Building, Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. **This certification is subject to the enclosed Water Quality Certification Order (WQC Order).**

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Austin Schmalz at (425) 301-6989. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1814 50

WQC Order No. 23631, Corps No. NWS-2024-0848

Aquatics ID No. 142431

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Sent via e-mail: everest.jon@frontier.com

E-cc: Brody Garner, U.S. Army Corps of Engineers
Tiffany Dazet, PACE Engineers, Inc.
Adam Osbekoff, Snoqualmie Indian Tribe
Martin Fox, Muckleshoot Indian Tribe
Erin Hanlon Brown, Ecology
Austin Schmalz, Ecology
ecyrefedpermits@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification with Conditions to Everest LLC (Jon Langston)
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

Everest LLC
Attn: Jon Langston
14425 235th Street Southeast
Snohomish, WA 98296

WQC Order No.	23631
Corps Reference No.	NWS-2024-0848
Site Location	Canyon Park Ridge Medical Office Building located within Stream 1 and 2, Bothell, Snohomish County, Washington.

Everest LLC (Jon Langston) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Canyon Park Ridge Medical Office Building, Snohomish County, Washington. The required processing dates are listed below:

- On 2/22/2023, the Everest LLC (Jon Langston) submitted a pre-filing meeting request.
- On 10/21/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 11/26/2024, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit (NWP) Program.
- On 1/2/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 10/21/2025.

This project proposes to construct a single, 35,000 square feet building to be used as a medical office and associated parking on an undeveloped land parcel. The applicant also proposes to construct a new ingress and egress road along 7th Avenue SE that would tie into the proposed parking area. To construct the medical office building, the applicant proposes to reroute an unnamed tributary to North Fork Perry Creek (Stream 1), which currently flows from a catch basin approximately 700 linear feet under the site through a pair of six-inch diameter plastic pipes, into an unnamed tributary to North Fork Perry Creek (Stream 2) directly east of 7th Avenue SE. The six-inch pipes would be disconnected from the catch basin and replaced with a 12-inch temporary bypass pipe. The temporary bypass pipe would route the stream around the site construction area and reconnect with the pair of six-inch diameter pipes southeast of the

construction area. The applicant would construct a temporary drainage basin at the connection of the 12-inch diameter pipe and the pair of six-inch diameter pipes. Upon completion of the temporary stream bypass, the applicant would install the new 18-inch diameter pipe and catch basins and a new trash rack at the 7th Ave culvert inlet. The new culvert would connect to the existing catch basin and the existing outlet to the east would be plugged. All temporary structures and bypasses would be removed after construction, with flow re-introduced to the area into the new 18-inch diameter pipe. The proposed 18-inch diameter smooth pipe would be daylighted approximately three feet from the left bank of Stream 2. The applicant proposes to install a gabion wall to stabilize the road prism slope and preventing the need for installing anchoring. The gabion wall would be lined with coir matting and filled with stones and soil suitable for plant life. A minimum of 12 inches of topsoil would be placed on top of the gabions to facilitate the success of the proposed landscape planting of the gabions. Approximately 0.9 cubic yards of riprap and streambed aggregate would be installed at the outflow of the proposed Stream 1 baffled pipe outfall to moderate flow energy and prevent streambed erosion.

Additionally, the applicant proposes to conduct stream enhancement activities within Stream 2 to mitigate stream impacts for the construction of the medical building. Stream enhancement work would occur near the outfall of Stream 1 after the work area has been dewatered and the existing culvert in Stream 2 would be removed. Dewatering would be conducted by constructing a pipe bypass that would redirect the flow from the culvert under 7th Ave to approximately 60 feet downstream. All mechanized equipment would be operated from the bank and hand tools would be used to install logs, slash, and boulders. Streambed aggregate that is compliant with Washington State Department of Transportation standards would be used to enhance the streambed. Two logs and anchoring boulders would be placed within Stream 2 by hand with machinery assistance. The existing concrete pipe culvert would be removed using an excavator and debris would be transported off-site. The applicant proposes to grade the stream using hand tools and grade along the stream bank using machinery.

The project site is located at 22811 7th Avenue Southeast in Bothell, in Streams 1 and 2, Snohomish County, Washington, Section 31, Township 27 N., Range 5 E., within Water Resource Inventory Area (WRIA) 8 – Cedar Sammamish.

With this WQC Order, Ecology is granting with conditions Everest LLC (Jon Langston)'s request for a Section 401 Water Quality Certification for the Canyon Park Ridge Medical Office Building project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 10/21/2024, and the following supporting documentation:

1. Critical Areas Report and Mitigation Plan received 10/17/2024, dated January 2021 (Revised August 2024)

2. Water Quality Monitoring Plan received 4/10/2025, dated 4/8/2025

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Everest LLC (Jon Langston) must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Everest LLC (Jon Langston) to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves Everest LLC (Jon Langston) from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special Conditions:

1. This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. WQC Order No. **23631** will remain valid until 12/31/2036 or until the Project Proponent meets all its requirements and conditions.
 - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
 - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.
2. Everest LLC (Jon Langston) shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Austin.schmalz@ecy.wa.gov prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, the Everest LLC (Jon Langston) shall immediately inform Ecology.
 - Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
 - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.

3. To transfer this WQC Order to a new owner or operator Everest LLC (Jon Langston) shall:
 - a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at fednotification@ecy.wa.gov and cc to Austin.schmalz@ecy.wa.gov. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
 - b. Provide a copy of this WQC Order to the new owner or operator; and
 - c. The transfer is not considered valid until the Everest LLC (Jon Langston) receives written notification from Ecology that the transfer has been approved.
 - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
 - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
4. The following in-water work window applies to the project: All activities within the wetted perimeter of Stream 1 and Stream 2 may be conducted between July 1 and September 30 of any year.
 - Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.
 - Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300, WAC 173-201A-330, WAC 173-225-010, and Chapter 220-660 WAC.
5. Water quality monitoring results shall be submitted upon request to fednotification@ecy.wa.gov and cc to Austin.schmalz@ecy.wa.gov.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

6. The Project Proponent shall obtain and comply with the conditions of the Construction Stormwater General Permit (National Pollutant Discharge Elimination System - NPDES) issued for this project.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation – 40 [CFR 122] {delete CFR if NPDES is not EPA}, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, RCW 90.48.260, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
7. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, immediately notify Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & 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. You will also need to notify the Washington Emergency Management Division at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.
 - Justification - This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted with conditions to the Everest LLC (Jon Langston) for the Canyon Park Ridge Medical Office Building project.

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 Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

Austin Schmalz

Department of Ecology

(425) 301-6989

Austin.Schmalz@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 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

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- **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 21 day of May, 2025 at the Department of Ecology, Shoreline, Washington.



Joe Burcar, Section Manager

Northwest Region Office

Shorelands and Environmental Assistance Program