



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 17, 2025

Sarkela 10, LLC
Attn: Rodney Sarkela
10813 NE 117th Avenue
Vancouver, Washington 98662

Re: Water Quality Certification Order No. **24089** (Corps No. **NWS-2025-466**), Battle Ground Commons, Clark County, Washington

Dear Rodney Sarkela:

On June 24, 2025, Sarkela 10, LLC (Rodney Sarkela) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Battle Ground Commons, Clark 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 Lydia Albright at Lydia.Albright@ecy.wa.gov or (360) 870-2983. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure (1)

WQC Order No. 24089, Corps No. NWS-2025-466
Aquatics ID No. 145745
September 17, 2025
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By certified mail: 91 7199 9991 7037 9120 0061

Sent via e-mail: rodney@sarkelacorp.com

E-cc: Owen Weller, U.S. Army Corps of Engineers
Sara Hastings, Ecological Land Services, Inc.
Erin Hanlon Brown, Ecology
Lydia Albright, Ecology
ecyrefedpermits@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification with Conditions to Sarkela 10, LLC (Rodney Sarkela)
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

Sarkela 10, LLC
Attn: Rodney Sarkela
10813 NE 117th Avenue
Vancouver, Washington 98662

WQC Order No.	24089
Corps Reference No.	NWS-2025-466
Site Location	Battle Ground Commons located within wetlands, Battle Ground, Clark County, Washington.

Sarkela 10, LLC (Rodney Sarkela) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Battle Ground Commons, Clark County, Washington. The required processing dates are listed below:

- On May 22, 2025, the Sarkela 10, LLC (Rodney Sarkela) submitted a pre-filing meeting request.
- On June 10, 2025, 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 June 24, 2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On July 8, 2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as October 22, 2025.

This project proposes to develop a 93-lot attached multi-family subdivision that includes interior roads, utilities, improving road frontage, and constructing a stormwater facility. Stormwater will be directed to an underground stormwater detention facility that will be constructed in the southwestern portion of the site. Runoff from the proposed public road, frontage road improvements, and residential lots will be collected and treated through a catch basin system. The outflow from each catch basin, along with surface and roof runoff captured by area drains at the rear of each lot, will be conveyed to an underground stormwater detention facility in the southern portion of the site. The system is designed as a shallow underground facility. Treated stormwater will be released into the roadside ditch along NE 92nd Ave. at the southwestern property boundary.

Construction activities associated with the installation of an underground stormwater detention facility and a new public road, and the pedestrian sidewalk will directly impact 0.12 acres of a Category III wetland as well as 0.29 acres of indirect impacts due to insufficient buffer width. Mitigation for wetland impacts will be satisfied by purchasing 0.265 credits from the East Fork Lewis Mitigation Bank.

The project site is located at 23205 and 23217 NE 92nd Avenue, within wetlands, Clark County, Washington, Section 33, Township 4 N., Range 2 E., within Water Resource Inventory Area (WRIA) 27 Lewis.

With this WQC Order, Ecology is granting with conditions Sarkela 10, LLC (Rodney Sarkela)'s request for a Section 401 Water Quality Certification for the Battle Ground Commons project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on June 24, 2025, and the following supporting documentation:

1. The Bank Use Plan, titled *Battle Ground Commons Bank Use Plan*, prepared by Ecological Land Services dated May 12, 2025, received August 20, 2025.
2. State Environmental Policy Act (SEPA) determination, dated August 22, 2025, received August 27, 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, Sarkela 10, LLC (Rodney Sarkela) 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 Sarkela 10, LLC (Rodney Sarkela) 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 Sarkela 10, LLC (Rodney Sarkela) 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. **24089** will remain valid until December 31, 2027.

- 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. Sarkela 10, LLC (Rodney Sarkela) shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Lydia.Albright@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 Sarkela 10, LLC (Rodney Sarkela) 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 Sarkela 10, LLC (Rodney Sarkela) 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 Lydia.Albright@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 Sarkela 10, LLC (Rodney Sarkela) 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. 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.
5. Sarkela 10, LLC (Rodney Sarkela) 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 – 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.
- Sarkela 10, LLC (Rodney Sarkela) shall mitigate wetland impacts as described in the Bank Use Plan, titled *Battle Ground Commons Bank Use Plan* and dated May 12, 2025, or as required by this Order.
 - Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The

water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.

- Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
6. Sarkela 10, LLC (Rodney Sarkela) shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.265 wetland mitigation bank credits (credits) from the East Fork Lewis River Mitigation Bank. 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.
- Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the bank.
 - Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
7. Unless otherwise authorized by this WQC Order, Sarkela 10, LLC (Rodney Sarkela) shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require the Sarkela 10, LLC (Rodney Sarkela) to provide additional compensation to account for additional temporal loss of wetland functions.
- Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action through temporal loss of functions.
 - Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-01

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 Sarkela 10, LLC (Rodney Sarkela) for the Battle Ground Commons 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, in paper form, by mail, or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov> or call: 360-664-9160.

Address and Location Information

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:

Lydia Albright

Department of Ecology

(360) 870-2983

Lydia.Albright@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>
- **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>

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Aquatics ID No. 145745

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Signature

Dated this 17th day of September 2025 at the Department of Ecology, Lacey, Washington.



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