



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

October 28, 2025

Ted Bernards
2718 W. 16th Ave
Spokane, WA 99224

Re: Administrative Order No. 24222 to impact wetlands, which are waters of the state, to construct Bernards Driveway in Spokane County, Washington

Dear Ted Bernards:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on September 11, 2025, 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 Mindi Sheer at 509-601-9546 and Mindi.Sheer@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeremy Sikes, Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: [9214 8901 9403 8339 8695 09]

Sent via email to: ted.stephen.bernards@gmail.com

E-cc: Corey Smith, Spokane County
Michelle Kelling, Spokane County
Robert Brock, Spokane County
Sondra Collins
Mindi Sheer, Ecology
ECYREFEDPERMITS@ECY.WA.GOV

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

Ted Bernards
2718 W. 16th Ave
Spokane, WA 99224

Order No.	24222
Site Location	Bernards Driveway, located within wetlands, Spokane, Spokane County, Washington.

This is an Administrative Order requiring Ted Bernards 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 September 11, 2025, Ecology received a request to impact wetlands, which are waters of the state, to construct Bernards Driveway in Spokane County. The project is located at Parcel #25153.9011, 7XX Grove Rd (Unassigned), Section 15, Township 25N, Range 42E, Spokane County in WRIA 54 – Lower Spokane.

This Administrative Order authorizes 0.03 acres of Category 3 direct wetland impacts at the project location. The total area of wetland impact, including indirect impacts, is 0.15 acres . Compensatory mitigation for this proposal will be provided onsite through preservation of wetlands and buffers.

For purposes of this Order, the term “Project Proponent” shall mean Ted Bernards 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 request (JARPA and attachments) received by Ecology on September 11, 2025, 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 Mindi.Sheer@ecy.wa.gov. Any submittals shall reference Order No. 24222.
3. The Project Proponent shall provide access to the project site and any mitigation sites 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.
3. The Project Proponent shall provide a brief project status update to Ecology 13 months from the date of issuance of the Order (see A.2). Annual status updates are required until the project and mitigation are complete.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in the CRITICAL AREA WETLAND MITIGATION PLAN Draft 4 prepared by ECOS USA Sondra Collins, dated September 11, 2025, amended October 22, 2025 and October 23, 2025 (entitled 'Mitigation Addendum Map' and 'Mitigation Plan Addendum'), or as required by this Order or revised and approved by Ecology.
2. 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 legal site protection mechanism(s) for the wetland mitigation areas:
 - a. Request a template from Ecology or use an appropriate alternative to develop a draft site protection mechanism(s).

- b. Send the draft site protection mechanism(s) to Ecology for review prior to recording and make edits based on Ecology's comments.
- c. Record the Ecology-approved site protection mechanism(s) with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
- d. Record the site protection mechanism with a figure that corresponds with the legal description showing the area that is being protected, a reference to this Order, and a site map showing the location of wetlands and their buffers that are being protected.
- e. Send a copy of the recorded site protection mechanism to Ecology within 180 days of this Order, unless otherwise approved by Ecology.

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 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 (addresses provided below).

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

Address and Location Information

Ted Bernards
Order No. 24222, Aquatics ID No. 146025
October 28, 2025
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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

Contact information

Please direct all questions about this Order to:

Mindi Sheer
Department of Ecology
509-601-9546
Mindi.Sheer@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
[https:// elaho.wa.gov/](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>

Ted Bernards

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- **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 28th day of October 2025 at the Department of Ecology, Spokane, Washington.



Jeremy Sikes, Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program