



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 31, 2025

Harbor Mountain Development LLC
Attn: C.J. Ebert
2911 ½ Hewett Avenue, Suite #1
Everett, WA 98201

Re: Administrative Order No. 24201 to impact non-federally regulated wetlands, which are waters of the state, to construct Park Street in Skagit County, Washington

Dear C.J. Ebert:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on April 1, 2025, requesting authorization for proposed work in non-federally regulated 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 Chris Luerkens at 360-410-4807 or Chris.luerkens@ecy.wa.gov.

The enclosed Order may be appealed by following the procedures described in the Order.

Harbor Mountain Development LLC (C.J. Ebert)
Administrative Order 24201
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Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar".

Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program
Enclosure (1)

By certified mail: 9171 9690 0935 0214 2410 81

Sent via email to: cjebert@harbormountaindev.com

e-cc: Lydia Baldwin, U.S. Army Corps of Engineers
Kramer Canup, Soundview Consultants
Ajah Eills, Town of La Conner
Chris Luerkens, Ecology
ECYREFEDPERMITS@ECY.WA.GOV

**In The Matter of Issuing an Administrative Order
to Harbor Mountain Development LLC (C.J. Ebert)
pursuant to RCW 90.48.120 and WAC 173-201A**

Harbor Mountain Development LLC
Attn: C.J. Ebert
2911 ½ Hewett Avenue, Suite #1
Everett, WA 98201

Order No.	24201
Corps Reference No.	NWS-2025-135
Site Location	Park Street, located within wetlands, La Connor, Skagit County, Washington.

This is an Administrative Order requiring Harbor Mountain Development LLC (C.J. Ebert) 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 March 26, 2025 concluding that Wetlands A and B are not waters of the U.S. On April 1, 2025, Ecology received a request to fill 0.126 acres of wetland and indirectly impact 0.066 acres of non-federally regulated wetlands, which are waters of the state, to construct the Park Street residential development in Skagit County. The project is located at Section 36, Township 24 North, Range 02 East, Skagit County Tax Parcel Number P74290 and within the Lower Skagit - Samish watershed (WRIA 3).

This Administrative Order authorizes 0.126 acres of direct wetland impact and 0.066 acres of indirect impacts to Category III wetlands at the project location. Mitigation for this proposal will consist of purchase of 0.159 acre credits from the Skagit Environmental Wetland Mitigation Bank (SEWMB).

For purposes of this Order, the term “Project Proponent” shall mean Harbor Mountain Development LLC (C.J. Ebert), 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 April 1, 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 Chris.Luerkens@ecy.wa.gov. Any submittals shall reference Order No. 24201.
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 Bank Use Plan (Mitigation Plan) by Soundview Consultants LLC and dated March 16, 2025, or as required by this Order or revised and approved by Ecology.
- 2. The Project Proponent shall submit to Ecology (per Condition A.2) 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.

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 Chapters 43.21B RCW and 371-08 WAC.

Address and Location Information

Filing with the PCH

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:

Chris Luerkens
Department of Ecology
360-410-4807
Chris.luerkens@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
[https:// eluh0.wa.gov](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>

Harbor Mountain Development LLC (C.J. Ebert)
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Signature

Dated this 31 day of October, 2025 at the Department of Ecology, Shoreline, Washington.

A handwritten signature in black ink, appearing to read "Joe Burcar", is written above a horizontal line.

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