



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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May 4, 2016

Robin Cole
City of Bellevue Parks and Community Services Department
450 110th Avenue NE
Bellevue, WA 98009

RE: Water Quality Certification Order #12876 for U.S. Army Corps of Engineers
Public Notice #NWS-2015-196, Meydenbauer Bay Park Phase 1 Improvement
Project, Wetlands and Lake Washington, Bellevue, King County, Washington

Dear Ms. Cole:

On May 6, 2015, City of Bellevue Parks and Community Services Department submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification under the federal Clean Water Act for the proposed Meydenbauer Bay Park Phase 1 Improvement project.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice 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 conditions contained in the enclosed Order.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program

ES:rrp:ap

Enclosure

By certified mail: 7005 1820 0000 6707 8681



City of Bellevue Parks and Community Services Department

May 4, 2016

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cc: Andrew Shuckhart, U.S. Army Corps of Engineers
Christa Heller, Washington Department of Fish and Wildlife
Vivian Roach, Washington Department of Natural Resources
Ann Costanza, Anchor QEA, LLC

e-cc: Joe Burcar – NWRO
Paul Anderson – NWRO
Loree' Randall – HQ
Bob Wright – NWRO
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A) ORDER #12876
WATER QUALITY) Corps Reference #NWS-2015-196
CERTIFICATION TO) Meydenbauer Bay Park Phase 1
City of Bellevue Parks and) Improvements Project; Wetlands and
Community Services Department) Lake Washington, Bellevue, King County,
in accordance with 33 U.S.C. 1341) Washington.
(FWPCA § 401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: City of Bellevue Parks and Community Services Department
Attn: Robin Cole
450 110th Avenue NE
Bellevue, WA 98009

On May 6, 2015, City of Bellevue Parks and Community Services Department submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. The U.S. Army Corps of Engineers (Corps) distributed a joint public notice regarding the request for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on July 9, 2015.

Creation of the waterfront park includes:

- Placement of fill and grading of wetlands: Fill three wetlands with onsite material to complete the shoreline restoration work associated with the removal of existing bulkheads, for a total of 0.038 acre of wetland impacts.
- Creation of new concrete and stone retaining walls.
- Installation of pedestrian pathways.
- Daylighting of stormwater conveyance and ravine habitat restoration: Daylight an existing stormwater pipe and shoreline outfall to create an open channel resembling a natural stream system. The channel would include a rock weir waterfall approximately midway up the channel to serve as a barrier to fish to prevent stranding. The shoreline nearshore area would be expanded at the mouth of the channel where treated freshwater would enter the lake. Channel improvements would include a basin with an aggregate filter media to remove some metals from upstream stormwater, woody placement in the channel, natural cobble and boulder placement, and native riparian vegetation.
- Low-impact stormwater treatment and bioretention area: Stormwater from the viewing terrace parking lot would be treated in a bioretention area. An open boulder-lined channel would convey water to the treatment area. Below the treatment area, a combination of open boulder-lined channel, cobble and vegetated channel, and short culvert conveyances under paths (10- to 25-foot length) would convey stormwater to a level spreader under the swim beach.
- New curved floating pier: Removal of twenty 12-inch-diameter treated woodpiles, one 12-inch-diameter steel pile, and seventeen 9-inch-diameter woodpiles, as well as 1,106 square feet of existing overwater coverage on an existing pier. Install a new curved pier

with 6,999 square feet of overwater coverage consisting of a 138- by 12-foot-wide elevated walkway with 50 percent grated surface, a 30- by 8-foot-wide grated gangway, and a 240- by 12-foot-wide pier-float kayak launch, terminating in a 37.4-foot-diameter circular float. Install twenty-four 14-inch-diameter steel piles and four 16-inch-diameter steel piles

- Placement of a seasonal swim float: Installation of seven pilings for the float tie up and lines/booms for people-powered vehicle access areas, including two 12-inch-diameter steel piles and five 14-inch-diameter steel piles.
- Habitat and shoreline restoration: Removal of 350 linear feet and excavation of 333 cubic yards (75 cubic yards below ordinary high water) of existing shoreline armoring, including concrete steps and riprap rock bulkheads. Installation of 1,462 cubic yards of habitat gravel substrate over 37,565 square feet of shoreline. Up to 65,700 square feet of new native plantings would be installed throughout the project site.

Mitigation activities include: creation of new lakeshore wetlands, removal of existing bulkhead and restoration of shoreline, removal of existing shoreline outfall and daylighting a stormwater conveyance with base flow, treatment of low-impact development stormwater, providing improvements to existing stormwater management system, installation of new native plantings, restoration of existing upland vegetation by removing invasive species and replanting with native plants, and removal of existing debris (concrete).

The project is located at Meydenbauer Bay Park, south of Lake Washington Boulevard NE and west of 99th Avenue NE, Bellevue, King County, Washington, Wetlands and Lake Washington, Section 31, T. 25 N., R. 5E., WRIA 8.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. § 1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. 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, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments occurring because of project construction or operations.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean City of Bellevue Parks and Community Services Department and its agents, assignees and contractors.
- A2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Northwest Regional Office, Attn: Section 401/CZM Federal Permit Manager, 3190 160th Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #12876 and Corps Reference #NWS-2015-196.
- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on May 6, 2015. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
- A4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
- A5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual Section 404 and 10 permit.
- A6. The Applicant shall provide to Ecology's Section 401/CZM Federal Permit Manager a copy of the final Corps permit within two weeks of receipt of the permit. A copy shall be submitted per condition A2 above.

- A7. 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 lead workers, and state and local government inspectors.
- A8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
- A9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that 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 water quality.
- A10. The Applicant 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. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project or mitigation sites.
- A11. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
- A12. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. Wetland Compensatory Mitigation Conditions:

- B1. The Applicant shall mitigate wetland impacts as described in the *Mitigation Plan, Meydenbauer Bay Park Phase 1* (hereafter called the "Mitigation Plan") prepared by Anchor QEA, LLC, and dated April 2015, or as revised and approved by Ecology.
- B2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before work begins.
- B3. The Applicant shall get review and written approval from Ecology of any plan changes required if problems arise during construction and planting of the wetland mitigation site.
- B4. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

- B5. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrent with, affecting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
- B6. If the mitigation site(s) cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
- a) Meydenbauer Bay Park Phase 1 Improvements Project.
 - b) Mitigation Plan prepared by Anchor QEA, LLC, and dated April 2015, or as revised and approved by Ecology.
- With the:
- c) Reason for the delay.
 - d) Expected date of completion.
- The Applicant shall submit an updated written notification every 12 months thereafter until the Meydenbauer Bay Park Phase 1 Improvements Project and associated mitigation site are complete.
- B7. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers at the wetland mitigation site and above the 100-year floodplain.
- B8. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
- B9. The Applicant shall ensure that no construction debris is deposited within existing wetland and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.
- B10. The Applicant shall not use polyacrylamide at the mitigation site.
- B11. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
- B12. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
- B13. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of

individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.

- B14. If seeding is used as a best management practice for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species.
- B15. The Applicant shall place signs at the mitigation area's boundaries, including buffers (on the waterside [south] of the proposed pedestrian promenade), every 50 feet to mark the area as a wetland mitigation site.
- B16. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology written confirmation, from a surveyor or project engineer, that the finished grades are consistent with the approved Mitigation Plan or subsequent Ecology-approved plan changes. The confirmation should indicate how final elevations were confirmed. The written confirmation can be in the form of an email or signed letter.
- B17. After completing construction and planting of the mitigation sites(s), the Applicant shall submit to Ecology (see A2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
- a) Be submitted within 90 days of completing construction and planting. Include one hard copy and one electronic file.
 - b) Include the information listed in Attachment B (Information Required for As-built Reports).
 - c) Include documentation of the recorded legal mechanism required in Condition B18.
- B18. Within 90 days of completing construction and planting of Meydenbauer Bay Park Phase 1 Improvements Project mitigation site, the Applicant shall record a Wetlands Notice (see Attachment C: Wetland Notice for Deed Notification). The Notice must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.

Monitoring and Maintenance

- B19. The Applicant shall water and maintain all mitigation site plantings to meet the Mitigation Plan's performance standards (see Mitigation Plan), or as revised and approved by Ecology. If an irrigation system is installed, it shall be removed by the end of year three unless permission is received in writing from Ecology to allow the system to remain for a longer period.
- B20. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described on pages 39 through 47 of the Mitigation Plan.
- B21. The Applicant shall submit to Ecology (see A2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 4, 5, 7, and 10. The monitoring reports must:

- a) Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
 - b) Include the information listed in Attachment D (Information Required for Monitoring Reports).
- B22. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
- B23. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for the changes.
- B24. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the first available planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
- B25. For monitoring years five (5) and ten (10) the Applicant shall use the currently approved federal wetland delineation manual and appropriate regional supplement to delineate all compensatory wetlands and include delineation information (e.g. data sheets, maps, etc.) in the monitoring reports.
- B26. At the end of the monitoring period, the Applicant shall use the August 2014 or updated version of "Washington State Wetlands Rating System for Western Washington" to rate all wetlands (except those that have been preserved) and include the information in the monitoring report.
- B27. If the Applicant has not met all conditions and performance standards for the mitigation site at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.
- B28. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition B1 to mitigate for wetland impacts is not met.
- C. Water Quality Conditions:**
- C1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i).
- C2. In-Water Construction Water Quality Sampling and Monitoring: A Water Quality Protection and Monitoring Plan (Plan) shall be developed and implemented. The Plan shall be submitted to Ecology per Condition A2 for review and approval at least 30 days

prior to start of construction. "In-water construction" is defined as all work below the ordinary high water mark of Lake Washington.

The Plan shall include the following minimum requirements:

- a. Locations of samples: Locations of water quality sampling sites shall be identified and described in the Plan and on a map of the project area. At a minimum, sampling shall take place at the point of compliance as specified in WAC 173-201A-200(1)(e)(i), which allows a 150-foot temporary area of mixing for turbidity resulting from disturbance of in-place sediments in Lake Washington. Background samples shall be collected outside the area of influence of the in-water work. Background samples shall be collected at the same frequency as the point of compliance samples.
- b. Number of samples: Number and frequency of water quality samples to be taken.
- c. Parameter to be sampled: Turbidity shall be sampled for this project.
- d. Equipment Sampling for turbidity is to be accomplished using a turbidometer properly calibrated according to the operator's manual.
- e. Best Management Practices (BMPs): A description of the BMPs that will be used during construction to protect water quality.
- f. Detection of exceedances: If exceedances of the water quality standard at the point of compliance specified in WAC 173-201A-200(1)(e)(i) is detected through water quality sampling and monitoring, the Applicant shall immediately take action to stop, contain, and prevent unauthorized discharges or otherwise stop the violation and correct the problem. After such an event, the Applicant shall assess the efficacy of the site BMPs and update or improve the BMPs used at the work site in an effort to reduce or prevent recurrence of the turbidity exceedance.
- g. Reporting: If no exceedances are detected, results of water quality sampling, as determined by the Plan, shall be forwarded to Ecology on a monthly basis in accordance to Condition A2.
- h. Notification of exceedances: Notification of exceedances that are detected through water quality sampling shall be made to Ecology within 24 hours of occurrence. Notification shall be made with reference to Order #12876, Attn: Section 401/CZM Federal Permit Manager, by telephone at (425) 649-7129 or (425) 649-7000, or by fax to (425) 649-7098. The Applicant shall, at a minimum, provide Ecology with the following information:
 - i. A description of the nature and cause of exceedance.

- ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance.
- iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
- iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, turbidity results and location, photographs, and any other pertinent information.

D. Conditions for Construction Activities:

General Conditions:

- D1. Applicant shall obtain and comply with a Construction Stormwater General Permit for this project, if applicable.
- D2. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- D3. Machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
- D4. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- D5. During project demolition or construction, a containment boom and absorbent pads shall be placed around the perimeter of the work area to capture wood debris and other materials released into the waters because of construction activities. All accumulated debris shall be collected and disposed of upland at an approved disposal site.

In-Water Conditions:

- D6. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.
- D7. A turbidity curtain shall be properly deployed and maintained during in-water activities in order to minimize turbidity and re-suspension.
- D8. The Applicant shall use tarps or other containment method when cutting or drilling over water to prevent debris, sawdust, and other materials from entering the water.

- D9. During construction, the Applicant shall have a boat available on site at all times to retrieve debris from the water.
- D10. Clean Fill Criteria: Applicant shall ensure that fill (soil or other material) placed for the proposed project does not contain toxic materials in toxic amounts.
- D11. All manmade debris that has been deposited below the Ordinary High Water Line (OHWL) within the construction work area shall be removed and disposed of upland such that it does not enter waters of the state. Concrete rubble, metal debris, and other debris in the construction work corridor that have washed into freshwater areas shall be removed from the project area.
- D12. Project activities shall be conducted to minimize siltation of the beach area and bed.
- D13. The Applicant shall operate the barge(s) and tug in deep water so as to minimize nearshore propeller wash impacts such as suspension of nearshore sediments.
- D14. Barges and other work vessels shall not be allowed to ground-out during construction.

Piling and Timber Removal Conditions:

- D15. Approximately 20 creosote-treated timber piles, one steel pile, and 17 wood piles shall be removed from fresh waters. Piling shall be removed by pulling. If timber piles break during removal and cannot be removed by vibratory extraction, the piling shall be cut 2 feet below the mud line.
- D16. Piles, stubs, debris, and all associated excavated sediments shall be contained and prevented from entering waters of the state.
- D17. Piles removed from substrate: the pile shall be moved immediately from the water into the barge or onto uplands. The pile shall not be shaken, hosed-off, left hanging to drip, or any other action intended to clean or remove adhering material from the pile.
- D18. Work surface on the barge deck or on uplands shall include a containment basin for piles and any sediment removed during pulling of the piling. Basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.
- D19. The piles and any sediment removed during pulling of the piling shall be disposed of at an approved upland disposal site.

Pile Driving:

- D20. The 35 new pilings shall be steel.
- D21. The steel pilings shall be installed using a vibratory hammer whenever possible. An impact hammer may be used to proof pile, if needed.

E. Emergency/Contingency Measures:

- E1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- E2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
- E3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
- E4. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:
- a. Cease operations at the location of the violation or spill.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's Section 401/CZM Federal Permit Manager at (425) 649-7129 or (425) 649-7000.
 - d. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

F. Timing Requirements

- F1. All in-water work shall be completed by the work window identified in the most current Hydraulic Project Approval (HPA) issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.

F2. This Order is valid until all compliance requirements in this document have been met.

G. Reporting and Notification Requirement Conditions

G1. Applicant shall provide notice to Ecology’s Section 401/CZM Federal Project Manager:

- At least three (3) days prior to the start of construction.
- Within 14 days after completion of construction at the project site.

Notification, referencing Corps Reference #NWS-2015-196, Order #12876 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.

G2. If the project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and planting is complete or this Order expires.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. Chapter 43.21B RCW and Chapter 371-08 WAC govern the appeal process. “Date of receipt” is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

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

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

CONTACT INFORMATION

Please direct all questions about this Order to:

Rebekah Padgett
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7129
rebekah.padgett@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

5.4.2016

Date

ATTACHMENT A

**CITY OF BELLEVUE PARKS AND COMMUNITY SERVICES DEPARTMENT
MEYDENBAUER BAY PARK PHASE 1 IMPROVEMENT PROJECT
Water Quality Certification Order #12876**

**Statement of Understanding of
Water Quality Certification Conditions**

I have read and understand the conditions of Order #12876 Section 401 Water Quality Certification for the City of Bellevue Parks and Community Services Department Meydenbauer Bay Park Phase 1 Improvement Project. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this Order.

Signature

Date

Title

Company

Attachment B
Information Required for As-built Reports
(See Condition B17)

CITY OF BELLEVUE PARKS AND COMMUNITY SERVICES DEPARTMENT
MEYDENBAUER BAY PARK PHASE 1 IMPROVEMENT PROJECT
Water Quality Certification Order #12876

Corps Reference #NWS-2015-196

Background Information

- 1) Project name.
- 2) Ecology reference number and the Corps reference number.
- 3) Name and contact information of the person preparing the as-built report. Also include the names of:
 - a) The applicant.
 - b) The landowner (if different than the applicant).
 - c) Wetland professional on site during construction of the compensatory mitigation site.
- 4) Date the report was produced.

The Compensatory Mitigation Project

- 5) Brief description of the **final** compensatory mitigation project with any changes from the approved plan made during construction. Include:
 - a) **Actual** acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
 - b) Important dates including:
 - i. Start of project construction.
 - ii. When work on the compensatory mitigation site began and ended.
 - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
- 7) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the compensatory mitigation site.
- 8) List of any follow-up actions needed, with a schedule.
- 9) Final site maps (8-1/2" x 11" or larger) of the compensatory mitigation site(s), including the following (at a minimum):
 - a) Geographic location of the site with landmarks;
 - b) Clear delineation of the project perimeter(s);
 - c) Topography (with a description of how elevations were determined);
 - d) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material);

- e) Location of habitat features;
- f) Location of permanent photo stations.

The final site maps should reflect on-the-ground conditions after the site work is completed. Include the month and year when the maps were produced and, if applicable, when information was collected.

- 10) Photographs of the site at as-built conditions taken from permanent photo stations. We recommend photo pans.
- 11) Copies of any records of deed notifications or conservation easements.

Attachment C
Wetland Notice for Deed Notification
(See Condition B18)

CITY OF BELLEVUE PARKS AND COMMUNITY SERVICES DEPARTMENT
MEYDENBAUER BAY PARK PHASE 1 IMPROVEMENT PROJECT
Water Quality Certification Order #12876

Corps Reference #NWS-2015-196

Tax Parcel Number: _____

Legal Description: _____

Legal Owner: _____

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(20) RCW, Chapter 90.58.030 (2)(h) RCW and WAC 173-201A-020. The property was the subject of an Ecology action under Chapter 90.48.260 RCW or Chapter 90.48.120(1) RCW.

_____, issued on _____, 20____
(Corps federal reference #) Ecology Docket #

to _____ for _____
(Applicant Name) (Project Name)

Restrictions on use or alteration of the wetlands may exist due to natural conditions of the property and resulting regulations. A copy of Ecology's Order and the site map from the final wetland mitigation plan indicating the location of wetlands and their buffers is attached hereto.

EXECUTED this _____ day of _____, 20 ____.

State of Washington)
County of _____)

I certify that I know or have satisfactory evidence that _____
Signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand an official seal this _____ day of _____, 20 ____.

NOTARY PUBLIC in and for the state of Washington,
residing at _____.(Amended by

Attachment D
Information Required for Monitoring Reports
(See Condition B21)

CITY OF BELLEVUE PARKS AND COMMUNITY SERVICES DEPARTMENT
MEYDENBAUER BAY PARK PHASE 1 IMPROVEMENT PROJECT
Water Quality Certification Order #12876

Corps Reference #NWS-2015-196

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) The party responsible for the monitoring activities.
- 4) Dates the monitoring data were collected.
- 5) Date the report was produced.

Mitigation Project Information

- 6) Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
- 7) Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
 - a) Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.
 - b) Size and shape of plots or transects.
 - c) Number of sampling locations and how you determined the number of sampling locations to use.
 - d) Percent of the mitigation area being sampled.
 - e) Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.

- f) Schedule for sampling (how often and when).
 - g) Description of how the data was evaluated and analyzed.
 - 8) Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
 - 9) Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
 - 10) Goals and objectives and a discussion of whether the project is progressing toward achieving them.
 - 11) Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
 - 12) Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
 - 13) Specific recommendations for additional maintenance or corrective actions with a timetable.
 - 14) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
 - 15) Vicinity map showing the geographic location of the site(s) with landmarks.
 - 16) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
 - a) Boundary of the site(s).
 - b) Location of permanent photo stations and any other photos taken.
 - c) Data sampling locations, such as points, plots, or transects.
 - d) Approximate locations of any replanted vegetation.
 - e) Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.
- Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.

