STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 14, 2014

Achen Development, LLC
Attn: Mr. Michael Achen
20926 NE Allworth Road
Battle Ground, WA 98604

Re: Amendment to 401 Water Quality Certification Order No. 10418 for U.S. Army Corps of Engineers Reference No. NWS-2006-392, Copper Leaf Phase II, Residential Housing Development, Wetlands, Battle Ground, Clark County, Washington

Dear Mr. Achen:

Enclosed is an amendment to Water Quality Certification Order No. 10418, issued on January 6, 2014, for the above project.

The purpose of this amendment is to incorporate the updated JARPA and revised mitigation plan in to Order No. 10418. Both the updated JARPA and the revised mitigation plan clarify the details of the mitigation required for this project. The amendment applies to Conditions A.3 and E.1. The updated JARPA describes the proposed mitigation based on agency recommendations and requirements, and corrects acreage of types of mitigation. The revised mitigation plan corrects the acreage of mitigation types, adjusts some performance standards, and corrects the scoring for the Credit-Debit analysis, among other minor adjustments.

If you have any questions, please contact Rebecca Schroeder at 360-407-7273. The enclosed amendment may be appealed by following the procedures described in the amendment.

Sincerely,

Perry J Lund
Southwest Regional Office
Shorelands and Environmental Assistance Program

By certified mail: 7012 1010 0003 0195 8770

cc: Steve Manlow, U.S. Army Corps of Engineers
Brent Davis, Clark County
Timothy J. Haderly, Ecological Land Services, Inc.

e-cc: ECY RE FEDPERMITS
Loree' Randall – HQ, SEA
Lori Ochoa – SWRO, SEA
Rebecca Schroeder – SWRO, SEA
Deborah Cornett – SWRO, WQ

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Achen Development, LLC In accordance with 33U.S.C. 1341 (FWPCA §401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER #10418, First Amendment Corps Reference No. NWS-2006-392**

TO: Achen Development, LLC
Attn: Mr. Michael Achen
20926 NE Allworth Road
Battle Ground, WA 98604

On January 6, 2014, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Achen Development, LLC for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received an updated JARPA and a revised mitigation plan on February 26, 2014, both of which clarify the details of the mitigation required for this project. The purpose of this amendment is to incorporate the updated JARPA and revised mitigation plan in to Order #10418.

Order #10418, dated January 6, 2014, is hereby amended as follows:

I. Condition number A.3, which reads:

> Work authorized by this Order is limited to the work described in the JARPA received by Ecology on January 17, 2013. 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.

Is replaced as follows:

> Work authorized by this Order is limited to the work described in the revised JARP A received by Ecology on February 26, 2014. 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.

II. Condition number E.1, which reads:

> The Applicant shall mitigate wetland impacts as described in the *Wetland Mitigation Plan for Copper Leaf Phase II, Battle Ground, Washington* (hereafter referred to as the "Mitigation Plan") prepared by Ecological Land Services, Inc.,

revised December 19, 2013, or as modified by this Order or revised and approved by Ecology.

Is replaced as follows:

The Applicant shall mitigate wetland impacts as described in the *Wetland Mitigation Plan for Copper Leaf Phase II, Battle Ground, Washington* (hereafter referred to as the "Mitigation Plan") prepared by Ecological Land Services, Inc., revised February 26, 2014, or as modified by this Order or revised and approved by Ecology.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

The Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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. 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 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.) E-mail 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel RD SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

5/15/2014

Perry J Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Ecology Southwest Regional Office

Date

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

January 6, 2014

Achen Development, LLC
ATTN: Mr. Michael Achen
20926 NE Allworth Road
Battle Ground, WA 98604

RE: Water Quality Certification Order No. **10418** for Corps Public Notice No. **NWS-2006-392**, to fill 3.62 acres of wetlands to construct the Copper Leaf Phase II residential housing development, Battle Ground, Clark County, Washington

Dear Mr. Achen:

On January 17, 2013, Achen Development, LLC submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act to construct a residential housing development known as Copper Leaf, Phase II, in Battle Ground, Clark County, Washington.

The proposed project will impact 3.62 acres of Category IV wetlands. Mitigation to compensate for the wetland impacts will occur off-site through a combination of wetland creation, wetland enhancement, and riparian enhancement at the Clearwater mitigation site.

On behalf of the State of Washington, Ecology certifies that the work described in the original 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 Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

Enclosures

By Certified Mail 7011 3500 0003 5810 5977

cc: Steve Manlow, Corps of Engineers, VFO
Brent Davis, Clark County
Timothy J. Haderly, Ecological Land Services, Inc.

e-cc: ECY RE FEDPERMITS
Loree' Randall – Ecology, HQ, SEA
Lori Ochoa – Ecology, SWRO, SEA
Rebecca Schroeder – Ecology, SWRO, SEA
Deborah Cornett - Ecology, SWRO, WQ

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Achen Development, LLC ATTN: Mr. Michael Achen in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	))))))))	**ORDER No. 10418** **Corps Reference No. NWS-2006-392** To Construct the Copper Leaf Phase II Residential Development, Battle Ground, Clark County, Washington

TO: Achen Development, LLC
ATTN: Mr. Michael Achen
20926 NE Allworth Road
Battle Ground, WA 98604

On January 17, 2013, Achen Development, LLC submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on January 10, 2013.

Achen Development, LLC is proposing to construct a 31-lot residential subdivision on an approximately 4.5-acre site in the City of Battle Ground. This proposed project is Phase II of the Copper Leaf (originally Cottonwood Terrace) development started in 2006.

The proposed project will permanently fill 3.62 acres of Category IV wetlands. Mitigation to compensate for the wetland impacts will occur off-site on a parcel known as the "Clearwater" site along Salmon Creek in east Battle Ground. The off-site mitigation area is composed of 8.75 total acres that will include 2.77 acres of wetland creation, 2.84 acres of wetland enhancement, and 3.14 acres of riparian enhancement.

The project is located at 633 Parkway Avenue, Battle Ground, Clark County, Washington, 98604; NE Section 3; Township 3 North; Range 2 East; WRIA 28, Salmon-Washougal Watershed.

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 not violate 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 as a result of project construction or operations.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean Achen Development, LLC and its agents, assignees, and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775, or loch461@ecy.wa.gov. Any submittals shall reference Order No. **10418** and Corps No. **NWS-2006-392.**
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on January 17, 2013. 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.
4. Within 30 days of receipt of an updated JARPA, Ecology will determine whether the revised project requires a new water quality certification and public notice or whether a modification to this Order is required.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
6. 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.
7. 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.
8. 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.

9. 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.
10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
11. 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 the terms of this Order.

B. Timing:

1. This Order is valid until all of the compliance requirements in this document have been met.

C. Notification Requirements:

1. The Applicant shall provide written notification (FAX, e-mail, or mail) to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2 above for the following activities:
   a. At least ten (10) days prior to the onset of any work on site
   b. At least ten (10) days prior to the onset of work at the wetland mitigation site
   c. Immediately following a violation of the state water quality standards or any condition of this Order
   d. Within fourteen (14) days after completion of project construction.

D. Construction, Equipment Staging and Maintenance:

1. The project shall obtain and comply with the conditions of the current Construction Stormwater General Permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.
2. Construction stormwater, sediment, and erosion control best management practices (BMPs; e.g., filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.
3. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state, including wetlands.
5. All construction debris shall be properly disposed of in a manner to prevent it from entering wetlands and/or wetland buffers.
6. All work within the project limits shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas and buffers that are to be protected from disturbance shall be marked so as to be

clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.

7. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in a confined area in order to prevent contamination to waters of the state. Fueling areas will be provided with adequate spill containment.
8. Appropriate BMPs shall be implemented to minimize track-out during construction.
9. Staging area will be located a minimum of 50 feet and, where practical, 200 feet from waters of the state (including wetlands), unless authorized by Ecology.
10. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working area shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
11. Clean Fill Criteria: The Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.

E. Wetland Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the *Wetland Mitigation Plan for Copper Leaf Phase II, Battle Ground, Washington* (hereafter referred to as the "Mitigation Plan") prepared by Ecological Land Services, Inc., revised December 19, 2013, or as modified by this Order or revised and approved by Ecology.
2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (per Condition A.2 above) for review and approval **before** work begins.
3. 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.
4. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

5. Unless otherwise approved by Ecology in writing, the Applicant 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.
6. If the mitigation site cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
    a. The Copper Leaf Phase II residential subdivision;
    b. The wetland mitigation site.

    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 Copper Leaf, Phase II residential development and wetland mitigation site are complete.

7. 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.
8. The Applicant shall ensure that no material is stockpiled within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
9. The Applicant shall ensure that no construction debris is deposited within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
10. The Applicant shall not use polyacrylamide on exposed or disturbed soil at the mitigation site.
11. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site.
12. 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.
13. 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.
14. If seeding is used at the wetland mitigation site, the seed mix must contain only native, non-invasive plant species.
15. The Applicant shall place signs at the mitigation areas' boundaries, including buffers, every 100 feet to mark the area as a wetland mitigation site. No signage is required along the site boundary bordering Salmon Creek.
16. 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.
17. After completing construction and planting of the mitigation sites, the Applicant shall submit to Ecology (per Condition A.2.) 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 E.17.

18. Within 90 days of completing construction and planting of the mitigation site, the Applicant shall record a restrictive covenant, a copy of this Order, and the site map from the final wetland Mitigation Plan or as-built indicating the location of wetlands and their buffers. These documents 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

19. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. 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.

20. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described in pages 23 - 25 of the Mitigation Plan. Year-one monitoring shall begin at least one year after completion of the mitigation site, including planting.

21. The Applicant shall submit to Ecology (per Condition A.2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 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 C (Information Required for Monitoring Reports).

22. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards of the Mitigation Plan are not being met.

23. Prior to implementing any contingency measures not specified in the Mitigation Plan, the Applicant shall consult with, and obtain written approval from, Ecology for the changes.

24. 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.

25. For monitoring years five (5) and ten (10) the Applicant shall use the most current 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.

26. At the end of the monitoring period, the Applicant shall use the August 2004 or updated version of "Washington State Wetlands Rating System for Western Washington" to rate all wetlands and include the information in the monitoring report.

27. 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.

28. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition E.1 to mitigate for wetland impacts is not met.

F. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
2. 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.
3. 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 waters of the state.
4. 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, including wetlands, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
   a. Cease operations that are causing the compliance problem.
   b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
   c. In the event of finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
   d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
   e. 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 Southwest Federal Project Coordinator at (360) 407-6926 or (360) 407-6300.
   f. Submit a detailed written report to Ecology's Federal Permit Manager 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.

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. 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 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.) E-mail 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel Rd SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

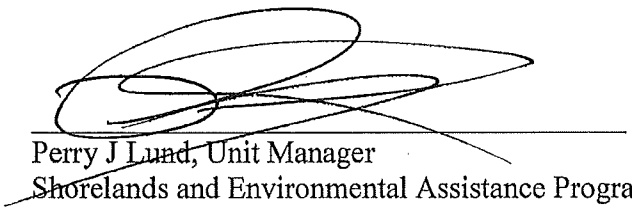
Please direct all questions about this Order to:

Lori Ochoa
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775
loch461@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 34.05 RCW – Administrative Procedure Act**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05
- **Chapter 90.48 RCW – Water Pollution Control**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
  http://www.ecy.wa.gov/biblio/wac173204.html
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
  http://www.ecy.wa.gov/biblio/wac173200.html
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
  http://www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology

1/6/2014
Date

Attachment A
Statement of Understanding
Water Quality Certification Conditions

Copper Leaf, Phase II
Achen Development, LLC
Water Quality Certification Order No. **10418**
and
Corps Reference No. **NWS-2006-392**

I, _____, state that I will be involved as an agent or contractor for Achen Development, LLC in the site preparation and/or construction of the Copper Leaf, Phase II residential subdivision located at 633 S. Parkway Avenue, Battle Ground, Clark County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order No. **10418** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

_____ _____
Signature Date

_____ _____
Title Phone

_____
Company

Attachment B
Information Required for As-built Reports
Copper Leaf, Phase II
Achen Development, LLC
Water Quality Certification Order No. **10418**
and
Corps Reference No. **NWS-2012-1209**

Background Information

1) Project name.
2) Ecology docket number and the Corps reference number.
3) Name and contact information for the parties responsible for the mitigation site including:
    a) The applicant.
    b) The landowner.
    c) Wetland professional on site during construction of the compensatory mitigation site.
4) Name and contact information for the party responsible for preparing the report.
5) Who the report was prepared for (name, address, and phone number) {*if different from number 3 above.*}
6) Month and year the report was produced.

The Development (Impact) Site

7) Brief description of the development project (impact site). Include:
    a) Directions to the site.
    b) Month and year construction of the development project started and ended.
    c) Area (acres) and type(s) (rating category, HGM classification, and Cowardin classification) of wetlands that were **actually** impacted by the development project, including temporary impacts.

The Compensatory Mitigation Project

8) Brief description of the **final** compensatory mitigation project with any changes from the approved plan made during construction. Include:
    a) Directions to the site.
    b) Who completed the compensatory mitigation project (name, address, and phone number).
    c) **Actual** acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
    d) Important dates including:
        i. Month and year the wetland impacts occurred.
        ii. When work on the compensatory mitigation site began and ended.
        iii. When different activities began and ended such as grading, removal of invasive plants, installing plants, and installing habitat features.
9) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the compensatory mitigation site.
10) Any changes to the goals, objectives, and performance standards of the compensatory mitigation project.
11) List of any follow-up actions needed, with a schedule.

12) 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.
13) Photographs of the site at as-built conditions taken from permanent photo stations. We recommend photo pans.
14) Copies of any records of deed notifications or conservation easements.

Attachment C
Information Required for Monitoring Reports

Copper Leaf, Phase II
Achen Development, LLC
Water Quality Certification Order No. **10418**
and
Corps Reference No. **NWS-2006-392**

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

Background Information

1) Project name.
2) Ecology docket number and Corps reference number.
3) Name and contact information of the parties responsible for the mitigation site, including:
    a) The applicant.
    b) The landowner.
4) Name and contact information for the party responsible for the monitoring activities and report.
5) Whom the report was prepared for (name, address, and phone number) {*if different from number 3 above*}.
6) Month and year the monitoring data were collected.
7) Month and year the report was produced.

Mitigation Project Information

8) Brief description of the mitigation project, including:
    a) Directions to the site.
    b) Acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
9) Brief description of monitoring approach and methods.
10) A list of the goals and objectives for the mitigation project.
11) Summary table of monitoring data compared with performance standards. Using the monitoring data, describe how the site is developing toward goals and objectives and whether the project is in compliance with performance standards.
12) Summary (including dates) of management actions (maintenance, contingencies, and corrective actions) implemented at the site(s).
13) Summary of any difficulties or significant events that occurred on the site that may affect the ultimate success of the project.
14) Specific recommendations for any additional corrective actions or adaptive management with a time table.
15) Summary of any lessons learned.
16) Site maps (8 1/2" x 11" or larger) of the compensatory mitigation site(s) including the following (at a minimum).
    a) Include the month and year when the maps were produced and when information was collected.

b) The geographic location of the site with landmarks.
c) Clear delineation of the project perimeter(s).
d) Species, numbers, and approximate locations of all replanted vegetation.
e) Location of habitat features.
f) Location of permanent photo stations and location of any other photos.
g) Location of sampling locations such as points, lines, or transects.

17) Photographs taken at permanent photo stations (and other photographs as needed) from the most recent monitoring visit, which are dated and clearly indicate the direction from which the photo was taken. We recommend photo pans.