STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

November 12, 2014

Washington Department of Transportation
South Central Region
Attn: Bill Sauriol
2809 Rudkin Road
Union Gap, Wa 98903-1648

RE: Water Quality Certification Order #11056 for Corps Public Notice No. NWS-2007-2080-DOT for the I-90 Phase 2A Keechelus Dam to Stampede Pass – Add Lanes/Build Wildlife Bridges in Kittitas County, Washington

Dear Mr. Sauriol:

On February 19, 2014, the Washington Department of Transportation (WSDOT), submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed I-90 Phase 2A Keechelus Dam to Stampede Pass – Add Lanes/Build Wildlife Bridges.

WSDOT proposes to widen I-90 from 4 lanes to 6 lanes by adding a third lane in each direction starting at milepost 59.5 near Resort Creek and ending at milepost 62.0 just east of the Price Creek Safety Rest Area. The project is the second phase of a larger 15 mile corridor project called the I-90 Snoqualmie Pass East Project (milepost 55.1 to milepost 70.3).

Phase 2A construction work will entail the following:

- Add a third lane in each direction
- Replace deteriorating pavement
- Stabilize existing rock slopes, including rock scaling, rock nets and rock bolts
- Rock cuts at three locations on the northern upslope side of the interstate from milepost 59.7 to milepost 60.0
- Upgrade illumination and signage
- Install and realign utilities
- Provide new chain up areas

Additional project components include building new bridges at three different locations that will replace existing culverts; Unnamed Creek at milepost 60.9, Price Creek at milepost 61.3, and Noble Creek at milepost 61.4. These new bridges will improve wildlife and surface water connectivity and allow fish passage. New culverts will be built at Unnamed Creek milepost 59.7 and Townsend Creek 60.6. Four low mobility culverts (from milepost 60.5 to milepost 61.3) will improve wildlife connectivity and hydrologic connectivity zone culverts will be installed at milepost 61.1 and milepost 61.6 to improve groundwater and surface water connectivity. Stormwater treatment will be added to meet the current Highway Runoff Manual standards for 100 percent of the new and replaced impervious surfaces.

At the Price Creek Sno-Park and Interim Safety Rest Area pavement will be removed and the area restored to natural conditions. The banks along Keechelus Lake will be stabilized to protect against wave erosion and a new 150 foot wildlife overcrossing will be constructed at milepost 61.5. Wildlife fencing will be added to direct wildlife to new crossing structures, reducing wildlife vehicle collisions.

The project will have unavoidable permanent impacts to twelve wetlands. The project will permanently fill approximately 2.59 acres (which includes 0.18 acre of indirect impacts) of Category II, III, and IV wetlands. The majority of impacts are to Category III lacustrine wetlands located below the ordinary high water mark of Keechelus Lake and Category IV wetlands located adjacent to the existing highway. Long-term temporary wetland impacts include 0.74 acres of wetlands.

Permanent wetland fill and long-term temporary wetland impacts will be mitigated with mitigation credit from sites established in the I-90 Phase 1 project as described in the *I-90 Snoqualmie Pass East Final Wetlands and Aquatic Resources Mitigation Plan*, dated January 2011. Advance mitigation sites will be built as part of the Phase 2A project, and credit derived from these sites will be added to the mitigation balance and applied to future phases of the I-90 project, or other WSDOT projects, pending agency review and approval.

The Phase 1 mitigation balance includes 6.64 acres of restoration, 65.17 acres of wetland/riparian preservation, and 109.82 acres of upland preservation..Phase 2A wetland impacts will debit 2.40 acres of restoration, 10.59 acres of wetland/riparian preservation, and 21.76 acres of upland preservation from the Phase 1 surplus mitigation balance.

Advance mitigation will be provided at the Townsend Creek Culvert Replacement, Unnamed Creek (MP 60.9) Wildlife Undercrossing, and the Price/Noble Mitigation Area. Credit derived from these sites is considered advance mitigation and will be incorporated into the project's mitigation balance.

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 Penny Kelley at 360-407-7298. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brenden McFarland
Headquarters Office
Shorelands and Environmental Assistance Program

by Certified Mail 7009 0820 0001 9056 0175

Enclosure

e-cc: Sandi Manning, Corps of Engineers
Caroline Corcoran, Ecology
Bobb Nolan, Ecology
Mark Peterschmidt, Ecology
Brent Renfrow, WDFW
Patty Garvey-Darda, Forest Service
Kristen Andrews, WSDOT
Mark Reynolds, WSDOT
Larry Matson, WSDOT
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO WA Department of Transportation in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	))))))	**ORDER # 11056** **Corps Reference No. NWS-2007-2080-DOT** Widen I-90 from 4 to 6 lanes by adding a third lane in each direction. The project is located on I-90 from MP 59.5 to MP 62.0 in Kittitas County, Washington.

Department of Transportation
South Central Region
Attn: Bill Sauriol
2809 Rudkin Road
Union Gap, WA 98903-1648

On February 19, 2014, Ecology received a Joint Aquatic Resources Permit Application (JARPA) from the Washington Department of Transportation (WSDOT) requesting a 401 Water Quality Certification (WQC). The U.S. Army Corps of Engineers (Corps) issued a public notice for the project on April 4, 2014.

WSDOT proposes to widen I-90 from 4 lanes to 6 lanes by adding a third lane in each direction starting at milepost 59.5 near Resort Creek and ending at milepost 62.0 just east of the Price Creek Safety Rest Area. The project is the second phase of a larger 15 mile corridor project called the I-90 Snoqualmie Pass East Project (milepost 55.1 to milepost 70.3). This section is referred to I-90 Phase 2A Keechelus Dam to Stampede Pass – Add lanes and Build Wildlife Bridges.

Phase 2A construction work will entail the following:

- Add a third lane in each direction
- Replace deteriorating pavement
- Stabilize existing rock slopes, including rock scaling, rock nets and rock bolts
- Rock cuts at three locations on the northern upslope side of the interstate from milepost 59.7 to milepost 60.0
- Upgrade illumination and signage
- Install and realign utilities
- Provide new chain up areas

Additional project components include building new bridges at three different locations that will replace existing culverts; Unnamed Creek at milepost 60.9, Price Creek at milepost 61.3, and Noble Creek at milepost 61.4. These new bridges will improve wildlife and surface water connectivity and allow fish passage. New culverts will be built at Unnamed Creek milepost 59.7 and Townsend Creek 60.6. Four low mobility culverts (from milepost 60.5 to milepost 61.3) will improve wildlife connectivity and hydrologic connectivity zone culverts will be installed at milepost 61.1 and milepost 61.6 to improve groundwater and surface water connectivity. Stormwater treatment will be added to meet the current Highway Runoff Manual standards for 100 percent of the new and replaced impervious surfaces.

At the Price Creek Sno-Park and Interim Safety Rest Area pavement will be removed and the area restored to natural conditions. The banks along Keechelus Lake will be stabilized to protect against wave erosion and a new 150 foot wildlife overcrossing will be constructed at milepost 61.5. Wildlife fencing will be added to direct wildlife to new crossing structures, reducing wildlife vehicle collisions.

The project is located in I-90 starting at milepost 59.5 and ending at milepost 62.0 in Kittitas County, WA.

WRIA 39 – Upper Yakima River
Section 1 T21N R11E
Section 12 T21N R11E
Section 10 T21N R12E
Section 15 T21N R12E

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed 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 comply with 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 WSDOT to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or

sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification absolves WSDOT from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term "Applicant" shall mean the Washington State Department of Transportation and its agents, assignees, and contractors.

2. All submittals required by this Order shall be sent to Ecology's Headquarters Office, Attn: Federal Project Coordinator, P.O. Box 47600, Olympia, WA 98504 or via e-mail (preferred), if possible, to the Coordinator assigned to this project. The submittals shall be identified with Order No. 11056 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.

3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on February 19, 2014. The Applicant will be out of compliance with this Order and must submit an updated JARPA 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 any updated information, 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.

5. This Order shall be rescinded if the Corps of Engineers does not issue an individual Section 404 permit.

6. The Applicant shall send (per A.2.) a copy of the final individual Section 404 permit to Ecology's Federal Project Coordinator within two weeks of receiving it.

7. The Applicant shall keep copies of this Order 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.

8. 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.

9. 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. Furthermore, 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.

10. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work 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 signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.

11. 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.

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

B. Notification Requirements

1. Notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Project Coordinator. Notifications shall be identified with Order No. 11056 and include the Applicants name, project name, project location, project contact and the contact's phone number.

    a. Immediately following a violation of state water quality standards, spill to waters of the state or when the project is out of compliance with any of this Orders conditions.
        i. In addition to the phone or e-mail notification, the Applicant shall 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.
    b. At least ten (10) days prior to all pre-construction meetings
    c. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window established in the most current HPA.
    d. At least seven (7) days prior to completing each wetland mitigation site.
    e. At least seven (7) days within the start of impacts to wetlands.
    f. At least seven (7) days within project completion.
    g. Immediately notify Ecology's Central Regional Spill Response Office at 509-575-2490 and within 24 hours of spills to Ecology's Federal Project Coordinator for any spills to water or ground.
    h. Immediately notify the National Response Center at 1-800-424-8802 for actual spills to water only.

i. Notify Ecology's Central Regional Spill Response Office if chemical containers (e.g. drums) are discovered on-site or any conditions are present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

C. Timing

1. This Order is valid until the Applicant meets all its requirements and conditions.

2. In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed within the work window identified in the most current HPA issued for this project.

D. Water Quality Monitoring & Criteria

1. The following waterbodies (a.– g.) are categorized as core summer salmonid habitat per the standards and the criteria of the categorization apply as described in WAC 173-201A-200 (1), except as specifically modified by this Order.

   a. Lake Keechelus
   b. Unnamed Creek MP 59.7
   c. Townsend Creek
   d. Price Creek
   e. Noble Creek
   f. Unnamed Creek MP 60.9
   g. Unnamed Creek 61.1A\61.1B

2. This Order does not authorize the Applicant to exceed applicable state water quality standards for turbidity as described in WAC 173-201A-200 (1)(e).

3. The Applicant shall submit a Water Quality Monitoring and Protection Plan (WQMPP) to the Federal Project Coordinator and Brent Renfro at WDFW for review and approval at least 10 days prior to beginning work for each activity below the ordinary high water line (OHWL), in-water and over-water. **Work is not authorized to begin until approval is received.** At a minimum, the WQMPP shall include:
   a. The names(s) and phone numbers (s) of the Pollution control inspector and the person responsible for on-site monitoring and report;
   b. The BMPs and procedures to be used to protect water quality during specific proposed below the ordinary high water mark, in-water and over-water activities;
   c. A water sampling plan for turbidity and pH, which include sample locations and frequency;
   d. Sampling locations for turbidity shall include, but are not limited to; background; half the distance to the point of compliance and at the point of compliance, unless otherwise approved by Ecology.

e. A map with numbered or named sampling locations associated with the in-water work activities.
f. Contingencies during in-water work activities

4. Ecology must approve, in writing, any changes or additions to the WQMPP.

5. All WQMPP monitoring results shall be submitted monthly to the Ecology Federal Project Coordinator, per condition A.2.

6. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

E. Construction

General Conditions

1. The Applicant shall comply with the conditions of the current Construction Stormwater Permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.

2. Within the project limits[1] all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction (HVF) prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking. *Note: This condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.*
    a. If the project will be constructed in stages[2] a detailed description and drawings of the stages shall be sent to Ecology for review at least 20 days prior to placing HVF.
    b. All field staff shall be trained to recognize HVF, understand its purpose and properly install it in the appropriate locations.
    c. HVF shall be maintained until all work is completed for each project or each stage of a staged project.

3. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.

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.

---

[1] Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

[2] A stage is part of a project that has been separated into at least two distinct areas to be built during separate timeframes.

5. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.

6. Riprap and other structural material shall be free of fines or other extraneous material.

7. Placement of rip-rap shall be conducted in compliance with water quality standards for turbidity, and WSDOT's *Standard Specifications for Road, Bridge, and Municipal Construction.*

8. No flocculants shall be used as a BMP for treatment of turbid water associated with in-water work, without prior authorization from Ecology.

9. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.

10. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.

Equipment & Maintenance

11. Staging areas[3], storage areas, and stockpile sites[4], will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Coordinator before placing the staging area in the setback area.

12. Mobile sand and gravel facilities will be located a minimum of 100 feet and, where practicable, 200 feet from waters of the state, including wetlands unless authorized by Ecology.

13. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.

[3] Stagin area is a location on the project site where materials are brought from off-site or from a stockpile or storage site to an interim location to be cued up for near term or immediate use.
[4] Stockpile site or storage area is a location where large amounts of material are stored for future use on a project.

14. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order or allowed in the HPA.

15. All equipment being used below the ordinary high water mark shall utilize bio-degradable hydraulic fluid.

16. Equipment vehicle-fueling shall not occur within 50 feet of waters of the state, including wetlands unless authorized by Ecology. Equipment used during construction shall be serviced, fueled, and maintained on upland areas in order to prevent contamination of surface waters, unless authorized by Ecology.

17. 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.

18. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.

19. Cleaning solvents or chemicals used for tool or equipment cleaning shall not be discharged to the ground or waters of the state, including wetlands.

20. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools.

Concrete Work

21. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.

22. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of appropriately with no possible entry to state waters.

23. All saw cut water and debris generated from saw cutting activities that occur above water shall be contained and disposed of appropriately with no possible entry to waters of the state.

24. All excavated sediment shall be disposed upland in an approved disposal site.

Culvert Work & Stream Bypass

25. All culvert work shall be conducted in the dry or in isolation from stream flow.

26. Stream flow isolation work shall not scour the stream channel or banks of the water body in which the work is being done.

27. If a diversion system is used, temporary sediment traps (e.g. sand bag check dams) shall be cleaned out and material removed from the stream channel before the stream is returned to its natural channel. Material that is removed shall not be allowed to enter state waters, including wetlands.

28. All materials used for the diversion systems (e.g. sand bags) shall be removed when that activity is complete, unless authorized by Ecology.

29. To minimize sediment releases into downstream water, water reintroduced to the channel shall be done gradually and at a rate not exceeding the normal stream flow.

30. Culverts shall be installed to avoid inlet scouring and prevent downstream bank erosion. (See the current WSDOT hydraulics manual for standards)

31. Fill associated with culvert installation shall be protected from erosion to the 100-year peak flow.

32. Prior to returning stream flow to the de-watered work area, all proposed bank protection measures shall be in place.

F. Wetland Compensatory Mitigation

1. The Applicant shall mitigate wetland impacts as described in the *I-90 Snoqualmie Pass East Phase 2A Final Wetlands and Aquatic Resources Mitigation Plan* (hereafter called the "Mitigation Plan") prepared by WSDOT, and dated October 2014, or as modified by this Order or revised and approved by Ecology.

2. The Applicant shall submit final grading and planting plans for the mitigation sites for review and approval before mitigation site construction begins.

3. If mitigation construction for the Price/Noble Mitigation Area begins after July 13, 2018 then the Applicant shall re-verify delineated boundaries for existing wetlands at the mitigation site and submit a wetland delineation memo for review and approval before mitigation site construction begins.

4. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A.2) for review and approval before work begins.

5. 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 sites.

6. The Applicant shall have a wetland professional at the wetland mitigation sites to supervise during construction and planting.

Implementation

7. If the mitigation sites cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
   a) I-90 Snoqualmie Pass East Phase 2A
   b) Townsend Creek Culvert Replacement, Unnamed Creek Wildlife Undercrossing, and Price/Noble Mitigation Area.

   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 I-90 Phase 2A Keechelus Dam to Stampede Pass and Townsend Creek Culvert Replacement, Unnamed Creek Wildlife Undercrossing, and Price/Noble Mitigation Area are complete.

8. 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.

9. The Applicant shall ensure that no material is stockpiled within existing wetlands at the wetland mitigation site at any time. Paved upland areas at the Price Creek Interim Rest Area and Price Creek Sno-Park (the future site of the Price/Noble Mitigation Area) may be used for construction staging and construction before wetland mitigation site construction.

10. The Applicant shall ensure that no construction debris is deposited within existing wetlands at the wetland mitigation site at any time. Paved upland areas at the Price Creek Interim Rest Area and Price Creek Sno-Park (the future site of the Price/Noble Mitigation Area) may be used for storing construction debris before wetland mitigation site construction occurs.

11. The Applicant shall not use polyacrylamide at the mitigation sites.

12. The Applicant shall only use weed-free hay or straw on exposed or disturbed soil at the mitigation sites.

13. 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.

14. If weed-barrier fabric is used on the sites, 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.

15. 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.

16. The Applicant shall place signs at the mitigation areas' boundaries, including buffers, every 200 feet to mark the area as wetland mitigation sites.

17. 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.

18. After completing construction and planting of the mitigation sites, the Applicant shall submit to Ecology (see 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 F.19.

19. Within 90 days of completing construction and planting of Townsend Creek Culvert Replacement, Unnamed Creek Wildlife Undercrossing, and Price/Noble Wetland Mitigation Area, 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

20. The Applicant shall water and maintain all mitigation sites' plantings so as to meet the Mitigation Plan's performance standards described on pages 4-12, 4-17 through 4-19, and 4-32 through 4-35. 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.

21. The Applicant shall monitor the mitigation sites for a minimum of 10 years. The Applicant shall use the monitoring methods described on pages 5-1through 5-5 of the Mitigation Plan.

22. The Applicant shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions for years 1, 3, 5, 7, and 10. The monitoring reports must:

    a) Be submitted by May 1 following each monitoring year. Include one hard copy and one electronic file.

    b) Include the information listed in Attachment D (Information Required for Monitoring Reports).

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

24. 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.

25. 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.

26. 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.

27. At the end of the monitoring period, the Applicant shall use the August 2004 or updated version of "Washington State Wetlands Rating System for Eastern Washington" to rate all wetlands (except those that have been preserved) and include the information in the monitoring report.

28. If the Applicant has not met all conditions, including performance standards for the mitigation sites at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.

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

G. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction.

2. Work that is out of compliance with the provisions of this Order, conditions causing distressed or dying fish, discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters, is prohibited. If such work, conditions, or discharges occur, the Applicant shall comply with WSDOT's most current Environmental Compliance Assurance Procedure for Construction Project and Activities, notify the Ecology Project Coordinator per condition B.1.a. and immediately take the following actions:

    a. Cease operations at the location of the non-compliance.
    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 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.

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

CONTACT INFORMATION

Please direct all questions about this Order to:

Penny Kelley
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
360-407-7298
pkel461@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

Dated this 12th day of November, 2014 at the Department of Ecology, Lacey Washington

Brenden McFarland, Section Manager
Environmental Review and Transportation
Shorelands and Environmental Assistance Program
Headquarters

Attachment A

Water Quality Certification Order #11056
Statement of Understanding
I-90 Phase 2A Keechelus Dam to Stampede Pass – Add Lanes/Build Wildlife Bridges

I, _____, state that, I will be involved as a WSDOT employee or an agent or contractor for Washington State Department of Transportation in the I-90 Phase 2A Keechelus Dam to Stampede Pass – Add Lanes/Build Wildlife Bridges in Kittitas County, WA. I further state that I have read and understand the relevant conditions of Washington Department of Ecology **Water Quality Certification Order #11056** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

_____ _____

Signature Date

_____ _____

Company Phone number

_____

Address

_____

City, State, and Zip Code

Attachment B
Information Required for As-built Reports

I-90 Snoqualmie Pass East Phase 2A
Water Quality Certification Order # 11056
And
Corps Reference # NWS-2007-2080-DOT

Ecology requires the following information for as-built 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 as-built report. Also, if different from the person preparing the report, include the names of:
    a) The applicant
    b) The landowner
    c) Wetland professional on site during construction of the mitigation site(s).
4) Date the report was produced.

Mitigation Project Information

5) Brief description of the **final** mitigation project with any changes from the approved plan made during construction. Include:
    a) **Actual** acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
    b) Important dates, including:
        i. Start of project construction.
        ii. When work on the 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.
6) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the mitigation site(s).
7) List of any follow-up actions needed, with a schedule.
8) Vicinity map showing the geographic location of the site(s) with landmarks.
9) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
    a) Boundary of the site(s).
    b) Topography (with a description of how elevations were determined).
    c) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
    d) Location of habitat features.
    e) Location of permanent photo stations and any other photos taken.

    Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.
10) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
11) A copy of any deed notifications, conservation easements, or other approved site protection mechanism.

Attachment C
Wetland Notice for Deed Notification
(See Condition F.19)

I-90 Snoqualmie Pass East Phase 2A
Water Quality Certification Order # 11056
And
Corps Reference # NWS-2007-2080-DOT

Tax Parcel Number: _____

Legal Description: _____

Legal Owner: _____

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(21) 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 Ord. 11200 § 50 (part), 1996)

Attachment D
Information Required for Monitoring Reports

I-90 Phase 2A Keechelus Dam to Stampede Pass
Ecology Order # 11056
And
Corps Reference # NWS-2007-2080-DOT

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 were 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.