



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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June 25, 2015

Jan O'Neill
Snohomish County Airport
3220 100th Street SW
Everett, WA 98204

Re: Administrative Order No. 11627 to permanently fill/impact 0.22 acres of isolated wetlands for Wetland ERR Enhancement and Detention Project in Snohomish County, Washington

Dear Ms. O'Neill:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application on April 27, 2015, requesting an Administrative Order for proposed work in isolated wetlands. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Doug Gresham at (425) 649-7199. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Enclosure

cc: Erin Legge, U.S. Army Corps of Engineers

e-cc: ECY RE FED PERMITS

CERTIFIED MAIL: 7012 1640 0000 6245 7531



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) Corps Ref # NWS-2014-796-WRD
SNOHOMISH COUNTY AIRPORT)
FOR AN ADMINISTRATIVE ORDER TO) ORDER # 11627
CONDUCT WORK IN ISOLATED WETLANDS)

TO: Snohomish County Airport
Jan O'Neill
3220 100th Street SW
Everett, WA 98204

This is an Administrative Order requiring Snohomish County Airport to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions, which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On April 27, 2015, Ecology received a Joint Aquatic Resources Permit Application (JARPA) to fill in two isolated wetlands (0.22 acres) and one jurisdictional wetland (0.35 acres) for the Wetland ERR Enhancement and Detention Pond. The site is located at 2600 100th Street SW in Everett, Washington 98204, Section 23, Township 28N, Range 4E, Snohomish County, and WRIA 08.

On June 1, 2015, the U.S. Army Corps of Engineers (Corps) issued a Nationwide Permit #43 for fill in one jurisdictional wetland (Wetland ERR) on the project site (Corps Reference No. NWS-2014-796-WRD). The Corps had determined that the proposed project met the conditions of the state 401 certification and that no further coordination with Ecology was required regarding the jurisdictional wetland impacts. In that authorization letter, the Corps also stated that Wetlands ERRB and ERRC are isolated wetlands and not under federal jurisdiction. The State of Washington has determined that the proposed work in these two isolated wetlands, as conditioned by this Administrative Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law.

This Administrative Order authorizes 0.22 acres of Category III (Wetlands ERRB and ERRC) isolated wetland impacts at the project location. Onsite mitigation for this proposal will consist of 0.44 acres/19,166 ft² of wetland creation as proposed in the *Wetland Mitigation and Site Revegetation Plan* dated May 8, 2015. Additional onsite mitigation for other wetland impacts by this project includes 1.31 acres of wetland creation, 4.5 acres of wetland enhancement, and 3.9 acres of buffer enhancement.

For purposes of this Order, the term "Applicant" shall mean Snohomish County Airport and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that the Applicant shall comply with the following:

A. General Conditions:

1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on April 27, 2015, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Northwest Regional Office, Attn: Wetland Specialist, SEA Program, 3190 160th Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order No. 11627 and Corps Reference No. NWS-2014-796-WRD.
3. The Applicant shall provide access to the project site and mitigation site upon request by Ecology.
4. This Order does not authorize placement of fill in wetlands determined to be regulated by the U.S. Army Corps of Engineers (Corps Reference No. NWS-2014-796-WRD).
5. 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 foremen, and state and local government inspectors.
6. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
7. 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.

B. Notification Requirements:

1. The Applicant shall provide written notification (fax, email, or mail) to Ecology's Northwest Regional Office Wetland Specialist, in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to a pre-construction meeting;
 - b. At least ten (10) days prior to the onset of any work on site;
 - c. At least ten (10) days prior to the onset of in-water work, including wetlands;
 - d. At least ten (10) days prior to the onset of work at the wetland mitigation site;

- e. Immediately following a violation of the state water quality standards or any condition of this Order; and
- f. Within fourteen (14) days after completion of construction.

C. Wetland Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the plan entitled *Wetland Mitigation and Site Revegetation Plan* dated May 8, 2015, except as modified in 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 or when problems occur during construction requiring plan changes.
3. To ensure proper installation, the Applicant's wetland professional must supervise and inspect all mitigation site construction and planting.

Implementation

4. The Applicant shall begin the compensatory mitigation project before or concurrent with impacting wetlands. Ecology may require additional compensation to account for additional temporal loss if the mitigation is not completed in a timely manner.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and above the 100-year floodplain.
6. If seeding is used as a temporary erosion control BMP, it must be a wetland mix consisting of native, annual, non-invasive plant species.
7. The Applicant shall place signs at the extent of the mitigation area's boundaries, including buffers, which mark the area as wetland mitigation.
8. Upon completion of site-grading and prior to planting, the Applicant shall submit to Ecology written confirmation that the finished grades are consistent with the approved mitigation plan or subsequent Ecology-approved plan changes. Written confirmation can be a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether they are consistent with the plan.
9. Within ninety (90) days of completing site construction and planting, the Applicant shall submit a final as-built report with maps to Ecology. The As-Built report must:
 - a. Document site conditions at Year Zero;
 - b. Be submitted to Ecology per Condition A.2. of this Order as one hard copy and one electronic file;
 - c. Include the information listed in Attachment B; and
 - d. Include documentation of a Recorded Wetlands Notice.
10. If the mitigation project is not completed within 13 months of this Order's date, the Applicant shall submit a written construction status report and submit status reports every 12 months until construction and planting are complete and the final as-built report is submitted.
11. Within ninety (90) days of completing construction and planting, the Applicant shall

record a Wetlands Notice (see Attachment C), a copy of Ecology's Order, and the as-built report. 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:

12. The Applicant shall water and maintain all plantings at the mitigation site to meet the mitigation plan's performance standards.
13. The Applicant shall monitor the mitigation site for a minimum of ten (10) years as described in the mitigation plan. Additional monitoring of the mitigation area may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
14. The Applicant shall submit monitoring reports (one hard copy file and one electronic file per Condition A.2. of this Order) to Ecology documenting site conditions at the mitigation site for the years listed in the mitigation plan and the reports must contain, at a minimum, the information listed in Attachment D. Attachment D does not reference correct condition number.
15. The Applicant shall implement the mitigation plan's contingency measures if goals, objectives, and performance standards are not being met.
16. Prior to implementing any unidentified contingency measures, the Applicant shall consult with Ecology.
17. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or a native plant alternative appropriate for the location, during the first available planting season and note the species, numbers, and approximate locations of all replanted materials in the subsequent monitoring report.
18. The property owner shall grant Ecology access to the mitigation area for inspection during the 10-year monitoring period or until mitigation success has been achieved.

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

YOUR RIGHT TO APPEAL

You have a right to appeal this Administrative Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Administrative 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 Administrative Order.

- File your appeal and a copy of this Administrative 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 Administrative 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>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>
<p>Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

DATED June 25, 2015 at Bellevue, Washington.



Erik Stockdale, Section Manager
Shorelands & Environmental Assistance Program
Department of Ecology - Northwest Regional Office
State of Washington

Attachment A
Statement of Understanding
Water Quality Certification Conditions

Wetland ERR Enhancement and Detention Pond
Snohomish County Airport
Water Quality Certification Order No. 11627
and
Corps Reference No. NWS-2014-796-WRD

I, _____, state that I will be involved as an agent or contractor for Snohomish County Airport in the site preparation and/or construction of the Wetland ERR Enhancement and Detention Pond located at 2600 100th Street SW in Everett, Snohomish County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order No. 11627 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

Wetland ERR Enhancement and Detention Pond
Administrative Order # 11627

And

Corps Reference # NWS-2014-796-WRD

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; and
 - 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.

Attachment D

Information Required for Monitoring Reports

Wetland ERR Enhancement and Detention Pond
Ecology Order # 11627
And
Corps Reference # NWS-2014-796-WRD

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.