



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 11, 2012

City of Vancouver  
Attn: Mr. Hassan Abdalla  
PO Box 1995  
Vancouver, WA 98668-1995

RE: First Amendment to Water Quality Certification Order #1212 for Corps Reference #200300674, to permanently fill 0.82 acres of wetlands in order to extend SE 192<sup>nd</sup> Avenue to SR-14 in Vancouver, Clark County, Washington

Dear Mr. Abdalla:

On May 21, 2004, the Washington State Department of Ecology (Ecology) issued a water quality certification to the City of Vancouver for the above-referenced project pursuant to the provisions of 33U.S.C. 1341 (FWPA §401). On July 22, 2010, Ecology received a letter from David Evans & Associates, the City of Vancouver's consultant for this project, stating that portions of the mitigation areas for this project did not meet wetland hydrology criteria. The letter requested that Ecology allow alternative compensation for the failing mitigation areas in the form of wetland mitigation bank credits. Ecology is therefore amending the above-referenced Order to reflect the change in the mitigation requirements for the project.

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

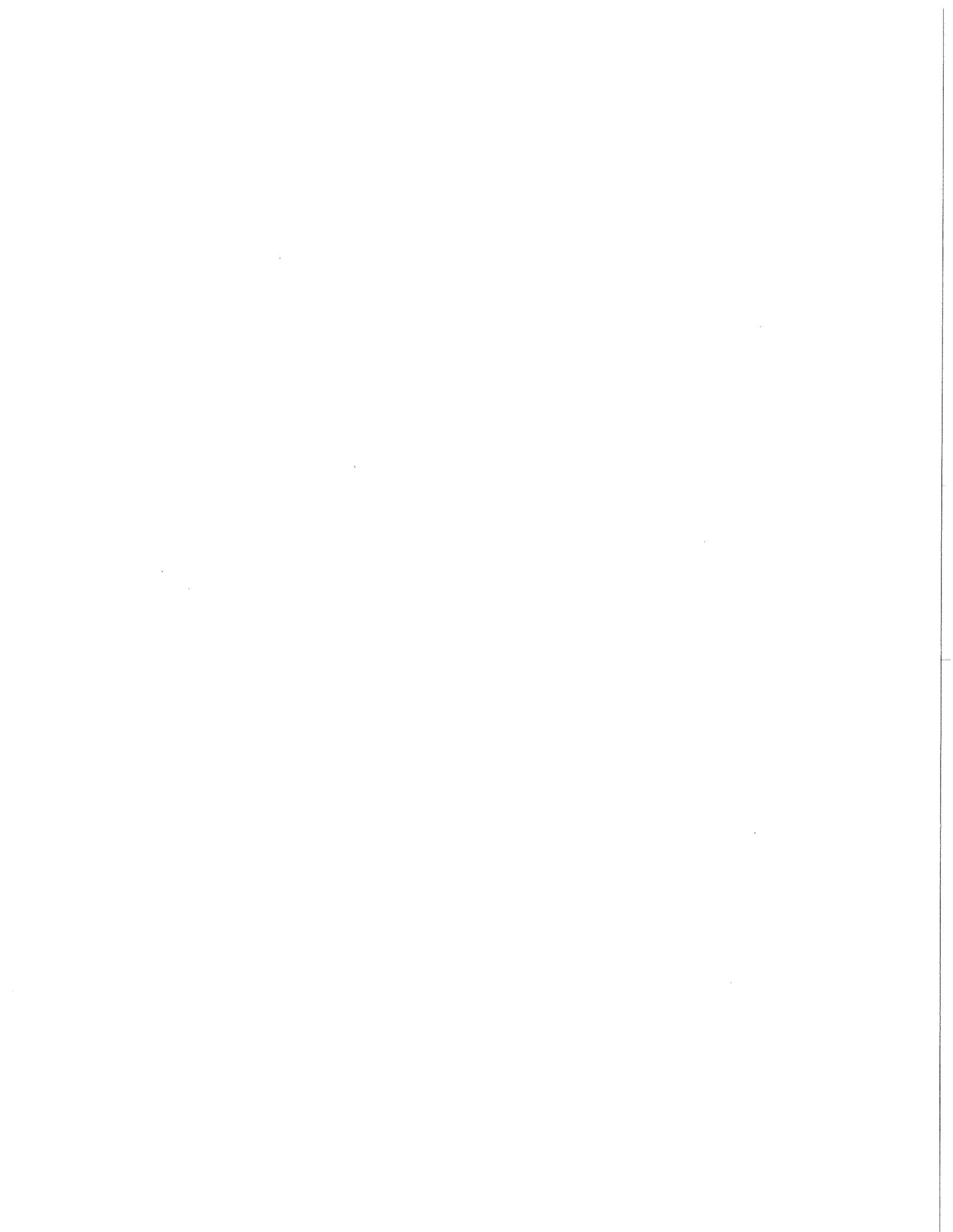
Sincerely,

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

By certified mail 7010 0780 0002 3400 4701

e-cc: John Macklin - DEA  
Steve Manlow - Corps of Engineers  
Brent Davis - Clark County  
Loree' Randall - Ecology, HQ  
Lori Ochoa - Ecology, SWRO  
Rebecca Schroeder - Ecology, HQ  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)





**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

<b>IN THE MATTER OF GRANTING</b>	)	<b>ORDER No. 1212, First Amendment</b>
<b>A WATER QUALITY</b>	)	<b>192<sup>nd</sup> Avenue Extension Project</b>
<b>CERTIFICATION TO</b>	)	<b>Vancouver Clark County, Washington</b>
<b>City of Vancouver, WA</b>	)	
RCW 90.48.120, RCW 90.48.260	)	
and Chapter 173-201A WAC	)	

TO: City of Vancouver  
Attn: Mr. Hassan Abdalla  
PO Box 1995  
Vancouver, WA 98668-1995

On May 21, 2004, Washington State Department of Ecology (Ecology) issued a §401 Water Quality Certification to the City of Vancouver to fill 0.82 acre of wetlands adjacent to an unnamed intermittent wetland drainage that is connected to Fisher's Swale and is tributary to the Columbia River in order to extend SE 192<sup>nd</sup> Avenue to SR-14.

Ecology is amending the above-referenced Order to reflect the change in the mitigation requirements for the project. Some portions of the originally required mitigation area do not meet wetland conditions and are unlikely to meet wetland conditions in the future. Because these non-wetland areas are not compensating for the original wetland losses, the City of Vancouver has agreed to substitute wetland mitigation bank credits for these areas.

Order No. 1212, dated May 21, 2004, is hereby amended as follows:

**Condition Number E.1. that reads:**

**E. Mitigation**

1. Project mitigation shall be constructed and maintained as described in the *Conceptual Wetland Mitigation Plan SE 192<sup>nd</sup> Avenue Extension Project* prepared for City of Vancouver, Washington Revised April 21, 2004, by David Evans and Associates, Inc.

**Is replaced as follows:**

**E. Mitigation**

1. Project mitigation shall be constructed and maintained as described in the *Conceptual Wetland Mitigation Plan SE 192<sup>nd</sup> Avenue Extension Project*, prepared for City of Vancouver, Washington Revised April 21, 2004, by David Evans and Associates, Inc., with the exception that:
  - a. The former Hiddenbrook Terrace site and all but the easternmost 100 feet of the former Killian site are subsections of the original mitigation package. These areas do not meet wetland conditions and shall be abandoned as mitigation for this project. Instead, these areas shall be mitigated through the use of the Columbia River Wetland Mitigation Bank.

- b. Credits to be withdrawn from the bank will be a total of 1.4 credits in accordance with the Columbia River Wetland Mitigation Bank Instrument. The Sponsor for this bank is:
  - Clark County Mitigation Partners, LLC
  - P.O. Box 354
  - Kirkland, WA 98083
- c. Proof of Mitigation Bank Credit Purchase: The Applicant shall submit to Ecology registered documentation from the bank sponsor identifying the purchase of 1.4 credits for the project.
  - i. This document must be registered at the Clark County Auditor's office and must include a copy of the Water Quality Certification Order #1212, a copy of this Amendment, and the number of credits required by the Amendment.
  - ii. This documentation must be submitted to Ecology within 60 days of the issuance of this amendment.
  - iii. Submit this document to the Department of Ecology, attn: Lori Ochoa, Southwest Regional Office, PO Box 47775, Olympia, WA 98504-7775.
- d. Once proof of mitigation bank credit purchase has been completed per condition E.1.c. above, the former Hiddenbrook Terrace site and all but the easternmost 100 feet of the former Killian site shall be released from mitigation site status.

The following new Conditions are added:

#### **E. Mitigation**

- 6. The eastern 100 feet of the Killian site shall be retained as a buffer for the preservation area to the east. The buffer shall be clearly marked with a fence and signage similar to that which already surrounds most of the East Preservation Parcel. Additional native shrub and tree species shall be planted within the 100-foot buffer area. This work shall conform to the *As-Built Report for the Buffer Screen Requirements At 192<sup>nd</sup> Avenue, Vancouver, Washington*, dated March 9, 2012, by David Evans and Associates, Inc.
- 7. The retained eastern 100 feet of the Killian site shall be monitored and maintained along with the remainder of the existing mitigation areas in accordance with the following performance standards and contingency plans adapted from the original mitigation plan:
  - a. Weed Control: The buffer area shall have less than 10% invasive/exotic species coverage for all monitoring years. Should invasive/exotic plants exceed 10% cover, additional weed control efforts will be undertaken.
  - b. Encroachment Monitoring: The buffer area will be monitored for intact signs and fences; and absence of dumping, clearing, or vandalism for all monitoring years. If the performance standards for encroachment are not met, the contingency plan will include repairing signs and fences, clearing trash and debris, and installing additional barriers if needed.

8. The monitoring schedule for the retained eastern 100 feet of the Killian site shall be the same as that for the existing, retained mitigation area.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of 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 amendment may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this amendment.

### **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**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Rd SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> 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  
PO Box 47775  
Olympia, WA 98504-7775  
loch461@ecy.wa.gov

**MORE INFORMATION**

**Pollution Control Hearings Board Website**  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)

**Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

**Chapter 371-08 WAC – Practice And Procedure**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

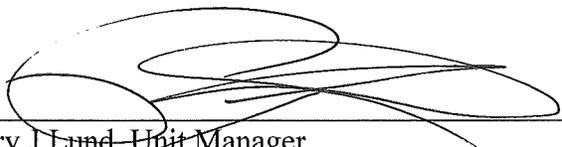
**Chapter 90.48 RCW – Water Pollution Control**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

**Chapter 173.204 WAC – Sediment Management Standards**  
[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

**Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**  
[www.ecy.wa.gov/biblio/wac173200.html](http://www.ecy.wa.gov/biblio/wac173200.html)

**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**  
[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

**SIGNATURE**



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

6/11/2012  
Date