STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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October 1, 2010

Mark J. Olson
Captain U.S. Navy
Commanding Officer, Naval Base Kitsap
120 South Dewey Street
Bremerton, WA 98314

RE: Water Quality Certification Order #8038 for U.S. Army Corps of Engineers Public Notice #NWS-2006-1439, Waterfront Security Enclave Project, Silverdale, Kitsap County, Washington

Dear Captain Olson:

On April 10, 2009, Naval Base Kitsap 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 for the proposed Waterfront Security Enclave project. A request to withdraw and re-apply for 401 Certification was submitted on March 29, 2010.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

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

Sincerely,

FOR

Erik Stockdale
Shorelands and Environmental Assistance Program

ES:rrp:mrc

Enclosure: Order No. 8038

By certified mail 7008 1140 0000 2359 8589

cc: Vicky Didenhover, U.S. Army Corps of Engineers
Bill Kalina, Naval Base Kitsap Bangor
Chris Waldbillig, Washington Department of Fish and Wildlife
Gina Piazza, Washington Department of Fish and Wildlife
Lindie Schmidt, Washington State Department of Natural Resources
Lindsy Wright, USFWS
Marty Acker, NOAA Fisheries
Lisa Lewis, Kitsap County

ecc: Patrick McGraner – NWRO
Joe Burcar – NWRO
Kathy Taylor – HQ
Kevin MacLachlan – HQ
Loree' Randall – HQ
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Jessica Coyle, Port Gamble S'Klallam Tribe jcoyle@pgst.nsn.us
John Rova jrkat@comcast.net
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IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Naval Base Kitsap in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER #8038** **Corps Reference #NWS-2006-1439** Waterfront Security Enclave Project; Wetlands, Streams, and Cattail Lake, Silverdale, Kitsap County, Washington.

TO: Mark J. Olson
Captain U.S. Navy
Commanding Officer, Naval Base Kitsap
120 South Dewey Street
Bremerton, WA 98314

On April 10, 2009, Naval Base Kitsap submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. A request to withdraw and re-apply for 401 Certification was submitted on March 29, 2010. 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 May 5, 2009. Ecology issued a second public notice on May 26, 2010.

The enclave fencing system, or Perimeter Intrusion Detection Assessment System, includes installation of a 10,500-foot-long fence system consisting of a double fence, clear zones, lighting, sensors, cameras, patrol road, and entry control points. Associated work includes construction of three parking lots, new access roads, and road modifications.

Construction will include crossing several streams which are currently culverted. New culverts will be installed. Impacts to the streams will be up to 0.03 acre. Permanent impacts include placement of up to 1.8 acres of fill in the wetlands along the route.

Mitigation includes restoration of estuarine conditions to approximately 1.85 acres of intertidal salt marsh habitat. The existing Cattail Lake would be drained, the bottom excavated, and a stream channel established to allow the lake area to flow into Hood Canal. A new bridge will replace the existing vertical drop structure and culvert. The exposed lake bottom will be revegetated with native plant species. Over 8 acres of freshwater lake habitat will be eliminated and a total of 13 acres of intertidal, freshwater forest/shrub, riparian forest, and upland habitats will be restored.

The project is located south of Delta Pier to north of the Explosives Handling Wharf at Naval Base Kitsap Bangor, 1100 Hunley Road, Silverdale, Kitsap County, Washington, in wetlands and streams, Sections 18 and 7, T. 26N, R. 1E, WRIA 15.

The mitigation site is north of the impact site, at Cattail Lake, adjacent to Hood Canal at Naval Base Kitsap Bangor, 1100 Hunley Road, Silverdale, Kitsap County, Washington, Section 33, T. 27N, R. 1E, WRIA 15.

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, 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:

A1. For purposes of this Order, the term "Applicant" shall mean Naval Base Kitsap and its agents, assignees and contractors.

A2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Northwest Regional Office, Attn: 401/CZM Federal Project Manager, 3190 160th Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #8038 and Corps Reference #NWS-2006-1439.

A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on April 10, 2009. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.

A4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.

A5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual Section 404 permit.

A6. 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.

A7. 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.

A8. 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.

A9. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project or mitigation sites.

A10. 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.

A11. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. Wetland Compensatory Mitigation:

B1. The Applicant shall mitigate wetland impacts as described in the Waterfront Security Enclave (P977) – Cattail Creek Estuary Mitigation Plan, Corps Permit # NWS-2006-1439, Final, May 7, 2010, to include the Conceptual Monitoring Plan, Marine Habitat Impacts and Recovery – Cattail Lake Mitigation Action, as submitted to the Department of Ecology on 14 September 2010 (hereafter called the "Mitigation Plan") prepared by Otak, Inc., and dated May 7, 2010, or as modified by this Order or revised and approved by Ecology.

B2. A Final Monitoring Plan for the Cattail Lake Mitigation Action shall be submitted to Ecology for review and approval per Condition A2 at the time of submittal of the As-Built Report.

B3. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before work begins.

B4. 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.

B5. The Applicant shall have a wetland professional at the wetland mitigation site during construction and planting.

Implementation

B6. 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.

B7. If the mitigation site(s) cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of

a) Waterfront Security Enclave (P977)

b) Cattail Creek Estuary 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 Waterfront Security Enclave (P977) and Cattail Creek Estuary Mitigation site are complete.

B8. 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 or in an approved off-site location.

B9. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.

B10. The Applicant shall ensure that no construction debris is deposited within existing wetland and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.

B11. The Applicant shall not use Polyacrylamide on exposed or disturbed soil at the mitigation site(s).

B12. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).

B13. If seeding is used at the wetland mitigation site, the seed mix must contain native, annual, non-invasive plant species.

B14. The Applicant shall place a minimum of six (6) signs at the mitigation area's boundaries, including buffers, three (3) of which shall be placed on each side of the roadway (Amberjack Avenue) to mark the area as a wetland mitigation site not to be disturbed. The design and location of the signs shall be provided to Ecology prior to installation for approval. The location of the signs should be included in the as-built report.

B15. 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 in the form of a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether those elevations are consistent with the Mitigation Plan.

B16. As some plantings are proposed to be sequenced over time, the Applicant shall submit to Ecology (see A2) two hard copies and one electronic file of the first as-built report, including maps, within 90 days of completing construction and stage one planting and a second within 90 days of completing stage two planting. The as-built report must:

a) Document site conditions at Year Zero.

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 B17.

d) Include a final monitoring plan to be reviewed and approved by Ecology.

B17. Within 90 days of completing construction and planting of the Waterfront Security Enclave (P977) – Cattail Creek Estuary Mitigation Plan, Corps Permit # NWS-2006-1439, Final, May 7, 2010, the Applicant shall record a Land Use Controls document, 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 Department of Defense, or other official responsible for maintaining records for, or interest in, real property.

Monitoring and Maintenance

B18. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards as outlined in Sections 7.0 Site Specific Goals, Objectives, and Performance Standards and 10.0 Maintenance Plan of the Mitigation Plan.

B19. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described in Section 8.0 on page(s) 57-64 of the Mitigation Plan in conjunction with the Conceptual Monitoring Plan – Marine Habitat Impacts and Recovery, Cattail Lake Mitigation Action as submitted to the Department of Ecology on 14 Sep 2010 (four pages not-numbered).

B20. The Applicant shall submit to Ecology (see A2) two hard and one electronic copies of monitoring reports documenting mitigation site conditions for years 1, 2, 3, 5, 7, and 10. At a minimum, the reports must contain the information in Attachment D (Information Required for Monitoring Reports). The Applicant shall submit the first monitoring report 12 months after completing the mitigation site construction and planting.

B21. The Applicant shall implement the Mitigation Plan's contingency measures as outlined in Section 11, page 69 if the Mitigation Plan's goals, objectives, or performance standards are not being met.

B22. 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.

B23. 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.

B24. For monitoring years five (5) and ten (10) the Applicant shall use the 1997 or updated versions of the "Washington State Wetlands Identification and Delineation Manual" to delineate all compensatory wetlands and include delineation information (e.g. data sheets, maps, etc.) in the monitoring reports.

B25. 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 (except those that have been preserved) and include the information in the monitoring report.

B26. 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.

B27. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition B1 to mitigate for wetland impacts is not met.

C. Water Quality Conditions:

C1. <u>In-Water Construction Water Quality Sampling and Monitoring</u>: A Water Quality Protection and Monitoring Plan (Plan) shall be developed and implemented. "In-water construction" is defined as all work below the ordinary high water mark of Hood Canal, Cattail Lake, Hunters Marsh, and unnamed streams.

The Plan shall include the following minimum requirements:

a. <u>Locations of samples</u>: Locations of water quality sampling sites shall be identified and described in the Plan and on a map of the project area. At a minimum, sampling shall take place at:

i. The point of compliance as specified in WAC 173-201A-210(1)(e)(i), which allows a 150-foot temporary area of mixing for turbidity resulting from disturbance of in-place sediments in Hood Canal, and

ii. The point of compliance as specified in WAC 173-201A-200(1)(e)(i), which allows a 150-foot temporary area of mixing for turbidity resulting from

disturbance of in-place sediments in Cattail Lake, a 200-foot temporary area of mixing for turbidity in Hunters Marsh, and a 100-foot temporary area of mixing for turbidity in streams.

Background samples shall be collected outside the area of influence of the in-water work. Background samples shall be collected at the same frequency as the point of compliance samples.

b. Number of samples: Number and frequency of water quality samples to be taken.

c. Parameter to be sampled: Turbidity shall be sampled for this project.

d. Equipment: Sampling for turbidity is to be accomplished using a turbidometer properly calibrated according to the operator's manual.

e. Best Management Practices (BMPs): A description of the BMPs that will be used during construction to protect water quality.

f. Detection of exceedances:

Marine Waters:

Water quality standards for turbidity in "Extraordinary Quality" waters are as follows: turbidity shall not exceed 5 NTU over background conditions when the background is 50 NTU or less, or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU. If exceedances of this standard at the point of compliance specified in WAC 173-201A-210(1)(e)(i) is detected through water quality sampling and monitoring, the Applicant shall immediately take action to stop, contain, and prevent unauthorized discharges or otherwise stop the violation and correct the problem. After such an event, the Applicant shall assess the efficacy of the site BMPs and update or improve the BMPs used at the work site in an effort to reduce or prevent recurrence of the turbidity exceedance.

Fresh Waters:

Water quality standards for turbidity in "salmonid spawning, rearing, and migration" waters are as follows: turbidity shall not exceed 5 NTU over background conditions when the background is 50 NTU or less, or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU. If exceedances of this standard at the point of compliance specified in WAC 173-201A-200(1)(e)(i) is detected through water quality sampling and monitoring, the Applicant shall immediately take action to stop, contain, and prevent unauthorized discharges or otherwise stop the violation and correct the problem. After such an event, the Applicant shall assess the efficacy of the site BMPs and update or improve the BMPs used at the work site in an effort to reduce or prevent recurrence of the turbidity exceedance.

g. Reporting: If no exceedances are detected, results of water quality sampling, as determined by the Plan, shall be forwarded to Ecology on a monthly basis in accordance to Condition A2.

h. Notification of exceedances: Notification of exceedances that are detected through water quality sampling shall be made to Ecology within 24 hours of occurrence. Notification shall be made with reference to Order #8038, Attn: 401/CZM Federal Project Manager, by telephone at (425) 649-7129 or (425) 649-7000, or by fax to (425) 649-7098. The Applicant shall, at a minimum, provide Ecology with the following information:

   i. A description of the nature and cause of exceedance.

   ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance.

   iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.

   iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, turbidity results and location, photographs, and any other pertinent information.

C2. The Applicant shall develop a Culvert Operations and Maintenance Plan for any culverts altered by this project. Two copies of this plan shall be submitted to Ecology per Condition A2 within 30 days of completion of in-water work for Ecology review and approval.

D. Conditions for Construction Activities:

General Conditions:

D1. Applicant shall obtain and comply with a Construction Stormwater General Permit for this project.

D2. 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.

D3. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.

D4. All construction debris shall be properly disposed of in a manner to prevent it from entering the wetlands and/or wetland buffers.

D5. Machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.

D6. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.

D7. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.

D8. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.

Work in Fresh and Marine Waters:

D9. All manmade debris that has been deposited below the Ordinary High Water Line within the construction work area shall be removed and disposed of upland such that it does not enter waters of the state. Concrete rubble, metal debris, and other debris in the construction work corridor that have washed into marine areas shall be removed from the project area.

D10. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. Forms for any concrete/grout structure shall be constructed to prevent leaching of wet concrete/grout. Impervious materials shall be placed over any exposed concrete/grout not lined with the forms that will come in contact with state waters. Forms and impervious materials shall remain in place until the concrete/grout is cured.

E. Emergency/Contingency Measures:

E1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.

E2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.

E3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.

E4. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:

a. Cease operations at the location of the violation or spill.

b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.

c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's 401/CZM Federal Project Manager at (425) 649-7129 or (425) 649-7000.

d. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

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

F. Timing Requirements

F1. This Order is valid until all compliance requirements in this document have been met.

F2. No in-water work shall occur:

a. Between October 15 and July 15 of any year in which work is being conducted in marine/estuarine waters.

b. Between November 1 and May 31 of any year in which work is being conducted in fresh water streams.

G. Reporting and Notification Requirement Conditions

G1. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final Corps permit within 2 weeks of receipt of the permit. A copy shall be submitted per condition A2 above.

G2. Applicant shall provide notice to Ecology's 401/CZM Federal Project Manager at least three (3) days prior to the start of construction and within 14 days after completion of construction at the project site. The Applicant shall also provide Ecology notice within 30 days after completing the wetland mitigation project. Notification, referencing Corps Reference #NWS-20014396-, Order #8038 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7038, or in writing.

H. Appeal Process:

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.

- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.

- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:		Deliver your appeal in person to:
The Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903	OR	Environmental Hearings Office 1111 Israel Rd. SW, Suite 301 Tumwater, WA 98501

2. To serve your appeal on the Department of Ecology

Mail appeal to:		Deliver your appeal in person to:
The Department of Ecology Appeals Coordinator P.O. Box 47608 Olympia, WA 98504-7608	OR	The Department of Ecology Appeals Coordinator 300 Desmond Dr SE Lacey, WA 98503

3. And send a copy of your appeal to:

Department of Ecology
Northwest Regional Office
Attn: Rebekah Padgett
3190 160th Avenue SE
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website:
http://www.eho.wa.gov

To find laws and agency rules visit the Washington State Legislature Website:
http://www1.leg.wa.gov/CodeReviser

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated ____October 1, 2010_____ at Bellevue, Washington.

For

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington

ATTACHMENT A

NAVAL BASE KITSAP
WATERFRONT SECURITY ENCLAVE PROJECT
Water Quality Certification Order #8038

Statement of Understanding of
Water Quality Certification Conditions

I have read and understand the conditions of Order #8038 Section 401 Water Quality Certification for the Naval Base Kitsap Waterfront Security Enclave Project. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this Order.

_____ _____
Signature Date

_____
Title

_____
Company

Attachment B
Information for As-built Reports
(See Condition B16)

NAVAL BASE KITSAP
WATERFRONT SECURITY ENCLAVE PROJECT
Water Quality Certification Order #8038

Corps Reference #NWS-2006-1439

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 Site

7) Brief description of the development project. 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) 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 notification or conservation easements.

Attachment C
Required Information for Monitoring Reports
(See Condition B20)

NAVAL BASE KITSAP
WATERFRONT SECURITY ENCLAVE PROJECT
Water Quality Certification Order #8038

Corps Reference # NWS-2006-1439

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) Who 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) The month and year when the maps were produced and, if applicable, 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 material vegetation.

    e) Location of habitat features.

    f) Location of permanent photo stations and location of any other photos.

    g) Location of sampling points 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.