



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

October 21, 2009

**CERTIFIED MAIL**

**7009 1410 0002 4050 6652**

Loren Reinbold, PE.  
Planning, Building, and Public Works  
City of Des Moines  
1000 South 220<sup>th</sup> Street  
Des Moines, WA 98198

RE: Water Quality Certification Order #7160 for U.S. Army Corps of Engineers  
Public Notice #NWS-2008-1308-NO, Des Moines Creek Flood Mitigation  
Project, in the City of Des Moines, King County, Washington

Dear Loren Reinbold:

On November 10, 2008, the City of Des Moines 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 Des Moines Creek Flood Mitigation project.

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,

Geoff Tallent, Section Manager  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

GT:rrp:cja

Enclosure



cc: Ann Urich, U.S. Army Corps of Engineers  
Benn Burke, ESA Adolphson  
Larry Fisher, Washington Department of Fish and Wildlife

e-cc: Barbara Nightingale – NWRO  
Chuck Steele – NWRO  
Loree' Randall – HQ  
Raman Iyer – NWRO  
Karen Walter, Muckleshoot Indian Tribe [KWalter@muckleshoot.nsn.us](mailto:KWalter@muckleshoot.nsn.us)  
Darold Rhodes, U.S. Fish and Wildlife Service [Darold\\_Rhodes@fws.gov](mailto:Darold_Rhodes@fws.gov)  
Janise Disbrow [j.disbrow@comcast.net](mailto:j.disbrow@comcast.net)  
Andy Batcho, Duwamish-Green Chapter of Trout Unlimited  
[earthday1@mindspring.com](mailto:earthday1@mindspring.com)  
Carmen Scott, City of Des Moines & Des Moines Historical Society  
[carmenscott2@msn.com](mailto:carmenscott2@msn.com)  
Eugenia Woo, Artifacts Consulting [ewoo@artifacts-inc.com](mailto:ewoo@artifacts-inc.com)  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

**IN THE MATTER OF GRANTING A ) ORDER #7160**  
**WATER QUALITY ) Corps Reference #NWS-2008-1308-NO**  
**CERTIFICATION TO ) Des Moines Creek Flood Mitigation Project; Des**  
**City of Des Moines ) Moines Creek, King County, Washington.**  
 in accordance with 33 U.S.C. 1341 )  
 (FWPCA § 401), RCW 90.48.120, RCW )  
 90.48.260 and Chapter 173-201A WAC )

TO: Loren Reinbold, PE.  
 Planning, Building, and Public Works  
 City of Des Moines  
 1000 South 220<sup>th</sup> Street  
 Des Moines, WA 98198

On November 10, 2008, the City of Des Moines submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on November 12, 2008.

The flood mitigation project includes:

- Stream excavation: Excavate 900 linear feet of streambed an additional 1 to 4 feet deep, depending on the location. A total of approximately 1,450 cubic yards of stream gravel will be removed and disposed of at an approved upland disposal site. Approximately 250 cubic yards of spawning gravel will be placed along the excavated areas of Des Moines Creek. A 120-foot, low-flow channel will be established within the excavated stream channel in the area under the Dining Hall.
- Bank stabilization and installation of bed control logs: Stabilize 215 linear feet of the stream bank under the Dining Hall, Founders Lodge, and upstream for approximately 100 feet; reconstruct the channel immediately upstream of the Dining Hall and downstream of the existing vehicle bridge; install a small gravel ramp on the left bank to facilitate future gravel removal; and install two bed control log structures with 6- to 9-inch steps upstream of the concrete vehicle bridge and one bed control log structure downstream of the concrete vehicle bridge, upstream of the Dining Hall. Total angular rock to be placed is approximately 300 cubic yards.
- Installation of a bank log: Install one bank log upstream of the upper log bridge at the location of the recently-installed debris catcher, in order to prevent bank scour. Installation will require 3 cubic yards of excavation below the ordinary high water mark (OHWM) to seat the log.

- Construction of earth berms and low concrete walls: Two earth berms and two low concrete walls ranging from 1 to 3 feet in height will be constructed to divert floodwaters away from historic structures in the project area. The upstream earth berm will require filling 0.02 acre of wetland. The two walls and the downstream berm will be constructed in the uplands.
- Associated upland work: Install a retaining wall on the west bank of the creek, partially beneath the Dining Hall building (above OHWM). Renovate the Dining Hall interior and install a new deck, ramp, and sprinkler system.
- Dewatering and stream diversion during construction: Install a stream diversion pipeline from approximately 190 feet upstream of the mouth of the stream to approximately 1,150 feet upstream of the mouth (the entire limits of proposed gravel removal). Divert stream flow into the pipeline at the upstream end with a sand bag or steel cutoff wall coffer dam and construct a similar coffer dam at the downstream end to prevent back flow into the work area. Pump seepage in the work area to a containment system and allow water to settle before being returned to the stream via surface flow. The tributary is expected to be dry during work, but a similar diversion pipeline will be installed and channel dewatering will occur in the event of a rain event during construction. Remove the pipelines following completion of gravel removal and bank stabilization.

Mitigation for 0.02 acre of wetland impacts will consist of creating approximately 0.02 acre of wetland and enhancing at least 0.06 acre of riparian wetland. To compensate for short-term impacts from the proposed gravel removal, approximately 200 feet of the intermittent tributary will be enhanced by regrading it to a more uniform and constant slope. Additionally, existing quarry spall and sandy sediments will be replaced with stream gravels, large woody debris will be installed, and riparian planting with native vegetation will be completed.

The project is located in Des Moines Beach Park, at 22030 Cliff Avenue South, Des Moines, King County, Washington, Des Moines Creek, Section 8, T. 22 N., R. 4E., WRIA 9.

#### **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 meet the 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 City of Des Moines 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 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #7160 and Corps Reference #NWS-2008-1308-NO.
- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on November 10, 2008, and the revised JARPA Form Supplemental Information received on February 26, 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 "*Des Moines Creek Flood Mitigation Project, Wetland and Stream Determination Report and Conceptual Mitigation and Restoration Plan (Revised)*" (hereafter called the "Mitigation Plan")

prepared by ESA Adolfson, and dated February 2009, or as modified by this Order or revised and approved by Ecology.

- B2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before work begins.
- B3. The Applicant shall have a wetland professional at the wetland mitigation site during construction and planting.

Implementation

- B4. 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.
- B5. 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) The Des Moines Creek Flood Mitigation Project.
  - b) Mitigation and Restoration Plan for the Des Moines Creek Flood Mitigation Project.

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 Des Moines Creek Flood Mitigation Project and its Conceptual Mitigation and Restoration Plan are complete.

- B6. 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.
- B7. 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.
- B8. 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.
- B9. The Applicant shall not use Polyacrylamide on exposed or disturbed soil at the mitigation site(s).

- B10. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
- B11. If seeding is used at the wetland mitigation site, the seed mix must contain native, annual, non-invasive plant species.
- B12. 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.
- B13. Within 90 days of completing construction and planting of the mitigation site(s), the Applicant shall submit to Ecology (see A2) one hard copy and one electronic file of the final as-built report including maps. 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 B15.
- B14. Within 90 days of completing construction and planting of the Des Moines Creek Flood Mitigation Project Mitigation and Restoration Plan, 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

- B15. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards.
- B16. The Applicant shall monitor the mitigation site for a minimum of 5 years. The Applicant shall use the monitoring methods described on pages 12-13 of the Mitigation and Restoration Plan.
- B17. The Applicant shall submit to Ecology (see A2) one hard and one electronic copy of monitoring reports documenting mitigation site conditions for years 1, 3 and 5, consistent with the Mitigation Plan. 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.

- B18. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
- B19. 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.
- B20. 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.
- B21. For monitoring year five (5) 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.
- B22. 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.
- B23. 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. Des Moines Creek is classified as Core Summer Salmonid Habitat for Aquatic Life Turbidity Criteria in Fresh Water, and the criteria of that class apply except as specifically modified by this Order. This Order does not authorize a temporary turbidity exceedance beyond the limits established in WAC 173-201A-200(1)(e)(i) which allows a 100-foot temporary area of mixing for turbidity resulting from disturbance of in-place sediments in Des Moines Creek.

**D. Conditions for Construction Activities:**

- D1. 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.

- D2. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
  - D3. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
  - D4. 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.
  - D5. 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.
  - D6. Clean Fill Criteria: Applicant shall ensure that fill (soil and gravel) placed for the proposed project does not contain toxic materials in toxic amounts.
  - D7. 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.
  - D8. 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 blocks, metal debris, cables, and other debris in the construction work corridor that have washed into freshwater areas shall be removed from the project area.
  - D9. 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.
  - D10. Untreated wood shall be used for the bed control logs and log debris catcher.
- 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.

**G. Reporting and Notification Requirement Conditions**

- G1. 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 14 days after completing the wetland mitigation project. Notification, referencing Corps Reference #NWS-2008-1308-NO, Order #7160 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, 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:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

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 160<sup>th</sup> 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 21, 2009 at Bellevue, Washington.



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Geoff Tallent, Section Manager  
Northwest Regional Office  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington

**ATTACHMENT A**

**CITY OF DES MOINES  
DES MOINES CREEK FLOOD MITIGATION PROJECT  
Water Quality Certification Order #7160**

**Statement of Understanding of  
Water Quality Certification Conditions**

I have read and understand the conditions of Order #7160 Section 401 Water Quality Certification for the City of Des Moines Des Moines Creek Flood Mitigation 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 B13)**

**CITY OF DES MOINES**  
**DES MOINES CREEK FLOOD MITIGATION PROJECT**  
**Water Quality Certification Order #7160**

**Corps Reference #NWS-2008-1308-NO**

**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  
Wetland Notice for Deed Notification  
(See Condition B14)**

**CITY OF DES MOINES  
DES MOINES CREEK FLOOD MITIGATION PROJECT  
Water Quality Certification Order #7160**

**Corps Reference #NWS-2008-1308-NO**

Tax Parcel Number: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Legal Owner: \_\_\_\_\_

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(20) 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

**Attachment D**  
**Required Information for Monitoring Reports**  
**(See Condition B17)**

**CITY OF DES MOINES**  
**DES MOINES CREEK FLOOD MITIGATION PROJECT**  
**Water Quality Certification Order #7160**

**Corps Reference #NWS-2008-1308-NO**

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.