



Department of Transportation  
Clear Creek Riverside Mitigation Site  
Order #7312 Corps#NWS-2009.0753  
Page 2 of 2  
January 28, 2010

This restoration project is being constructed as advanced mitigation for future I-5 HOV projects with Pierce County, Washington. The U.S. Army Corps of Engineers issued a NWP #27 for the project on December 3, 2009. Ecology issued a Public Notice on December 15, 2009

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

If you have any questions, please contact Penny Kelley, Federal Project Coordinator, at 360-407-7298 or [pkel461@ecy.wa.gov](mailto:pkel461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Brenden McFarland, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology

BM:pk  
Enclosure

By certified mail 7009 1410 0002 4001 1187

e-cc: Sandi Manning, Corps of Engineers  
Jason Kunz, Department of Fish & Wildlife  
Patrick Svoboda, Department of Transportation  
Caroline Corcoran, Ecology  
Stephanie Jackson, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER # 7312</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2009-0753</b>
<b>CERTIFICATION TO</b>	)	Restore wetlands and floodplain on a site
Washington Department of	)	adjacent to Clear Creek in Pierce County,
Transportation	)	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: Carrie Berry  
Washington Department of Transportation  
Olympic Region – Tacoma/Pierce HOV Office  
P.O. Box 47376  
Olympia, WA 98504-7376

On October 16, 2009, Ecology received a Joint Aquatic Resources Permit Application (JARPA) from the Washington Department of Transportation (WSDOT) requesting a 401 Water Quality Certification (WQC). Ecology issued a public notice for the project on December 15, 2009.

The applicant is proposing to restore wetlands and floodplain conditions on a site adjacent to Clear Creek in Pierce County. In order to re-establish wetlands and floodplain at this location, project construction will include:

- Excavating approximately 74,000 cubic yards of fill in existing uplands
- Constructing a backwater channel with meanders
- Establishing a native plant community on site
- Installing habitat features

The removal of fill will establish appropriate grade elevations for wetland conditions and connect the creek to the floodplain. Creation of a backwater channel will facilitate the Clear Creek’s connection to the floodplain and provide channel habitat for fish and other aquatic species. After the site is graded and channel construction is completed, the site will be planted with a mix of native species appropriate for wetland conditions that will help stabilize the site, improve wetland water quality functions, and provide wildlife habitat. In addition to the plant community, perch trees and large wood material will be installed as habitat features. The site will be monitored and maintained to ensure success in establishing wetland and floodplain conditions.

This restoration project is being constructed as advanced mitigation for future I-5 HOV projects with Pierce County, Washington.

Project Site Location:

Pierce County  
Section 11 Township 20N Range 3E

WRIA 10 – Puyallup-White

**AUTHORITIES**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

**WATER QUALITY CERTIFICATION CONDITIONS**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve WSDOT 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**

1. For purposes of this Order, the term “Applicant” shall mean WSDOT and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required as conditions shall be sent to Ecology’s Headquarters, Attn: Federal Project Coordinator, P.O. Box 47600 Olympia, WA 98506 or via e-mail (preferred), if possible, to the Coordinator assigned to this project.

Notifications shall be made via phone or e-mail (preferred). All submittals and notifications shall be identified with Order No. 7312 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.

3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on October 16, 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.
4. 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.
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 lead workers, and state and local government inspectors.
6. 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 to ensure that conditions of this Order are being met.
7. 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.
8. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
9. 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.
10. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

## **B. Notification Requirements**

1. Notification shall be made via phone at 360-407-7298 or e-mail (preferred) to Ecology's Federal Project Coordinator in accordance with condition A.2 for the following activities:
  - a) At least ten (10) days prior to the pre-construction meeting.
  - b) At least seven (7) days prior to the onset of any work on-site.
  - c) At least seven (7) days prior to the onset of in-water activities.
  - d) At least seven (7) days prior to introducing water into the backwater channel.
  - e) Immediately following a violation of water quality standards or any condition of this Order.

## **C. Construction Conditions**

1. Work in or near waters of the state shall be done in a manner that minimizes turbidity, erosion, and other water quality impacts.
2. The Applicant shall obtain and comply with the current National Pollutant Discharge Elimination System Construction Stormwater Permit (NPDES Permit) issued for this project.
3. All clearing limits, stockpile sites, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and the marking shall be maintained until all work is complete.
4. All construction debris and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
5. Turbid de-water water associated with in-water work shall not be discharged directly to waters of the state. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling and filtration.
6. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.
7. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.

### Equipment & Staging

8. Staging areas will be located a minimum of 50 feet and where practical, 200 feet, from waters of the state, including wetlands. If a staging area must be located within 50 feet of a water of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Project Coordinator before placement of the staging area in the set back area.
9. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
10. 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.
11. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The applicant shall set up a designated area for washing down equipment.
12. No cleaning solvents or chemicals used for tool or equipment cleaning may be discharged to the ground or waters of the state.

### Backwater Channel Construction

13. During construction, the new backwater channel shall be isolated from the flowing stream by maintaining a plug at the confluence with Clear Creek. The earthen plug shall be substantial enough to prevent flood flows from entering the new channel during construction.
14. Before the backwater channel earthen plug is removed, BMPs shall be in place to stabilize the channel and prevent erosion. If temporary BMPs are used to stabilize parts of the channel, the applicant shall maintain them throughout project construction.
15. Installation of a turbidity curtain shall be in place prior to the removal of the earthen plug.
16. The Applicant shall make every effort to pump turbid water from the backwater channel to an upland location for settling/filtering before the backwater channel earthen plug and silt fence are removed.

17. Introduction of water to the newly constructed channel shall be done gradually and at a rate not higher than the normal stream flow in order to minimize the mobilization of sediments and fines into downstream waters.

#### **D. Wetland Compensatory Mitigation Conditions**

1. The Applicant shall construct the Clear Creek Riverside Mitigation site as described in the *Clear Creek-Riverside Site, Wetland and River Mitigation Report* (Mitigation Plan) dated January 2010.
2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A.2) for review and approval before work begins.
3. The Applicant shall get review and approval from Ecology of any plan changes required if problems arise during construction and planting of the wetland mitigation site. The Applicant shall have a wetland professional at the wetland mitigation site during construction and planting.

#### Implementation

4. If the mitigation site cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of Clear Creek-Riverside Mitigation Site with the:
  - a) Reason for the delay.
  - b) Expected date of completion.The Applicant shall submit an updated written notification every 12 months thereafter until the Clear Creek-Riverside Mitigation Site is complete.
5. 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.
6. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site at any time, unless provided for in the Ecology-approved Mitigation Plan or authorized by Ecology in writing.
7. The Applicant shall ensure that no construction debris is deposited within existing wetland and their buffers at the wetland mitigation site at any time, unless provided for in the Ecology-approved Mitigation Plan or authorized by Ecology in writing.
8. The Applicant shall not use Polyacrylamide on exposed or disturbed soil at the mitigation site.

9. The Applicant shall place signs at the mitigation area's boundaries, including buffers, every 100 feet to mark the area as a wetland mitigation site.
10. 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.
11. If planting is to be sequenced over time, the Applicant shall submit to Ecology (see A.2) one hard copy 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 of western red cedar trees. The as-built reports 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 D.12.
12. Within 90 days of completing construction and planting of Clear Creek-Riverside Mitigation Site, 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

13. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards on pages 7-2 through 7-4 of the Mitigation Plan.
14. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described on pages 7-4 thru 7-5 of the Mitigation Plan.
15. The Applicant shall submit to Ecology (see A.2) one hard and one electronic copy of the monitoring reports documenting mitigation site conditions for years (1, 3, 5, 7, and 10). At a minimum, the report must contain the information in Attachment D (Information Required for Monitoring Reports). The Applicant shall submit the first monitoring report 24 months after completing the mitigation site construction and planting.
16. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.

17. 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.
18. 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.
19. For monitoring years five (5) and ten (10), the Applicant shall use the 1997 or updated version 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.
20. At the end of the monitoring period, the Applicant shall use the August 2004 or updated version "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.
21. 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.

#### **E. Timing Requirements**

1. This Order is valid until all requirements in this document have been met.
2. In-water work is subject to a fishery closure window determined by the Washington Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed by the work window identified in the most current HPA issued for this project.

#### **F. Water Quality Criteria & Monitoring**

In granting the mixing zone below, Ecology finds that the Applicant's supporting information clearly indicates that the mixing zone does not have a reasonable potential to: 1) cause a loss of sensitive or important habitat; 2) substantially interfere with the existing or characteristic uses of Clear Creek; 3) result in damage to the ecosystem; and 4) adversely affect public health.

**A 200 foot mixing zone for turbidity shall apply as follows:**

Waterbody	Activity	Maximum Duration
Clear Creek	Turbidity curtain installation & removal; removal of the earthen plug;	1.5 months – the approved fish window as granted in the most current HPA for this project.

1. At least 20 days prior to commencing each in-water work activity; the Applicant shall submit a **Water Quality Monitoring and Protection Plan (WQMPP) to the Federal Project Coordinator** for review and approval. Each **in-water work activity shall not begin until Ecology approves WQMPP**. At a minimum, the WQMPP shall include:
  - a. The name(s) and phone number(s) of the Pollution Control inspector and the person responsible for on-site monitoring and reporting;
  - b. The BMPs and procedures to be used to protect water quality during specific proposed in-water activities – include BMPs that will be used in the channel for stream introduction as well as BMPs used in Clear Creek.
  - c. A water sampling plan for turbidity (for in-water work) including sampling method and frequency.
  - d. A map with numbered or named sampling locations associated with the in-water activities that require monitoring;
  - e. In-water work Contingency plans.
2. A background sample shall be collected at the beginning of each tidal cycle in which in-water work is occurring.
3. Ecology must approve, in writing, any changes or additions to the WQMPP.
4. Monitoring results shall be submitted monthly to the Ecology Federal Project Coordinator, per condition A.2.
5. Mitigation and additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

**G. Emergency/Contingency Measures**

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

2. The Applicant shall have adequate and appropriate spill response material on hand to respond to an emergency release of petroleum products or any other material into waters of the state.
3. Work that is out of compliance with the provisions of this Order, conditions causing distressed or dying fish, discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters, is prohibited. If such work, conditions, or discharges occur, the Applicant shall comply with WSDOT's "Environmental Compliance Assurance Procedure for Construction Projects and Activities" (March 10, 2003) and immediately take the following actions:
  - a) Cease operations at the location of the violation.
  - b) Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
  - c) In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, begin containment and cleanup efforts, which take precedence over normal work, and complete them as soon as possible. Cleanup shall include proper disposal of any spilled material and used cleanup materials
  - d) Notify Ecology's Southwest Regional Spill Response Office at 360-407-6300 of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
  - e) Notify the National Response Center at 1-800-424-8802 for spills to water.
  - f) Notify Ecology's Federal Project Coordinator within 24 hours of a spill event.
  - g) Submit a detailed written report to Ecology in accordance with condition A.2, within five days that describes the nature of the event, the corrective action taken, and other pertinent information.
  - h) If at any time, the Applicant finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the Applicant shall immediately notify Ecology's Southwest Regional Spill Response Office at 360-407-6300

## **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 & Application for Relief  
Coordinator  
PO Box 47608  
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals & Application for Relief  
Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

**3. And send a copy of your appeal to:**

Penny Kelley  
Department of Ecology  
Headquarters  
P.O. Box 47600  
Olympia, WA 98504-7600

*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://www.leg.wa.gov/CodeReviser>*

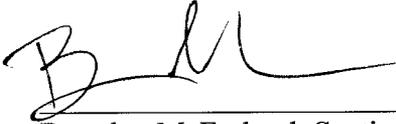
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Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated January 28, 2010 at Lacey, Washington.

A handwritten signature in black ink, appearing to read 'B. McFarland', written over a horizontal line.

Brenden McFarland, Section Manager  
Shorelands & Environmental Assistance Program  
Headquarters Office – Ecology  
State of Washington

## Water Quality Certification Order #7312 Statement of Understanding

I, \_\_\_\_\_, state that, I will be involved as a WSDOT employee or an agent or contractor for Washington State Department of Transportation in the Clear Creek Riverside Mitigation project in Pierce County, WA. I further state that I have read and understand the relevant conditions of Washington Department of Ecology **Water Quality Certification Order #7312** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code

**Attachment B**  
**Information Required for As-built Reports**  
**(See Condition D. 11)**

Clear Creek Riverside Mitigation Project  
Water Quality Certification Order # 7312  
And  
Corps Reference # NWS-2009-0753

**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 (Impact) Site**

- 7) Brief description of the development project (impact site). 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) **Actual** 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 D.12.)**

Clear Creek Riverside Mitigation Project  
Corps Reference # NWS-2009-0753  
And  
Ecology Order # 7312

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

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

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

NOTICE: This property contains wetlands as defined by Chapter 36.70A.030(21) RCW, Chapter 90.58.030(2)(h) RCW and WAC 173-201A-020. The property was the subject of an Ecology action under Chapter 90.48.260 RCW or Chapter 90.48.120(1) RCW.

\_\_\_\_\_, issued on \_\_\_\_\_, 20\_\_\_\_  
(Corps Reference #) (Ecology Order #)

to \_\_\_\_\_ for \_\_\_\_\_  
(Applicant Name) (Project Name)

Restrictions on use or alteration of the wetlands may exist due to natural conditions of the property and resulting regulations. A copy of Ecology's Order and the site map from the final wetland mitigation plan indicating the location of wetlands and their buffers is attached hereto.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

State of Washington)  
County of \_\_\_\_\_)

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes  
mentioned in this instrument.

GIVEN under my hand an official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the state of Washington,  
residing at \_\_\_\_\_  
(Amended by Ord. 11200 § 50 (part), 1996)

**Attachment D**  
**Information Required for Monitoring Reports**  
**(See Condition D.15)**

Clear Creek Riverside Mitigation Project  
Water Quality Certification Order # 7312  
And  
Corps Reference # NWS-2009-0753

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) Whom 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). Include the month and year when the maps were produced and 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 vegetation.
  - e) Location of habitat features.
  - f) Location of permanent photo stations and location of any other photos.
  - g) Location of sampling locations such as points, lines, 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.