



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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March 24, 2011

Alan Soicher
Department of Transportation
Northwest Region
P.O. Box 330310
Seattle, WA 98133-9710

RE: Water Quality Certification Order #8394 for Corps Public Notice No. NWS-2010-1228 on the SR 9 212th St. SE to 176th St. SE Road Widening, Stage 3 in Snohomish County, Washington

Dear Mr. Soicher:

On September 15, 2010, the Washington State Department of Transportation (WSDOT), submitted a Joint Aquatic Resources 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 SR 9 212th St. SE to 176th St. SE Road Widening, Stage 3 project.

The proposed project entails widening and realigning 2.4 miles of SR 9, from two lanes to four lanes, and building a raised median from north of 212th Street SE to 176th Street SE intersection. New left turn lanes will be constructed at major intersections and the traffic signals at 180th Street SE and 176th Street SE intersections will be upgraded. Other construction elements include building retaining walls, two stormwater ponds, and a stormwater conveyance system. Multiple cross culverts will be removed or replaced. Two existing culverts carrying an un-named tributary to Dane Creek (WRIA 8-0084b) will be replaced with larger culverts.

This project will result in 0.38 acres of permanent impacts and 0.01 long-term temporary impacts to existing wetlands. These unavoidable impacts will be mitigated offsite at the 14.87 acre Charles E. Plummer Mitigation Site, located less than one mile south from the project corridor. The project will use 0.81 acres of wetland mitigation credit at this site to compensate for project impacts.

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 Kerry Carroll at 360-407-7503. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



for

Brenden McFarland
Ecology Headquarters
Shorelands and Environmental Assistance Program

Enclosure

by Certified Mail 7009 1410 0002 4001 1439

cc: Jess Randall Carey

e-cc: Multi-Agency Permitting Team
Joanne Wright, WSDOT
Loree' Randall, Ecology HQ
ecyrefedpermits@ecy.wa.gov
Cynthia Walcker, Ecology WQ

IN THE MATTER OF GRANTING A) ORDER # 8394
WATER QUALITY) Corps Reference No. NWS-2010-1228
CERTIFICATION TO) Widen and realign 2.4 miles of SR 9 from two
Washington Department of) lanes to four lanes, starting at MP 1.62 and
Transportation) ending at MP 4.03. The project is located in
in accordance with 33 U.S.C. 1341) Snohomish County, Washington.
(FWPCA § 401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)
)

TO: Alan Soicher
Department of Transportation
Northwest Region
P.O. Box 330310
Seattle, WA 98133-9710

On October 12, 2010, Ecology received a Joint Aquatic Resources Permit Application (JARPA) from the Washington State Department of Transportation (WSDOT) requesting a 401 Water Quality Certification (WQC). The U.S. Army Corps of Engineers (Corps) issued a public notice for the project on December 10, 2010.

The proposed project entails widening and realigning 2.4 miles of SR 9, from two lanes to four lanes, and building a raised median from north of 212th Street SE to 176th Street SE intersection. New left turn lanes will be constructed at major intersections and the traffic signals at 180th Street SE and 176th Street SE intersections will be upgraded. Other construction elements include building retaining walls, two stormwater ponds, and a stormwater conveyance system. Multiple cross culverts will be removed or replaced. Two existing culverts carrying an un-named tributary to Dane Creek (WRIA 8-0084b) will be replaced with larger culverts.

All unavoidable project impacts to existing wetlands and streams within the project site will be mitigated at compensatory wetland mitigation and through on-site stream relocation and planting.

The project is located on SR 9, starting at MP 1.62 and ending at MP 4.03, in Snohomish County, Washington.

WRIA 8 Cedar/Sammamish & WRIA 7 Snohomish

SECTION	TOWNSHIP	RANGE
23	27N	5E
22	27N	5E
14	27N	5E
11	27N	5E

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 HQ, Attn: Federal Project Coordinator, P.O. Box 47600, Olympia, WA 98504-7600 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. 8394 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.

3. Notification shall be made via phone or e-mail (e-mail preferred) to Ecology's Federal Project coordinator in accordance with condition A.2., for the following activities:
 - a. Immediately for any work that is out of compliance with the provisions of this Order.
 - i. In addition to the phone or e-mail notification required for 3.a., the Application shall 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.
 - b. At least ten (10) days prior to the preconstruction meeting
 - c. At least ten (10) days prior to the onset of any work on site,
 - d. At least ten (10) days prior to bypass removal and stream re-introduction;
 - e. At least seven (7) days within project completion.
4. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on October 12, 2010. 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.
5. 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.
6. This Order shall be rescinded if the Corps does not issue an individual Section 404 permit.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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. Timing

1. This Order is valid until the Applicant meets all its requirements and conditions.
2. In-water work is subject to a fishery closure window determined by Washington Department of Fish and 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.

C. Water Quality Criteria & Monitoring

1. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards for turbidity as described in WAC 173-201A-200(1) (e).
2. At least 20 days prior to commencing in-water work, the Applicant shall submit a Water Quality Monitoring and Protection Plan (WQMPP) to the Federal Project Coordinator review and approval. **In-water work shall not begin until Ecology approves the 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;
 - c. A water sampling plan for turbidity which includes sample locations and frequency;
 - d. A map with numbered or named sampling locations associated with the in-water activities that require monitoring;
 - e. A background sample shall be collected at the beginning of each sampling event. Ecology must approve, in writing, any changes or additions to the WQMPP.

- f. Monitoring results shall be submitted monthly to the Ecology Federal Project Coordinator, per condition A.2.
3. The Applicant shall notify the Federal Project Coordinator, per condition A.2., immediately following a violation of state water quality and 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.
4. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

D. Construction

1. The Applicant shall comply with the conditions of the current Construction Stormwater permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.
2. Within the project limits¹ all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction fence (HVF) prior to commencing construction activities. Construction activities include equipment staging, materials storage, and worker vehicle parking. *Note: This condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.*
 - a. All field staff shall be trained to recognize HVF, understand its purpose and properly install it in the appropriate locations. HVF shall be maintained until all work is completed for each project or each stage of a staged project.
 - b. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
3. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
4. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.

¹ Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

5. Turbid De-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
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 including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.

Equipment & Maintenance

7. 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 waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Coordinator before placing the staging area in the setback area.
8. Equipment used for this project shall be free of external petroleum-based products while used around the water 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.
9. No equipment shall enter, operate, be stored or parked within any sensitive area except as specially provide for in this Order.
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 to waters of the state, including wetlands.
13. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools. No concrete wash water shall be discharge to waters of the state.

Stream Bypass & Culvert Replacement

14. Culvert work shall be conducted in the dry or in isolation from waters of the state. Any temporary bypass or stream diversion system shall be in place prior to initiation of in-water work.
15. Any stream diversion or bypass shall be designed and operated so that it does not cause erosion or scour in the stream channel or on the banks of the water where in-water work is being done.
16. Prior to returning stream flow to the work area, all bank protection measures shall be in place.
17. Reintroduction of water to the 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.
18. Upon completion of the in-water work in a given area within the project site, all materials used in the temporary bypass or stream diversion shall be removed from the site and placed in an approved upland site.
19. Temporary sediment traps shall be cleaned out and the settled sediments removed from the stream channel before removing the stream diversion system and returning the flow of the surface waterbody to its natural channel. Settled sediments shall not be allowed to enter state surface waters due to water or runoff flows that may occur after construction is completed.
20. Fresh concrete or concrete by-products shall not enter state waters at any time during the project. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete entering state waters.
21. When possible, all concrete shall be poured during dry weather and in a dry de-watered site. If this is not possible, the concrete process water shall not enter waters of the state. All concrete shall be completely cured prior to coming into contact with state waters. Any contact water discharged from a confined area with curing concrete shall be disposed of appropriately with no possible entry to state waters.

E. Wetland Compensatory Mitigation Conditions

1. The Applicant shall mitigate wetland impacts as described in the Final Wetland and Stream Mitigation Report, SR 9 212th St. SE to 176th ST. SE: Widening – Stage 3 (hereafter called the “Mitigation Plan”) prepared by WSDOT Northwest Region, and dated March 2011, or as modified by this Order or revised and approved by Ecology.

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 written approval from Ecology of any plan changes required if problems arise during construction and planting of the wetland of the wetland mitigation site.
4. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.
5. The remaining area of wetland mitigation credit from the Charles E. Plummer Mitigation Site may be applied to future projects within the WRIA 8 watershed, as requested by WSDOT. Use of the remaining wetland mitigation credit as compensation for wetland impacts is subject to Ecology review and approval.

Implementation

6. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrent with, impacting wetlands before the impacts to wetlands occur or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
7. 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:
 - a. SR 9 212th St. SE to 176th St. SE – Stage 3 project.
 - b. Charles E. Plummer 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 SR 9 212th St. SE to 176th St. SE – Stage 3 and Charles E. Plummer Mitigation Site are complete.

8. 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.
9. 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.

10. The Applicant shall ensure that no construction debris is deposited within existing wetlands and their buffers at the wetland mitigation site at any time, unless provided for in the Ecology-approved Mitigation Plan.
11. The Applicant shall not use polyacrylamide on exposed or disturbed soil at the mitigation site.
12. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site unless approved by Ecology.
13. If seeding is used at the wetland mitigation site, the seed mix must contain native, annual, non-invasive plant species.
14. If the Applicant chooses to use a non-native seed mix as a temporary erosion control measure during site construction, such as a sterile wheat mix, it must be approved by Ecology.
15. 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.
16. 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.
17. If planting occurs more than 180 days after construction of the wetland mitigation sites, 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 a second as-built report within 90 days of completing planting.
18. 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.
20. Within 90 days of completing construction and planting of the mitigation site, the Applicant shall submit to Ecology (see A.2) 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 E.20.

21. Within 90 days of completing construction and planting of Charles E. Plummer 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

22. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards described on pages 80 - 84.
23. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described on page 84 of the Mitigation Plan.
24. The Applicant shall submit to Ecology (see A.2) one hard and one electronic copy of monitoring reports documenting mitigation site conditions for years 1, 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 no later than 24 months after completing the mitigation site construction and planting.
25. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
26. 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.
27. 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 the all replacement plants in the subsequent monitoring report.
28. 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.
29. 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 and include the information in the monitoring report.
30. 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.

31. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition E.1 to mitigate for wetland impacts is not met.

F. 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. Any work that produces conditions causing distressed or dying fish, or causing any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into states waters is prohibited. If such work occurs, the Applicant shall 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/or prevent further environmental damage;
 - c. In the event of finding distressed or dying fish, collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the Applicant receives further instruction from Ecology. Ecology may require analyses of these samples before allowing the work to resume.
 - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with potential for entry into state waters, begin containment and cleanup efforts immediately and complete them as soon as possible. This work shall take precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
 - e. Immediately notify Ecology's Northwest Regional Spill Response Office at 425-649-7000, **and** within 24 hours of spills or other events, to Ecology's Federal Project Coordinator at 360-407-7503.
 - f. Contact the Ecology's Northwest Region Cleanup Program **and** Regional Spill Office at 425-649-7000 if chemical containers, (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.
 - g. Immediately notify the National Response Center at 1-800-424-8802 for spills to water. 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.

G. Appeal Process

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001 (2).

To appeal you must do the following within 30 days of the date of receipt of this Order:

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Penny Kelley
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
360-407-7298
pkel461@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173.204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

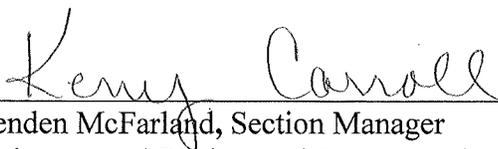
Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

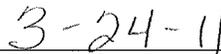
Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

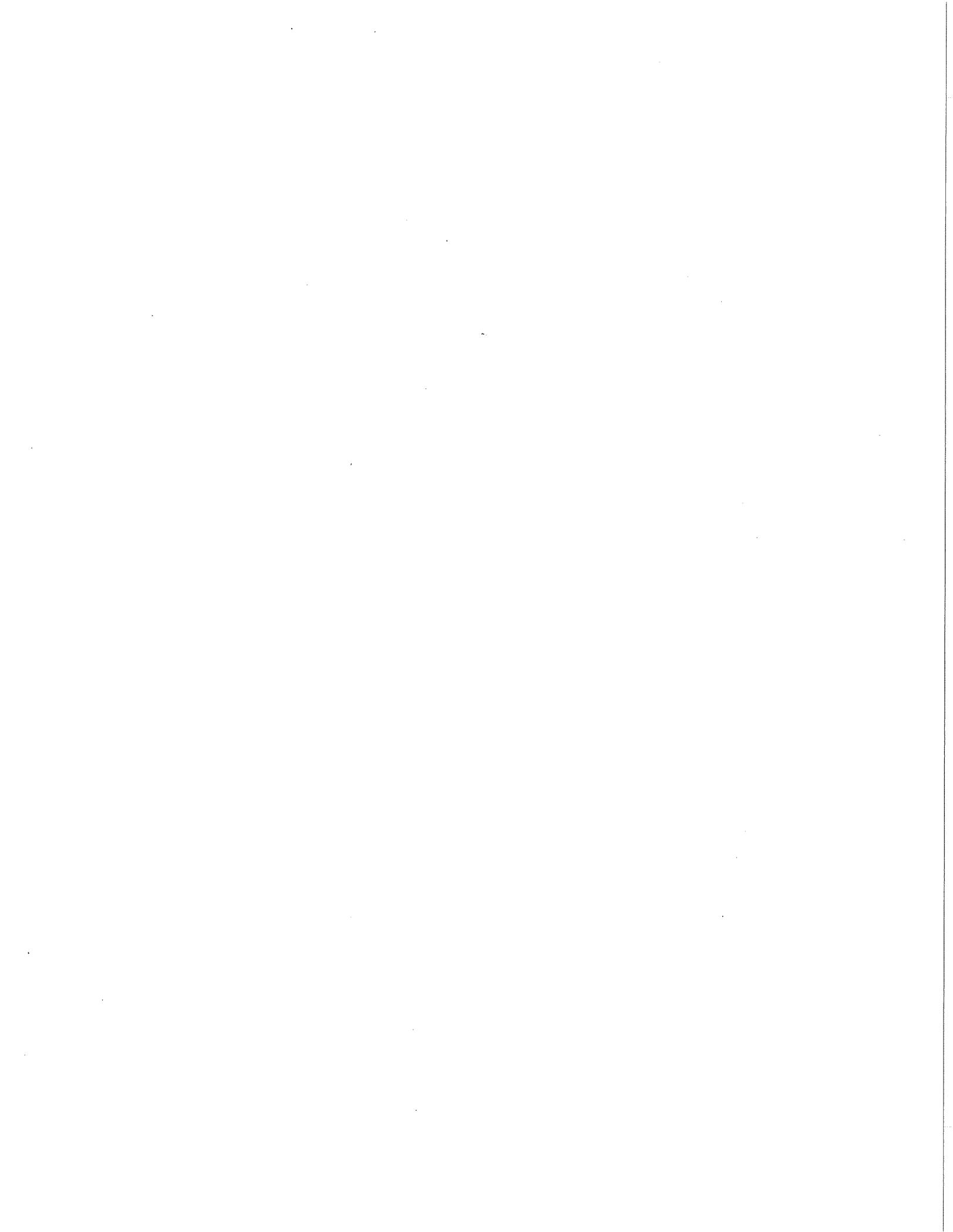
SIGNATURE



for Brenden McFarland, Section Manager
Environmental Review and Transportation
Shorelands and Environmental Assistance Program
Headquarters



Date



Water Quality Certification Order #8394
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 SR 9 212th St. SE to 176ht St. SE Widening, Stage 3 in Snohomish County, WA. I further state that I have read and understand the relevant conditions of Washington Department of Ecology **Water Quality Certification Order #8394** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

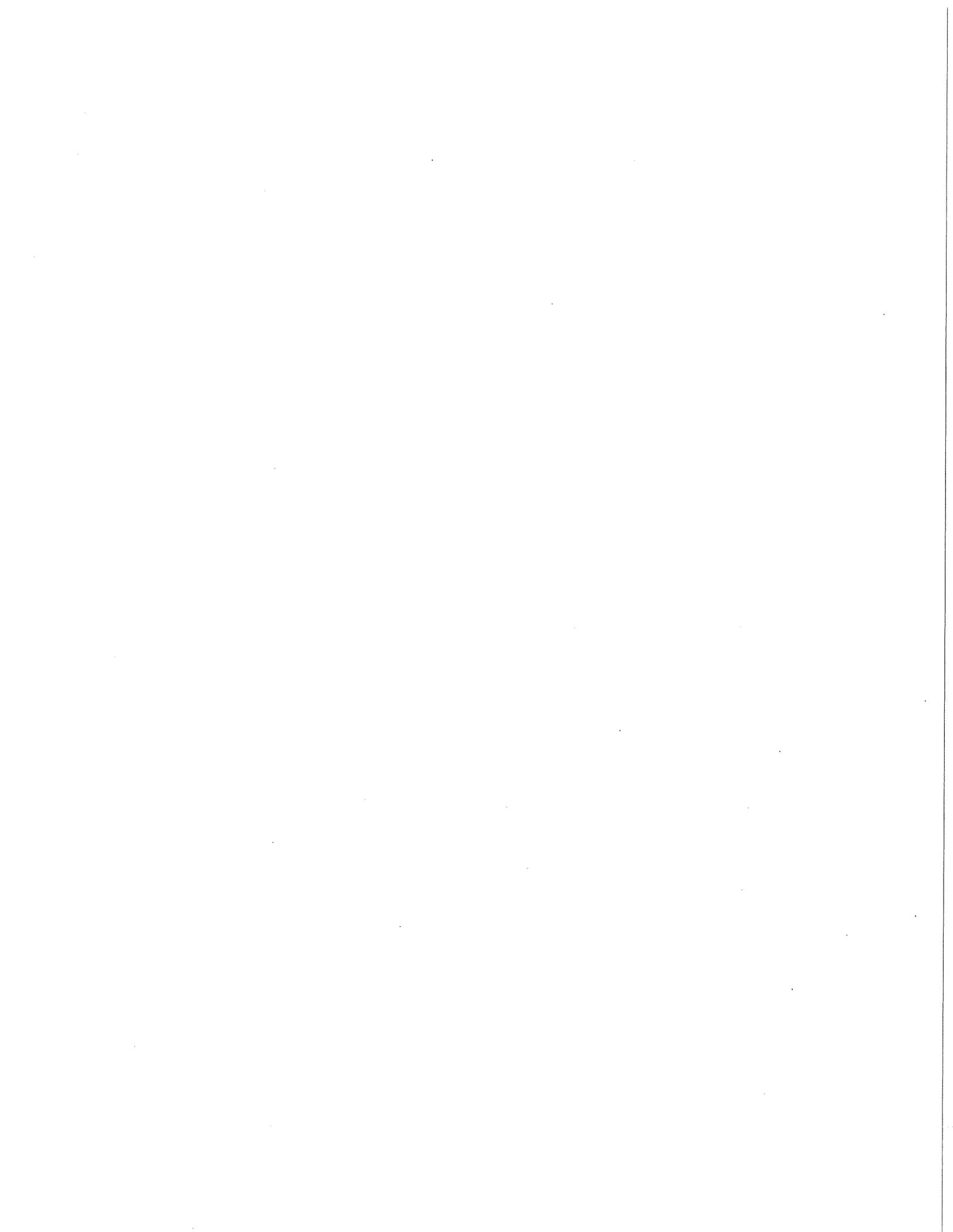
Date

Company

Phone number

Address

City, State, and Zip Code



Attachment B
Information Required for As-built Reports
(See Condition E. 19)

SR 9 212th St. SE to 176th St. SE – Stage 3
Water Quality Certification Order # 8394
And
Corps Reference # NWS-2010-1228

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 E. 20)

SR 9 212th St. SE to 176th St SE – Stage 3
Water Quality Certification Order # 8394
And
Corps Reference # NWS-2010-1228

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 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 ____.

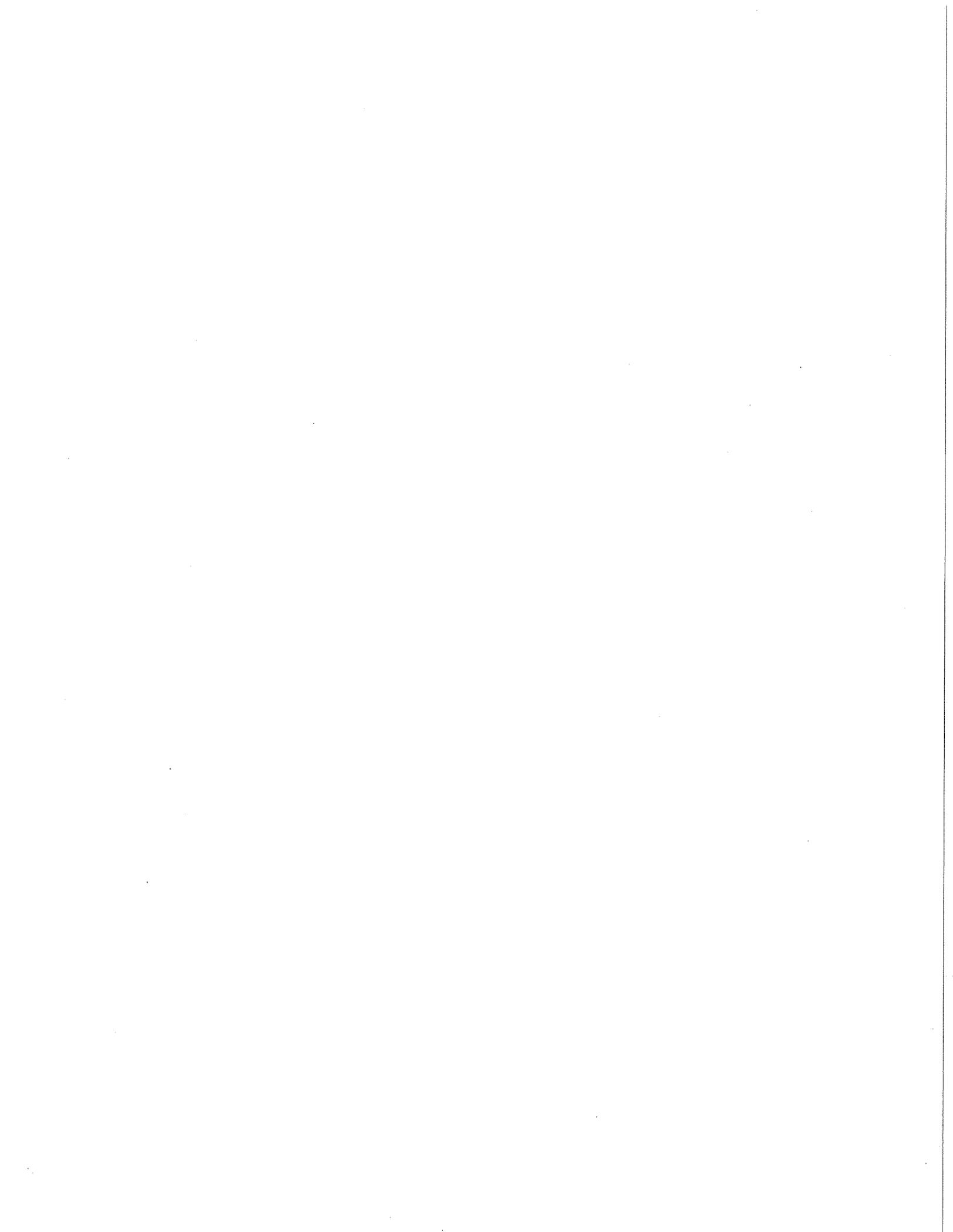
State of Washington)
County of _____)

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 Ord. 11200 § 50 (part), 1996)



Attachment D
Information Required for Monitoring Reports
(See Condition E. 23)

SR 9 212th St. SE to 176th St. SE – Stage 3
Water Quality Certification Order # 8394
And
Corps Reference # NWS-2010-1228

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.