



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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December 29, 2011

Mr. Scott Thomas, Director  
City of Covington Parks and Recreation  
16820 SE 271<sup>st</sup> Street, Ste. 100  
Covington, WA 98042-4964

RE: Administrative Order #8576 to impact 0.12 of an acre of isolated wetlands to construct a parking lot, soccer field, and storm drainage control facilities located at the southwest corner of SE 240th St. and 180th Avenue SE, Covington, in King County, Washington.

Dear Mr. Thomas:

On June 3, 2011, you submitted a revised Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) to request an Administrative Order for proposed work in isolated wetlands. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law. The Order does not authorize placement of fill in wetlands determined to be regulated by the Corps under NWP #42 (Corps Reference #200901039).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Patrick McGraner at (425) 649-4447. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Erik Stockdale, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

ES:prm:cja  
Enclosure

By certified mail: 7011 0470 0003 3720 9305

cc: Lori Lull, U.S. Army Corps of Engineers  
Michael Muscari, ESA Adolfson  
e-cc: Loree' Randall, Ecology/Headquarters  
Raman Iyer – NWRO  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY )  
COVINGTON COMMUNITY PARK )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER #8576  
CONDUCT WORK IN ISOLATED WETLANDS )

TO: City of Covington Parks and Recreation  
Attn: Scott Thomas, Director  
16720 SE 271<sup>st</sup> Street, Suite 100  
Covington, WA 98042-4964

This is an Administrative Order requiring City of Covington Parks and Recreation, to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions that are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW. This Order does not authorize City of Covington Parks and Recreation to place fill in wetlands that are under U.S. Army Corps of Engineers jurisdiction (Corps Reference #200901039).

On June 3, 2011, City of Covington Parks and Recreation, submitted a request to Ecology to impact 0.12 acre of isolated wetlands to enable the construction of a parking lot, soccer field, and storm drainage control facilities located at the southwest corner of SE 240<sup>th</sup> St. and 180<sup>th</sup> Avenue SE, Covington, in King County, Washington.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that City of Covington Parks and Recreation shall comply with the following:

1. Wetland compensatory mitigation and monitoring for the wetland fill shall be performed as described in the *Covington Community Park Critical Areas Report and Final Mitigation Plan*, dated Revised May 2011, by ESA Adolfson, Inc. and the Mitigation Plan drawings included therein except as modified in this Order.
  - a) Timing: The wetland mitigation plan shall be implemented concurrently with the site construction for the development, or within the first year following the site construction.
  - b) Construction Monitoring: The wetland mitigation grading activity and plant installation shall be monitored during construction by a qualified wetland ecologist to ensure proper elevations are achieved and plants are appropriately placed.
  - c) Performance Standards: The performance of the wetland mitigation shall be measured by the standards listed under the Performance Standards section of the Mitigation Plan.

- d) **Monitoring:** Monitoring to ensure that the project performance standards are met shall be performed as specified in the Monitoring Plan section of the Mitigation Plan. **Two copies of all monitoring reports shall be submitted to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 – 160<sup>th</sup> Avenue SE, Bellevue, WA, 98008-5452, identified with Order #8576 and also submitted to the City of Covington.**
- e) **Maintenance:** The Applicant is responsible for maintenance of the wetland mitigation sites such that the required performance standards are met. Maintenance shall be performed as listed under the Maintenance section in the Mitigation Plan.
- f) **Contingency Plan:** The Applicant shall be responsible for preparing a contingency plan if performance standards and plan objectives have not been met. A contingency plan may include the items described under the Contingency Plans section in the Mitigation Plan.
- g) **As-built Report:** Submit a final as-built report for the wetland mitigation projects, with drawings within 60 days of completing construction, including planting. Send this report to Ecology's Northwest Regional Office, Attn: Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452.
  - i. Provide one (1) electronic copy on compact disc and one (1) hard copy. Always prominently display the Corps Reference Number, Ecology Docket Number, or both.
  - ii. Include the following information in the as-built report:
    - a. Final site topography.
    - b. Photographs taken from permanent reference points.
    - c. Installed planting scheme with quantities, densities, sizes and approximate locations.
    - d. Types of habitat features and their locations.
    - e. Important dates including:
    - f. When the development project's construction began.
    - g. Starting and completion dates of the construction of the compensatory mitigation project including grading and planting of the site.
    - h. Name and contact information for the parties responsible for the mitigation site including the applicant, landowner, and wetland professional on site during construction.
    - i. Description of and reasons for any changes to the plan.
    - j. Description of any problems that occurred during construction.
    - k. List of any follow-up actions needed with a schedule.
    - l. Copy of the deed notification.

- iii. If the mitigation project is not completed within 13 months of the date of this Order #8576, submit a written status report on the mitigation construction. Continue to submit status reports every 12 months until the construction (including planting) of the mitigation is complete and the final as-built report is submitted.
2. City of Covington Parks and Recreation shall provide access to the project site upon request by Ecology.
3. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
4. 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 foremen, and state and local government inspectors.
5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines 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 the public interest.

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

#### **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 all of 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
<p><b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p><b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903</p>

  
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Erik Stockdale, Unit Supervisor  
Wetlands/401 Unit  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

12-29-2011  
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