

200700126



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

REGISTERED MAIL: 7003 1680 0007 1466 3112

June 25, 2007

City of College Place
ATTN: Mr. Patrick Reay
625 S. College Place
College Place, Washington 99324

Dear Mr. Reay:

RE: **Order No. 4499** Administrative Order for placement of fill in 0.35 acres of isolated wetland for the construction of a transportation improvement project and a utility corridor for the Eastside water system improvement. The project will occur in the City of College Place, Walla Walla County, Washington.

The request for an administrative order for proposed work in isolated wetlands in Walla Walla County has been reviewed. 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 appropriate requirements of State law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Michael Maher at 509-329-3584. Written comments can be sent to Michael at the Department of Ecology, Eastern Regional Office, 4601 N. Monroe St., Spokane, WA 99205-1295 or at e-mail mmah461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brian G. Farmer
Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office

Cc: Craig Aldworth, 621 W. Mallon, Suite 309, Spokane, WA 99324
Tom Schirm, Area Habitat Biologist, WDFW

e-cc: Penny Keys, Ecology/HQ
~~Loree Randan, Ecology/HQ~~
Lori Ochoa, Ecology/SWRO
Michael Maher, Ecology/ERO



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
THE CITY OF COLLEGE PLACE)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 4499
CONDUCT WORK IN AN ISOLATED WETLAND)

To: City of College Place
ATTN: Mr. Patrick Reay
625 S. College Place Ave.
College Place, Washington 99324

This is an Administrative Order requiring the City of College Place to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which 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.

On June 15, 2006, the City of College Place submitted a request to impact 0.35 acres of isolated wetland as part of the Whitman Drive Extension Project, a transportation improvement project and utility corridor for the Eastside water system improvement. These impacts will occur as Thompson Creek, historically used as an irrigation ditch in this location, is filled and reconstructed in a new location on site. Reconstruction of the creek will result in 0.7 acres of new stream channel. The new stream channel will provide meanders, grassy stream banks, cooling shade plants and will serve as a green space and buffer zone between undeveloped commercially zoned lands and current businesses and homes north of the proposed development. This activity will occur on the east boundary of The City of College Place, in the Walla Walla County, Washington.

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

IT IS ORDERED that the City of College Place shall comply with the following:

1. The City of College Place shall insure that the project is constructed in a manner consistent with the project description contained in the Joint Aquatic Resource Permit Application (JARPA) dated January 22, 2007 or as modified by the Hydraulic Project Approval, Control Number 108281-1 issued on March 1, 2007 or as otherwise approved by Ecology.
2. These plans reflect design criteria and mitigation procedures to significantly reduce or eliminate impacts to water quality.
3. The City of College Place shall provide access to the project site and all mitigation sites upon request by Ecology.
4. An "as built" report shall be prepared after construction showing any variances from the final mitigation plan. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:

- final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
- photographs of the area taken from permanent photo points which will be designated on the site plan; and,
- the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting.

A copy of the "as-built" report and drawings shall be sent to Ecology's Eastern Regional Office Attn: Michael Maher at 4601 N. Monroe St., Spokane, WA 99205-1295, within 60 days of completing construction and planting, and in no case later than December 31 of the year that construction is completed.

5. Monitoring and Contingency Plan: Mitigation efforts shall be monitored for compliance with the Whitman Drive extension project JARPA, dated January 22, 2007, the mitigation and conditions of approval in the MDNS issued by the City of College Place on the 29th of December 2006 and the Hydraulic Project Approval issued on March 1, 2007.
 - A.) A written report describing the monitoring results will be submitted to the Department of Ecology's Eastern Regional Office Attn: Michael Maher at the above address, the first, third, and fifth years after completion of the mitigation installation.
 - B.) Prior to implementing any contingency measures, applicant will consult with permitting agencies.
 - C.) Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
 - D.) Any changes to the mitigation plan or monitoring requirements must be approved by Ecology before they are incorporated into the plan or implemented on the ground.
6. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
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 foremen, and state and local government inspectors.
8. 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.

Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

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

In addition, please send a copy of your appeal to:

Loree' Randall
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>

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 this 25th day of June, 2007, at Spokane, Washington.



Brian G. Farmer
Section Manager
Eastern Regional Office
Shorelands and Environmental Assistance Program