



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
March 17, 2006

REGISTERED MAIL
RR 359 893 995 US

Snohomish School District #201
Attn: Scott Hodgins, Executive Director for Capitol Projects
1601 Avenue D
Snohomish, WA 98290

Dear Mr. Hodgins:

RE: Administrative Order No. 3171: Administrative Order for **placement of fill in 0.33 acres of isolated wetlands** as part of development of a high school and elementary school on Cathcart Way west of State Route 9 in unincorporated Snohomish County, Washington.
U.S. Army Corps of Engineers Reference #200501159

The request for an administrative order for proposed work in isolated wetlands for construction of a high school and elementary school on Cathcart Way west of State Route 9 in unincorporated Snohomish County has been reviewed. The State of Washington has determined that the proposed work, as condition by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law. The Order does not authorize placement of fill in wetlands determined to be regulated by the Army Corps of Engineers under NWP 39 (Corps of Engineers reference #200501159).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Laura Casey at (425) 649-7148 or (425) 649-7000. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program

cc: Susan Glenn, U.S. Army Corps of Engineers
Frank Scherf, Snohomish County Planning and Development Services
Amy Myers, The Watershed Company
Erik Stockdale, Ecology
Rebekah Padgett, Ecology
Penny Keys, Ecology
Loree' Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
SNOHOMISH SCHOOL DISTRICT #201)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 3171
CONDUCT WORK IN ISOLATED WETLANDS)

To: Snohomish School District #201
Attn: Scott Hodgins, Executive Director for Capitol Projects
1601 Avenue D
Snohomish, WA 98290

This is an Administrative Order requiring Snohomish School District #201 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. This Order does not authorize Snohomish School District #201 to place fill in wetlands that are under Army Corps of Engineers jurisdiction (Corps Reference No. 200501159).

On November 7, 2005, Snohomish School District #201 submitted a request to Ecology to impact 0.33 acres of isolated wetlands to enable construction of a high school and an elementary school on Cathcart Way west of State Route 9 in unincorporated Snohomish County, Washington.

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

IT IS ORDERED that Snohomish School District #201 shall comply with the following:

1. Wetland compensatory mitigation and monitoring for the wetland fill that is described in the Sensitive Areas Study for Proposed High School and Elementary School Sites on Cathcart Way, prepared by The Watershed Company, dated September 19, 2005, shall be performed as described in the Snohomish High School #2 Permit Set plans, Sheets L9.1 – L9.5, by The Watershed Company and Northwest Architectural Company, dated February 3, 2006, and the Wetland Mitigation Area Sections by CoughlinPorterLundeen, dated February 28, 2006, except as modified in this Order.
 - a) Modifications to Snohomish High School #2 Permit Set plans, Sheets L9.1 – L9.5:
 - Excavate and stockpile the top 12” of soil from wetlands that are to be filled, for use in the wetland mitigation sites.
 - A minimum 12” of topsoil shall be placed over the cut or fill soils in the north and south mitigation sites.
 - *Spirea douglasii* shall be removed from the planting list and replaced with other native shrubs from the planting list.

- Application of fertilizers and/or herbicides to the sports fields that drain into the northern wetland mitigation site shall be limited to the months of April through September.
- b) 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.
- c) Field Supervision: The wetland mitigation grading activity and plant installation shall be field-supervised by a qualified wetland ecologist, as called out on the Snohomish High School #2 Permit Set, Sheet L9.5, by The Watershed Company and Northwest Architectural Company, dated February 3, 2006, to ensure proper elevations are achieved and plants are appropriately placed.
- d) Performance Standards: The performance of the wetland mitigation shall be measured by the criteria identified in the Snohomish High School #2 Permit Set, Sheet L9.5, by The Watershed Company and Northwest Architectural Company, dated February 3, 2006, with the modification that Performance Standards 1 and 2 shall also be met ten (10) years following implementation of the mitigation plan.
- e) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as described in the Snohomish High School #2 Permit Set, Sheet L9.5, by The Watershed Company and Northwest Architectural Company, dated February 3, 2006, with the modification that vegetation monitoring shall be performed for ten (10) years following implementation of the mitigation plan. **Copies of all monitoring reports shall be submitted to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 – 160th Avenue SE, Bellevue, WA, 98008-5452, identified with Order No. 3171 and also submitted to Snohomish County.**
- f) 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 described in the Snohomish High School #2 Permit Set, Sheet L9.5, by The Watershed Company and Northwest Architectural Company, dated February 3, 2006, with the modification that maintenance measures 2, 3, 6 and 7 shall be performed for ten (10) years following implementation of the mitigation plan.
- g) An "as-built" report and drawing documenting the final design of the mitigation area shall be prepared when the mitigation plan has been implemented. The "as-built" documents shall include the following:
- Final site topography;
 - Photographs of the areas taken from permanent reference points;
 - The installed planting scheme showing quantities, densities, sizes, and approximate locations of plants, as well as plant sources and the time of planting;

- Locations of permanent monitoring sites; and
- An analysis of any changes to the mitigation plan that occurred during construction.

A copy of the "as-built" report and drawing shall be sent to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 160th Avenue SE, Bellevue, Washington 98008-5452 within 90 days of completing mitigation construction and planting.

2. Snohomish School District #201 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.

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:

Federal Permit Appeals Coordinator
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 March 17, 2006 Bellevue, Washington.



Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program