



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 25, 2008

**REGISTERED MAIL**  
RB 252 945 770 US

Eastgate Plaza LLC  
Attn: Winston Bontrager  
320 108th Ave NE, Suite 360  
Bellevue, WA 98004

RE: Water Quality Certification Order No. **6074** for Corps Reference No. NWS- 2007-410-CRS, Eastgate Plaza LLC, construct Northeast 59th Street and Northeast 147th Avenue South for the development of the Eastgate Plaza commercial/retail site, Clark County, Washington

Dear Mr. Bontrager:

On April 2, 2007, Eastgate Plaza, LLC, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification under the federal Clean Water Act for the above-referenced project. The proposed project would fill 2.02 acres of low functioning Category III and IV wetlands to construct 6,600 linear feet of Northeast 59th Street and 1,400 linear feet of Northeast 147th Avenue South. To offset these wetland losses the project would provide 8.86 acres of compensatory mitigation, which includes 1.08 acres of creation, 2.98 acres of enhancement, and 4.8 acres of rehabilitation. Additionally, indirect wetland impacts south of the roadway would be mitigated onsite by buffer enhancement plantings.

A joint public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on July 2, 2007. A request to withdraw and re-apply the 401 Water Quality Certification was submitted to Ecology on March 30, 2008. Ecology issued a second public notice for the project on August 25, 2008.

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 Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J Lund, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

PJL:LO:dn  
Enclosure

cc: Bill Abadie, U.S. Army Corps of Engineers  
Ron Klump, The Resource Company  
Greg Turner, City of Vancouver  
Anne Friesz, WDFW  
Attached List

e-cc: ECY RE FED PERMITS  
Lori Ochoa – Ecology, SWRO, SEA  
Loree' Randall – Ecology, HQ  
Jessica Moore – Ecology, HQ  
Mark Cline – Ecology, SWRO, SEA  
Deborah Cornett – Ecology, SWRO, WQ

CARLA J REE  
6108 NE 139TH AVENUE  
VANCOUVER WA 98682

PERRY AND CHRISTINE L DODD  
6100 NE 13TH AVENUE  
VANCOUVER WA 98682

DENNIS AND NANCY DUBECKY  
6106 NE 139TH AVENUE  
VANCOUVER WA 98682

JOSEPH AND ROBIN PEDRON  
PO BOX 820752  
VANCOUVER WA 98682

KUNZE FARMS INC  
5512 NE 109TH CT STE 101  
VANCOUVER WA 98662

VIVIAN SCHRAM HALEY  
18708 NE 73RD CIRCLE  
VANCOUVER WA 98682

ROBERT AND SHIRLEY A SMITH  
PO BOX 821149  
VANCOUVER WA 98682

ROBERT AND SUSAN LOOMIS  
6208 NE 140TH AVENUE  
VANCOUVER WA 98682

HUDLEY LIMITED PARTNERSHIP  
6103 NE 152ND AVENUE  
VANCOUVER WA 98682

DENIS AND JASENKA CEHAJIC  
6115 NE 139TH AVENUE  
VANCOUVER WA 98682

DEBRA K REILLY  
6113 NE 139TH AVENUE  
VANCOUVER WA 98682

FM KELLER ETAL TRUSTEES  
PO BOX 98  
BRUSH PRAIRIE WA 98606

CLARK COUNTY  
PO BOX 5000  
VANCOUVER WA 98668

NCR ENTERPRISES LLC  
2709 NE 16TH AVENUE  
VANCOUVER WA 98684

EDWARD F SEVILLE ETAL  
12909 NE 190TH AVENUE  
VANCOUVER WA 98606

DEFFENBAUGH PROPERTIES LLC  
6981 VIEW PARK ROAD SE  
PORT ORCHARD WA 98366

RITA M STRONG  
6212 NE 140TH AVENUE  
VANCOUVER WA 98682

GARY J STRATFORD  
6209 NE 140TH AVENUE  
VANCOUVER WA 98662

CLAYTON AND ELAINE MYERS II  
6207 NE 140TH AVENUE  
VANCOUVER WA 98682

DONNA JENSEN FAMILY LLC  
30803 SW GRAHAMS FERRY ROAD  
WILSONVILLE OR 97070

CLARK COUNTY  
PO BOX 9810  
VANCOUVER WA 98666

GAITHER AND SON CONSTRUCTION  
3405 NE 88TH STREET  
VANCOUVER WA 98665

VALERIY GLADKOV  
2703 NW 9TH AVENUE  
CAMAS WA 98607

WILLIAM AND INGRID TURNER  
6103 NE 13TH AVENUE  
VANCOUVER WA 98682

ED AND RANDI CHRISTOPHERSON  
5320 NE 139TH AVENUE  
VANCOUVER WA 98682

GARY AND MARGARET CAHOON  
1324 NE 54TH WAY  
VANCOUVER WA 98682

MARIMAR ESTATES  
11218 NE 66TH STREET  
VANCOUVER WA 98686

VIVIAN HALEY  
9113 NE 105TH STREET  
VANCOUVER WA 98662

DONALD MODRALL  
5818 NE 137TH AVENUE  
VANCOUVER WA 98682

RALPH SCHRAM  
5818 NE 134TH AVENUE  
VANCOUVER WA 98682

KEVIN JENKINS  
6111 NE 139TH AVENUE  
VANCOUVER WA 98682

LINDA AND RODNEY CONOVER  
6109 NE 139TH AVENUE  
VANCOUVER WA 98682

ASGHAR SADRI  
203 E RESERVE  
VANCOUVER WAA 98661

**IN THE MATTER OF GRANTING A  
WATER QUALITY  
CERTIFICATION TO  
Eastgate Plaza LLC**  
in accordance with 33 U.S.C. 1341  
(FWPCA § 401), RCW 90.48.120, RCW  
90.48.260 and Chapter 173-201A WAC.

) **ORDER # 6074**  
) **Corps Reference No. NWS-2007-410-CRS**  
) To construct two roads to provide and improve  
) access to the Eastgate Plaza commercial/retail  
) site located in Vancouver, Clark County,  
) Washington.  
)  
)  
)

TO: Eastgate Plaza, LLC  
Attn: Mr. Winston Bontrager  
320 108<sup>th</sup> Avenue NE, Suite 360  
Bellevue, WA 98004

On April 2, 2007, Eastgate Plaza, LLC, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on July 2, 2007. A request to withdraw and re-apply the 401 Water Quality Certification was submitted to Ecology on March 30, 2008. Ecology issued a second public notice for the project on August 25, 2008.

The proposed project includes creating two roads to provide and improve public access (vehicle and pedestrian) to the immediate area to allow for the development of the Eastgate Plaza commercial/retail site. The project is located south of 4th Plain Boulevard and east of N.E. 137th Avenue, Vancouver, Clark County, WA; South half of NW Sections 11,13, & 14, Township 2 North, Range 2 East; WRIA 28, Salmon-Washougal Watershed.

The proposed project would fill 2.02 acres of low functioning Category III and IV wetlands to construct 6,600 linear feet of Northeast 59th Street and 1,400 linear feet of Northeast 147th Avenue South. The roadway, bike lanes, and sidewalks would be within the 80-foot-wide right-of-way. To offset these wetland losses the project would provide 8.86 acres of compensatory mitigation, which includes 1.08 acres of creation, 2.98 acres of enhancement, and 4.8 acres of rehabilitation. Additionally, indirect wetland impacts south of the roadway would be mitigated onsite by buffer enhancement plantings.

**AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined 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 not violate 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 standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant 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 Eastgate Plaza LLC, and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Coordinator, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775. Any submittals shall reference Order No. **6074** and Corps No. NWS-2007-410-CRS.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on April 2, 2007, and as resubmitted on March 30, 2008; in the revised project description and drawings received September 27, 2007, the Wetland & Buffer Enhancement Plan dated November 29, 2007, and the Addendum to the November 29, 2007 Wetland & Buffer Enhancement Plan dated August 22, 2008. 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. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
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 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 appropriate project engineers and contractors at the project site 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 project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
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. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000.00) per violation for each day of continuing noncompliance.

**B. Construction Conditions:**

1. During construction, the Applicant shall comply with all stormwater requirements within the current NPDES Construction Stormwater General Permit issued for this project.
2. All work within the project limits shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
3. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts.
4. Erosion and sediment control devices (filter or silt fences, etc.) and other Best Management Practices (BMP's) intended to trap sediment on-site shall be in place before starting project construction and shall be maintained throughout construction until the site is stabilized.
5. No petroleum products, fresh concrete, lime, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
6. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in a confined area in order to prevent contamination to waters of the state. Fueling area will be provided with adequate spill containment. Fueling equipment and vehicles within 50 feet of state waters, including wetlands, is not allowed unless otherwise authorized by Ecology.
7. Appropriate BMP's shall be implemented to minimize track-out during construction.
8. Turbid water generated from construction activities, including turbid dewatering water, shall not be discharged directly into waters of the state, including wetlands. Clean dewatering water 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 state waters, banks, or vegetation.
9. Turbid water shall be routed to an upland location to allow removal of fine sediment and other contaminants.

**C. Wetland Compensatory Mitigation Conditions:**

1. The Applicant shall mitigate wetland impacts as described in the *Wetland and Buffer Enhancement Plan, Eastgate Plaza LLC, N.E. 147<sup>th</sup> Avenue and N.E. 59<sup>th</sup> Street* revised by The Resource Company on November 29, 2007 and in the *Addendum to the November 29, 2007 Wetland and Buffer Enhancement Plan, Eastgate Plaza LLC, N.E. 147<sup>th</sup> Avenue and N.E. 59<sup>th</sup> Street* prepared by the Resource Company dated August 22, 2008, except as modified in this Order or revised and approved by Ecology.
2. The Applicant shall submit any changes to the mitigation plan in writing to Ecology (per condition A.2. above) for review and approval before work begins or when problems occur during construction requiring plan changes.
3. To ensure proper installation, the Applicant's wetland professional must supervise and inspect all mitigation site construction and planting.

**Implementation**

4. The Applicant shall begin the compensatory mitigation project before or concurrent with impacting wetlands. Ecology may require additional compensation to account for additional temporal loss if the mitigation is not completed in a timely manner.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and above the 100-year floodplain.
6. If seeding is used as a temporary erosion control BMP, it must be a wetland mix consisting of native, annual, non-invasive plant species.
7. The Applicant shall place signs at the mitigation area's boundaries, including buffers, as indicated in the mitigation plan, that mark the area as wetland mitigation.
8. 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 a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether they are consistent with the plan.
9. Within ninety (90) days of completing site construction and planting, the Applicant shall submit a final as-built report with maps to Ecology. The As-Built report must:
  - a) Document site conditions at Year Zero;
  - b) Be submitted to Ecology per Condition A.2. of this Order as one hard copy and one electronic file;

- c) Include the information listed in Attachment B; and,
- d) Include documentation of a Recorded Wetlands Notice.

10. If the mitigation project is not completed within 13 months of this Order's date, the Applicant shall submit a written construction status report and submit status reports every 12 months until construction and planting are complete and the final as-built report is submitted.
11. Within ninety (90) days of completing construction and planting, the Applicant shall record a Wetlands Notice (see Attachment C), a copy of Ecology's Order, and the as-built report. These documents 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:**

12. The Applicant shall water and maintain all plantings at the mitigation site to meet the mitigation plan's performance standards.
13. The Applicant shall monitor the mitigation site for a minimum of ten (10) years as described in the mitigation plan. Additional monitoring of the mitigation area may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
14. The Applicant shall submit monitoring reports (one hard copy file and one electronic file per Condition A.2. of this Order) to Ecology documenting site conditions at the mitigation site for the years listed in the mitigation plan, and the reports must contain, at a minimum, the information listed in Attachment D.
15. The Applicant shall implement the mitigation plan's contingency measures if goals, objectives, and performance standards are not being met.
16. Prior to implementing any unidentified contingency measures, the Applicant shall consult with Ecology.
17. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or a native plant alternative appropriate for the location, during the first available planting season and note the species, numbers, and approximate locations of all replanted materials in the subsequent monitoring report.
18. The property owner shall grant Ecology access to the mitigation area for inspection during the 10 year monitoring period or until mitigation success has been achieved.

#### **D. Timing Requirements**

1. This Order is valid until all compliance requirements in this document have been met.
2. In-water work shall be subject to the timing limitations imposed by the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife (WDFW) for this project.

#### **E. Notification Requirements**

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Southwest Regional Office Federal Project Coordinator in accordance with condition A.2 above for the following activities:
  - a. At least ten (10) days prior to the pre-construction meeting
  - b. At least ten (10) days prior to the onset of any work on site
  - c. At least ten (10) days prior to the onset of in-water work, including wetlands
  - d. At least ten (10) days prior to the onset of work at the wetland mitigation site
  - e. Immediately following a violation of the state water quality standards or any condition of this Order
  - f. Within fourteen (14) days after completion of construction.

**NOTE:** These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

#### **F. Emergency/Contingency Measures:**

1. The Applicant shall develop a spill prevention and containment plan for this project, and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, including wetlands, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
  - a. Cease operations that are causing the compliance problem.
  - 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, the applicant shall 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 is

instructed by Ecology on what to do with them. 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 a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
- e. Immediately notify Ecology's Southwest Regional Spill Response Office at (360) 407-6300 and the Washington State Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
- f. Submit a detailed written report to Ecology's federal Permit Coordinator 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.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

3. 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, including wetlands.
4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology's Southwest Regional Spill Response Office at 360-407-6300.

#### **G. 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 Coordinator  
PO Box 47608  
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

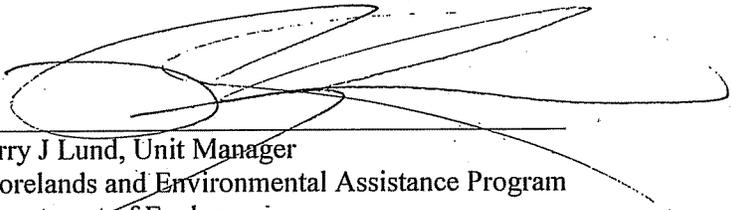
**3. And send a copy of your appeal to:**

Lori Ochoa  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

*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://www1.leg.wa.gov/CodeReviser>*

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 25 day of SEPTEMBER, 2008, at Lacey, Washington.



Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology  
Southwest Regional Office  
State of Washington



**Attachment # A**

Eastgate Plaza, LLC  
NE 147<sup>th</sup> Avenue & NE 59<sup>th</sup> Street  
Water Quality Certification Order # **6074**  
And  
Corps No. NWS-2007-410-CRS

Statement of Understanding  
Water Quality Certification Conditions

I, \_\_\_\_\_, state that, I will be involved as an agent or contractor for Eastgate Plaza, LLC in the construction of NE 147<sup>th</sup> Avenue and NE 59<sup>th</sup> street in the City of Vancouver, Clark County, Washington. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order #**6074** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Company



**Attachment B**  
**Information for As-built Reports**  
**(See Condition C. 9.)**

Eastgate Plaza, LLC  
NE 147<sup>th</sup> Avenue & NE 59<sup>th</sup> Street  
Water Quality Certification Order # **6074**  
And  
Corps Reference # NWS-2007-410-CRS

**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 Site**

- 7) Brief description of the development project. 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) 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 C.11.)**  
Eastgate Plaza, LLC  
NE 147<sup>th</sup> Avenue & NE 59<sup>th</sup> Street  
Water Quality Certification Order # **6074**  
And  
Corps Reference # NWS-2007-410-CRS

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

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

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

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(20) 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**  
**Required Information for Monitoring Reports**  
**(See Condition C.14.)**

Eastgate Plaza, LLC  
NE 147<sup>th</sup> Avenue & NE 59<sup>th</sup> Street  
Water Quality Certification Order # **6074**  
And  
Corps Reference # NWS-2007-410-CRS

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) Who 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):

- a) The month and year when the maps were produced and, if applicable, 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 material vegetation.
  - e) Location of habitat features.
  - f) Location of permanent photo stations and location of any other photos.
  - g) Location of sampling points 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.