

SETTLEMENT AGREEMENT

I. PARTIES

A. Parties to the Agreement include:

1. Washington Department of Ecology (DOE)
2. Washington State Parks and Recreation Commission (Parks)

II. SCOPE OF AGREEMENT

This agreement is intended to resolve PCHB No. 01-192, an appeal brought by Parks challenging a penalty of \$10,000 imposed by DOE (Notice of Penalty Incurred and Due No. DE 01 WQNR-3213 dated September 21, 2001) in conjunction with Notice of Violation Order No. DE 01 WQNR-3027.

III. CONDITIONS OF AGREEMENT

A. Daily Monitoring Report Compliance

1. DOE agrees to suspend \$2,000 of the above-referenced penalty if Blake Island State Park (Blake Island) provides timely submission of its Daily Monitoring Reports (DMRs) for 12 months, beginning with its March 2002 submission.
2. "Timely submission" in the context of Blake Island means a FAXed copy of the draft DMR is submitted to DOE Northwest Region Headquarters by the 15th of the month following the month for which the DMRs are being submitted. The final DMR signed by the Parks official having the authority to approve the submittal is due to DOE Northwest Region Headquarters by the 21st of the month following the month for which the DMRs are being submitted.

B. Construction of Interpretive Salmon Trail at Flaming Geyser State Park

1. DOE agrees to suspend \$8,000 of the above-referenced penalty in exchange for Parks constructing an interpretive trail as a component of a larger project that will accomplish the following goals:
 - a) Educate the public about the importance of water quality as it relates to salmonid species in Western Washington; and
 - b) Improve habitat for salmonid rearing, feeding, and sheltering in the Green River Watershed, specifically the Christy Creek tributary as it runs through Flaming Geyser State Park near Auburn, Washington.
2. The specifics of the project are included in Appendix A to this Agreement, but the basic components are as follows:
 - a) Construction of an accessible trail, approximately 1500 feet in length, along Christy Creek;
 - b) Construction of two viewing platforms that will enable visitors to observe spawning salmon without creating "social trails" to the water's edge;

- c) Interpretive signage explaining the life cycle of salmon, what habitat components are important to salmon, and how salmon are impacted by water quality; and
 - d) Habitat improvements consistent with applicable state and federal permits, including placement of woody debris and spawning gravel.
3. The construction of the interpretive trail and associated viewing platforms shall be substantially completed by September 30, 2003.
 4. Blake Island State Park and Flaming Geyser State Park will cross-reference each other with interpretive information designed to educate the public about the salmonid journey and the interrelatedness of salmon migration and the environment.
 5. The interpretive information at Blake Island and signing at Flaming Geyser State Parks shall reference DOE as a cooperating entity.

C. Identification of the Culvert at Flaming Geyser State Park as a Priority Project

Parks shall identify the culvert underlying Christy Creek at Flaming Geyser State Park as a priority project to the Salmon Recovery Funding Board when identifying culverts needing repair or replacement to restore fish passage.

D. Forging a Cooperative Approach Between Parks and DOE

Parks' Puget Sound Region Manager shall make reasonable efforts to meet with and educate other Parks' regional managers about the Blake Island penalty and the ability to draw on DOE's expertise in addressing system inadequacies to proactively prevent Clean Water Act violations. DOE shall make reasonable efforts to have staff available for consultation with Parks' staff during this and other meetings intended to initiate a comprehensive review of Parks' wastewater and sewer facilities.

E. Attorneys' Fees

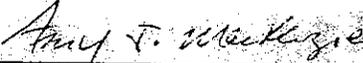
The parties shall each bear their respective attorneys' fees and costs.

IV. DISMISSAL OF PCHB NO. 01-192

Parks shall voluntarily dismiss its appeal of the above-referenced penalty assessment by DOE (PCHB No. 01-192).

For Washington State Parks and Recreation Commission

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DATED: 4/9/02

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DATED: 4/9/02

APPENDIX A

THE SALMON INTERPRETIVE TRAIL AT FLAMING GEYSER STATE PARK

Washington State Parks and Recreation
November 2001

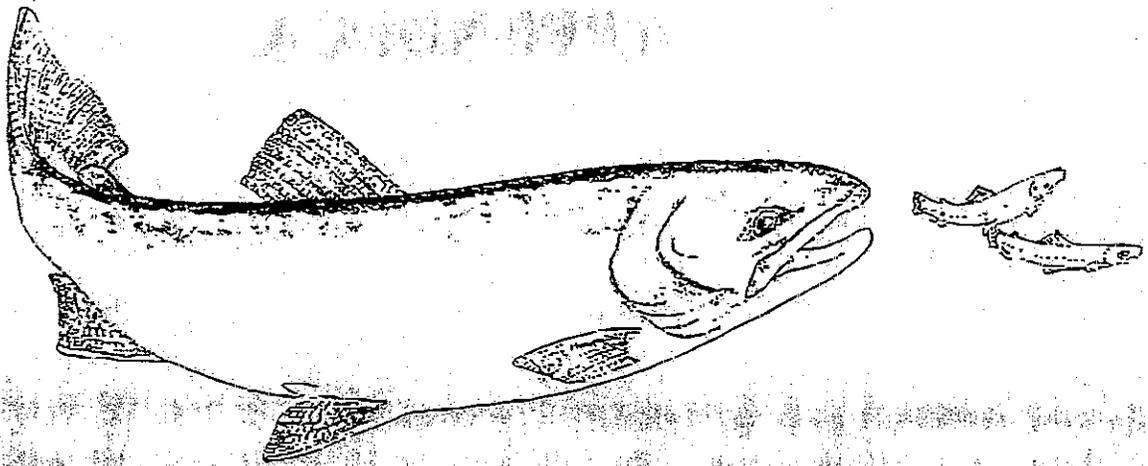


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SALMON INTERPRETIVE TRAIL AT FLAMING GEYSER STATE PARK

Washington State Parks and Recreation
Prepared By: Katherine Davis and Paul Stasch
November 2001

Introduction

Flaming Geyser State Park, part of the Green River Gorge Recreation Area, is located between the towns of Black Diamond, and Auburn. Attachment 1 provides a detailed map. This area services over 3 million people from the Greater Seattle and Tacoma area. State Parks owns nearly 80% of the Green River Gorge property, and continues to pursue additional parcel purchases. A number of schools and institutions use Flaming Geyser State Park as part of their river and salmon-ecology curriculum. The Seattle Aquarium brings close to 250 students annually to the park as part of its mobile field lab program. From January 2001 to September 2001, 417,734 people have visited the park.

Outdoor recreation opportunities abound within its 480 acres; including swimming, whitewater rafting, tubing, fishing, and an area designated for model airplane flying. The most unique feature of the park is the "flaming geyser", the result of a Methane gas seep. The park provides access to over fourteen miles of Green River shoreline.

The Salmon Interpretive Pilot

The Endangered Species Act recognizes two species of salmon found in the Green River as threatened, the Puget Sound Chinook and the Bull Trout. In response to this listing, and initiatives set forth in *The State Agencies' Action Plan for the Statewide Strategy to Recover Salmon, and Washington's Water Quality Management Plan to Control Nonpoint Source Pollution*, the State Parks Stewardship Division has undertaken the *Salmon Interpretive Pilot (SIP)*. The pilot with the central theme "Salmon Matter", initiates efforts towards a more comprehensive statewide salmon education and outreach plan, and provides direction for implementation. Priorities include increasing the interpretive capacity of park personnel and volunteers, and the promotion and provision of adequate models and facilities for environmental education and outreach.

There have been seven State Parks' chosen as models for outreach and environmental education. They have been outfitted with full color interpretive signs and historic photographs related to salmon conservation, identification, and habitat. See Attachment 2 for a sample of these signs. Funding for the SIP comes from the Director's discretionary funds, and a full-time Salmon Recovery Coordinator orchestrates programs.

Facilities

Flaming Geyser State Park has a number of picnic areas including six kitchen shelters without electricity, fifty-six sheltered picnic tables, and one hundred seventy-two unsheltered tables. There is also an **Environmental Learning Center (ELC)**. The ELC is available for overnight rental and sleeps twenty-five people; however, the park does not program or facilitate environmental education programs from this location. In Fiscal Year 1997, there were 878 overnight guests at the ELC. In 2001, that number has risen to 1562 guests.

As part of a comprehensive effort to provide a first class integrated program for school-aged children and the public in the Greater Seattle and Tacoma area, State Parks is pursuing the establishment of a **Center for Salmon and Watershed Studies**. This would be located in the old Gambrel dairy barn on the Kummer property, at Flaming Geyser State Park. Attachment 3 provides a summary of this proposal.

Trails

Flaming Geyser State Park has 4.3 miles of designated trails. In addition, there are a number of *social* trails along the shoreline. A social trail, defined as a crude footpath that cuts along the bank, is used as shoreline access for rafters and anglers. The side channel habitat of Christy Creek provides refuge for spawning Puget Sound Chinook, Bull Trout, and other organisms unique to the watershed ecosystem. Unfortunately, these social trails increase the amount of disturbance to the flora and fauna and erosion.

The Army Corp of Engineers has just completed an environmental impact assessment of the Green River and Duwamish Basin. It has proposed objectives to enhance this watershed, assist in the recovery efforts of salmon, and provide extensive restoration in the Basin. The Corps has invited us to submit this interpretive trail proposal, and has verbally expressed interest

in funding a portion of the project. The Salmon Interpretive Trail will provide the opportunity to highlight these restoration efforts.

At the park, recreation opportunities for those with mobility restrictions are limited. The Salmon Interpretive Trail will address these concerns through ADA design protocol. Not only will it provide access to both the Green River and Christy Creek; it will also serve as a destination for groups and individuals interested in salmon, river, and watershed ecology. This design will be marketable to institutions serving children with special needs. Furthermore, providing a designated trail for visitors along the Green River and Christy Creek will help to minimize impact on species and erosion along the shoreline, and lessen the use of *social* trails.

Figure 1: Trail Specifications

- 1500' length
- Grade of 5% or less
- Asphalt surface, crushed stone foundation
- Trail width will be 60"
- 8' x 8' viewing platforms

The trail will be equipped with an accessible viewing platform, preferably constructed from untreated cedar wood. Alternative building materials may include recycled plastic that looks like wood, or other types of untreated lumber. This strategically placed viewing platform will provide a space for visitors to identify habitat components necessary for salmon survival, and to view salmon spawning. The trail will also include six full color weatherproof signs including the one in Attachment 1. These signs have been temporarily placed along the shore where the trail has been proposed. Artistic sculptures created by local artists, supporting the "Salmon Matter" Pilot, are envisioned for the trail. Samples of salmon trailhead sculptures are available for review in Attachment 4.

The trail will be situated in such a way that visitors may walk to the end of the trail or loop around to connect with the designated path to the Flaming Geyser and Bubbling Geyser. Attachment 5 provides a diagram of the proposed trail location, viewing platform, and interpretive sign placement.

Cost Analysis

With the high cost of building materials and construction, the trail may prove to be an expensive endeavor. Using park volunteers for some aspects of trail construction will reduce costs. We also plan to establish a network with other organizations that have undertaken similar endeavors in order to be more efficient during construction. One such group is South Puget Sound Salmon Enhancement Group. They recently designed and constructed a salmon interpretive trail along Kennedy Creek in western Olympia. Attachment 6 provides a general estimate of costs involved with the construction of the Salmon Interpretive Trail.

Conclusion

As stewards for recreation and the environment, State Parks is convinced that this vision of a Salmon Interpretive Trail, can become reality. The trail is a vital piece of a much larger effort to bring a quality interpretive and environmental education program to this high use area. We realize that the amount needed to get this project off the ground is large, but feel that the future benefits and opportunities afforded to our environment will far outweigh initial financial obligations. The Trail does not have current or proposed budget funding available, but has a verbal agreement with the Army Corps of Engineers regarding a partnership. It is hoped that the Corps can fund this project as part of their ambitious effort to restore salmon runs to historic levels in the Green River Duwamish Watershed.

Salmon survival depends on how educated individuals are to their plight. The Salmon Interpretive Trail, together with the Center for Salmon and Watershed Studies, and the Corps ongoing restoration efforts are all necessary components in the provision of a comprehensive statewide salmon education, and outreach plan, and provides direction for implementation.

Attachment 6: Preliminary Cost Estimates for Trail

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost/Unit</u>	<u>Total</u>
1.00	Permits				
1.01	environmental permits (King County)	1	LS	\$4,500.00	\$4,500.00
1.02	grading/building permits (King County)	1	LS	\$1,600.00	\$1,600.00
	Subtotal				\$6,100.00
2.00	Environmental/Planning Staff Time				
2.01	planning	0	HRS	\$35.00	\$0.00
2.02	environmental	40	HRS	\$20.00	\$800.00
	Subtotal				\$800.00
3.00	Surveying (Included in Item 4)				\$0.00
4.00	Engineering				
4.01	staff time (design, drafting, permit application)	40	HRS	\$35.00	\$1,400.00
4.02	consultant fees (design)	1	LS	\$0.00	\$0.00
	Subtotal				\$1,400.00
5.00	Design/As-BUILTS				
	staff time (as-builts & warranty)		HRS	\$30.00	\$0.00
	Subtotal				\$0.00
6.00	Incidental/ROW Land Costs				\$0.00
7.00	Construction Materials				
7.01	excavation/hauling	92	CY	\$0.00	\$0.00
7.02	crushed stone	92	CY	\$25.00	\$2,300.00
7.03	asphalt paving (installed)	834	SY	\$6.00	\$5,004.00
7.04	silt fence	1500	LF	\$0.40	\$600.00
7.05	grass seed	100	Lbs.	\$3.50	\$350.00
7.06	straw mulch	2500	SY	\$0.25	\$625.00
7.07	lumber (viewing platform)	680	BF	\$3.00	\$2,040.00
7.08	concrete (viewing platform)	1	CY	\$120.00	\$120.00
7.09	misc. fasteners/stain, etc.	1	LS	\$250.00	\$250.00
7.10	interpretive signs				\$0.00
	Subtotal				\$11,289.00
8.00	Administration Costs				
8.01	misc staff time & expenses (1% of Item 7)	1	LS		\$0.00
	Subtotal				\$0.00
9.00	Construction Supervision				
9.01	contract administration	0	HRS	\$40.00	\$0.00
9.02	inspection	0	HRS	\$30.00	\$0.00
	Subtotal				\$0.00
TOTAL ESTIMATED COST					\$19,589.00