



**Request for Clean Water Act
Section 401 Water Quality Certification
Washington State Department of Ecology**
Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY	
Date Received:	5/2/2023
Aquatics ID No.:	142357
Team:	NWRO
Valid Request:	5/2/2023

This Section 401 Water Quality Certification (WQC) Request form identifies information needed in order to review and process a Section 401 WQC Request. Please see Department of Ecology's (Ecology) [webpage](#) for more information about the Section 401 WQC Request process.

Submit this Section 401 WQC Request form along with a [Joint Aquatic Resources Permit Application](#) (JARPA) and supporting information¹ to ecyrefedpermits@ecy.wa.gov and copy the federal permitting agency.

A. Federal Permit or License Reference Number, if known: _____

Department of Ecology (Ecology) Aquatics ID Number, if known: _____

Project Name: _____ **County:** _____

B. Project Proponent Name: _____

C. Documentation showing that the Pre-Filing Meeting Request was submitted at least 30 days prior to submitting this Section 401 WQC Request. Attach either of the following:

- ☐ E-mail acknowledgement of receipt from Ecology
- ☐ Copy of previously submitted Pre-Filing Meeting Request Form

D. A completed, signed, and dated JARPA should be submitted with this form.

Did you attach a JARPA? ☐ Yes ☐ No

E. The following is a list of documents needed for Ecology's WQC review, along with a brief explanation. Depending on the project, additional information may be requested.

Please let us know what information you are submitting with this WQC request form.

Required for all projects:

1. State Environmental Policy Act (SEPA) determination and/or checklist:

- ☐ Final SEPA determination attached
- ☐ SEPA determination pending
- ☐ Exempt from SEPA (see [SEPA Guidance](#))
- ☐ SEPA is not required (e.g., federal agency projects)

SEPA checklist is attached, has not previously been submitted

¹ To submit documents over 25MB, e-mail ecyrefedpermits@ecy.wa.gov to request a secure link.

To request an ADA accommodation, contact Ecology by phone at (360) 407-6076 or email at ecyrefedpermits@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>.

For Relay Service or TTY call 711 or 877-833-6341.

Si necesita este formulario en español, por favor, llámenos a (360) 407-6076
o envíenos un correo electrónico a: ecyrefedpermits@ecy.wa.gov

2. Project drawings attached:

- ☐ Vicinity map
- ☐ Plan view
- ☐ Cross-section(s)
- ☐ Plan set
- ☐ Other: _____

3. Best management practices and construction methodology, provided in the attached:

- ☐ JARPA
- ☐ Water Quality Monitoring and Protection Plan (WQMPP)
- ☐ Project drawings, sheets: _____
- ☐ Mitigation Plan pages: _____
- ☐ Other document(s): _____

Notes:

- This is needed for in-water work (below ordinary high water mark), including wetlands.
- Describe best management practices to be implemented to protect water quality.
- Describe construction sequencing and methodology.

4. Water quality monitoring, provided in the attached:

- ☐ Water Quality Monitoring Plan (WQMP).
- ☐ Water Quality Monitoring and Protection Plan (WQMPP is similar to WQMP, but includes best management practices).
- ☐ Other (please identify location, such as JARPA, Part 8): _____

Notes:

- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- A plan is needed when conducting work in a waterbody (e.g., creek, ditch, river, lake, pond, marine, estuarine).
- Include water quality parameters such as turbidity, oil sheen, pH (e.g., poured in-place concrete, concrete demolition), etc.
- See [State Water Quality Standards for Surface Waters](#) (Chapter 173-201A-200 or -210 WAC)
- If needed, templates are available.

Required depending on the project type:

5. Erosion and sediment control for upland work (above ordinary high water mark) that addresses stormwater during construction and long-term:

This information is included in the attached:

- ☐ JARPA
- ☐ Project drawings, sheets: _____
- ☐ Stormwater Pollution Prevention Plan, pages: _____
- ☐ Mitigation Plan, pages: _____
- ☐ Other document(s): _____

6. Wetland report, including the attached:

- ☐ Wetland delineation report
- ☐ Delineation data sheets
- ☐ Wetland rating forms

Appendices within Wetland Delineation Report

Notes:

- Needed when there is a discharge (dewatering, excavation or fill) to wetlands.
- Report needs to include both a wetland delineation and rating.
- Include delineation data sheets and rating forms.
- For more information see [wetland delineation resources](#) and [hiring a qualified wetland professional](#).
- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.

7. Mitigation, avoidance and minimization

- ☐ Wetland [avoidance and minimization checklist](#)
- ☐ Other aquatic resource avoidance and minimization demonstration
- ☐ Mitigation Plan
- ☐ Other: _____

Notes:

- Wetland [avoidance and minimization webpage](#).

8. Mitigation plan, provided in the attached:

- ☐ Riparian Planting and Monitoring Plan (Needed when riparian vegetation is removed or modified)
- ☐ Wetland or stream/other aquatic resource Mitigation Plan
- ☐ Wetland Mitigation Bank Use Plan (use when proposing mitigation bank use)
- ☐ In-Lieu Fee (ILF) Use Plan (use when proposing ILF mitigation)
- ☐ Project drawings, sheets: _____
- ☐ Other: _____

Notes:

- Needed to offset impacts to wetland, stream, marine, or other aquatic habitat.
- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- For more information, see [wetland compensatory mitigation](#).

9. Dredging

- ☐ Dredging Plan attached
- ☐ Suitability Determination attached

Notes:

- Needed when sediments will be dredged for maintenance, navigation, or other purposes.
- Covers in-water disposal and sediment anti-degradation.
- Dredging Plan should include dredge footprint and depth, dredge type, best management practices, disposal plan, off-loading plan for upland disposal, etc.
- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- For information on suitability determinations, see [Dredged Material Management Office](#).

10. Dewatering

- ☐ Dewatering Plan attached

Notes:

- Needed for complex in-water work or management of excavated/dredged material.

- Include language in the plans that allows Ecology to review and approve all substantive changes to a plan prior to implementation.
- May also be required for some excavation projects.

F. Required Certification Statements:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief.

Initial _____

The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Initial _____

Signature:

Muhle M. Yau

Date: _____

Print Name: _____



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2} [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps
of Engineers®
Seattle District

AGENCY USE ONLY

Date received: 5/2/2023 ECY MFT link
Rec'd Section 401 Req Form

Agency reference #: _____

Tax Parcel #(s): _____

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Kingfisher Energy Storage

Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Tommy Nelson

2b. Organization (If applicable)

Tenaska

2c. Mailing Address (Street or PO Box)

14302 FNB Parkway

2d. City, State, Zip

Omaha, NE, 68154

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

(949) 910-1623

tnelson@tenaska.com

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go to

http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

3a. Name (Last, First, Middle)			
McGraw, Michele			
3b. Organization (If applicable)			
Ecological Land Services			
3c. Mailing Address (Street or PO Box)			
1157 3rd Avenue, Suite 220A			
3d. City, State, Zip			
Longview, WA 98632			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
360-835-9082 ext. 1102	360-560-3008		michele@eco-land.com

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- ☐ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☐ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- ☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
Anderson, Arlene Marie			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
24646 164 th Ave SE			
4d. City, State, Zip			
Covington, WA 98042			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input checked="" type="checkbox"/> Private			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
24646 164 th Ave SE			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Covington, WA 98042			
5d. County [help]			
King			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
NW	24	22N	5E
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none">Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)			
47.380087, -122.122789			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none">The local county assessor's office can provide this information.			
2422059130, 2422059059			
5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]			
Name	Mailing Address	Tax Parcel # (if known)	
ALMOKESESS TARIK M	24528 164TH AVE SE 98042	2422059035	
	Covington, WA		
CRABTREE TRACEY	24506 164TH AVE SE 98042	2422059040	
	Covington, WA		
DELAY JAMES M & DESIREE M	24617 168TH PL SE 98042	2422059180	
	Covington, WA		
PUGET SOUND ENERGY/ELEC		2422059115, 2322059018	
	Covington, WA		

5i. List all wetlands on or adjacent to the project location. [help]
Wetland A, B, C, D, E, F, G, H, I, and J
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]
Not applicable.
5k. Is any part of the project area within a 100-year floodplain? [help]
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
5l. Briefly describe the vegetation and habitat conditions on the property. [help]
Vegetation over the majority of the property is just herbaceous species including reed canary grass (<i>Phalaris arundinacea</i>), annual bluegrass (<i>Poa annua</i>), field plantain (<i>Plantago major</i>), trailing blackberry (<i>Rubus ursinus</i>), oxeye daisy (<i>Leucanthemum vulgare</i>), white clover (<i>Trifolium repens</i>), and hairy cat's ear (<i>Hypochaeris radicata</i>). Shrub species and tree species were found on the east side of the site and consisted of red alder (<i>Alnus rubra</i> , FAC), Douglas-fir (<i>Pseudotsuga menziesii</i>), willow species (<i>Salix sp.</i>), salmonberry (<i>Rubus spectabilis</i>) and Osoberry (<i>Oemleria cerasiformis</i>).
5m. Describe how the property is currently used. [help]
The property is currently used as a private residence.
5n. Describe how the adjacent properties are currently used. [help]
The properties to the north and west of the site are used as Single Family lots. The PSE property to the south is used for public utilities. Further south, is Mattson Middle School.
5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]
Current structures on the property include a single family residence, a detached garage, a sport court, and a barn/out building.
5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]
From Highway 18 East, take the WA-516 E/SE 272 nd St exit toward Covington. In 0.4 miles, turn left onto WA-516W/SE 272 nd St. In 0.2 miles, turn right onto 164 th Ave SE. In 1 mile, keep straight at the traffic circle and destination will be on the right in 0.5 miles after passing Mattson Middle School.

Part 6—Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

The proposed facility will provide a service to the regional electric grid by receiving energy (charging) from the Puget Sound Energy (PSE) Berrydale Substation (point of interconnection) located approximately 0.4 miles southwest of the project site, storing energy on the site, and then later delivering energy (discharging) back to the point of interconnection when needed.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The proposed project will consist of lithium-ion energy batteries installed in racks; inverters; switchgear; and other associated equipment to directly interconnect into the PSE Berrydale Substation. The proposed project will provide King County and the State of Washington with a reliable, economically sound development to receive, store, and discharge electricity from the PSE electric grid, including renewable energy produced by existing solar and wind resources in the region.

6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- ☒ Commercial
 ☐ Residential
 ☐ Institutional
 ☐ Transportation
 ☐ Recreational
☐ Maintenance
 ☐ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Aquaculture
<input type="checkbox"/> Bank Stabilization
<input type="checkbox"/> Boat House
<input type="checkbox"/> Boat Launch
<input type="checkbox"/> Boat Lift
<input type="checkbox"/> Bridge
<input type="checkbox"/> Bulkhead
<input type="checkbox"/> Buoy
<input type="checkbox"/> Channel Modification | <input type="checkbox"/> Culvert
<input type="checkbox"/> Dam / Weir
<input type="checkbox"/> Dike / Levee / Jetty
<input type="checkbox"/> Ditch
<input type="checkbox"/> Dock / Pier
<input type="checkbox"/> Dredging
<input type="checkbox"/> Fence
<input type="checkbox"/> Ferry Terminal
<input type="checkbox"/> Fishway | <input type="checkbox"/> Float
<input type="checkbox"/> Floating Home
<input type="checkbox"/> Geotechnical Survey
<input checked="" type="checkbox"/> Land Clearing
<input type="checkbox"/> Marina / Moorage
<input type="checkbox"/> Mining
<input type="checkbox"/> Outfall Structure
<input type="checkbox"/> Piling/Dolphin
<input type="checkbox"/> Raft | <input type="checkbox"/> Retaining Wall (upland)
<input type="checkbox"/> Road
<input type="checkbox"/> Scientific Measurement Device
<input type="checkbox"/> Stairs
<input checked="" type="checkbox"/> Stormwater facility
<input type="checkbox"/> Swimming Pool
<input checked="" type="checkbox"/> Utility Line |
|--|--|---|---|

☒ Other: Substation

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Construction activities are expected to include excavation and grading of the project site. All construction activities including site preparation and construction will occur in accordance with all federal, state, and County zoning codes and requirements. Noise-generating construction activities will be limited to Monday through Friday, between 7:00 a.m. and 6:00 p.m. The contractor will conduct construction activities in such a manner that the maximum noise levels at the affected buildings will not exceed established noise levels in the primarily rural residential area surrounding the site location.

Prior to initial construction mobilization, pre-construction surveys will be performed, and sediment and erosion controls will be installed in accordance with state and County guidelines. Initial work on the project site will involve preparing the site for installation of the BESS-related infrastructure, access driveways, and temporary construction staging areas. Stabilized construction entrances and exits will be installed at driveways to reduce tracking of sediment onto adjacent public roadways. The construction contractor will be required to incorporate all BMPs consistent with the County zoning ordinance and with the Washington Department of Ecology Stormwater Management Manual for Western Washington (DEC 2019), as well as a soil erosion and sedimentation control plan to reduce potential impacts related to construction of the proposed project.

Site preparation will involve the removal and proper disposal of existing vegetation and debris that would unduly interfere with project construction or the health and safety of on-site personnel. Dust-minimizing techniques will be employed, such as maintaining natural vegetation where possible, using a mow-and-roll vegetation clearance strategy, placement of wind control fencing, application of water, and application of dust suppressants. Conventional grading will be performed throughout the project site but minimized to the maximum extent possible to reduce unnecessary soil movement that may result in dust. Grading will be done on all wetlands across the site. Earthworks scrapers, excavators, dozers, water trucks, paddlewheels, haul vehicles, and graders may all be used to perform grading. Land-leveling equipment, such as a smooth steel drum roller, will be used to even the surface of the ground and to compact the upper layer of soil to a value recommended by a geotechnical engineer for structural support. Soil movement from grading will be balanced on the site, and no import or export of soils will occur.

Trenching will be required for placement of underground electrical and communication lines, and may include the use of trenchers, backhoes, excavators, haul vehicles, compaction equipment, and water trucks. After preparation of the site, the pads for enclosures, equipment enclosures, and equipment vaults will be prepared per geotechnical engineer recommendations. The on-site substation areas will have a grounding grid installed and will be covered with aggregate surfacing for safe operation.

No 100-year floodplain exists onsite.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start Date: 5/1/24

End Date: 5/30/25

☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

Final value based on commodity pricing (batteries), however to date approximately \$250-300MM

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

- ☒ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]
<input type="checkbox"/> Not applicable
The preferred mitigation sequencing of first avoidance, then minimization, and finally compensation for unavoidable wetland impacts was taken into consideration during project design. Complete avoidance to wetland and buffer impacts is not feasible due to the constraints of the project site and surrounding area, particularly regarding property ownership. The land is being leased from the property owner and must consider the location of the private residence. Also, due to the necessity of proximity to the PSE Berrydale Substation, this site was the only feasible option for this project. An Alternatives Analysis report is being prepared by Dudek and will be provided upon completion.
7b. Will the project impact wetlands? [help]
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
7c. Will the project impact wetland buffers? [help]
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
7d. Has a wetland delineation report been prepared? [help]
<ul style="list-style-type: none">• If Yes, submit the report, including data sheets, with the JARPA package.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]
<ul style="list-style-type: none">• If Yes, submit the wetland rating forms and figures with the JARPA package.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]
<ul style="list-style-type: none">• If Yes, submit the plan with the JARPA package and answer 7g.• If No, or Not applicable, explain below why a mitigation plan should not be required.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
Mitigation plan in this case is an In-Lieu Fee Plan.
7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

Following guidance in the Federal Rule [33 CFR Part 332], the applicant explored the possibility of using a mitigation bank to compensate for impacts. There are two approved mitigation banks within King County but both banks do not serve the area of impact. The applicant also considered onsite compensatory mitigation for wetland impacts; however, due to the site design and land use to accommodate the private residence, there was not sufficient space available on-site for mitigation that would be ecologically feasible and likely to succeed. The goal of the In-Lieu Fee plan is to fully compensate for all wetland impacts associated with this development project. The applicant will pay a fee to King County, which is used to restore, establish, enhance, and/or preserve wetland, river, stream, and buffer within the same watershed as the impact.

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)
Fill	Wetland A-F, J	Depressional / Cat. IV	0.76	Permanent	B	Not applicable
Fill	Wetland G-H	Slope/ Cat. IV	0.42	Permanent	B	Not applicable
Fill	Wetland I	Depressional / Cat. III	0.03	Permanent	B	Not applicable

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: 3

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

Preliminary grading estimates:

Amount of Cut: 10,500 CY

Amount of Fill: 17,300 CY

Amount of Import: 6,800 CY

Clean fill will be sourced from a local approved source

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Not applicable.

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☐ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]
<input type="checkbox"/> Not applicable
<div></div>
8b. Will your project impact a waterbody or the area around a waterbody? [help]
<input type="checkbox"/> Yes <input type="checkbox"/> No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☐ Don't know

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

8e. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
USACE	Samantha Stanford	(206) 764-6182	3/20/2023
Dept. of Ecology	Lori White	(509)379-1917	3/20/2023

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If **Yes**, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

Big Soos Creek (171100130302)

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up> to find the WRIA #.

9 Duwamish-Green

<p>9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]</p> <ul style="list-style-type: none"> Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable</p>
<p>9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]</p> <ul style="list-style-type: none"> If you don't know, contact the local planning department. For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.
<p><input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input type="checkbox"/> Other: _____</p>
<p>9g. What is the Washington Department of Natural Resources Water Type? [help]</p> <ul style="list-style-type: none"> Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.
<p><input type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal</p>
<p>9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]</p> <ul style="list-style-type: none"> If No, provide the name of the manual your project is designed to meet.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Name of manual: _____</p>
<p>9i. Does the project site have known contaminated sediment? [help]</p> <ul style="list-style-type: none"> If Yes, please describe below.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<div style="height: 100px;"></div>
<p>9j. If you know what the property was used for in the past, describe below. [help]</p>
<p>Prior to 1970, the property was vacant.</p>
<p>9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]</p> <ul style="list-style-type: none"> If Yes, attach it to your JARPA package.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

According to the USFWS IPaC database search, there is potential for gray wolf (*Canis lupus*; proposed endangered), marbled murrelet (*Brachyramphus marmoratus*; federally threatened [FT]), streaked horned lark (*Eremophila alpestris strigata*; FT), yellow-billed cuckoo (*Coccyzus americanus*; FT), and bull trout (*Salvelinus confluentus*; FT) to occur on the project site. Due to the amount of development adjacent to the site, gray wolf is unlikely to be present due to the lack of natural wildlife corridors and suitable habitat. Additionally, no old growth forests, prairies, scrub, riparian patches, or sandbars are present within the project site to facilitate nesting of the listed bird species. No habitat is present to support bull trout breeding or migration because no streams are located within the project site. Due to the overall lack of suitable habitat based on a review of aerial imagery, it is unlikely any of the species listed above will be present and/or be directly impacted by the project.

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

None.

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☒ A SEPA determination is pending with King County (lead agency). The expected decision date is September, 2023.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

☐ Other: _____

☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

- ☐ Substantial Development ☐ Conditional Use ☐ Variance
☐ Shoreline Exemption Type (explain): _____

Other City/County permits:

- ☐ Floodplain Development Permit ☒ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- ☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

Washington Department of Natural Resources:

- ☐ Aquatic Use Authorization
Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

- ☒ Section 401 Water Quality Certification
☐ Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

- ☒ Section 404 (discharges into waters of the U.S.) ☐ Section 10 (work in navigable waters)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:

- ☐ Bridge Permit: D13-SMB-D13-BRIDGES@uscg.mil
☐ Private Aids to Navigation (or other non-bridge permits): D13-SMB-D13-PATON@uscg.mil

United States Environmental Protection Agency:

- ☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

- ☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. TN (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. TN (initial)

Goldfinch Energy Storage, LLC
Applicant Printed Name

Thomas Nelson
Applicant Signature

4/28/23
Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Michele McGraw
Authorized Agent Printed Name

Michele McGraw
Authorized Agent Signature

Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Arlene Marie Anderson
Property Owner Printed Name

Arlene Marie Anderson
Property Owner Signature

May 1, 2023
Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



US Army Corps
of Engineers®
Seattle District

Attachment C:
Contact information for adjoining
property owners. [\[help\]](#)

Use this attachment only if you have more than four adjoining property owners.

AGENCY USE ONLY	
Date received:	_____
Agency reference #:	_____
Tax Parcel #(s):	_____ _____ _____
TO BE COMPLETED BY APPLICANT [help]	
Project Name:	<u>Kingfisher Energy Storage</u>
Location Name (if applicable):	_____ _____

Use black or blue ink to enter answers in white spaces below.

1. Contact information for all adjoining property owners. [help]		
Name	Mailing Address	Tax Parcel # (if known)
LI BAIQIANG	24629 164TH AVE SE	2322059118
	Covington, WA 98042	
PALE LESIELI UPANOA EHE TUA	24663 164TH AVE SE	2322059119
	Covington, WA 98042	
REBER RANDY & MERYL	No site address	2422059089, 2422059181
KENT SCHOOL DIST 415	16400 SE 251ST ST	2422059168
	Covington, WA 98042	
BOBROVA AGNIYA & LUCHITA PE	24828 164TH AVE SE	2422059172
	Covington, WA 98042	
JENKINS THOMAS S SR	24807 164TH AVE SE	2322059074
	Covington, WA 98042	

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-014 rev. 10/2016