Request for Clean Water Act Section 401 Water Quality Certification
WA State Department of Ecology

Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY
Date Received: 5/7/2021
Aquatics ID#: 139962
Team: NWRO
Valid Request: 5/7/2021

Revised JARPA rec'd 11/19/2021 via SFT

A. Identify the applicable federal license or permit:

Permit or License Number (if known): _____

Federal Agency triggering the Water Quality Certification (WQC):

- ☑ U.S. Army Corps of Engineers
- ☐ U.S. Coast Guard
- ☐ U.S. Environmental Protection Agency
- ☐ Federal Energy Regulatory Commission
- ☐ Other: _____

B. Project Information:

Name: Cathcart Crossing County: Snohomish

C. Documentation showing that the pre-filing meeting request was submitted at least 30 days prior to submitting this Section 401 WQC Request: ☑ Attached

D. Applicable Additional Information (Attached):

- ☑ Completed, signed, and dated Joint Aquatic Resources Permit Application (JARPA)
- ☐ Water Quality Monitoring Plan or WQ Monitoring and Protection Plan
- ☑ Mitigation Plan
- ☑ Wetland Delineation Report and ratings
- ☐ Copy of the federal permit or license application, including all accompanying information
- ☐ Suitability Determination for dredging projects with in-water disposal
- ☐ Dewatering Plan
- ☐ Revegetation/Restoration Plan
- ☐ Erosion and Sediment Control Plan
- ☐ SEPA and/or NEPA decision

E. 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 JM

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 JM

Signature: John Mirante Date: 5-7-21

Print Name: John Mirante

Submit this CWA §401 Certification Request form along with a JARPA and supporting information to ecyrefedpermits@ecy.wa.gov and cc the federal permitting agency.

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

US Army Corps of Engineers ®
Seattle District

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

AGENCY USE ONLY

Date received: 11/19/2021 edoc
Revised JARPA via SFT

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]
Cathcart Crossing

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
John Mirante			
2b. Organization (If applicable)			
Pacific Ridge Homes			
2c. Mailing Address (Street or PO Box)			
17921 Bothell-Everett Highway, Suite 100			
2d. City, State, Zip			
Bothell, Washington 98012			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
(425) 939-1186	(206) 619-4009		JVMirante@drhorton.com

[1]Additional 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.

[2]To 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.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

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)			
Matt DeCaro			
3b. Organization (If applicable)			
Soundview Consultants LLC			
3c. Mailing Address (Street or PO Box)			
2907 Harborview Drive, Suite D			
3d. City, State, Zip			
Gig Harbor, Washington 98335			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
(253) 514-8952		(253) 514-8954	matt@soundviewconsultants.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)			
Hutchins, Cherie			
4b. Organization (If applicable)			
Snohomish County – Property Management			
4c. Mailing Address (Street or PO Box)			
3000 Rockefeller Avenue M/S 404			
4d. City, State, Zip			
Everett, Washington 98201			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
425-388-3400			cherie.hutchins@co.snohomish.wa.us

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]

☒ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ 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]

Southwest Corner of the Intersection of State Route 9 and Cathcart Way

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Snohomish, Washington 98296

5d. County [help]

Snohomish County

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
SW	36	28N	5E

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

47.863703N lat. / -122.114008 W long.

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

28053600301100

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)
Snohomish County	3000 Rockefeller Ave M/S 404 Everett, WA 98201	00403800014102 00403800015600
Jason D and Janet L Fraser	14907 83rd Ave SE Snohomish, WA 98296-8709	00617300100200
Christie A and Trevor Willms	14811 83rd Ave SE Snohomish, WA 98296-8709	00617300100100

5i. List all wetlands on or adjacent to the project location. [help]

The site investigations identified a total of 10 potentially regulated wetlands on the subject property (Wetlands A-CSII through C-CSII, E-CSII, and H-CSII through M-CSII). Five of these wetlands were previously delineated by Snohomish County and verified by their third-party biologist (Wetlands A-CSII through C-CSII, E-CSII, and H-CSII). SVC also delineated 5 onsite wetlands along and west of Garden Creek (Wetlands I-CSII through M-CSII) and identified 6 offsite wetlands within 300 feet of the subject property (Wetlands A-C, F, J, and L) that were previously delineated by Snohomish County. Please see SVC's *Revised Wetland and Fish and Wildlife Habitat Assessment: Cathcart South II Site* for additional information on previous delineations.

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

The site investigations identified an onsite stream (Garden Creek) that flows north through the central portion of the subject property.

5k. Is any part of the project area within a 100-year floodplain? [help]

☐ Yes ☒ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

Upland forest vegetation is dominated by Douglas fir (*Pseudotsuga menziesii*), western red cedar (*Thuja plicata*), bigleaf maple (*Acer macrophyllum*), vine maple (*Acer circinatum*), western swordfern (*Polystichum munitum*), and salmonberry (*Rubus spectabilis*). The field areas are dominated by non-native invasive Himalayan blackberry (*Rubus armeniacus*) and reed canarygrass (*Phalaris arundinacea*).

5m. Describe how the property is currently used. [help]

The subject property is currently undeveloped and is mostly forested with an open field on the eastern portion of the site.

5n. Describe how the adjacent properties are currently used. [help]

The site is bounded by Cathcart Way to the north, 83rd Avenue Southeast to the west, residential properties to the south; and State Route 9 to the east. 83rd Avenue Southeast is located adjacent to the southwest corner of the subject property.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

The subject property is currently undeveloped with no structures onsite.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

To access the subject property heading northbound on I-405 from the Bothell area, use the right two lanes to take exit 522 toward Bothell/Woodinville. Continue for 0.9 mile and keep right at the fork to merge onto WA-522 East. Continue for 2.8 miles and then use the right two lanes to take the WA-9 North exit toward Snohomish/Arlington. Proceed for 0.2 mile and then use the left two lanes to turn left onto WA-9 N/ Woodinville Snohomish Road. Continue for 6.2 miles, and the subject property will be located on the left at the southwest corner of the intersection of Cathcart Way and WA-9 N/ Woodinville Snohomish Road.

Part 6–Project Description

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

The Applicant proposes the construction of a mixed-use residential and commercial development consisting of townhomes, two commercial buildings (coffee shop and mini-storage), associated parking, wet and dry utilities, and stormwater infrastructure for water quality treatment within the urban growth area (UGA) of Snohomish County. Street improvements required by Snohomish County include a new public road (148th Street) with access to Cathcart Way and State Route 9 as well as frontage improvements along a section of Cathcart Way. Stormwater for the site will be managed through a combination of full dispersion into the stream and wetland buffers and treatment through an underground vault system prior to release into an offsite ditch network.

The project requires the necessary and unavoidable fill of approximately 2,084 square feet (0.047 acre) of Category IV wetland (Wetland E-CSII) and 33,671 square feet (0.77 acre) of wetland buffer impacts associated to accommodate the proposed residential development, an internal road system and associated infrastructure, frontage improvements, utility requirements, and other project needs. Additionally, the proposed residential development requires 9,935 square feet (0.22 acre) of indirect impacts to Wetland C-CSII. To install the proposed waterline, the project also requires temporary direct wetland impacts to approximately 330 square feet of Wetland M-CSII that will be immediately restored. The waterline will be bored underneath Garden Creek to avoid direct impacts to the stream and associated wetlands. Mitigation to offset the complete fill of Wetland E-CSII and indirect impacts to Wetland C-CSII will be provided through 21,610 square feet (0.49 acre) of wetland creation. The wetland creation area exceeds the mitigation required for direct and indirect impacts and will also serve to partially offset buffer impacts. Buffer impacts will be further compensated for through a combination of 76,004 square feet (1.74 acre) of buffer creation, 51,912 square feet (1.19 acre) of buffer enhancement, and restoration of buffer areas impacts by utilities, stormwater, and grading activities totaling 22,122 square feet (0.51 acre). 3,126 square feet of the wetland creation area will be treated as compensatory mitigation for the fill of Wetland E-CSII for permitting with USACE following a 1.5:1 mitigation ratio. The 330-square-foot wetland restoration area resulting from water line installation in Wetland M-CSII will also be treated as mitigation for permitting with USACE.

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

The purpose of the proposed project is to construct a mixed-use development that will provide increased housing and commercial amenities in the urban growth area of Snohomish County. The site's location at the intersection of Cathcart Way and State Route 9 provides ideal access to the region's transportation network.

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]

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

☒ Other: Impervious surfaces, wetland fill

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.

The project requires the total fill of onsite Wetland E-CSII, indirect impacts to Wetland C-CSII, temporary direct impacts to Wetland M-CSII, and wetland buffer impacts.

Impacts to the remaining critical areas are being minimized through careful planning efforts and project design. During construction, the proposed project will stormwater treatment and flow control to minimize impacts on hydrology. TESC measures will be implemented that consist of high-visibility fencing (HVF) installed around native vegetation along the modified perimeter of the buffers, silt fencing between the graded areas and undisturbed buffers, plastic sheeting on stockpiled materials, and seeding of disturbed soils. These TESC measures should be installed prior to the start of development or restoration actions and actively managed for the duration of the project.

All equipment staging and materials stockpiles will be kept out of the remaining buffer, and the area will need to be kept free of spills and/or hazardous materials. All fill material and road surfacing will be sourced from upland areas onsite or from approved suppliers and will need to be free of pollutants and hazardous materials. Construction materials along with all construction waste and debris will be effectively managed and stockpiled on paved surfaces and kept free of the remaining wetland and buffer areas. Following completion of the development, the entire site will be cleaned and detail graded using hand tools wherever necessary, and TESC measures will be removed.

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: June 2022 End Date: June 2026 ☐ See JARPA Attachment D

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

$TBD

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]

☐ Not applicable

The project has been carefully designed to avoid and minimize critical area and buffer impacts to the greatest extent feasible while also achieving the project objectives. The site plan has gone through numerous iterations to utilize the maximum extent of unencumbered upland areas onsite, minimize proposed impacts, and achieve no net loss of critical area functions. The layout has been revised to avoid direct impacts to Garden Creek and nine of the eleven wetlands onsite (Wetlands A-CSII through C-CSII, and H-CSII through L-CSII) by limiting development to the east side of the stream. Residential development previously proposed west of Garden Creek has been removed from the proposed site plan. Additionally, at the direction of Snohomish County, the Applicant significantly revised an initial layout to remove four commercial buildings that would have required 11,418 square feet of direct wetland impact to Wetlands A-CSII, B-CSII, C-CSII, and H-CSII; the proposed layout entirely avoids these previously planned direct wetland impacts. Additionally, impacts to Wetland C-CSII have been further reduced by minimizing the commercial development to the northwest of the wetland to maintain a 110-foot reduced buffer between the wetland and commercial development. Direct impacts to Garden Creek are also avoided, including by the required waterline that will be bored underneath the stream channel to avoid in-water work.

However, due to the critical area extent, Snohomish County's public road requirements (148th Street), spatial requirements for the mixed-use development, and the optimal utility alignments (e.g., water and sanitary sewer lines), avoidance of all critical areas is not possible. As such, the project requires the total fill (2,084 square feet) of the low-functioning Category IV wetland (Wetland E-CSII) to meet the minimum objective of the project in providing a residential development within the urban growth area of Snohomish County and greater Seattle Area. Additionally, the residential development requires 9,935 square feet of indirect impacts to Wetland C-CSII and 13,914 square feet of impacts to the buffers of Wetlands A-CSII, B-CSII, and H-CSII. To install the proposed waterline, the project also requires temporary direct impacts to wetland and stream buffers and approximately 330 square feet of Wetland M-CSII that will be immediately restored. To minimize temporary impacts, appropriate BMPs and TESC measures will be implemented throughout the course of construction. No other feasible option in site design would result in less impacts to critical areas while allowing for the proposed site development due to the encumbrance of multiple critical areas limiting developable area.

7b. Will the project impact wetlands? [help]

☒ Yes ☐ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☒ Yes ☐ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☒ Yes ☐ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

☒ Yes ☐ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **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.

☒ Yes ☐ No ☐ Don't know

Refer to SVC's *Conceptual Mitigation Plan* dated November 2021.

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

The proposed compensatory and non-compensatory mitigation actions are intended to compensate for lost aquatic resource functions and values by providing additional aquatic resource functions according to the needs of the site and watershed and providing an overall improvement in the quality of aquatic resource habitat and no net loss in habitat and ecological function. To achieve this goal, the objectives of the mitigation actions are to create 21,610 square feet of wetland, create 76,004 square feet of buffer, enhance 51,912 square feet of buffer, restore 22,122 square feet of buffer impacts, and restore the 330 square feet of Wetland M-CSII to be impacted by the proposed site plan. 3,126 square feet of the wetland creation area will be treated as compensatory mitigation for the fill of Wetland E-CSII for permitting with USACE following a 1.5:1 mitigation ratio. The 330-square-foot wetland restoration area resulting from water line installation in Wetland M-CSII will also be treated as mitigation for permitting with USACE.

The proposed wetland creation will fully offset the fill of Wetland E-CSII and the indirect impacts to Wetland C-CSII. In addition, the area of Wetland M-CSII impacted by the water line will be replanted with shrub and emergent vegetation. The proposed wetland creation area will exceed the compensation area required for direct and indirect wetland impacts; therefore, the wetland creation area will also partially offset the proposed buffer impacts. The buffer creation and buffer enhancement will be used to offset buffer impacts following the mitigation ratios provided in SCC 30.62A.320(3)(a). The buffer areas to be impacted by the water line, sewer line, stormwater dispersion trenches, and grading will be replanted with shrubs and groundcovers. 13,914 square feet of impacts are proposed within the buffers of small, non-riparian Category III wetlands as minor development activities allowed per SCC 30.62A.510(3)(g). Following the standard of SCC 30.62A.510(1) to implement BMPs for minor development activities, the proposed project will maintain a minimum 29-foot buffer distance between the small, non-riparian Category III wetlands (Wetlands A-CSII, B-CSII, and H-CSII).

These combined wetland and buffer creation and enhancement actions will provide a net gain in function and improved protection to the wetlands and streams from the proposed development.

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 (acres)
Fill	Wetland E-CSII	Slope, Category IV	2,084 sq. ft.	Permanent	C	3,126 sq. ft. (0.071 acre)
Water Line Placement	Wetland M-CSII	Depressional, Category IV	330 sq. ft.	Temporary	C	330 sq. ft (0.007 acre)
Indirect Impacts	Wetland C-CSII	Depressional, Category III	9,935	Permanent	C	9,935 sq. ft. (0.228 acre)

[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: Page 13-20 of the *Conceptual Mitigation Plan* (SVC, 2021).

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]

Approximately 77 cubic yards of clean and usable fill material will be used, sourced from onsite materials or from a clean source offsite.

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]

N/A

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]

☐ Not applicable

The project was carefully designed to avoid impacts to the onsite stream (Garden Creek). The proposed project includes installation of an underground waterline bored underneath Garden Creek. The waterline is anticipated to be bored to a 3-foot depth below the streambed to avoid all impacts to the stream channel. As such, no direct impacts to Garden Creek are proposed.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☐ Yes ☒ 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

N/A – No impacts proposed.

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]

N/A

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
N/A					

[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]

N/A

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]

N/A

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
U.S Army Corps of Engineers	Kelly Werdick	(206) 764-6883	November 2021
Snohomish County	Sean Curran	(425) 262-2965	December 2020

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.

HUC 171100110203

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 #.

7 - Snohomish

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.

☐ Yes ☐ No ☒ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- 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.

☐ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☐ Other: N/A

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.

☐ Shoreline ☐ Fish ☐ Non-Fish Perennial ☒ Non-Fish Seasonal

Note: DNR maps the onsite stream as a Type N stream; however, fish use of Garden Creek was observed by SVC during summer 2020 site investigations.

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- **If No**, provide the name of the manual your project is designed to meet.

☒ Yes ☐ No

Name of manual: _____

9i. Does the project site have known contaminated sediment? [help]

- **If Yes**, please describe below.

☐ Yes ☒ No

9j. If you know what the property was used for in the past, describe below. [help]

The subject property is undeveloped and has remained undeveloped in the past.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes**, attach it to your JARPA package.

☒ Yes ☐ No

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]

The WDFW SalmonScape map does not identify any documented presence of ESA-listed species (i.e. chinook, steelhead, or bull trout) along the entire length of Garden Creek, and DNR maps the section of the stream on the subject property as Type N. However, salmonids were observed in the creek during summer 2020 site investigations, most likely resident cutthroat trout. WDFW identifies a downstream fish passage barrier on Garden Creek that likely severely limits connectivity with downgradient streams, ditches, and the Snohomish River. The WDFW PHS map does not document any other ESA-listed species in the vicinity of the project area, and the subject property and surrounding area do not contain suitable habitat for other ESA-listed species.

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]

The WDFW PHS map identifies the occurrence of little brown bat (*Myotis lucifugus*) and Yuma myotis (*Myotis yumanensis*) within the township (an approximately 36-square-mile area) but not on the subject property. As such, no effects are anticipated on the little brown bat and Yuma myotis as a result of the proposed project.

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 Snohomish County (lead agency). The expected decision date is unknown.

☐ 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

The Applicant will coordinate with WDFW to determine whether an HPA is required for the proposed waterline installation.

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 ☐ Non-Federally Regulated Waters

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:

☐ General Bridge Act Permit ☐ Private Aids to Navigation (for non-bridge projects)

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. JM (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. JM (initial)

John Mirante	John Mirante	12-14-20
Applicant Printed Name	Applicant Signature	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.

Matt DeCaro	Matt DeCaro	12/14/2020
Authorized Agent Printed Name	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.

Cherie Hutchins	Cherie Hutchins	12-23-2020
Property Owner Printed Name	Property Owner Signature	Date

Property Officer, Snohomish County

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