



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000  
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February 3, 2022

Golden Eagle Investments Ferndale LLLP  
309 Potter Street  
Bellingham, WA 98225

Golden Eagle Investments Ferndale LLLP  
c/o Ali Taysi, AVT Consulting LLC  
1708 F Street  
Bellingham, WA 98225

RE: Water Quality Certification Order No. # **21014** for Corps Reference No. **Corps #NWS-2020-684**, Nubgaard Long Plat, Whatcom County, Washington

Dear Ali Taysi:

On August 13, 2021, Golden Eagle Investments Ferndale LLLP submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Nubgaard Long Plat, located in Whatcom County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Chris Luerkens at (360) 410-4807. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar".

Joe Burcar, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

Sent via email: [ali@avtplanning.com](mailto:ali@avtplanning.com)

Enclosure

WQC Order # 21014, Corps No. NWS-2020-684  
Aquatics # 139187  
February 3, 2022  
Page 2 of 2

e-cc: Randel Perry, Corps of Engineers  
Ed Sewall, Sewall Consulting  
Michael Cerbone, Ferndale  
Jesse Ashbaugh, Ferndale  
Joel Ingram, WDFW  
Elizabeth Fint, Ecology  
Loree' Randel, Ecology  
Chris Luerkens, Ecology  
ECY RE FEDPERMITS

**IN THE MATTER OF GRANTING A ) WQC ORDER No. 21014**  
**WATER QUALITY ) Corps Reference No. NWS-2020-684**  
**CERTIFICATION TO ) Nubgaard Long Plat, Wetlands located in**  
Golden Eagle Investments Ferndale ) Whatcom County, Washington.  
LLLP )  
pursuant to 33 U.S.C. 1341 (FWPCA )  
§ 401), RCW 90.48.120, RCW 90.48.260 )  
and Chapter 173-201A WAC )

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On August 13, 2021, Golden Eagle Investments Ferndale LLLP submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act to the Department of Ecology (Ecology) for the Nubgaard Long Plat, located in Whatcom County, Washington. The following processing dates are referenced below:

- On August 27, 2021, the U.S. Army Corps of Engineers (Corps) notified Ecology that they are reviewing the project for authorization under Nationwide Permit #29, which requires an individual Section 401 Water Quality Certification.
- On September 27, 2021, Ecology issued a public notice for the project.

This project proposes to develop for residential use a 27.74 acre parcel that is located within the City of Ferndale. The property has historically been used as an agricultural field. The project proposes to develop the parcel with 82-lots for single-family residential development. Site improvements will also include installation of new roads, utilities, a stormwater pond, open space tracts, and a trail. Portions of three wetlands will be impacted resulting in approximately 0.19 acres of direct wetland fill, and approximately 0.84 acres of indirect wetland impacts. Mitigation for wetland impacts will occur through the onsite creation of approximately 0.87 acres of wetland, 3.24 acres of wetland enhancement, and 1.74 acres of buffer enhancement.

The project site is located south of Thornton Road, and west of Pacific Heights Drive, wetlands, Ferndale, Whatcom County, Washington, Section 24, Township 39 N., Range 1 E., within Water Resource Inventory Area (WRIA) 1 Nooksack.

**AUTHORITIES**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this WQC request pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317;
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws;
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010;
4. Conformance with Washington’s prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080; and,
5. The Applicant of the project authorized is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

With this Water Quality Certification (WQC) Order, Ecology is granting with conditions, Golden Eagle Investments Ferndale LLLP’s request for a Section 401 Water Quality Certification for the Nubgaard Long Plat, wetlands located in Whatcom County. Ecology has determined that the proposed discharge(s) will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the Section 401 Water Quality Certification request that Ecology received on August 13, 2021, the supporting documents referenced in Table 1 below, **and the conditions of this WQC Order.**

**Table 1.** Supporting Documents

<b>Date Received</b>	<b>Document Type</b>	<b>Title &amp; Date</b>	<b>Author</b>
August 13, 2021	Wetland Delineation	Critical Areas Report (dated January 13, 2020)	Sewall Wetland Consulting, Inc.
August 13, 2021	State Environmental Policy Act	SEPA Mitigated Determination of Non-Significance (dated April 1, 2021)	City of Ferndale, Community Development Dept
August 13, 2021	Erosion and Sediment Control Plan	TESC Plan, Nubgaard Long Plat (dated July 2, 2021)	Freeland & Associates
August 13, 2021	Stormwater Site Plan	Stormwater Site Plan Nubgaard Long Plat Ferndale (July 2021)	Freeland & Associates
August 13, 2021	Memo RE: Mitigation Plan	Memo response to Ecology and Army Corps comments (date August 4, 2021)	Sewall Wetland Consulting, Inc.

August 13, 2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA (dated August 12, 2021)	AVT Consulting
January 27, 2022	Wetland Mitigation Plan	Wetland Mitigation Plan, Nubgaard Long Plat (as revised January 27, 2022)	Sewall Wetland Consulting, Inc.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Golden Eagle Investments Ferndale LLLP to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Golden Eagle Investments Ferndale LLLP from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

The following conditions will be incorporated into the Corps permit and strictly adhered to by Golden Eagle Investments Ferndale LLLP.

**A. General Conditions**

1. In this WQC Order, the term “Applicant” shall mean the Golden Eagle Investments Ferndale LLLP and its agents, assignees, and contractors.
2. All submittals required by this WQC Order shall be sent to Ecology’s Headquarters Office, Attn: Federal Permit Manager, via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [chris.luerkens@ecy.wa.gov](mailto:chris.luerkens@ecy.wa.gov). The submittals shall be identified with WQC Order # 21014 and include the Applicant’s name, Corps permit number, project name, project contact, and the contact phone number.
3. Work authorized by this WQC Order is limited to the work described in the WQC request package received by Ecology on August 13, 2021, and the supporting documentation identified in Table 1 of this WQC Order.
4. The Applicant shall keep copies of this WQC Order on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
5. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.

6. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
7. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48) or the federal Clean Water Act, Ecology may issue an amendment to this Order to incorporate any such changes or amendments applicable to this project.
8. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this WQC Order and all permits, approvals, and documents referenced in this WQC Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.
9. This WQC Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this WQC Order.
10. Failure of any person or entity to comply with the WQC Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the state's water quality standards.
11. The Applicant shall provide Ecology documentation for review and approval before undertaking any major changes to the proposed project that could significantly and adversely affect water quality, other than those project changes required by this WQC Order.
12. The Applicant shall send (per A.2.) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
13. Nothing in this WQC Order waives Ecology's discretionary authority to issue additional Orders if Ecology determines that further actions are necessary to implement the water quality laws of the state.
14. This Order will automatically transfer to a new owner or operator if:
  - a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the WQC Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
  - b. A copy of this Order is provided to the new owner or operator; and,

- c. Ecology does not notify the new Applicant that a new WQC Order is required to complete the transfer.

## **B. Notification Requirements**

1. The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [chris.luerkens@ecy.wa.gov](mailto:chris.luerkens@ecy.wa.gov). Notifications shall be identified with WQC Order # 21014 Corps reference #, and include the Applicant name, project name, project location, project contact and the contact phone number.
  - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order.
  - b. At least ten (10) days prior to all pre-construction meetings
  - c. At least ten (10) days prior to conducting initial work within wetlands.
2. In addition to the phone or e-mail notification required under B.1.a. above, the Applicant shall submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. If the project construction is not completed within 13 months of issuance of this WQC Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and mitigation are completed.

## **C. Timing**

1. This WQC Order is effective upon issuance of the U.S. Corps of Engineers (Corps) permit for this project and will remain valid for the duration of the associated permit for the project.

## **D. Construction**

### General Conditions

1. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.
2. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.

3. The Applicant shall comply with the conditions of the current Construction Stormwater General Permit (National Pollutant Discharge Elimination System - NPDES) issued for this project (Ecology permit # WAR310505).
4. Within the project limits<sup>1</sup> all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction fencing (HVF) prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking. HVF shall be maintained until all work is completed for each project or each stage of a staged project. Note: This condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.
5. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
6. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.

#### Equipment & Maintenance

7. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands, unless otherwise requested and authorized by Ecology.
8. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
9. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
10. Wash water containing oils, grease, or other hazardous materials resulting from washing of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.
11. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools.

#### Culvert Work & Stream Bypass

12. All culvert work shall be conducted in the dry or in isolation from stream flow.
13. Culverts shall be installed to avoid inlet scouring and prevent downstream bank erosion.

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<sup>1</sup> Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.



14. Fill associated with culvert installation shall be protected from erosion to the 100-year peak flow.

**E. Wetland Mitigation Conditions**

1. The Applicant shall mitigate wetland impacts as described in the *Wetland Mitigation Plan, Nubgaard Long Plat* (hereafter called the “Mitigation Plan”), revised January 27, 2022, and as identified in Table 1 of this WQC, or as required by this Order, or revised and approved by Ecology.
2. The Applicant shall submit any proposed changes to the Mitigation Plan in writing to Ecology (see A.2) for review and approval, before implementing the changes.
3. The Applicant shall have a qualified wetland professional at the wetland mitigation site to supervise during construction and planting.

**Implementation**

4. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrently with, impacting wetlands, or Ecology could use its discretionary authority to require the Applicant to provide additional compensation to account for additional temporal loss of wetland functions.
5. If the mitigation site(s) cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
  - a. Nubgaard Long Plat.
  - b. Construction of on-site mitigation.  
With the:
    - c. Reason for the delay.
    - d. Expected date of completion.

The Applicant shall submit an updated written notification every 12 months thereafter until the Nubgaard Long Plat and on-site mitigation sites are complete.

6. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands or their buffers unless otherwise provided for in the Mitigation Plan.
7. The Applicant shall ensure that no material is stockpiled within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless otherwise provided for in the Mitigation Plan.
8. The Applicant shall ensure that no construction debris is deposited within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless otherwise provided for in the Mitigation Plan.
9. The Applicant shall not use polyacrylamide at the mitigation site(s).

10. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s) or existing wetlands, unless otherwise approved by Ecology.
11. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.
  - a. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit.
  - b. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
12. If weed-barrier fabric is used on the site, the Applicant shall use only water-permeable, fully biodegradable, non-toxic weed-barrier fabric for the entire-site and/or individual plant weed control, unless otherwise approved by Ecology. If non-biodegradable plastic weed-barrier fabric is approved by Ecology, it shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
13. If seeding is used for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species, unless otherwise approved by Ecology.
14. The Applicant shall not use solid or mesh plant protector tubes at the mitigation site(s) unless otherwise provided for in the Mitigation Plan.
15. The Applicant shall place signs at the mitigation areas' boundaries, including buffers, every 100 feet to mark the area as wetland mitigation sites.
16. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology written confirmation (email or signed letter) that the finished grades are consistent with the approved Mitigation Plan or subsequent Ecology-approved changes. The confirmation should also indicate how final elevations were determined.
17. After completing construction and planting of the mitigation sites(s), the Applicant shall submit to Ecology (see A.2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
  - a. Be submitted within 90 days of completing construction and planting.
  - b. Include the information listed in Attachment B (Information Required for As-built Reports).
  - c. Include documentation of the recorded legal site protection mechanism required in Condition D.18.
18. The Applicant shall follow the steps below to record a deed notification for the Nubgaard Long Plat wetland and buffer mitigation areas:
  - a. Send a draft deed notification to Ecology for review and approval prior to recording.

- b. Record, on the mitigation site property deed, a description of the mitigation area identified in the final mitigation plan and a site map from the final wetland mitigation plan or as-built report showing the location of wetlands and their buffers.
- c. Record these documents with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
- d. Submit proof of this recorded documentation to Ecology (per condition A.2) with the As-built report (see D.17).

Monitoring and Maintenance

19. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless otherwise approved by Ecology.
20. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described on Sheet 1 of the Mitigation Plan.
21. The Applicant shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 5, 7, and 10. The monitoring reports must:
  - a. Be submitted by December 31 of each monitoring year.
  - b. Include the information listed in Attachment C (Information Required for Monitoring Reports).
22. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
23. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology regarding the contingency measures.
24. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the current or upcoming planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
25. For monitoring years five (5) and ten (10), the Applicant shall use the currently approved federal wetland delineation manual and appropriate regional supplement to delineate all compensatory wetlands and include delineation information (e.g., data sheets, maps, wetland size, etc.) in the monitoring reports.
26. If the Applicant has not met all compensatory mitigation conditions by the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both. Conditions include specifications in the approved Mitigation Plan, such as performance standards for the mitigation site.

27. The Applicants obligation to compensate for wetland impacts under Condition D.1 is not met until the Applicant has received written notice from Ecology that the obligation is met.

**F. Emergency/Contingency Measures**

1. The Applicant shall develop and implement a spill prevention and containment plan for this project.
2. The Applicant shall have adequate and appropriate spill response and cleanup materials available on site to respond to any release of petroleum products or any other material into waters of the state.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
4. Work causing distressed or dying fish and discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Applicant shall notify Ecology's Federal Permit Manager per condition A2 and immediately take the following actions:
  - a. Cease operations at the location of the non-compliance.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
  - c. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - d. Immediately notify Ecology's Regional Spill Response Office and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
  - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
5. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

**Your right to appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Address and location information.

#### **Filing an appeal with the PCHB:**

**Mailing Address:**

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

**Street Address:**

Pollution Control Hearings Board  
1111 Israel RD SW  
STE 301  
Tumwater, WA 98501

#### **Serving a copy of the appeal on Ecology:**

**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

#### **Contact Information**

Please direct all questions about this Order to:

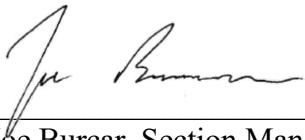
Chris Luerkens  
Department of Ecology  
Bellingham Field Office  
(360) 255-4399  
[Chris.Luerkens@ecy.wa.gov](mailto:Chris.Luerkens@ecy.wa.gov)

#### **More Information**

- **Pollution Control Hearings Board Website**  
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>

- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

DATED February 3, 2022, at Shoreline, Washington.



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Joe Burcar, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office  
Washington State Department of Ecology

**Attachment A**

**Statement of Understanding  
Water Quality Certification Conditions**

Nubgaard Long Plat

Water Quality Certification WQC Order # 21014

As the Applicant for Nubgaard Long Plat project, I have read and understand the conditions of Washington State Department of Ecology WQC Order # 21014, and any permits, plans, documents, and approvals referenced in the WQC Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this WQC Order and any permits, plans, documents, and approvals referenced in the WQC Order.

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Signature \_\_\_\_\_ Date \_\_\_\_\_

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Title \_\_\_\_\_ Phone \_\_\_\_\_

---

Company \_\_\_\_\_

## **Attachment B**

### **Information Required for As-built Reports**

Nubgaard Long Plat  
Ecology Order # 21014  
And  
Corps Reference # NWS-2020-648

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

#### **Background Information**

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
  - a) The applicant
  - b) The landowner
  - c) Wetland professional on site during construction of the mitigation site(s).
- 4) Date the report was produced.

#### **Mitigation Project Information**

- 5) Brief description of the **final** mitigation project with any changes from the approved plan made during construction. Include:
  - a) **Actual** acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
  - b) Important dates, including:
    - i. Start of project construction.
    - ii. When work on the mitigation site began and ended.
    - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
- 6) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the mitigation site(s).
- 7) List of any follow-up actions needed, with a schedule.
- 8) Vicinity map showing the geographic location of the site(s) with landmarks.
- 9) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
  - a) Boundary of the site(s).
  - b) Topography (with a description of how elevations were determined).
  - c) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
  - d) Location of habitat features.
  - e) Location of permanent photo stations and any other photos taken.Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.
- 10) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
- 11) A copy of any deed notifications, conservation easements, or other approved site protection mechanism.



## **Attachment C**

### **Information Required for Monitoring Reports**

Nubgaard Long Plat  
Ecology Order # 21014  
And  
Corps Reference # NWS-2020-648

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

#### **Background Information**

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
  - a) The applicant
  - b) The landowner
  - c) The party responsible for the monitoring activities.
- 4) Dates the monitoring data were collected.
- 5) Date the report was produced.

#### **Mitigation Project Information**

- 6) Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
- 7) Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
  - a) Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.
  - b) Size and shape of plots or transects.
  - c) Number of sampling locations and how you determined the number of sampling locations to use.
  - d) Percent of the mitigation area being sampled.
  - e) Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
  - f) Schedule for sampling (how often and when).
  - g) Description of how the data was evaluated and analyzed.
- 8) Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.

- 9) Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
  - 10) Goals and objectives and a discussion of whether the project is progressing toward achieving them.
  - 11) Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
  - 12) Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
  - 13) Specific recommendations for additional maintenance or corrective actions with a timetable.
  - 14) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
  - 15) Vicinity map showing the geographic location of the site(s) with landmarks.
  - 16) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
    - a) Boundary of the site(s).
    - b) Location of permanent photo stations and any other photos taken.
    - c) Data sampling locations, such as points, plots, or transects.
    - d) Approximate locations of any replanted vegetation.
    - e) Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.
- Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.