



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

July 18, 2023

Tremont, LLC
Attn: Dale Kern and Chuck Kingsley
202 NW Sixth Street
PO Box 906
Corvallis, OR 97339

Re: Termination of Water Quality Certification Order No. **15695**

Dear Dale Kern and Chuck Kingsley:

For the reasons stated below, the Department of Ecology (Ecology) hereby terminates Water Quality Certification Order No. 15695, pursuant to RCW 90.48.120.

Project Background

On August 15, 2018, Ecology issued Water Quality Certification (WQC) Order No. 15695 to Tremont, LLC for the Waldron Woods Residential Project. This proposed project entailed impacts to wetlands for development of a multi-family housing development and associated infrastructure. The project was authorized by the U.S. Army Corps of Engineers on November 16, 2018, through issuance of a standard (individual) permit (No. NWS-2017-430).

In a letter dated November 3, 2020, the Corps notified you that they determined wetlands at the subject site are excluded non-waters of the U.S. As the project will not impact any waters of the U.S, the Corps determined that their November 16, 2018 permit is now null and void. The Corps determination has removed the need for a WQC, therefore we are hereby terminating WQC Order 15695.

It should be noted that on May 26, 2022, Ecology received a request to fill 0.08 acres and indirectly impact 0.09 acres of non-federally regulated wetlands, which are waters of the state, to construct Waldron Woods Residential South on the south side of Tremont Avenue in Bellingham, Whatcom County. Ecology issued Administrative Order on April 19, 2023, (No. 21655) authorizing the fill into the non-federally regulated wetlands.

Your right to appeal

You have a right to appeal this action to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "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 Letter:

- File your notice of appeal and a copy of this Letter with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Letter on the Department of Ecology by mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluhwa.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

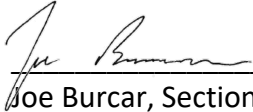
If you have questions, please contact Chris Luerkens at (360) 410-4807 or chris.luerkens@ecy.wa.gov.

Termination of Administrative Order No. 15695

July 18, 2023

Page 2 of 2

Sincerely,



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

Enclosure (1): Water Quality Certification Order No. 15695

By Certified Mail: 9171 9690 0935 0233 1186 78

Sent via e-mail: dale@commercialassociates.org

e-cc: Molly Porter, Northwest Ecological Services
Kristin Murray, U.S. Army Corps of Engineers
Steve Sundin, City of Bellingham
Joel Ingram, Washington Department of Fish and Wildlife
Loree' Randall, Department of Ecology
Chris Luerkens, Department of Ecology
Ecyrefedpermits@ecy.wa.gov



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 15, 2018

Dale Kern and Chuck Kingsley
Tremont, LLC
202 NW Sixth Street
PO Box 906
Corvallis, OR 97339

RE: Water Quality Certification Order #15695 for U.S. Army Corps of Engineers Public Notice #NWS-2017-430, Waldron Woods Residential Project, Bellingham, Whatcom County, Washington

Dear Mr. Kern and Mr. Kingsley:

On May 3, 2018, Tremont, LLC submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed Waldron Woods Residential project.

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

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Burcar", written over a horizontal line.

Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 9171 9690 0935 0206 7601 18

Cc: Randel Perry, U.S. Army Corps of Engineers



Joel Ingram, Washington Department of Fish and Wildlife
Molly Porter, Northwest Ecological Services

E-cc: Diane Hennessey, Ecology
Loree' Randall, Ecology
Evan Dobrowski, Ecology
Stephanie Barney, Ecology
ecyrefedpermits@ecy.wa.gov

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

ORDER #15695

Corps Reference #NWS-2017-430

Waldron Woods Residential Project; Wetlands,
Bellingham, Whatcom County, Washington.

TO: Tremont, LLC
Attn: Dale Kern and Chuck Kingsley
202 NW Sixth Street
PO Box 906
Corvallis, OR 97339

On May 3, 2018, Tremont, LLC submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. The U.S. Army Corps of Engineers (Corps) distributed a joint public notice regarding the request for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on June 6, 2018.

The proposed project entails development of a multi-family housing development and supporting infrastructure (roads, parking, stormwater facilities).

Mitigation for fill of 1.375 acres of wetland would be through purchase of credits at a mitigation bank and on-site buffer restoration.

The project is located on Tremont Avenue, just west of Guide Meridian Road, Bellingham, Whatcom County, Washington, in wetlands, Section 01, T. 38N, R. 2E, WRIA 1.

AUTHORITIES:

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

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 302, 303, 306, and 307).
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. § 1313 and by Chapter 90.48 RCW, and with other applicable state laws.
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies it has reasonable assurance the activity as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments occurring as a result of project construction or operations.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Tremont, LLC and its agents, assignees and contractors.
- A2. All submittals required by this Order shall be sent to Ecology's Northwest Regional Office, Attn: 401/CZM Federal Permit Manager, Shorelands and Environmental Assistance Program, 3190 160th Avenue SE, Bellevue, WA 98008, OR via email to fednotification@ecy.wa.gov and cc: Rebekah.Padgett@ecy.wa.gov. The submittals shall be identified with Order #15695 and include the Applicant name, project name, project contact, and the contact's phone number.
- A3. Work authorized by this Order is limited to the work described in the following documents:
 - JARPA received by Ecology on May 3, 2018.
 - Revised JARPA figures, Sheet 1 of 10 through 10 of 10, dated May 2, 2018.
 - Culvert Extension Cross-Sections and Erosion and Sediment Control Plans, Sheets 1 of 4 through 4 of 4, dated September 5, 2017.
 - Culvert Replacement Plan, Sheets 1 of 2 through 2 of 2, received July 31, 2018.

The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.

- A4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.

- A5. This Order shall be rescinded if the Corps does not issue an individual Section 404 permit.
- A6. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final Corps permit within two weeks of receipt of the permit. A copy shall be submitted per condition A2 above.
- A7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
- A8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
- A9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines 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.
- A10. The Applicant shall provide to Ecology a signed statement (see Attachment A for an example) that s/he has read and understands the conditions of this Order and any permits, plans, documents, and approvals referenced herein. The signed statement shall be submitted to Ecology per Condition A2 at least seven days prior to start of in-water work.
- A11. The Applicant shall ensure all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.
- A12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
- A13. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. Wetland Compensatory Mitigation Conditions:

- B1. The Applicant shall mitigate wetland impacts as described in the following documents (hereafter jointly called the "Mitigation Plan"), or as modified by this Order or revised and approved by Ecology:

- *Wetland Mitigation Report/Bank Use Plan, Waldron Woods*, prepared by NW Ecological Services, and dated February 2018.
 - *Mitigation Addendum – Waldron Woods, Tremont Avenue*, prepared by NW Ecological Services, dated May 2, 2018.
- B2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before work begins.
- B3. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 1.19 wetland mitigation bank credits from the Lummi Mitigation Bank. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase. If mitigation bank credits are purchased together for the adjacent Church of Nazarene Project, the documentation must clearly indicate the amount of credits purchased for the Waldron Woods Residential Project separately from those credits purchased for the other project.
- B4. The Applicant shall notify Ecology in writing (see A2) of any changes to the amount of aquatic resource impacts, or revisions to the mitigation plan.
- B5. The Applicant shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for temporal loss of wetland functions.
- B6. If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
- a) Waldron Woods Residential Project
 - b) When credits will be purchased
- With the:
- c) Expected date of completion, and
 - d) Reason for the delay, or
 - e) If an alternative mitigation site will be used.

The Applicant shall submit an updated written notification every six months thereafter until Waldron Woods Residential Project is complete and the required credits are purchased, or alternative mitigation is completed.

On-Site Mitigation and Implementation

- B7. The Applicant shall mitigate buffer impacts of 3,252 square feet as described in the Mitigation Plan, except that performance standard 2a, regarding plant survival (see page 24, Table 11), should only be applied to monitoring years 1 and 2, or as modified by this Order or revised and approved by Ecology.
- B8. Unless otherwise approved by Ecology in writing, the Applicant shall begin the buffer compensatory mitigation project before, or concurrent with, impacting wetlands, or

Ecology may require additional compensation to account for additional temporal loss of wetland functions.

- B9. If the buffer mitigation is not constructed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
- a) Waldron Woods Residential Project
 - b) The on-site buffer mitigation

With the:

- c) Expected date of completion, and
- d) Reason for the delay.

The Applicant shall submit an updated written notification regarding the on-site buffer mitigation every 12 months thereafter until the Waldron Woods Residential Project and buffer mitigation sites are complete.

- B10. The Applicant shall ensure all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers at the wetland mitigation site and above the 100-year floodplain.
- B11. The Applicant shall ensure no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
- B12. The Applicant shall ensure no construction debris is deposited within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.
- B13. The Applicant shall not use polyacrylamide at the mitigation site(s).
- B14. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site.
- B15. 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. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
- B16. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable, plastic weed-barrier fabric 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.

- B17. If seeding is used as a best management practice for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species.
- B18. The Applicant shall not use solid or mesh plant protector tubes at the mitigation site unless otherwise approved by Ecology.
- B19. The Applicant shall place signs at the mitigation area's boundaries, including buffers, every 50 feet to mark the area as a wetland mitigation site.
- B20. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology written confirmation, from a surveyor or project engineer, that the finished grades are consistent with the approved Mitigation Plan or subsequent Ecology-approved plan changes. The confirmation should indicate how final elevations were confirmed. The written confirmation can be in the form of an email or signed letter.
- B21. After completing construction and planting of the mitigation site, the Applicant shall submit to Ecology (see A2) 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. Include one hard copy and one electronic file.
 - b) Include the information listed in Attachment B (Information Required for As-built Reports).
 - c) Include documentation of the recorded legal mechanism required in Condition B22.
- B22. Within 90 days of completing construction and planting of the Waldron Woods Buffer Mitigation Sites, the Applicant shall send a draft conservation easement to Ecology for review and approval. Within 90 days after Ecology approval, the approved conservation easement must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property and a copy of the recorded notice sent to Ecology (see A2). The conservation easement shall be recorded with a figure that corresponds with the legal description showing the area being protected, a copy of this Order, and a site map showing the location of wetlands and their buffers.

Monitoring and Maintenance

- B23. 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 permission is received in writing from Ecology to allow the system to remain for a longer period.

- B24. The Applicant shall monitor the mitigation site for a minimum of five years. The Applicant shall use the monitoring methods described on pages 23 through 25 of the Mitigation Plan.
- B25. The Applicant shall submit to Ecology (see A2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, and 5. The monitoring reports must:
 - a) Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
 - b) Include the information listed in Attachment C (Information Required for Monitoring Reports).
- B26. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
- B27. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for the changes.
- B28. 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 first available planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
- B29. If the Applicant has not met all conditions, including performance standards for the mitigation site, at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.
- B30. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition B1 to mitigate for wetland impacts is not met.

C. Water Quality Conditions:

- C1. This Order does not authorize exceedances of water quality standards established in WAC 173-201A.

D. Conditions for Construction Activities:

- D1. Applicant shall obtain and comply with a Construction Stormwater General Permit for this project.

- D2. Construction stormwater, sediment, and erosion control best management practices (BMPs; e.g., filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.
- D3. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
- D4. All construction debris shall be properly disposed of in a manner to prevent it from entering the waters of the state.
- D5. Machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
- D6. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- D7. Clean Fill Criteria: Applicant shall ensure fill (soil and gravel) placed for the proposed project does not contain toxic materials in toxic amounts.
- D8. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.

E. Emergency/Contingency Measures:

- E1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- E2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
- E3. 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.
- E4. Any work causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:
 - a. Cease operations at the location of the violation or spill.

- b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's 401/CZM Federal Permit Manager at (425) 649-7129 or (425) 649-7000.
- d. 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.

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

F. Timing Requirements

- F1. In-water work shall be conducted between July 15 and September 30 of any year, unless otherwise approved by Ecology. Work may continue past September 30, provided the channel remains dry.
- F2. This Order is valid until all compliance requirements in the Order have been met and the applicant has received written notification from Ecology to that effect.

G. Reporting and Notification Requirement Conditions

- G1. Applicant shall provide notice to Ecology per Condition A2:
 - At least three (3) days prior to the start of construction.
 - Within 14 days after completion of construction at the project site.
 - Immediately after any work that is out of compliance with the provisions of this Order.
- G2. If the project construction is not completed within 13 months of issuance of this 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.

YOUR RIGHT TO APPEAL

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

To appeal you must do both 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.) Email 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

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Rebekah Padgett
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7129
rebekah.padgett@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website
www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

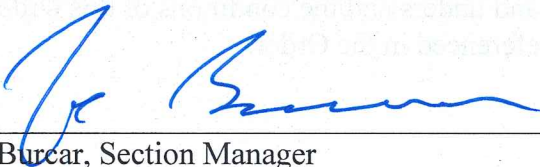
Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



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

8/15/2018

Date

Attachment A
Statement of Understanding of
Water Quality Certification Conditions

TREMONT, LLC
WALDRON WOODS RESIDENTIAL PROJECT
Water Quality Certification Order #15695
Corps Reference No. NWS-2017-430

As the Applicant for the Waldron Woods Residential project, I have read and understand the conditions of Washington State Department of Ecology Order #15695, and any permits, plans, documents, and approvals referenced in the 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 Order and any permits, plans, documents, and approvals referenced in the Order.

Signature

Date

Title

Phone

Company

Attachment B
Information Required for As-built Reports

TREMONT, LLC
WALDRON WOODS RESIDENTIAL PROJECT
Water Quality Certification Order #15695
Corps Reference #NWS-2017-430

Background Information

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

The Compensatory Mitigation Project

- 5) Brief description of the **final** compensatory mitigation project with any changes from the approved plan made during construction. Include:
 - a) **Actual** acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
 - b) Important dates including:
 - i. Start of project construction.
 - ii. When work on the compensatory 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.
- 7) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the compensatory mitigation site.
- 8) List of any follow-up actions needed, with a schedule.
- 9) Final site maps (8-1/2" x 11" or larger) of the compensatory mitigation site(s), including the following (at a minimum):
 - a) Geographic location of the site with landmarks;
 - b) Clear delineation of the project perimeter(s);
 - c) Topography (with a description of how elevations were determined);
 - d) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material);
 - e) Location of habitat features;
 - f) Location of permanent photo stations.

The final site maps should reflect on-the-ground conditions after the site work is completed. Include the month and year when the maps were produced and, if applicable, when information was collected.

- 10) Photographs of the site at as-built conditions taken from permanent photo stations. We recommend photo pans.
- 11) Copies of any records of deed notifications or conservation easements.

Attachment C
Information Required for Monitoring Reports
(See Condition B25)

TREMONT, LLC
WALDRON WOODS RESIDENTIAL PROJECT
Water Quality Certification Order #15695
Corps Reference #NWS-2017-430

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.