



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

*Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000*

October 20, 2020

City of Bellingham Public Works  
Attn: Sam Shipp  
104 W Magnolia Street  
Bellingham, WA 98225

**RE: Amendment to 401 Water Quality Certification Order #18088 for U.S. Army Corps of Engineers Reference No. NWS-2019-548, West Horton Road Phase 1 Project; Wetlands, Bellingham, Whatcom County, Washington**

Dear Sam Shipp:

Enclosed is an amendment to Water Quality Certification (WQC) Order #18088, issued on March 25, 2020, for the above project. The amended WQC includes a strikeout version identifying specific changes to the original WQC conditions. All other (non-amended) conditions of the original WQC #18088 remain in effect.

This amendment recognizes approximately 0.03 acres of additional wetland fill beyond the wetland impacts identified in the original WQC. These impacts will be mitigated through additional wetland enhancement at the West Horton Road Phase I site.

If you have any further questions regarding this amendment, please contact Chris Luerkens at (360) 255-4399. The enclosed WQC Amendment is an appealable action pursuant to the procedures described within this Amendment.

Sincerely,

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

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

Sent via email: [sshipp@cob.org](mailto:sshipp@cob.org)

e-cc: Ross Widener, Widener and Associates  
Freeman Anthony, Bellingham  
Randel Perry, U.S. Army Corps of Engineers  
Elizabeth Fint, Ecology  
Loree' Randall, Ecology – HQ  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

**IN THE MATTER OF GRANTING A ) ORDER #18088, First Amendment**  
**WATER QUALITY ) Corps Reference No. NWS-2019-548**  
**CERTIFICATION TO ) West Horton Road Phase I Project; Wetlands,**  
**City of Bellingham ) Bellingham, Whatcom County, Washington.**  
in accordance with 33 U.S.C. 1341 )  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )

TO: City of Bellingham Public Works  
Attn: Sam Shipp  
104 W Magnolia Street  
Bellingham, WA 98225

On March 25, 2020, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification (WQC) to City of Bellingham Public Works for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on August 21, 2020, to amend WQC Order #18088. In a permit modification request from Widener & Associates, dated July 14, 2020, an increase in wetland fill is proposed as part of the Horton Road project. These wetland impacts will be mitigated through additional wetland enhancement at the West Horton Road Phase I.

Order No. 18088 dated March 25, 2020, is hereby amended as follows:

**I. Wetland impacts and mitigation description is updated from:**

The proposal will result in fill of 0.71 acres of wetland and 0.35 acres of indirect wetland impacts. Wetland impacts will be mitigated through use of 0.81 acres of wetland creation area constructed in conjunction with the North End Regional Pond project (Corps Reference #2013-1115) and enhancement of 1.71 acres of wetlands at the West Horton Road Phase I site. The North End Regional Pond project is off-site and contains a tributary that flows into Bear Creek at a location downstream of the project area.

Is replaced with:

The proposal will result in fill of approximately 0.74 acres of wetland and 0.35 acres of indirect wetland impacts. Wetland impacts will be mitigated through use of 0.81 acres of wetland creation area constructed in conjunction with the North End Regional Pond project (Corps Reference #2013-1115) and enhancement of approximately 2.07 acres of wetlands at the West Horton Road Phase I site. The North End Regional Pond project is off-site and contains a tributary that flows into Bear Creek at a location downstream of the project area.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

### **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. 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 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.) 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**

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

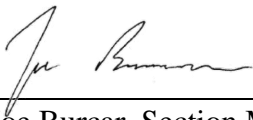
## CONTACT INFORMATION

Please direct all questions about this Order to:

Chris Luerkens  
Department of Ecology  
Bellingham Field Office  
913 Squalicum Way, Suite 101  
Bellingham, WA 98225  
(360) 255-4399

## 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>



10/20/2020

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

Date

This document shows the conditions that have been amended since the original Order was issued on March 25, 2020. Therefore it is not the official certification and should only be used for informational purposes.

**October 20, 2020 First Amendment changes are reflected in Red**

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER # 18088</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2019-548</b>
<b>CERTIFICATION TO</b>	)	West Horton Road Phase I Project; Wetlands,
<b>City of Bellingham</b>	)	Bellingham, Whatcom County, Washington.
in accordance with 33 U.S.C. 1341	)	
(FWPCA § 401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	

City of Bellingham Public Works  
Attn: Sam Shipp  
104 W. Magnolia Street  
Bellingham, WA 98225

On July 17, 2019, the Department of Ecology (Ecology) received the City of Bellingham's request for a Section 401 Water Quality Certification (WQC) for West Horton Road Phase I. The U.S. Army Corps of Engineers (Corps) issued a joint public notice for the project on July 22, 2019.

The proposed project entails extension of West Horton Road for approximately 0.25 miles westward from the current terminus at Pacific Rim Lane to connect with Aldrich Road. The extension will include two 11-foot travel lanes, five-foot bike lanes, and a six-foot-wide sidewalk on both sides of the road. Utilities will be installed along West Horton Road, including a water main, storm sewer, sanitary sewer, street lighting, and utilities. Stormwater from the project will be treated and detained within a stormwater pond south of the proposed roadway. A 60-foot concrete box culvert will be constructed over the tributary of East Bear Creek for the new roadway. Retaining walls will be used as appropriate in order to reduce the fill footprint of the roadway.

The proposal will result in fill of ~~0.71~~ **approximately 0.74** acres of wetland and 0.35 acres of indirect wetland impacts. Wetland impacts will be mitigated through use of 0.81 acres of wetland creation area constructed in conjunction with the North End Regional Pond project (Corps Reference #2013-1115) and enhancement of ~~1.71~~ **approximately 2.07** acres of wetlands at the West Horton Road Phase I site. The North End Regional Pond project is off-site and contains a tributary that flows into Bear Creek at a location downstream of the project area.

The project is located east of Aldrich Road and west of Cordata Parkway, approximately one mile north of West Bakerview Road, and approximately 1.4 miles east of Interstate 5, 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 reviewed 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; and
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 comply with 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 City of Bellingham 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 certification absolves Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

### **A. General Conditions**

1. In this Order, the term “Applicant” shall mean the City of Bellingham and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology’s Northwest Regional Office, Attn: Federal Permit Manager, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008 or via email 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 Order #18088 and include the Applicant name, project name, project contact, and the contact phone number.

3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on July 17, 2019.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new public notice and WQC or if a modification to this Order is required.
6. This Order is not effective until the Corps issues a permit for this project.
7. The Applicant shall send (per A2) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
8. The Applicant shall keep copies of this 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.
9. 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 conditions of this Order are being met.
10. 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.
11. 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.
12. 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. 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.

13. This 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 Order.
14. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
15. 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 Order's obligations, coverage, and liability is submitted to Ecology per condition A2;
  - b. A copy of this Order is provided to the new owner or operator; and
  - c. Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.
16. Conditions in this Order apply to all planned phases of the construction and the mitigation for this project.

## **B. Notification Requirements**

1. The following notifications shall be made via phone or email (email is preferred) to Ecology's Federal Permit Manager via email 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 Order No. 18088 and include the Applicant's name, project name, project location, project contact, and the contact's phone number. Notification is required:
  - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of this Order's conditions.
    - i. In addition to the phone or email notification, 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.
  - b. At least ten (10) days prior to all pre-construction meetings.
  - c. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window.
  - d. At least seven (7) days prior to completing each wetland mitigation site.
  - e. At least seven (7) days prior to the start of impacts to wetlands.



2. 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.

### **C. Timing**

1. This Order is valid until the Applicant meets all its requirements and has received written notification from Ecology to that effect.

### **D. Construction**

#### General Conditions

1. The Applicant shall obtain and comply with the conditions of the Construction Stormwater Permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.
2. 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 clearing, grading, and fill work, and shall be inspected and maintained throughout construction.
3. 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.
4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
5. 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.
6. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
7. All equipment being used below the ordinary high water mark shall utilize bio-degradable hydraulic fluid.

#### Equipment & Maintenance

8. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state, including wetlands. If a staging area must be located within 50 feet of waters of the state, the Applicant shall provide a written explanation and obtain approval

from Ecology's Federal Permit Manager before placing the staging area in the setback area.

9. 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.
10. 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.
11. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.
12. 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.

#### **E. Wetlands Compensatory Mitigation Conditions**

1. The Applicant shall mitigate wetland impacts as described in the *Wetland Mitigation Plan W Horton Road Phase I, City of Bellingham, Whatcom County, Washington* (hereafter called the "Mitigation Plan") prepared by Widener & Associates, and dated September 2019, or as modified 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 A2) 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 (Offsite Mitigation)

4. Unless otherwise approved by Ecology in writing, the Applicant shall use 0.81 acres of wetland creation constructed in conjunction with the North End Regional Pond project (Corps Reference #2013-1115), planted in fall 2015, and described in the Mitigation Plan.

#### Implementation (Onsite Mitigation)

5. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrently with, impacting wetlands, or Ecology may require additional compensation to account for additional temporal loss of wetland functions.

6. If the mitigation site cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:

1. W Horton Road Phase I project.
2. Construction of the on-site mitigation.

With the:

3. Reason for the delay.
4. Expected date of completion.

The Applicant shall submit an updated written notification every 12 months thereafter until the West Horton Road Phase I project and on-site mitigation sites are complete.

7. The Applicant shall ensure all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and landward of the 100-year floodplain, unless otherwise provided for in the Mitigation Plan.
8. The Applicant shall ensure 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), 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 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.
13. If solid or mesh plant protector tubes are used on the mitigation site(s), Ecology strongly recommends the Applicant use fully biodegradable options. If non-biodegradable plant protection options are used, they shall be removed before they interfere with plant growth or before the end of the monitoring period, whichever comes first.
14. The Applicant shall place signs at the mitigation areas' boundaries, including buffers, per the Mitigation Plan or otherwise approved by Ecology, to mark the areas as mitigation sites.

15. After completing construction and planting of the mitigation sites(s), 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 site protection mechanism required in condition E16.
16. The Applicant shall provide Ecology with documentation of a recorded restrictive covenant for the onsite mitigation and offsite mitigation sites. The Applicant shall:
  - a. Request a restrictive covenant template from Ecology or use an appropriate alternative to develop a draft restrictive covenant.
  - b. Send the draft restrictive covenant to Ecology for review and approval prior to recording.
  - c. Record the Ecology-approved restrictive covenant with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
  - d. Record the restrictive covenant 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 that are being protected.
  - e. Send a copy of the recorded restrictive covenant to Ecology with the As-Built Report (see E15), unless otherwise approved by Ecology.

#### Monitoring and Maintenance

17. 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 (3) unless Ecology authorizes in writing the system to remain for a longer period.
18. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described on page(s) 27-35 of the Mitigation Plan.
19. The Applicant shall submit to Ecology (see A2) 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. Include one hard copy and one electronic file.
  - b. Include the information listed in Attachment C (Information Required for Monitoring Reports).
20. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.

21. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for the contingency measures.
22. 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.
23. 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.
24. 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.
25. The Applicant's obligation to compensate for wetland impacts under Condition E1 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 cleanup material available on site at all times during construction.
3. 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.
4. 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.
5. Work causing distressed or dying fish, 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 the Ecology Federal Permit Manager per condition B1 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/or 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.
6. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered onsite or any conditions present indicating disposal or burial of chemicals onsite that may impact surface water or ground water.

**Attachment A**  
**Statement of Understanding**  
**Water Quality Certification Conditions**

West Horton Road Phase I  
City of Bellingham  
Water Quality Certification Order # 18088  
Corps Reference # NWS-2019-548

As the Applicant for the W Horton Road Phase I project, I have read and understand the conditions of Washington State Department of Ecology Order #18088, 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.

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Signature

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Date

---

Title

---

Phone

---

Company

## **Attachment B**

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

West Horton Road Phase I  
City of Bellingham  
Water Quality Certification Order # 18088  
Corps Reference # NWS-2019-548

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.

Not an Official Copy

## **Attachment C**

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

West Horton Road Phase I  
City of Bellingham  
Water Quality Certification Order # 18088  
Corps Reference # NWS-2019-548

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.