



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

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

December 31, 2020

Snohomish County Public Works  
Crilly Ritz  
3000 Rockefeller Avenue, MS 607  
Everett, WA 98201

**RE: Correction to Water Quality Certification Order No. 85631 for Corps No. NWS-2019-505, Little Bear Creek Advance Mitigation Project, Snohomish County, Washington**

Dear Crilly Ritz:

Enclosed is a correction to Water Quality Certification Order # 85631, issued on October 29, 2020, for the above project. We have attached an excerpt of the Water Quality Certification with a strikeout version that reflects the changes made. The purpose of this change is to correct a typographical error from the inadvertent substitution of the facility identification number (85631) for the correct Administrative Order number (18224). All other conditions of the Water Quality Certification remain in effect.

If you have any questions, please contact Doug Gresham at (425) 429-1846.

Sincerely,

A handwritten signature in black ink that reads "Doug Gresham". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Doug Gresham, PWS  
Wetland Specialist  
Shorelands and Environmental Assistance Program

Enclosure

e-cc: Andrew Shuckhart, Corps of Engineers  
ECY RE FEDPERMITS

Loree' Randall – HQ, SEA  
Rebekah Padgett, Ecology  
Scott Olmstead, ESA

**IN THE MATTER OF GRANTING A ) ORDER # ~~85631~~ 18224**  
**WATER QUALITY ) Corps Reference No. NWS-2019-505**  
**CERTIFICATION TO ) Little Bear Creek Advance Mitigation Project;**  
Snohomish County Public Works ) Snohomish 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 )

Snohomish County Public Works Department  
Attn: Crilly Ritz  
3000 Rockefeller Avenue, MS 607  
Everett, WA 98201

On June 2, 2020, the Department of Ecology (Ecology) received a request from Snohomish County Public Works for a Section 401 Water Quality Certification (WQC). A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on June 8, 2020.

The proposed project entails construction of a 17-acre advance wetland mitigation site adjacent to Little Bear Creek that would offset wetland impacts from future road improvement projects. The mitigation plan proposes establishing credits through 0.30 acres of wetland creation, 4.12 acres of wetland reestablishment, 0.46 acres of wetland rehabilitation, 6.55 acres of wetland enhancement, 4.85 acres of buffer enhancement, and 190 linear feet of floodplain enhancement. The project site is located west of 58<sup>th</sup> Avenue SE in Section 34, Township 27N, Range 5E, Water Resource Inventory Area (WRIA) No. 8, Little Bear Creek watershed.

## **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**



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 29, 2020

Crilly Ritz  
Snohomish County Public Works  
3000 Rockefeller Avenue, MS 607  
Everett, WA 98201

**RE: Water Quality Certification Order No. 85631 for Corps No. NWS-2019-505, Little Bear Creek Advance Mitigation Project, Snohomish County, Washington**

Dear Crilly Ritz:

On June 2, 2020, Snohomish County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Little Bear Creek Advance Mitigation project in Snohomish County Washington.

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 Doug Gresham at (425) 429-1846. The enclosed Order may be appealed by following the procedures described in the Order.

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

Enclosure

e-cc: Andrew Shuckhart, Corps of Engineers  
Scott Olmstead, ESA  
Loree' Randall, Ecology  
Rebekah Padgett, Ecology  
ECY RE FEDPERMITS

**IN THE MATTER OF GRANTING A ) ORDER # 85631**  
**WATER QUALITY ) Corps Reference No. NWS-2019-505**  
**CERTIFICATION TO ) Little Bear Creek Advance Mitigation Project;**  
Snohomish County Public Works ) Snohomish 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 )

Snohomish County Public Works Department  
Attn: Crilly Ritz  
3000 Rockefeller Avenue, MS 607  
Everett, WA 98201

On June 2, 2020, the Department of Ecology (Ecology) received a request from Snohomish County Public Works for a Section 401 Water Quality Certification (WQC). A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on June 8, 2020.

The proposed project entails construction of a 17-acre advance wetland mitigation site adjacent to Little Bear Creek that would offset wetland impacts from future road improvement projects. The mitigation plan proposes establishing credits through 0.30 acres of wetland creation, 4.12 acres of wetland reestablishment, 0.46 acres of wetland rehabilitation, 6.55 acres of wetland enhancement, 4.85 acres of buffer enhancement, and 190 linear feet of floodplain enhancement. The project site is located west of 58th Avenue SE in Section 34, Township 27N, Range 5E, Water Resource Inventory Area (WRIA) No. 8, Little Bear Creek watershed.

## **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 that it has reasonable assurance that 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 Snohomish County Public Works 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 Snohomish County Public Works from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

### **A. General Conditions:**

- A1. For purposes of this Order, the term “Applicant” shall mean Snohomish County Public Works 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 via email to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc: [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov) and [patricia.johnson@ecy.wa.gov](mailto:patricia.johnson@ecy.wa.gov) . The submittals shall be identified with Order #85631 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 JARPA received by Ecology on June 2, 2020.
- A4. 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.
- A5. Within 30 days of receipt of any updated information, 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.
- A6. This Order is not effective until the U.S. Army Corps of Engineers (Corps) issues a permit for this project.
- A7. 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.

- A8. 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.
- A9. The Applicant shall provide access to the Little Bear Creek Advance Wetland Mitigation Site (AWMS) upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure conditions of this Order are being met.
- A10. 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.
- A11. 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.
- A12. 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 (7) days prior to start of in-water work.
- A13. The Applicant shall ensure all project engineers, contractors, and other workers at the AWMS 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.
- A14. 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.
- A15. 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 the terms of this Order.

**B. Notification Conditions:**

- B1. The following notification shall be made to Ecology per Condition A2:

- a) Immediately following a violation of state water quality standards or when the project is out of compliance with any of the Conditions of this Order.
    - 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 the onset of work at the AWMS.
  - d) Within ten (10) days after completing work at the AWMS.
- B2. If the AWMS 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 is completed.
- C. Construction Conditions:**
- C1. The Applicant shall implement the *Little Bear Creek Advance Mitigation Site Project, Snohomish County, Washington–Mitigation Plan* (hereafter called the “Mitigation Plan”), prepared by Environmental Science Associates, and dated October 2020 or as revised and approved by Ecology.
  - C2. 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.
  - C3. The Applicant shall have a qualified wetland professional at the AWMS to supervise during construction and planting.
  - C4. Applicant shall obtain and comply with a Construction Stormwater General Permit for this project. (WAR # 308974-3)
  - C5. Construction storm water, 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.
  - C6. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
  - C7. All construction debris shall be properly disposed of in a manner to prevent it from entering the waters of the state.



- C8. 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.
- C9. 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.
- C10. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.
- C11. 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.
- C12. 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.
- C13. The Applicant shall ensure no material is stockpiled within existing wetlands or their buffers at the AWMS at any time, unless provided for in the Mitigation Plan.
- C14. The Applicant shall not use polyacrylamide at the AWMS.
- C15. 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.
- C16. 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.
- C17. 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.

- C18. The Applicant shall not use solid or mesh plant protector tubes at the AWMS, unless otherwise approved by Ecology.
- C19. The Applicant shall place signs protecting the AWMS per the Mitigation Plan, in Appendix A–100% Design Plans, Sheet C14.
- C20. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology per Condition A2 written confirmation (email or signed letter) from a surveyor or project engineer that the finished grades are consistent with the approved Mitigation Plan or subsequent Ecology-approved plan changes and also indicate how final elevations were determined.

**D. Monitoring and Maintenance Conditions:**

- D1. After completing construction and planting of the AWMS, the Applicant shall submit to Ecology (see A2) an as-built report, including plan sheets documenting site conditions at Year Zero:
  - a. An electronic file shall 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 mechanism required in Condition D2.
- D2. The Applicant shall provide Ecology with documentation of a recorded restrictive covenant for the AWMS. 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.
  - 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 that is 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 D1), unless otherwise approved by Ecology.

- D3. The Applicant shall water and maintain all 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 Ecology authorizes in writing the system to remain for a longer period.
- D4. The Applicant shall monitor the AWMS for a minimum of 10 years documenting conditions for years 1, 2, 3, 5, 7, and 10.
- D5. The Applicant shall submit to Ecology (see A2) monitoring reports by December 31 of each monitoring year as listed in Attachment D (Information Required for Monitoring Reports).
- D6. The Applicant shall implement the Mitigation Plan's contingency measures if the Plan's goals, objectives, or performance standards are not being met.
- D7. 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.
- D8. 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.
- D9. 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, etc.) in the monitoring reports.
- D10. For monitoring years five (5) and ten (10), the Applicant shall use *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington* (Ecology Publication No. 10-06-011) to determine the actual number of credits the site has achieved based on current conditions.
- D11. If the Applicant has not met all conditions, including performance standards for the AWMS, at the end of the monitoring period, Ecology may require additional maintenance and monitoring.

**E. Mitigation Credit Use Conditions:**

- E1. All future Snohomish County Public Works projects that propose to impact wetlands and use the AWMS to offset those impacts will be evaluated individually under applicable state regulations and will be required to avoid and minimize wetland impacts to the greatest extent practicable.

- E2. Only Snohomish County Public Works will be allowed to use mitigation credits at the AWMS Site to offset wetland impacts associated with Snohomish County Public Works projects. No other entity can use or purchase mitigation credits at the AWMS.
- E3. Ecology will determine, on a case-by-case basis, whether mitigation credits generated by the AWMS will be considered suitable compensation to offset Snohomish County Public Works proposed wetland impacts. This Order does not guarantee Ecology will deem the AWMS suitable compensation for any specific wetland impact.
- E4. If the Applicant proposes to use mitigation credits at the AWMS within 24 months of construction and planting of the AWMS, then the applicant shall use the appropriate concurrent temporal loss factor to calculate the debits for proposed wetland impacts.
- E5. Snohomish County Public Works must maintain a ledger of all mitigation credits released, used, and remaining at the AWMS. Snohomish County Public Works must submit an updated copy of this ledger to Ecology each time mitigation credit is used at the AWMS and include a current copy of the ledger with each monitoring report.
- E6. Documentation demonstrating attainment of performance standards shall be submitted to Ecology for review and approval as a condition of Ecology's authorization for release of mitigation credits, or use of mitigation credits to offset wetland impacts. Documentation can typically be included in required monitoring reports. Ecology reserves the right to visit the site to confirm whether the monitoring report reflects conditions at the AWMS.
- E7. If the Applicant has not met all conditions, including performance standards for the AWMS, at the end of the monitoring period, Ecology may reduce the number of Total Credits available for use or require additional compensation to ensure wetland impacts associated with projects utilizing AWMS mitigation credits are adequately offset.

**F. Water Quality Conditions:**

- F1. This Order does not authorize exceedances of water quality standards established in WAC 173-201A.
- F2. Work below Ordinary High Water Mark of watercourses shall occur in the dry, to the extent practicable.

**G. Emergency/Contingency Measures:**

- G1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.

- G2. 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.
- G3. 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.
- G4. Any work that is 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:
- Cease operations at the location of the violation or spill.
  - Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
  - 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 (360) 407-7032 or (360) 407-7000.
  - 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.

## **H. Timing Requirements**

- H1. This Order is valid until the end of the monitoring period or until all mitigation credits (as defined in the Mitigation Plan) have been used, and upon receipt of a closeout letter from Ecology.

## **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 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

Street Addresses	Mailing Addresses
<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 RD 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:

Doug Gresham  
Department of Ecology, Northwest Regional Office  
3190 160th Avenue SE  
Bellevue, WA 98008  
(425) 649-7199  
Doug.Gresham@ecy.wa.gov

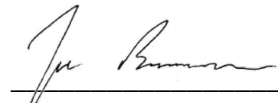
#### MORE INFORMATION

- **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>

**SIGNATURE**

Dated this 29th day of October, 2020, at the Department of Ecology, Bellevue, Washington.



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

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

Little Bear Creek Advance Mitigation Project  
Snohomish County Public Works  
Water Quality Certification Order No. 85631 - Corps Reference No. NWS-2019-505

I, \_\_\_\_\_, state that I will be involved as an agent or contractor for Snohomish County Public Works in the site preparation and/or construction of the Little Bear Creek Advance Mitigation site located near Woodinville, Snohomish County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order No. 85631 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

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**

Little Bear Creek Advance Mitigation Project  
Water Quality Certification Order # 85631 - Corps Reference # NWS-2019-505

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 D**

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

Little Bear Creek Advance Mitigation Project  
Water Quality Certification Order # 85631 - Corps Reference # NWS-2019-505

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.