9/23/2019
Verified Section 401

King County
**Water and Land Resources Division**
Department of Natural Resources and Parks
King Street Center
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855
**206-477-4800** Fax 206-296-0192
TTY Relay: 711

March 13, 2019

U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
c/o Rory Lee, Project Manager
PO Box 3755
Seattle, WA 98124

RE: Chinook Wind Mitigation Project JARPA and supporting materials (NWS-2018-879)

The Chinook Wind Mitigation Project is designed to provide mitigation for impacts to wetlands and aquatic resources caused by developers who have purchased credits through King County's In-Lieu Fee Mitigation Program. The objective of this project is to create approximately 5.5 acres of off-channel aquatic, marsh and riparian habitat for fish and wildlife. About 80,000 cubic yards of material will be removed from the site to create the desired topographies at the appropriate elevations. The project site is in the transition zone of the Duwamish River, which is affected by both fluvial and tidal processes. The project applicants feel that this project conforms to definitions and conditions of Nationwide Permit #27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).

The following documents are included here with this application:

- Preconstruction Notification (PCN) with attached DRAFT Monitoring and Maintenance Plan
- JARPA with Attachment E
- Plan sets (8.5x11" and 11x17")
- Cultural Resources Reports (also provided via email to Lance Lundquist, per request)
- Cultural Resources Monitoring Plan
- Specific Project Information Form (SPIF)
- Appendix A: FPRP Programmatic Email Guidelines and Implementation Form

Construction is planned to occur in 2020. The standard "work window" for work below the Ordinary High Water Line (OHWL) on the riverine/palustrine reaches of the Duwamish River (upstream of the upper turning basin) where this project is located is August 1 – 31. The upper turning basin is about one mile downstream of the proposed project site. The work window downstream of the turning basin, in the marine/estuarine zone of the river, is October 1 to February 15. We are asking for the flexibility to use the marine/estuarine work window up to December 31 in addition to the riverine/palustrine work window due to the expected difficulties

in working in saturated, soft soils and the numerous tasks that must be accomplished during this time. Work to be potentially accomplished during the marine/estuarine fish window may include:

- Excavation of the "shelf" at El. 6' along the riverbank upstream of the channel confluence with the main channel;
- Excavation of the confluence of the new blind channel with the main channel;
- Installation of large wood structures, topsoil and plants;
- Removal of TESC and other measures used to isolate the work area from the river.

All of this work will be accomplished in the dry during low tide windows with the possible exception of completing the excavation of the confluence of the new blind channel with the main river channel. The depth of the new channel at its confluence (12' NAVD 88) is such that it will always be inundated to some degree and some work in the wet will be unavoidable. The area will still be isolated from the main channel flows with a weighted silt curtain and perhaps other means used by the contractor to maintain water quality standards.

The Duwamish River is primarily used by fish as a transport reach between marine waters and spawning reaches upstream, with the exception of rearing juvenile salmon which use the river most in the late winter and spring. Between October and the end of December, several species of adult salmon (pink, coho and chum salmon) will be migrating upstream through the Duwamish, but these should not be adversely affected by the project's activities and are not ESA-listed. ESA-listed natural-origin Coastal/Puget Sound Steelhead Trout are not likely to begin upstream adult migration though the Duwamish until January. Few if any downstream-migrating juvenile salmon should be in the Duwamish during this window (Chris Gregersen, personal communication, 2019). The minimal impacts we expect from project construction during this marine work window should not adversely affect any listed species.

The project team has applied for permission to utilize the Elliott Bay Dredge Disposal site overseen by the Dredged Materials Management Program (DMMP) to dispose of excavation spoils. The DMMP has determined that most of the excavation spoils from the project site qualify as "dredge spoils"—a prerequisite for deposition at the Elliott Bay site—but have not yet determined whether the soil quality meets necessary criteria. That determination will likely not happen until mid-2019. If the approval is granted to dispose of spoils in Elliott Bay, we understand this will initiate Individual Consultation, that the JARPA will be revised and that the public notification process will need to be restarted. The attached JARPA and accompanying documentation assumes conventional disposal of spoils at an upland site.

Also included with the enclosed JARPA application, Attachment E and SPIF are two reports documenting cultural resources investigations on the site, as well as a plan for ensuring no cultural resources are harmed during project construction and an unanticipated discovery plan. The project team recognizes the potential sensitivity of this site and the possibilities for encountering cultural resources during excavation. We have alerted tribal representatives to our plans and circulated sampling plans prior to opening test pits at the site. We welcome continued consultation with agency and tribal representatives as the project permitting process and implementation continues.

The project design team is available to answer questions, clarify project actions or impacts, or to meet if desired. Feel free to contact me at (206)-477-4790 or at laird.orollins@kingcounty.gov. Thank you.

Sincerely,

Wm. Laird O'Rollins

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

US Army Corps of Engineers ®
Seattle District

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

AGENCY USE ONLY

**Date received:** 9/23/2019
Verified Section 401

**Agency reference #:** _____

**Tax Parcel #(s):** _____

## Part 1–Project Identification

| **1.** Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help] |
|---|
| Chinook Wind Mitigation Project |

## Part 2–Applicant

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

| **2a.** Name (Last, First, Middle) | | | |
|---|---|---|---|
| O'Rollins, William Laird | | | |
| **2b.** Organization (If applicable) | | | |
| King County Water and Land Resources Division | | | |
| **2c.** Mailing Address (Street or PO Box) | | | |
| 201 S. Jackson Street, Suite 600 | | | |
| **2d.** City, State, Zip | | | |
| Seattle, Washington 98104-3855 | | | |
| **2e.** Phone (1) | **2f.** Phone (2) | **2g.** Fax | **2h.** E-mail |
| 206-477-4790 | 206-257-8453 | 206-296-0952 | Laird.orollins@kingcounty.gov |

[1]Additional forms may be required for the following permits:
- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

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

## Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

| **3a.** Name (Last, First, Middle) | | | |
|---|---|---|---|
| | | | |
| **3b.** Organization (If applicable) | | | |
| | | | |
| **3c.** Mailing Address (Street or PO Box) | | | |
| | | | |
| **3d.** City, State, Zip | | | |
| | | | |
| **3e.** Phone (1) | **3f.** Phone (2) | **3g.** Fax | **3h.** E-mail |
| | | | |

## Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

| **4a.** Name (Last, First, Middle) | | | |
|---|---|---|---|
| Webb, Megan | | | |
| **4b.** Organization (If applicable) | | | |
| King County WLD—Mitigation Reserves Program | | | |
| **4c.** Mailing Address (Street or PO Box) | | | |
| 201 S. Jackson Street, Suite 600 | | | |
| **4d.** City, State, Zip | | | |
| Seattle, Washington 98104-3855 | | | |
| **4e.** Phone (1) | **4f.** Phone (2) | **4g.** Fax | **4h.** E-mail |
| (206) 477-3865 | | 206-296-0952 | megan.webb@kingcounty.gov |

## Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

**5a.** Indicate the type of ownership of the property. (Check all that apply.) [help]

☐ Private
☐ Federal
☒ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☒ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

**5b.** Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

11244 Tukwila International Blvd

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

Tukwila, Washington 98168

**5d.** County [help]

King

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

| ¼ Section | Section | Township | Range |
|---|---|---|---|
| NE | 09 | 23 North | 04 East |

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

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

47.50125 N. Lat. / -122.29276 W Long.

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

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

0923049153 and 0923049292

**5h.** Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

| Name | Mailing Address | Tax Parcel # (if known) |
|---|---|---|
| GEO HEISER BODY CO INC | 11210 TUKWILA INTERNATIONAL BLVD<br>Tukwila, WA 98168 | 092304-9152 |
| AMALFI INVESTMENTS LLC | 11231 EAST MARGINAL WAY S<br>Tukwila, WA 98168 | 102304-9059 |
| RAMSDEN ANNE-MARIE PR | 11234 TUKWILA INTERNATIONAL BLVD<br>Tukwila, WA 98168 | 092304-9411 |
| City of Tukwila | 6300 Southcenter Blvd.<br>Tukwila, WA 98188 | Tukwila Intl. Blvd. ROW |

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

None

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

Duwamish River

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

☒ Yes ☐ No ☐ Don't know

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

The property/project site is presently unoccupied and is mostly bare dirt. However, 52 trees with DBH greater than 6" still reside on the site. Most of these are remnants of landscaping associated with the motel that occupied the site prior to 2016. There are a number of small, deciduous trees along the bank of the Duwamish River, as well as numerous shrubs and blackberry hedges. These trees and shrubs along the riverbank provide some cover and riparian functions to the Duwamish River, especially considering the dearth of riparian vegetation elsewhere in the Lower Duwamish River. The rest of the site provides very little habitat for wildlife. There is also a pole supporting an osprey nest along the east margin of the property that was placed and is maintained by Seattle Public Utilities.

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

The property is presently vacant. A motel occupied the property from 1962 until its demolition in 2016. The property was purchased by King County's In-Lieu Fee Mitigation Program (KC ILFP) in 2015 for the purpose of constructing a project to provide environmental mitigation.

An easement for a buried water main occupies a 15-foot strip along the eastern margin of the property.

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

The property to the east of the site is presently owned by Amalfi Investments and is leased to UPS Freight as a shipping terminal and for truck storage. The property to the north of the site is occupied by the Heiser Body Company, which performs maintenance of trucks and large equipment. Another smaller parcel to the north and west of the project site is occupied by a landscape business and a coffee kiosk.

The west side of the property is bordered by Tukwila Intl. Blvd and its right-of-way, which is owned and maintained by the City of Tukwila.

The southern edge of the property is occupied by the Duwamish River, the bed of which is owned by the Washington Department of Natural Resources (DNR).

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

There are no above-ground structures remaining on the property except for a tall pole supporting an osprey nest, which was installed by Seattle Public Utilities.

All above-ground elements of the motel which previously occupied the site were demolished in 2016. However, below-ground elements of that structure remain. These include 345 buried concrete pilings of unknown depth, as well as a buried sewer vault (capped and abandoned) and several buried water, sewer, gas and storm drain pipes that have also been capped and abandoned in place. Chain link fence surrounds the site on all sides except for the southern river frontage.

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

Take exit 158 (S. Boeing Access Road) from Interstate 5 and proceed west to Tukwila International Blvd. S. Turn south and proceed approx. ½ mile to the project site, which is on the east side of Tukwila International Blvd. S.

## Part 6–Project Description

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

Approximately 80,000 cubic yards (CY) will be excavated from the site to create a hook-shaped backwater channel with surrounding wetlands and riparian areas to provide mitigation for impacts to wetlands and streams elsewhere in the Central Puget Sound and Green River-Duwamish service areas. The backwater channel will be of sufficient depth to provide valuable fish habitat during most flows/tides. Extensive planting and placement of large wood will enhance habitat and other wetland/riparian functions. A pedestrian trail will be constructed (and permitted) by the City of Tukwila along the east and north edges of the project site.

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

The Chinook Wind Mitigation Project will provide wetland ecosystem functions as well as forage and refuge habitat for Chinook salmon smolts and other fish and wildlife that use the Green River-Duwamish system. These functions will offset unavoidable impacts in the King County In-Lieu Fee Program's Central Puget Sound and Green River-Duwamish service areas. Persistently inundated aquatic habitat in the Duwamish represent both an extremely limited and critically important habitat for ESA listed juvenile Chinook as well as other juvenile salmonids and aquatic species. Urbanization, hydromodification, and diversion of flows from the Black and White Rivers over the past 100 years have resulted in a loss of approximately 97% of Duwamish River estuarine delta wetlands, and a flow reduction of 70-75%. This has had a dramatic effect on the availability of shallow low-velocity aquatic habitats that juvenile Chinook salmon depend on for rearing, foraging, refuge from high velocities, and predator avoidance (Kerwin 2001, Everest & Chapman 1972; Beechie et al. 2005; Bjornn & Reiser 1991). The Duwamish blueprint (2014) identified intertidal mudflats and marsh to be important habitat for juvenile Chinook rearing, though a critical link in providing quality Chinook habitat also includes making sure that they have these shallow low velocity habitats available at low tides when tidal inundation isn't providing lower velocities and access to shallow off-channel areas.

**6c.** Indicate the project category. (Check all that apply) [help]

☐ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational

☐ Maintenance ☒ Environmental Enhancement

**6d.** Indicate the major elements of your project. (Check all that apply) [help]

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

☒ Other: Off-channel habitat and estuarine wetlands will be created by excavating adjacent to the mainstem channel and connecting a deep backwater channel to the mainstem Duwamish River channel.

**6e.** Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Note: Construction of the Chinook Wind Mitigation Project will be accomplished by a contractor selected through a competitive bid process. Means and methods of construction will be largely at the discretion of the contractor.

Assumptions:

- Most work will be accomplished by tracked excavators;
- Upland excavation will begin in the spring, while work below the ordinary high water line (OHWL) will occur only during the "fish window" in August, though it may be necessary to ask for an extension of the WDFW "fish window" until the end of September to finish all below-OHWL work.
- Excavation spoils will be disposed of either at an approved upland disposal site. (If approved by the Dredged Materials Management Office (DMMO) for disposal at the Elliott Bay Dredge Disposal site, this JARPA will be revised.)
- The mapped 100-year floodplain of the Duwamish River extends roughly to the top of the existing bank of the Duwamish and does not extend into the site under present conditions. Only work on the existing bank, including excavation of the connection of the backwater channel to the existing mainstem river channel and excavation of a shelf extending from the backwater channel connection upstream to the project limits, will occur within the existing 100-year floodplain. The finished project will modify the existing 100-year floodplain to cover the majority of the project site.

1. Clearing and grubbing (upland):
    a. All trees >6" DBH will be salvaged with rootwads intact and stockpiled on-site for use in constructing habitat elements.
2. Excavation above groundwater:
    a. Mechanical excavation from upland. Leave shoreline material in place above OHW (El. 10) adjacent to the river, use berm to reduce water entering the excavation at high tide stages. Sequence and direction/progress of excavation to be determined by Contractor.
    b. Handling of fill material:
        i. Visual and FID/PID screening during excavation;
        ii. Where screening suggests impacts, segregate & stockpile material for testing to determine final disposition;
        iii. Otherwise, load directly onto trucks for transport to disposal site.
    c. Handling of native alluvium material:
        i. Assumed to be clean based on existing data;
        ii. Load directly onto trucks for transport to disposal site.
3. Precast Concrete Pile/Buried Vault Removal (upland):
    a. Concrete piles will be either completely removed or cut and removed to 3' below finished grade;
    b. Methodology & sequence determined by contractor;
    c. Piles suitable for upland disposal or recycling;
    d. Pressure wash after extraction to remove soil/sediment.
4. Excavation below groundwater (still separated from the river by berm):
    a. Mechanical excavation "in-the-wet";
    b. Passive dewatering likely required to address free water prior to truck transport;
        i. Sequence operation to maximize excavation below groundwater concurrent with low tide stage;

ii. Stockpile wet material and allow to drain prior to loading;
iii. Mix wet material with dry material;
iv. Overall excavation can be sequenced to allow excavation to finished grade over partial footprint areas, allowing maximum passive dewatering time for wet material, and to facilitate mixing of wet and dry material to mitigate free water.

5. Final stage excavation: remove shoreline berm to create connection with the river:
   a. Employ silt curtain in river or other means of suitable turbidity control prior to removing the shoreline berm and completing shoreline excavation.
   b. Mechanical excavation from berm area;
   c. Excavate to finished grade;
   d. Procedures per above (fill screening and excavation below groundwater);
6. Install large wood/anchors. (Portions of this element may occur prior to removal of the shoreline berm, depending on contractor preference, while some large wood structures will be placed on a "shelf" adjacent to the mainstem channel below OHWL):
   a. Place large wood, including trees salvaged on-site according to plans;
   b. Drive anchors and attach to woody debris per plans.
7. Place topsoil mix per plans to finished grade.
8. Planting:
   a. Install prevegetated coir mats on shoreline shelf;
   b. Install remaining plants per plans;
   c. Install irrigation system.

**6f.** What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start Date: April, 2020 End Date: December, 2020 ☐ See JARPA Attachment D

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

$7,000,000

**6h.** Will any portion of the project receive federal funding? [help]

- **If yes**, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

## Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area. (If there are none, skip to Part 8.) [help]

**7a.** Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☐ Not applicable

This project will not affect or have any adverse effect on any wetlands.

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

☐ Yes ☒ No ☐ Don't know

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

☐ Yes ☒ No ☐ Don't know

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No ☐ Don't know

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

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

No wetlands onsite.

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

King County is implementing this project as an in-lieu fee mitigation project through the King County Mitigation Reserves Program (MRP). A mitigation plan will be submitted to the King County MRP's Interagency Review Team for review and approval prior to construction. Each impact project mitigated for at the Chinook Wind Mitigation Project will submit an in-lieu fee use plan to be on file with King County.

This project will not impact any existing wetlands, but will create new wetlands and aquatic features. Restoring intertidal wetlands, off-channel habitat and woody debris to the Duwamish River provides a net benefit to the environment. This net benefit will compensate for any impacts from construction of the project elements.

**7h.** Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

| Activity (fill, drain, excavate, flood, etc.) | Wetland Name[1] | Wetland type and rating category[2] | Impact area (sq. ft. or Acres) | Duration of impact[3] | Proposed mitigation type[4] | Wetland mitigation area (sq. ft. or acres) |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

**7i.** For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

NA

**7j.** For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

NA

## Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

**8a.** Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

The project is designed and intended to enhance and increase ecological functions on the Duwamish River. The Chinook Wind Mitigation Project will create 5.5 acres of intertidal low marsh, intertidal high marsh, off-channel aquatic fish habitat, mudflat, and riparian habitat. Persistently inundated aquatic habitat in the Duwamish represents both an extremely limited and critically important habitat for ESA-listed juvenile Chinook as well as other juvenile salmonids and aquatic species. Urbanization, hydromodification, and diversion of flows from the Black and White Rivers over the past 100 years have resulted in a loss of approximately 98% of Duwamish river estuarine delta wetlands, and a flow reduction of 70-75%. This has had a dramatic effect on the availability of shallow low-velocity aquatic habitats that juvenile Chinook salmon depend on for rearing, foraging, refuge from high velocities, and predator avoidance (Kerwin 2001, Everest & Chapman 1972; Beechie et al. 2005; Bjornn & Reiser 1991). The Duwamish blueprint (2014) identified intertidal mudflats and marsh to be important habitat for juvenile Chinook rearing, though a critical link in providing quality Chinook habitat also includes making sure that they have these shallow low velocity habitats available at low tides when tidal inundation isn't providing lower velocities and access to shallow off-channel areas.

Construction impacts to the Duwamish River will be minimized by keeping most construction activities physically separated from the mainstem, and/or by using silt curtains or other isolating measures to minimize sedimentation and turbidity. Erosion BMP's will be employed after construction to further minimize sedimentation and turbidity

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

☒ Yes ☐ No

**8c.** Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

**8d.** Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

King County is implementing this project as an in-lieu fee mitigation project through the King County Mitigation Reserves Program (MRP). A mitigation plan will be submitted to the King County MRP's Interagency Review Team for review and approval prior to construction. Each impact project mitigated for at the Chinook Wind Mitigation Project will submit an in-lieu fee use plan to be on file with King County.

This project will not negatively impact any existing waterbodies, but will create new riparian wetlands and aquatic features. Restoring intertidal wetlands, off-channel habitat and woody debris to the Duwamish River provides a net benefit to the environment. This net benefit will compensate for any impacts from construction of the project elements.

**8e.** Summarize impact(s) to each waterbody in the table below. [help]

| Activity (clear, dredge, fill, pile drive, etc.) | Waterbody name[1] | Impact location[2] | Duration of impact[3] | Amount of material (cubic yards) to be placed in or removed from waterbody | Area (sq. ft. or linear ft.) of waterbody directly affected |
|---|---|---|---|---|---|
| Modify | Duwamish River | Channel bank and adjacent (extending up to 450 feet landward of the existing channel bank). | Permanent | Approx. 80,000CY will be removed from the channel bank and the site adjacent to the river channel. | ~600 linear ft. |

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

**8f.** For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

No fill material will be placed into the Duwamish River or other water bodies. (If the disposal of spoils in the Elliott Bay Dredged Material Disposal Site is approved by the Dredged Materials Management Program, this JARPA will be revised.)

**8g.** For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

Approximately 80,000 CY of material (sand, sandy silt and silty sand) will be excavated from the project site adjacent to (and connected with) the Duwamish River. This material will likely be excavated using tracked excavators, though means and methods of work are left largely to the Contractor that wins the competitive bidding process to construct the project. Excavated material will be disposed of at an approved upland disposal site. (If approval for the disposal of spoils in the Elliott Bay Dredged Material Disposal Site is granted by the Dredged Materials Management Program [DMMP], this JARPA will be revised).

## Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

**9a.** If you have already worked with any government agencies on this project, list them below. [help]

| Agency Name | Contact Name | Phone | Most Recent Date of Contact |
|---|---|---|---|
| USACE | Suzanne Anderson/Rory Lee | 206-764-3708/ 206-316-3360 | Sept. 17, 2018 (Pre-Application Meeting |
| WA DNR | Vivan Roach | 253-341-7564 | Sept. 19, 2018 |
| Dredged Materials Management Program agency representatives (USACE, WA DNR, WA DOE | Celia Barton, DNR DMMP Manager:<br>David Fox, USACE | 360-902-1735<br>David.F.Fox@usace.army.mil | Dec. 11, 2018 |
| Washington Dept. of Fish and Wildlife | Larry Fisher | (425) 313-5683<br>Larry.Fisher@dfw.wa.gov | Jan. 7, 2019 |

**9b.** Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☒ Yes ☐ No

The Duwamish River adjacent to the proposed project site is listed for 7 Category 5 parameters:

- Polychlorinated biphenyls (PCBs) (listing 14090)
- Alpha-BHC (listing 14089)
- 4,4'-DDE (listing 14088)
- 4,4'-DDT (listing 14086)
- 4,4'-DDD (listing 14087)
- pH (listing 7475)
- Temperature (listing 7036)

**9c.** What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

17110013

**9d.** What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

WRIA 9

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

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

☒ Yes ☐ No ☐ Not applicable

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

- If you don't know, contact the local planning department.
- For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☒ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☐ Other: _____

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

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

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

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

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

☒ Yes ☐ No

Name of manual: _____

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

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

☒ Yes ☐ No

Soils at the site were tested for contaminants by Aspect Consulting in 2017. Sampling and testing identified the presence of TPH, PAHs, and PCBs in soils on the Site; however, the results of the investigation activities summarized in their report indicate that the extent of those COCs is limited in extent to discrete and localized areas of the Site. The full report will be included with the application materials for review.

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

The site was home to a motel which, in recent years, was used as a short-term residential facility, prior to the demolition of all surface structures on site in 2016. Records indicate that the motel was constructed in 1962 and aerial photos indicate that the site was used for farming and agriculture prior to construction of the motel. It appears there were residential structures along the eastern portion of the site during the 1950s, but their construction and demolition dates are uncertain.

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

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

☒ Yes ☐ No

**9l.** Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Puget Sound Chinook salmon, Puget Sound steelhead trout and Coastal-Puget Sound bull trout/dolly varden are both listed as "threatened" species under the Endangered Species Act and are known to migrate up and down the Duwamish River, though neither is known to spawn in the Duwamish. Other listed aquatic species that may occur in or near the Duwamish River (including Elliott Bay and Puget Sound) include Southern resident killer whales and Steller sea lions.

ESA-listed terrestrial/avian species that could occur in the vicinity include marbled murrelet, northern spotted owl, short-tailed albatross and Western snowy plover.

| **9m.** Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help] |
|---|
| Species listed in WDFW's PHS database that occur in the Duwamish River vicinity include:<br>Sockeye salmon<br>Coho salmon<br>Resident cutthroat trout<br>Fall chum salmon<br>Fall Chinook salmon<br>Winter steelhead trout<br>Summer steelhead trout<br>Dolly varden/bull trout<br>All of these species could be affected by the proposed project, which will create off-channel habitat along their migration corridors that could be beneficial to each species at various life stages. |

## Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

| **10a.** Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]<br>• For more information about SEPA, go to https://ecology.wa.gov/regulations-permits/SEPA-environmental-review. |
|---|
| ☐ A copy of the SEPA determination or letter of exemption is included with this application. |
| ☒ A SEPA determination is pending with King County (lead agency). The expected decision date is April, 2019. |
| ☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help] |
| ☐ This project is exempt (choose type of exemption below).<br>☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? _____<br>☐ Other: _____ |
| ☐ SEPA is pre-empted by federal law. |
| **10b.** Indicate the permits you are applying for. (Check all that apply.) [help] |
| **LOCAL GOVERNMENT** |
| **Local Government Shoreline permits:**<br>☐ Substantial Development ☐ Conditional Use ☐ Variance<br>☒ Shoreline Exemption Type (explain): Habitat/Environmental Restoration |
| **Other City/County permits:** Tukwila Public Works Permit<br>☐ Floodplain Development Permit ☐ Critical Areas Ordinance |
| **STATE GOVERNMENT** |

**Washington Department of Fish and Wildlife:**

☒ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

**Washington Department of Natural Resources:**

☒ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources. **Do not send cash.**

**Washington Department of Ecology:**

☒ Section 401 Water Quality Certification

**FEDERAL AND TRIBAL GOVERNMENT**

**United States Department of the Army (U.S. Army Corps of Engineers):**

☒ Section 404 (discharges into waters of the U.S.) ☐ Section 10 (work in navigable waters)

**United States Coast Guard:**

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

**United States Environmental Protection Agency:**

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

**Tribal Permits:** (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☒ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

## Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

**11a.** Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. WLOR (initial)

| William Laird O'Rollins | | 2/26/2019 |
|---|---|---|
| Applicant Printed Name | Applicant Signature | Date |

**11b.** Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

| | | |
|---|---|---|
| Authorized Agent Printed Name | Authorized Agent Signature | Date |

**11c.** Property Owner Signature (if not applicant) [help]

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

| MEGAN WEBB | | 2/26/19 |
|---|---|---|
| Property Owner Printed Name | Property Owner Signature | Date |

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018