

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101**

In the Matter of:

**William C. Nelson, Jr. and
The Estate of Barbara Nelson,
Redmond, Washington**

Respondents.

DOCKET NO. CWA-10-2016-0087

**ADMINISTRATIVE ORDER
ON CONSENT**

I. STATUTORY AUTHORITY

1.1. The United States Environmental Protection Agency ("EPA") issues this Administrative Order on Consent ("Consent Order") pursuant to the authority vested in the EPA Administrator by Sections 308 and 309(a) of the Clean Water Act ("Act" or "CWA"), 33 U.S.C. §§ 1318 and 1319(a). This authority has been delegated to the Regional Administrator, Region 10, and has been duly redelegated to the undersigned Director of the Office of Compliance and Enforcement.

II. STIPULATIONS

2.1. The purpose of this Consent Order is to remedy William C. Nelson, Jr.'s and the Estate of Barbara J. Nelson's (Respondents') alleged discharge of dredged or fill material into

waters of the United States more fully described in Section IV below. Respondents neither admit nor deny the EPA's Finding and Conclusions in Section IV.

2.2. The EPA and Respondents recognize that this order has been negotiated in good faith and that the actions undertaken by Respondents in accordance with this Consent Order do not constitute an admission of fault or liability. EPA and Respondents have voluntarily entered into this Consent Order in lieu of alternatives available to the EPA and Respondents, including litigation. Respondents retain the right to controvert in any subsequent proceedings the validity of EPA's Findings and Conclusions, other than proceedings to implement or enforce this Consent Order.

2.3. Respondents agree to comply with and be bound by the terms of this Consent Order and further agree that they will not contest the validity of this Consent Order or its terms as specified herein.

III. APPLICABILITY

3.1. Respondents waive any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondents may have with respect to any issue of fact or law or any terms and conditions set forth in this Consent Order, including any right of judicial review of this Consent Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

3.2. This Consent Order shall be binding on Respondents and their agents, employees, attorneys, successors, and assigns. This Consent Order shall be binding on anyone operating under the direction of the Order.

3.3. Respondents must provide a copy of this Consent Order to all contractors and/or consultants retained to perform any of the work described in this Consent Order at least 48 hours prior to the initiation of such work.

3.4. If Respondents transfer any interest in the real property prior to completion of the work described in this Consent Order, Respondents must provide a copy of this Consent

Order to any successor in ownership, control, operation, or any other interest in all or any portion of the real property at issue at least 30 days prior to the transfer and must simultaneously notify EPA in writing that such notice has been given. No transfer or contract shall in any way affect Respondent's obligation to comply fully with all the terms and conditions of this Consent Order.

IV. EPA'S FINDINGS AND CONCLUSIONS

4.1 Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into waters of the United States by any person, except as authorized by a permit issued pursuant to Section 402 or 404 of the Act, 33 U.S.C. § 1342 or 1344. Each discharge of pollutants from a point source that is not authorized by such a permit constitutes a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

4.2 Respondents are "persons" within the meaning of Sections 301(a) and 502(5) of the Act, 33 U.S.C. §§ 1311(a) and 1362(5).

4.3 Respondents own, possesses, and/or control approximately 124 acres of real property in Redmond, Washington, known as Gunshy Manor Farm (hereinafter "the Farm"). The Farm is located near 7240 196th Avenue, Redmond, Washington, 98053, Latitude 47.669589°, Longitude -122.076217°, which is generally depicted in the aerial Photograph, attached as Exhibit "A." On February 18, 2015, Agency staff from the EPA, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, and the Washington State Department of Ecology conducted a site visit and collected soil samples at the Farm.

4.4 At the time of the unauthorized activities described below, the Farm contained wetlands within the meaning of 33 C.F.R. § 328.3(b) and 40 C.F.R. § 232.2. The wetlands impacted by the alleged unauthorized discharges described in paragraph 4.6 below meet the criteria for jurisdictional wetlands in the 1987 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands."

4.5 The wetland areas impacted by the alleged unauthorized discharges described in paragraph 4.6 below are adjacent and hydrologically connected to ditches and streams that

eventually flow into Evans Creek, which flows into Bear Creek, which flows into the Sammamish River. The Sammamish River is a Rivers and Harbors Act Section 10, 33 U.S.C. § 403, water and is a “water of the United States” as defined in 33 C.F.R. § 328.3(a)(1), and 40 C.F.R. § 232.2, and is therefore is a “navigable water” as defined in CWA Section 502(7), 33 U.S.C. § 1362(7). Consequently, the ditches and streams and the adjacent wetlands impacted by the alleged unauthorized discharges described in paragraph 4.6 below are “waters of the United States” within the meaning of 33 C.F.R. §§ 328.3(5)&(7) and 40 C.F.R. § 232.2, and therefore “navigable waters” as defined in CWA Section 502(7), 33 U.S.C. § 1362(7).

4.6 On or before January 2010 to the effective date of this Consent Order, at times more fully known to Respondents, Respondents and/or persons acting on their behalf, used heavy earth-moving equipment to place dredged and/or fill material into wetlands and other waters of the United States at the Farm. This activity occurred when Respondents spread fill material in areas known as the Spur Farm Road and the Loop Farm Road and in a portion of the South Farm Ditch located in the Summer Pasture, hereinafter referred to as “the Site,” which areas are generally depicted in the Site Aerial Photograph, attached as Exhibit “A.”

4.7 The construction equipment referenced in Paragraph 4.6 is a “point source” within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14).

4.8 The dredged and/or fill materials that Respondent and/or persons acting on his behalf caused to be discharged, as referenced in Paragraph 4.6, included dirt and gravel, among other things, each of which constitutes “dredged material” and/or “fill material” within the meaning of 40 C.F.R. § 232.2, and each of which constitutes a “pollutant” within the meaning of Section 502(6) of the Act, 33 U.S.C. § 1362(6).

4.9 By causing such dredged and/or fill materials to enter waters of the United States, Respondent engaged in the “discharge of pollutants” from a point source within the meaning of Sections 301(a) and 502(12) of the Act, 33 U.S.C. §§ 1311(a) and 1362(12).

4.10 Respondent's discharges of dredged and/or fill materials described in Paragraph 4.6 above were not authorized by any permit issued pursuant to Section 404 of the Act, 33 U.S.C. § 1344. Respondent is therefore in violation of section 301(a) of the Act, 33 U.S.C. § 1311(a).

4.11 Each day the dredged and/or fill material remains in place without the required permit constitutes an additional day of violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

4.12 Taking into account the seriousness of these violations and any good faith efforts to comply with applicable requirements, the schedule for compliance contained in Section V of this Consent Order is reasonable and appropriate.

V. COMPLIANCE MEASURES

Based upon the foregoing FINDINGS AND CONCLUSIONS and pursuant to Sections 308 and 309(a) of the Act, 33 U.S.C. §§ 1318 and 1319(a), it is hereby AGREED and ORDERED as follows:

5.1. Prohibition of Discharge: Respondents shall not discharge any dredge or fill material into any waters of the United States at the Site except in compliance with this Consent Order or a permit issued or authorized pursuant to the CWA, or CWA Section 404(f).

5.2. Submission of Final Restoration and Mitigation Work Plan: No later than **90 days after the effective date of this Consent Order**, Respondent must submit to the EPA contact identified in Paragraph 5.12 of this Consent Order, for review and approval, a Final Restoration and Mitigation Work Plan consistent with the documents entitled, "Draft Work Plan," attached as Exhibit "B," and "Draft Vegetation Plan," attached as Exhibit "C." This Final Restoration and Mitigation Work Plan must include:

5.2.1. A scaled site survey, sketch(s) and/or drawing(s), depicting the Site's features and boundaries ("Site Survey") for purposes of being able to locate the restoration and mitigation activities as set forth in paragraph 5.2.2 below;

5.2.2. A description of the exact areas where restoration and mitigation activities will occur, using the Site Survey described in Paragraph 5.2.1 above as a base, including the dimensions (length, width and depth) of the South Farm Ditch to be meandered and the dimensions (length, width, and volume) of the soil and gravel to be removed from the road and the Site restored. Indicate the location of proposed plantings/seeding;

5.2.3. A description of how the work is to be completed, including: (1) a task schedule, including anticipated start dates for when the fill removal and restoration activities would commence; (2) list of heavy earthmoving equipment to be used; (3) the name(s) and contact information for the person(s) and/or contractor(s) that will complete the work under this Compliance Order; (4) the process for meandering the South Farm Ditch and vegetating the area; (5) the process for removing gravel fill and vegetating the area; and (6) the upland disposal location and an estimate of the quantity (cubic yards) of gravel material to be removed;

5.2.4. A list of the best management practices ("BMPs") (including silt fences, silt curtains, work practices, etc.) Respondents will employ during the restoration and mitigation activities to minimize to the maximum extent practicable: (1) the discharge of sediment and other pollutants to waters of the United States, including wetlands; and (2) soil compaction and damage to existing vegetation.

5.2.5. A Vegetation Plan identifying the specific plant species, planting densities, planting locations, and vegetation techniques that Respondents will employ;

5.2.6. A 5-year Monitoring Plan describing the hydrologic monitoring for the remeander of the South Farm Ditch (flow, channel stability, and erosion); vegetation monitoring; and photographic monitoring and documentation for the restoration and mitigation measures contained in the Final Restoration and Mitigation Work Plan. Performance standards for the hydrology of the remeander of the South Farm Ditch

(flow, channel stability, and erosion) and a 70% survivability rate for the vegetation should be established.

5.2.7. A Contingency Plan (or Adaptive Management Plan) identifying the steps Respondents will take in the event the performance standards for restoration activities are not achieved.

5.3. Approval by EPA: Upon receipt of the Final Restoration and Mitigation Work Plan, EPA will, within a reasonable time, review and approve the plan or submit a request for additional information. Respondent shall respond to an initial request for additional information within 30 days. EPA will review the response to the request for additional information and approve the plan or submit a final request for additional information within a reasonable time.

5.4. Notification to EPA: At least seven days prior to commencing activities on the Site under the EPA-approved Final Restoration and Mitigation Work Plan, Respondent must notify the EPA representative identified in Paragraph 5.12.

5.5. Implementation: **No later than March 31, 2017**, Respondent must complete the restoration work as required by the EPA-approved Final Restoration and Mitigation Work Plan..

5.6. Completion Report: Within fourteen days of completing the on-site mitigation activities described in the EPA-approved Final Restoration and Mitigation Work Plan, Respondents must notify, in writing, the EPA representative identified in Paragraph 5.12. The notification must include photographs of Site conditions before and after compliance with this Consent Order. EPA will approve the Completion Report within a reasonable time, not to exceed thirty (30) days from receipt of Respondents' written notification.

5.7. Annual Report: On or before the first anniversary of EPA's approval of the Completion Report described in Paragraph 5.6 above, Respondents must submit to the EPA contact identified in Paragraph 5.12 of this Consent Order the first of four (4) annual reports that include: (1) documentation of the hydrologic changes in the remainder of the South Farm Ditch; (2) photographic documentation of the fill removal at the Spur Road; and (3) documentation of

the seeding/vegetation efforts described in the EPA-approved Final Restoration and Mitigation Work Plan. Respondent must submit similar such annual reports on the same date in each of the following three years: year 2, year 4, and year 5.

5.8. Site Access: Until termination of this Order, Respondents must, commencing on the Effective Date, provide EPA and its employees and representatives with access at reasonable times, after providing reasonable notice to Respondents, to the Site to inspect the areas of the Site that pertain to implementation of this Consent Order and must provide access to all records and documentation required to be kept as part of the restoration and mitigation activities conducted pursuant to this Consent Order.

5.9. Force Majeure: In the event that there is an actual or anticipated delay attributable to force majeure, the time for performance of the obligation shall be extended by written agreement of the parties. An extension of the time for performing an obligation directly affected by the force majeure event shall not, of itself, extend the time for performing a subsequent obligation.

5.9.1. For the purposes of this Consent Order, "force majeure" shall mean any event beyond the reasonable control of Respondents or any entity controlled by Respondents, including Respondents' contractors, consultants, and subcontractors, that delays or prevents performance of any obligation under this Consent Order notwithstanding Respondents' best efforts to avoid the delay. The best efforts requirement includes using best efforts to anticipate any such event and minimize the delay caused by any such event to the greatest extent practicable. Examples of events that are not force majeure events include, but are not limited to, increased costs or expenses of any work to be performed under this Consent Order and financial difficulties encountered by Respondents.

5.9.2. If any event may occur or has occurred that may delay the performance of any obligation under this Consent Order, whether or not caused by a force majeure,

Respondents must notify by telephone the EPA contact identified in Paragraph 5.12 of this Consent Order, within ten business days of when Respondents became aware that the event might cause a delay. Within ten days thereafter, Respondents must provide in writing the reasons for the delay, the anticipated duration of the delay, the measures taken or to be taken to prevent or minimize the delay, a timetable by which those measures will be implemented, and whether, in Respondents' opinion, such event may cause or contribute to an endangerment to public health or the environment. Respondents must exercise best efforts to avoid or minimize any delay and any effects of a delay. Failure to comply with the notice requirements of this paragraph shall preclude Respondents from asserting any claim of force majeure.

5.9.3. Respondents shall have the burden of demonstrating, by a preponderance of the evidence, that the actual or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay was or will be warranted under the circumstances, that Respondents did exercise or is using best efforts to avoid and mitigate the effects of the delay, and that Respondents complied with the requirements of this section.

5.10. Dispute Resolution. Unless otherwise expressly provided for in this Consent Order, the dispute resolution procedures of this provision shall be the exclusive mechanism for resolving disputes arising under this Consent Order. The parties shall attempt to resolve any disagreement concerning this Consent Order expeditiously and informally. If Respondents object to any EPA action taken pursuant to this Consent Order, Respondents shall notify the EPA in writing of their objection within ten (10) days of such action, unless the objection has been resolved informally. The EPA and Respondents shall have thirty (30) days from EPA's receipt of Respondents' written objections to resolve the dispute through formal negotiations (the "Negotiation Period"). The Negotiation Period may be extended at the sole discretion of the EPA. Any agreement reached by the parties pursuant to this paragraph shall be in writing and

shall, upon signature of the parties, be incorporated into and become an enforceable part of this Consent Order. If the parties are unable to reach an agreement within the Negotiation Period, the Director of the Office of Compliance and Enforcement, EPA Region 10, will issue a written decision on the dispute. This decision shall be incorporated into and become an enforceable part of this Consent Order. Respondents' obligations under this Consent Order shall not be tolled by submission of any objection for dispute resolution under this paragraph. Following resolution of the dispute, as provided by this Section, Respondents shall fulfill the requirement that was the subject of the dispute in accordance with the agreement reached or with the EPA's decision, whichever first occurs.

5.11. **Modification:** The deadlines set forth in this Consent Order may be modified by written agreement of the Parties.

5.12. **Project Coordinators:** The parties have designated his respective Project Coordinators as follows:

(a) For EPA:

Krista Rave-Perkins
Water and Wetlands Enforcement Unit
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Mail Stop – OCE-101
Seattle, Washington 98101
Phone: (206) 553-6686

(b) For Respondents:

William C. Nelson, Jr.
16508 NE 79th St.
Redmond, WA 98052
buffnelson@nelrem.com
Phone: 425-881-7831

The Project Coordinators shall be responsible for overseeing the implementation of this Consent Order and receiving communications, which include, but are not limited to, all documents, reports, comments, approvals, and other correspondence submitted or exchanged under this

Consent Order. EPA and Respondents may change their respective Project Coordinator by giving the other party advance written notice.

5.13. Failure to timely and appropriately implement to EPA's satisfaction any element of the EPA-approved Restoration and Mitigation Plan shall be deemed a violation of this Consent Order and of the Clean Water Act.

5.14. Nationwide Permit 32 for Completed Enforcement Actions, 77 Fed. Reg. 10184, 10184 (Feb. 21, 2012), authorizes "[a]ny structure, work, or discharge of dredged or fill material remaining in place or undertaken for mitigation, restoration, or environmental benefit in compliance with" the terms of a CWA 309(a) Consent Order. Upon the effective date of this Consent Order, as described in paragraph 5.15 below, Respondents shall provide to the District Engineer of the U.S. Army Corps of Engineers, Seattle District an application in the form of the letter attached at Exhibit D, which requests the District Engineer to verify that Nationwide Permit 32 authorizes Respondents to implement the Final Restoration and Mitigation Plan in accordance with the Scope of Work Memo and Work Plan.

5.15. This Consent Order shall become effective on the date it is signed by EPA ("Effective Date") and shall terminate upon written concurrence from EPA that Respondents have complied with its terms.

VI. POTENTIAL SANCTIONS

6.1. Failure to comply with the terms of this CWA Section 309(a) Consent Order may result in your liability for statutory civil penalties under CWA Section 309(d), 33 U.S.C. § 1319(d), as modified 40 C.F.R. Part 19. Should EPA commence an action seeking penalties for violations of this Consent Order, a United States district court may impose civil penalties if, after notice and opportunity for a hearing, the court determines that you have violated the CWA and failed to comply with the terms of the Consent Order. The court has the authority to impose separate civil penalties for violation of the CWA as well as for violation of this Consent Order.

6.2. This Consent Order is not a permit, and nothing in this Consent Order shall be construed to relieve Respondents of any applicable requirements of federal, state, or local law.

The undersigned representative of Respondents certifies that he is fully authorized to enter into the terms and conditions of this Order and to bind Respondents to this document.

STIPULATED and AGREED this 1st day of June, 2016:


William C Nelson, Jr.

It is so ORDERED and AGREED this 7th day of June, 2016:


Edward J. Kowalski, Director
Office of Compliance and Enforcement

EXHIBIT A: FARM AND SITE AERIAL PHOTOGRAPH

**William C. Nelson, Jr. and
The Estate of Barbara Nelson
Consent Order – Exhibits
Docket Number CWA-10-2016-0088**

**U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
(206) 553-1073**


EXHIBIT B: DRAFT WORK PLAN

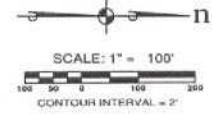
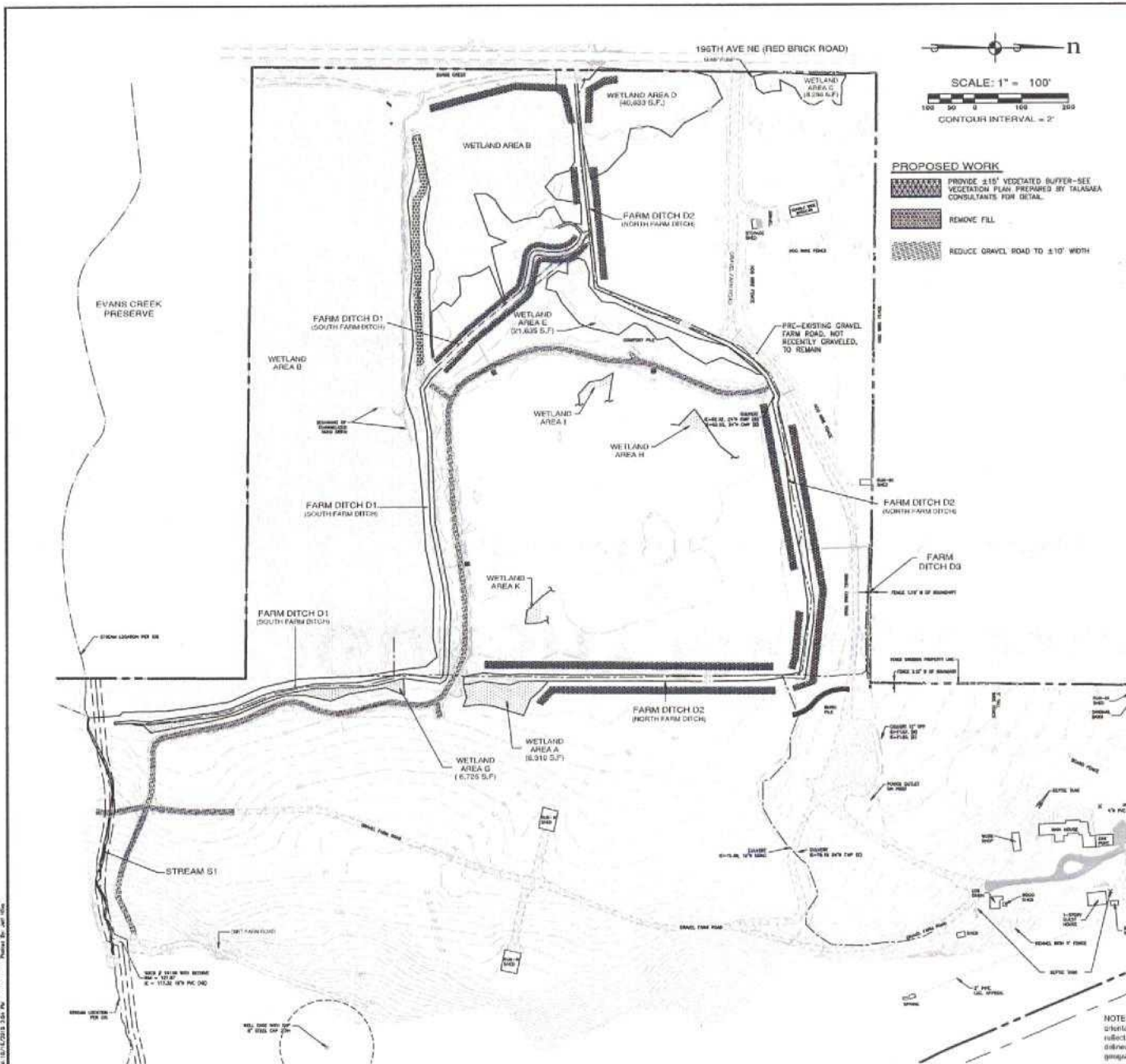
**William C. Nelson, Jr. and
The Estate of Barbara Nelson
Consent Order – Exhibits
Docket Number CWA-10-2016-0088**

**U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
(206) 553-1073**

GUNSHY MANOR FARM

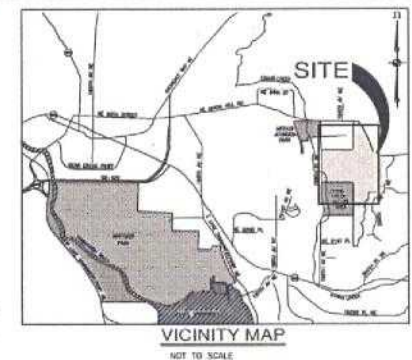
EPA DRAFT WORK PLAN

JOB NO. 100-00-001 DATE: 05/12/2015 DRAWN BY: JAYC CHECKED BY: JAYC DATE: 05/12/2015		THE ESTATE OF BARBARA J. NELSON GUNSHY MANOR FARM KING COUNTY EPA DRAFT WORK PLAN WASHINGTON		EEM CONSULTING ENGINEERS, LLC 22400 8th Ave S, Suite 205 Federal Way, WA 98003 www.eemcvi.com Civil Engineering Public Works Land Surveying Project Management Land Planning Landscape Architecture		 Barbara J. Nelson Professional Engineer License No. 10000 State of Washington		REVISIONS NO. DATE BY 1 05/12/2015 JAYC	
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PROPOSED WORK

- PROVIDE ±15' VEGETATED BUFFER-SEE VEGETATION PLAN PREPARED BY TALASKA CONSULTANTS FOR DETAIL.
- REMOVE FILL
- REDUCE GRAVEL ROAD TO ±15' WIDTH



Sheet Index

SHEET NO.	DRAWING NO.	DESCRIPTION
1	EN-01	EPA DRAFT WORK PLAN
2	EN-02	EPA DRAFT WORK PLAN
3	EN-03	EPA DRAFT WORK PLAN
4	EN-04	EPA DRAFT WORK PLAN
5	EN-05	EPA DRAFT WORK PLAN
6	EN-06	EPA DRAFT WORK PLAN

OWNER
THE ESTATE OF BARBARA J. NELSON AND THE NON
GST NONEXEMPT TRUST #2
C/O WILLIAM C. NELSON, JR.
18508 NE 75TH STREET
REDMOND, WA 98072

SITE DATA
KING COUNTY ASSESSORS PARCEL NUMBERS: 082506-9012
-9102
-9104
-9105
ADDRESS: 2412 196TH AVE NE
REDMOND, WA 98053
COMPREHENSIVE PLAN DESIGNATION: RURAL
ZONING: RA-5
LAND USE: RESIDENTIAL/FARMING

WETLAND CONSULTANT
TALASKA CONSULTANTS
10000 3RD AVE NE
WOODINVILLE, WA 98072

HORIZONTAL DATUM
PLAT OF "GUN-SHY RIDGE" AS RECORDED IN VOLUME
148 OF PLATS, PAGES 77 THROUGH 89, UNDER
RECORDING NO. 8810161051.

BASIS OF BEARING
N 80°14'24" E PER THE PLAT OF "GUN-SHY RIDGE" AS
MEASURED BETWEEN THE FOUND SOUTHWEST CORNER OF
SECTION AND THE FOUND WEST QUARTER CORNER OF
SECTION AS SHOWN HEREIN.

BASIS OF VERTICAL DATUM:
NAVD83

BENCH MARK: COR 9157, 2" DIAMETER BRASS DISK
STAMPED "CITY OF REDMOND 9157, 2008"
LOCATION: SET IN CENTER OF A 5 FOOT WIDE CONCRETE
SLAB AT THE NORTH END OF "TASTIC BRICK ROAD",
± 2' SOUTH OF THE INTERSECTION OF NE UNION
HILL RD. AND 196TH AVENUE NE
ELEVATION = 68.32

TEMPORARY BENCHMARKS:
TBM#1000-REBAR AND CONTROL, CAP, EL. 64.62
TBM#2002-PK NAIL AND WASH-ER, EL. 68.32

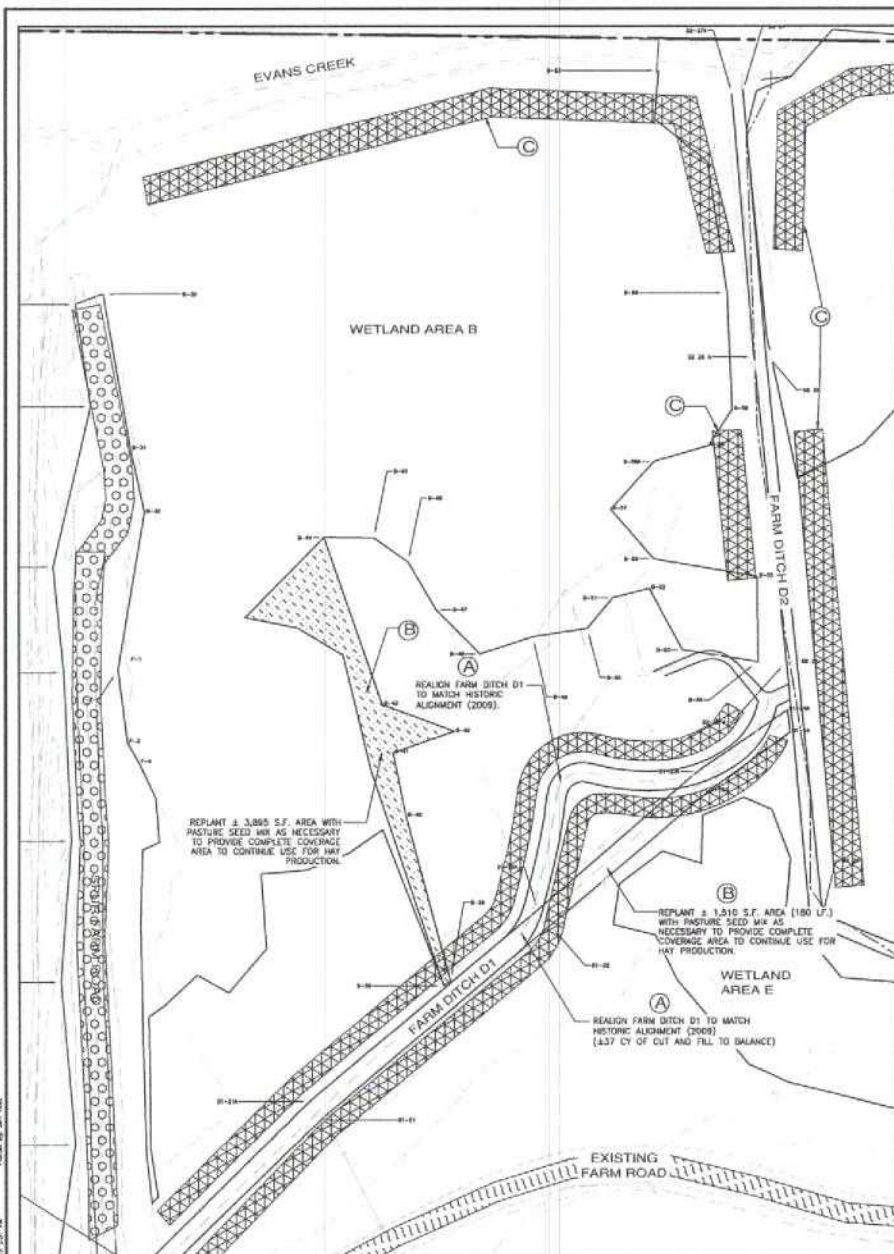
NOTE: This diagram is for general
informational purposes and does not
reflect an EPA approved wetland
delimitation or a determination of the
geographic extent of waters of the U.S.

NO.	DESCRIPTION	DATE
1	EN-01	12/15/2013

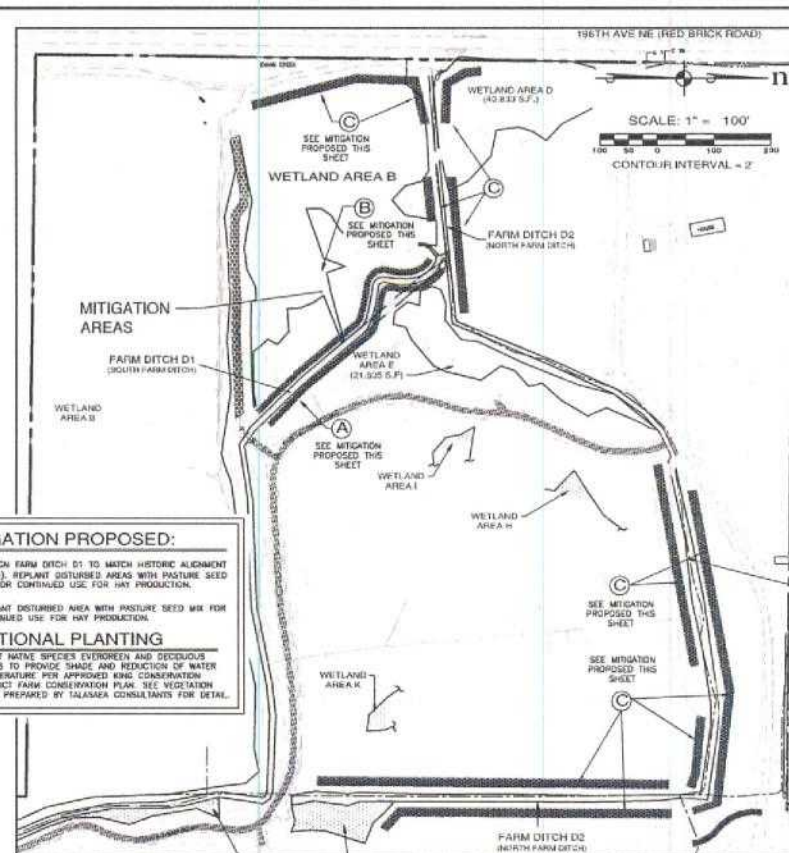
ESM CONSULTING ENGINEERS, LLC
JAMES E. SMITH, P.E., LEED AP
10000 3RD AVE NE
WOODINVILLE, WA 98072
www.esmllc.com
Call: 206.461.1111
Fax: 206.461.1112
Email: jsmith@esmllc.com

THE ESTATE OF BARBARA J. NELSON
GUNSHY MANOR FARM
EPA DRAFT WORK PLAN
WASHINGTON
KING COUNTY

JOB NO.: 1308-001-012
DRAWN: JES
CHECKED: JES
DATE: 12/15/2013
EN-01
1 of 6 SHEETS



ENLARGED AREA OF MITIGATION
 SCALE: 1" = 30'



OVERALL AREA OF MITIGATION

MITIGATION PROPOSED:

A REASON FARM DITCH D1 TO MATCH HISTORIC ALIGNMENT (2009). REPLANT DISTURBED AREAS WITH PASTURE SEED MIX FOR CONTINUED USE FOR HAY PRODUCTION.

B REPLANT DISTURBED AREA WITH PASTURE SEED MIX FOR CONTINUED USE FOR HAY PRODUCTION.

ADDITIONAL PLANTING

C PLANT NATIVE SPECIES EVERGREEN AND DECIDUOUS TREES TO PROVIDE SHADE AND REDUCTION OF WATER TEMPERATURE PER APPROVED KING CONSERVATION DISTRICT FARM CONSERVATION PLAN. SEE VEGETATION PLAN PREPARED BY TALASAGA CONSULTANTS FOR DETAIL.

SYMBOL LEGEND

- PLANT NATIVE SPECIES EVERGREEN AND DECIDUOUS TREES TO PROVIDE SHADE AND REDUCTION OF WATER TEMPERATURE PER APPROVED KING CONSERVATION DISTRICT FARM CONSERVATION PLAN. SEE VEGETATION PLAN PREPARED BY TALASAGA CONSULTANTS FOR DETAIL.
- REPLANT WITH PASTURE SEED MIX AS NECESSARY TO PROVIDE COMPLETE COVERAGE. REFER TO SEED CHART THIS SHEET.
- PASTURE AND HAYLAND REHABILITATION**
 - A. CONTROL PROBLEM PERENNIAL WEEDS.
 - B. PRIOR TO SEEDING, APPLY LIME AND FERTILIZER AT RATES IN ACCORDANCE WITH CURRENT SOIL TESTING.
 - C. PLOW OR DISC OLD SOO AS EARLY AS POSSIBLE.
 - D. HARROW TO PREPARE A SMOOTH, FIRM SEEDBED.
 - E. PLANT TO SEEDING PASTURE SPECIES IN EARLY FALL.

SEED CHART		
FORAGE SPECIES ADAPTATION BY USE AND SOIL TYPE		
SOIL TYPE	USE: GRAZING ONLY OR GRASSING A HAY	USE: BLD. UNIV. ONLY PORN HAY
POORLY DRAINED IN WINTER AND EARLY SPRING	TALL FESCUE ANNUAL PERENNIAL PERENNIAL PERENNIAL ALFALFA CLOVER WHITE CLOVER RED CLOVER BROMUS BROMUS BROMUS	TALL FESCUE ANNUAL PERENNIAL ALFALFA CLOVER WHITE CLOVER RED CLOVER BROMUS BROMUS BROMUS
WATER DRAINAGE, DRY UNPAVED AND HOT DRAINS	TALL FESCUE ANNUAL PERENNIAL PERENNIAL PERENNIAL ALFALFA CLOVER WHITE CLOVER RED CLOVER BROMUS BROMUS BROMUS	TALL FESCUE ANNUAL PERENNIAL PERENNIAL PERENNIAL ALFALFA CLOVER WHITE CLOVER RED CLOVER BROMUS BROMUS BROMUS

1. USE ONLY IN A MIX WITH OTHER SPECIES.

2. SEEDING NOT RECOMMENDED FOR MANAGEMENT AND REHABILITATION OF EXISTING STRIPS. SEE SPECIES INFORMATION, SPECIES AND NATURAL REHABILITATION FOR WEEDS, WEEDS AND DROPS. WASHINGTON STATE UNIVERSITY EXTENSION.

NOTE: This diagram is for general orientation purposes and does not reflect an EPA approved wetland delineation or a determination of the geographic extent of waters of the U.S.

REVISED

NO.	DESCRIPTION	DATE
1	PA. DRAWS	10/14/2013

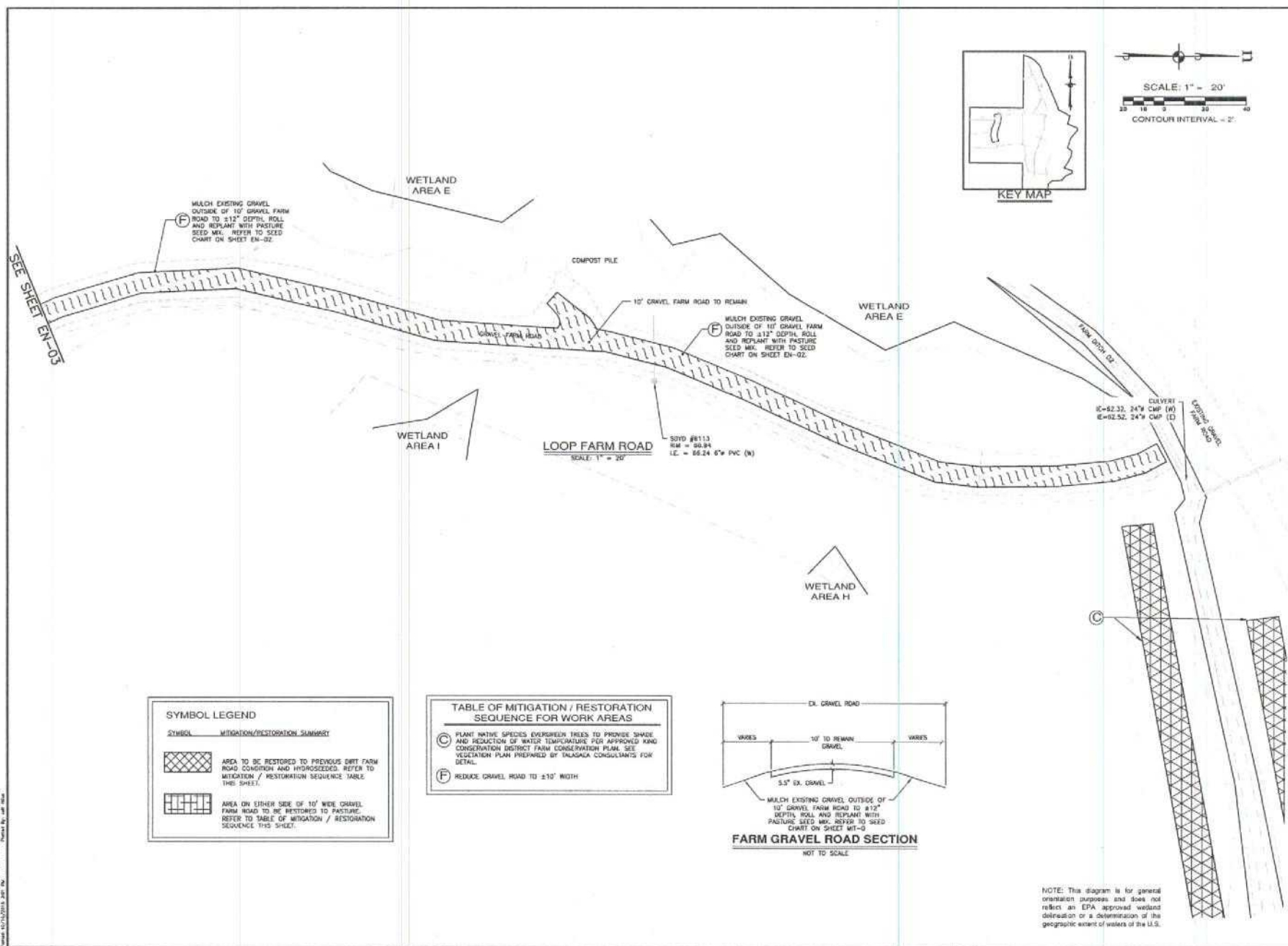
STATE OF WASHINGTON
LANDSCAPE ARCHITECT
Barbara J. Nelson
 LICENSE NO. 143

ESM CONSULTING ENGINEERS, LLC
 1111 1st Ave. N.E.
 Seattle, WA 98109
 TEL: 206.461.1111
 FAX: 206.461.1112
 WWW.ESMCVLL.COM

THE ESTATE OF BARBARA J. NELSON
GUNSHY MANOR FARM
EPA DRAFT WORK PLAN

WASHINGTON
KING COUNTY

EN-02
 2 of 6 SHEETS



REVISIONS		
NO.	DESCRIPTION/DATE	BY
1	FOR COMMENTS 12/14/2012	C



THE ESTATE OF BARBARA J. NELSON
GUNSHY MANOR FARM
EPA DRAFT WORK PLAN

JOB NO.:	100-001-01
DWG. NAME:	DN-3
DESIGNED BY:	SC
DRAWN BY:	LS
CHECKED BY:	
DATE:	10/14/2010
DATE OF REVISION:	

EXHIBIT C: DRAFT VEGETATION PLAN

**William C. Nelson, Jr. and
The Estate of Barbara Nelson
Consent Order – Exhibits
Docket Number CWA-10-2016-0088**

**U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
(206) 553-1073**

DRAFT VEGETATION PLAN

**GUNSHY MANOR
KING COUNTY, WASHINGTON**

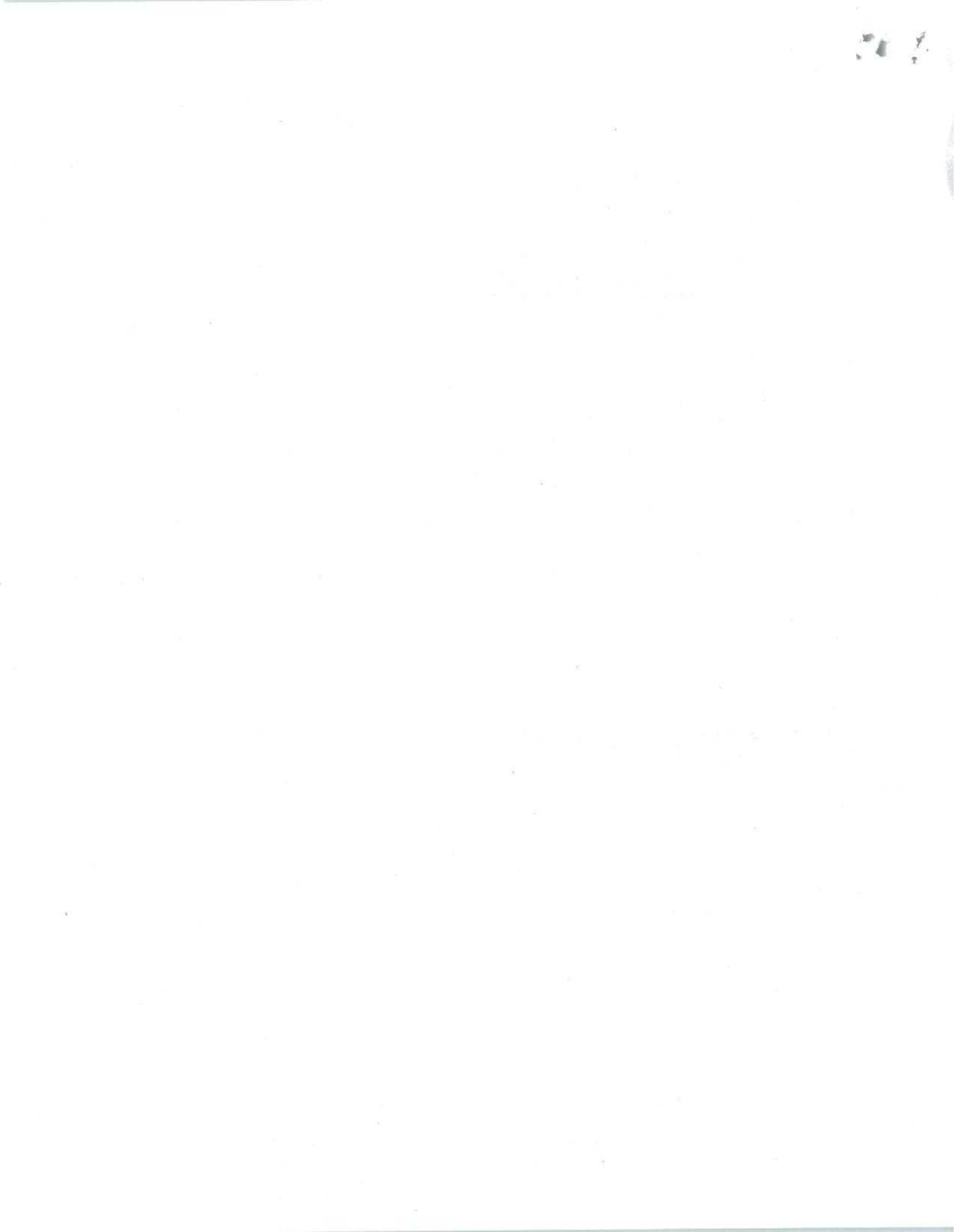
Prepared For:

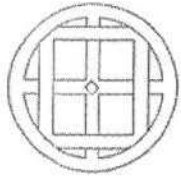
THE ESTATE OF BARBARA J. NELSON.
Redmond, Washington

Prepared By:

TALASAEA CONSULTANTS, INC.
Woodinville, Washington

February 4th, 2016





TALASAEA
CONSULTANTS, INC.

February 4, 2016

Tal-1147

Mr. Buff Nelson
Estate of Barbara J. Nelson
16508 NE 79th Street
Redmond, WA 98052

REFERENCE: Gunshy Manor Farm Property

SUBJECT: Draft Vegetation Plan – Letter of Explanation

Dear Buff:

This letter provides some additional context to the attached Draft Vegetation Plan (Figure TC-1) for the Gunshy Manor farm property. This Draft Vegetation Plan provides additional diversity and complexity to the EPA Final Restoration Work Plan dated August 11th, 2015 (Figure EPA-1).

Gunshy Manor is an existing and fully functioning farm with a rich history. Because there is already considerable loss of valuable farmland in the Vegetation Plan, we have taken care to ensure that the vegetation not functionally interfere with the maintenance and operations of the farm and have avoided causing additional loss of farming land. The additional areas of vegetation take into account the need to preserve farmland and are consistent with and support the neighborhood's history of a rustic and pastoral environment. Our proposed additional shrubs and trees add diversity and complexity to the planting areas.

The mitigation areas outlined below reference Figure EPA-1. The location of the proposed supplemental vegetation communities is reflected in the Draft Vegetation Plan (Figure TC-1) and its associated figures:

Mitigation Area A (Figure EPA-1):

- Farm Ditch D1 shall be realigned (see civil plans) and planted with a variety of native trees/shrub species to enhance habitat complexity. **See Figure 1: Proposed Planting Community 1** for more information of conceptual plant spacing and arrangement.



Mitigation Area B (Figure EPA-1):

- Wetland Area B: See civil plans for restoration dated on 11 August 2015, with work completed in August 2015.

Mitigation Area C (Figure EPA-1):

- West of Wetland Area B: Area adjacent to Evans Creek and Red Brick Road. This is a High Visual Impact area. **See Figure 3: Proposed Planting Community 3** for more information of conceptual plant spacing and arrangement.
 - Create shading of Evans Creek for anadromous fish habitat.
 - Plant wet adapted species throughout riparian habitat area.
 - Plant understory shrubs in existing vegetated areas
 - Create access routes (approx. 10-foot wide, and 45 feet O.C.) in-between planting islands for farm maintenance.
- Confluence Farm Ditch 1 & 2: Area adjacent to Wetland Area B. Must be wet adapted due to seasonal high water table and periodic flooding from Evans Creek. **See Figure 2: Proposed Planting Community 2** for more information of conceptual plant spacing and arrangement.
 - Create shading of Ditch 2 for anadromous fish habitat.
 - Plant wet adapted species throughout riparian habitat area.
- Farm Ditch 2: Area adjacent to Thompson Field. Must not shade out fields due to agricultural production needs. **See Figure 4: Proposed Planting Community 4** for more information of conceptual plant spacing and arrangement.
 - Create shading of Farm Ditch 2 for anadromous fish habitat.
 - Plant predominately coniferous species throughout riparian habitat area.
 - Create access routes (approx. 10-foot wide, and 45 feet O.C.) in-between planting islands for farm maintenance.
 - Apply soil amendments as needed.

The EPA Final Restoration Work Plan proposed planting of approximately 200 coniferous trees along the farm ditches that require shade for anadromous fish habitat (see civil plans by ESM).

The **Proposed Planting Communities 1, 2, 3, and 4** contain approximately 125 trees, in addition to approximately 500 shrubs that, in combination, promote the desired habitat complexity and diversity.

Mr. Buff Nelson
Estate of Barbara J. Nelson
4 February 2016
Page 3 of 5

If you have any questions or need any additional information, please contact me as soon as possible via email at bshiels@talasaea.com or via phone at 425-861-7550.

Sincerely,

TALASAEA CONSULTANTS, INC.

William E. Shiels
Principal

Attachments:

- Figure TC-1: Draft Vegetation Plan
- Figure EPA-1: EPA Final Restoration Work Plan, prepared by ESM, dated 8-11-2015
- Figures 1, 2, 3, and 4: Proposed Planting Community
- Figure 5: Candidate Plant List
- Plant Illustrations

cc: Lori Terry Gregory, Foster Pepper
Eric LaBrie, ESM Consulting Engineers
David Halinen, P.E., Esq.
File

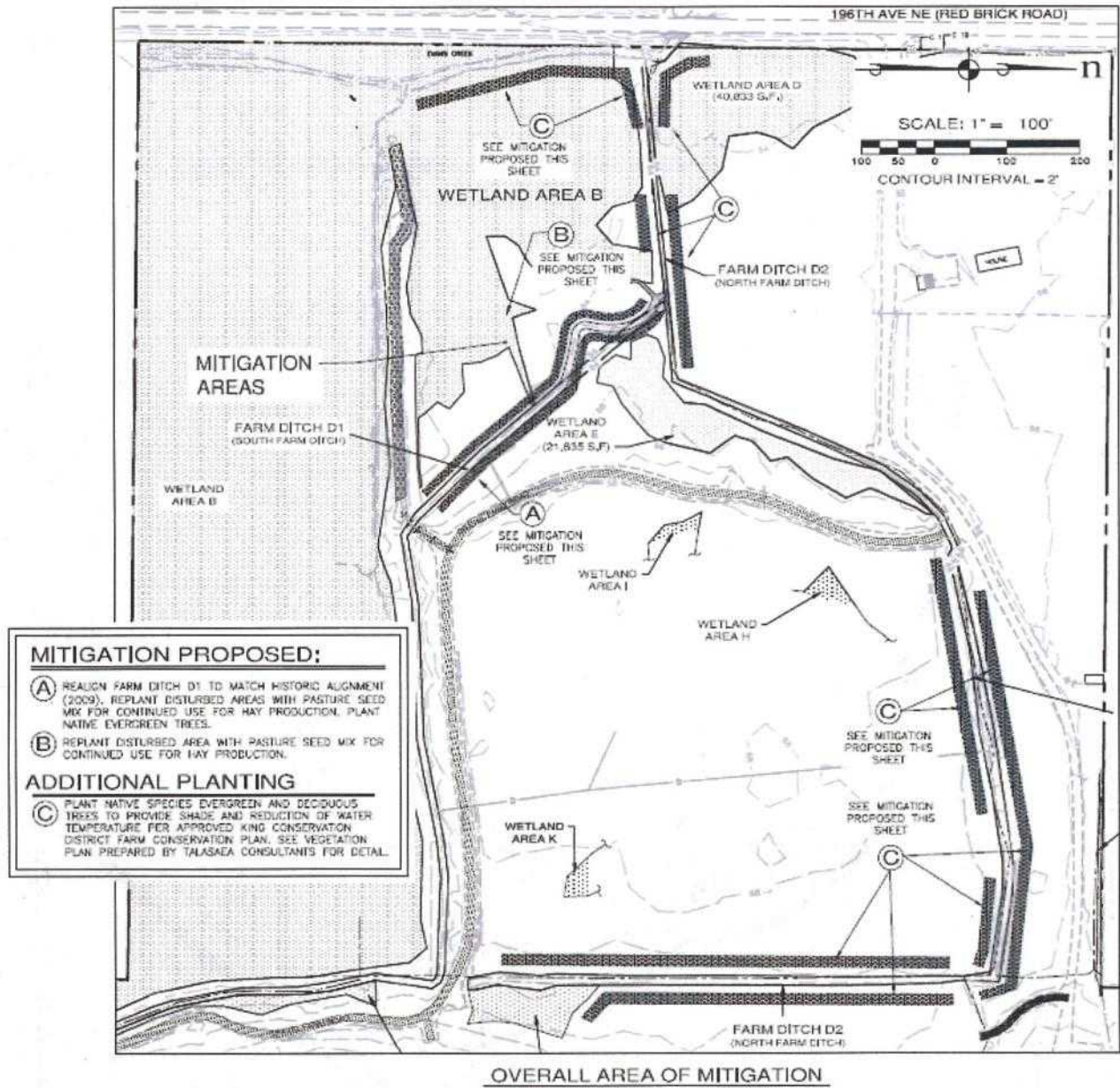
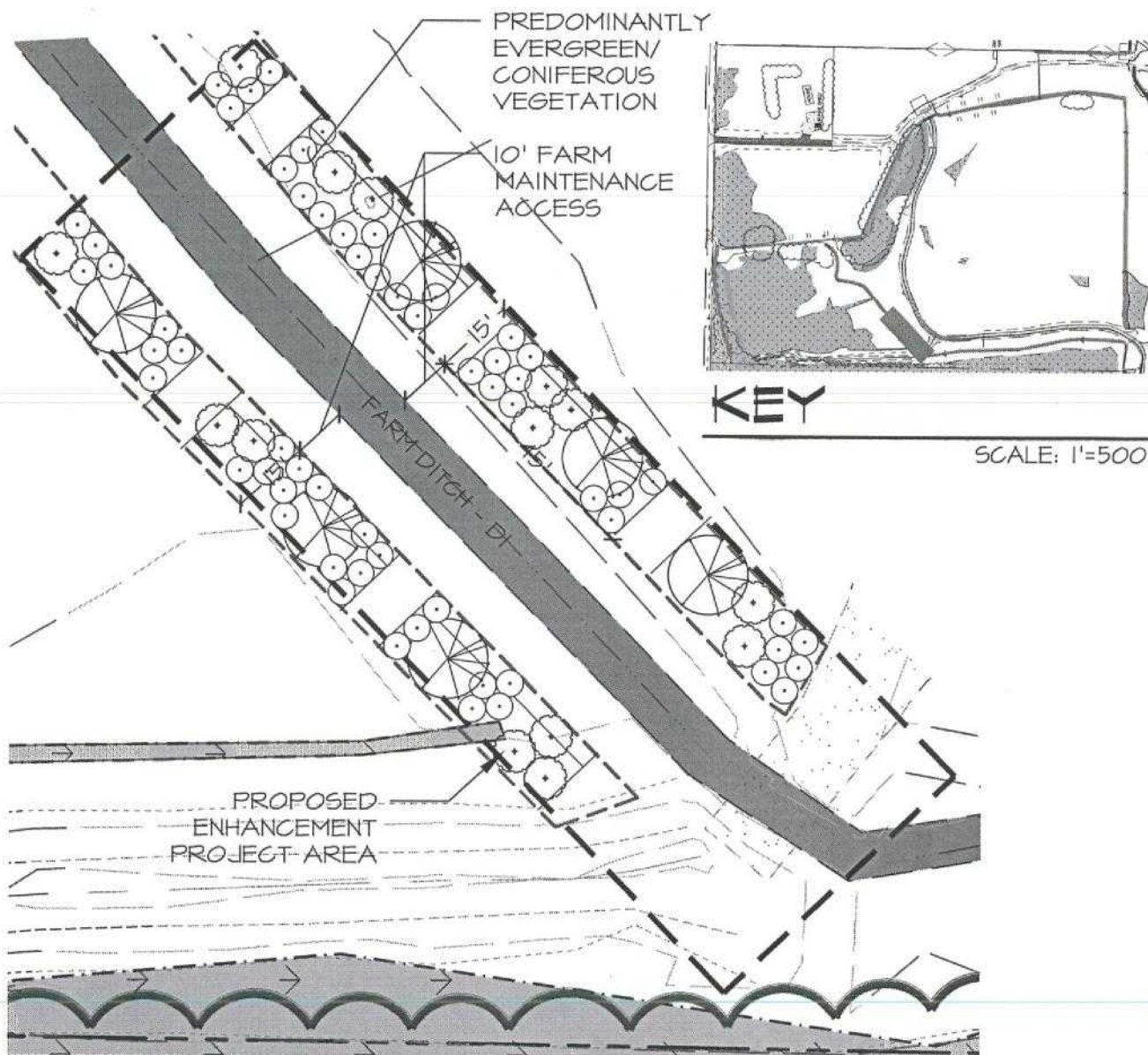


Figure EPA-1: EPA Final Restoration Work Plan prepared by ESM, dated 8-11-2015 (Sheet EN02 (clip only)).

This diagram is for general purposes and does not reflect an EPA approved wetland delineation or a determination of the geographic extent of Waters of the U.S.



PLANTING COMMUNITY I

SEE CANDIDATE PLANT LIST ON FIGURE 5

GRAPHIC SCALE
(IN FEET)



SCALE: 1"=30'



THIS DIAGRAM IS FOR GENERAL ORIENTATION PURPOSES AND DOES NOT REFLECT AN EPA APPROVED WETLAND DELINEATION OR A DETERMINATION OF THE GEOGRAPHIC EXTENT OF WATERS OF THE U.S.



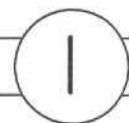
TALASAEA
CONSULTANTS, INC.

Resource & Environmental Planning
15020 Bear Creek Road Northeast
Woodinville, Washington 98077
Bus (425)861-7550 - Fax (425)861-7549

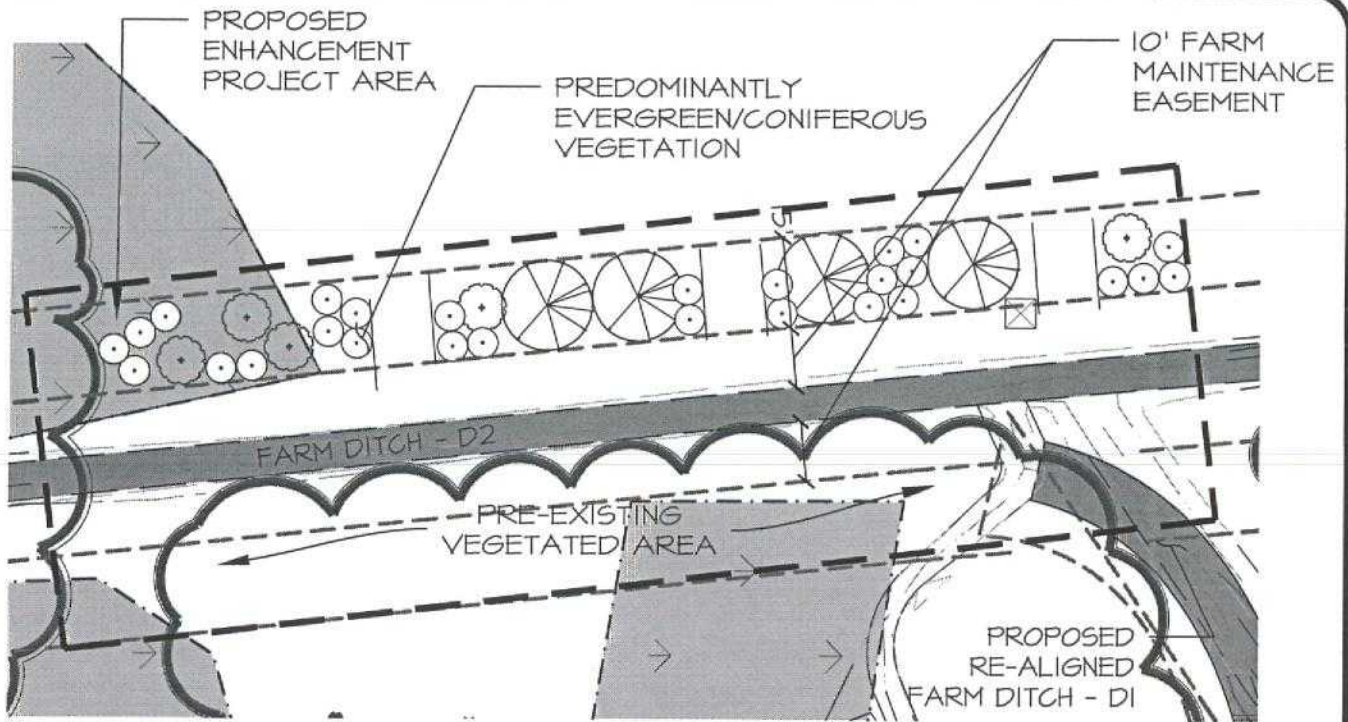
FIGURE #1

PROPOSED PLANTING COMMUNITY I
GUNSHY MANOR
REDMOND, WASHINGTON

DESIGN	DRAWN	PROJECT
BS	ABS	1147
SCALE		
AS SHOWN		
DATE		
10-13-2015		
REVISED		







PLANTING COMMUNITY 2

GRAPHIC SCALE
(IN FEET)



SCALE: 1"=30'



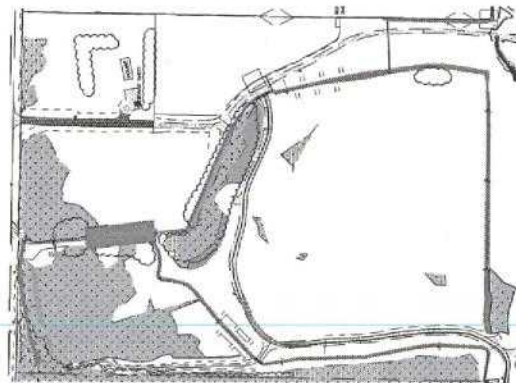
LEGEND

○ MASSING SHRUB

● LARGE SHRUB/SMALL TREE

⊙ CONIFEROUS TREE

SEE CANDIDATE PLANT LIST ON FIGURE 5



KEY

SCALE: 1"=500'

THIS DIAGRAM IS FOR GENERAL ORIENTATION PURPOSES AND DOES NOT REFLECT AN EPA APPROVED WETLAND DELINEATION OR A DETERMINATION OF THE GEOGRAPHIC EXTENT OF WATERS OF THE U.S.



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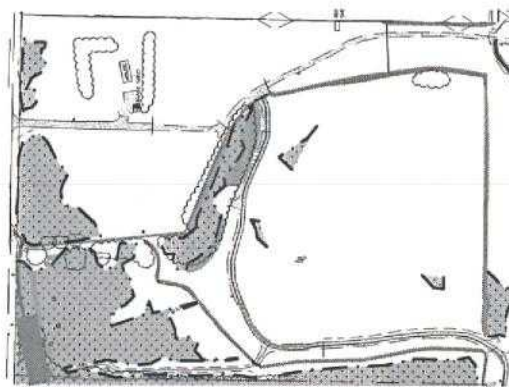
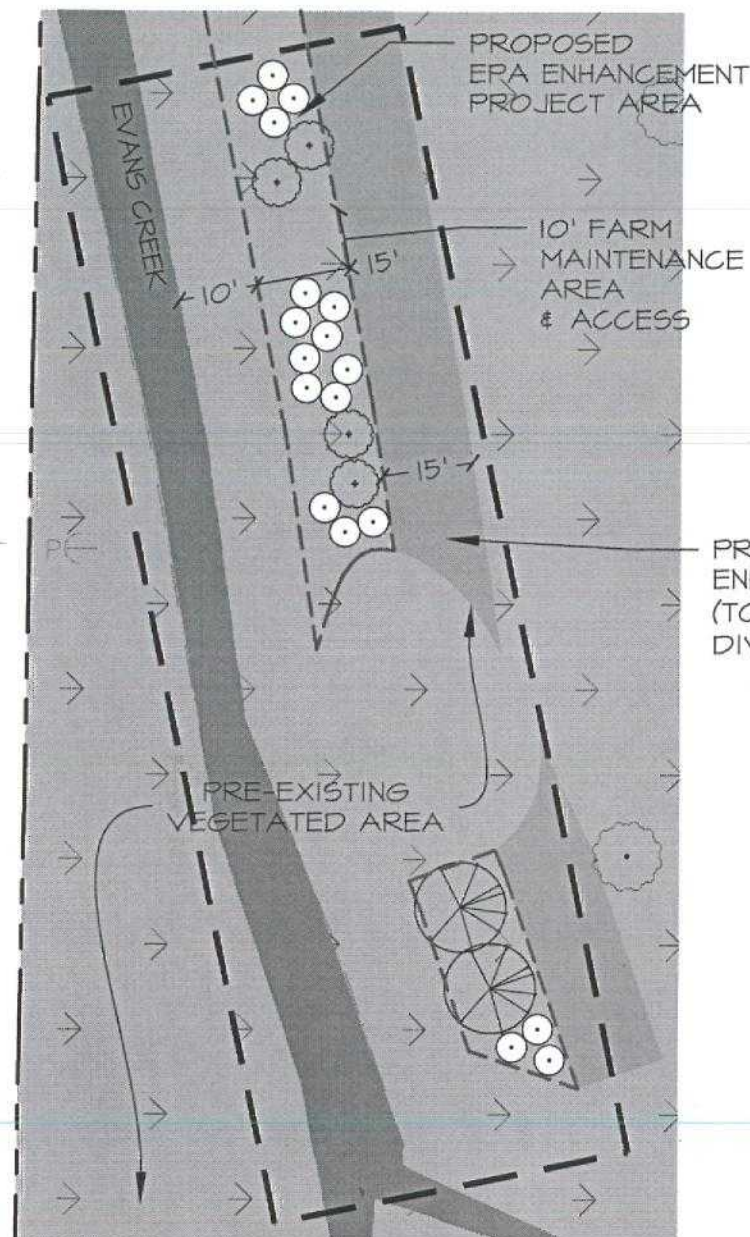
FIGURE #2

PROPOSED PLANTING COMMUNITY 2
GUNSHY MANOR
REDMOND, WASHINGTON

DESIGN BS	DRAWN ABS	PROJECT 1147
SCALE AS SHOWN		
DATE 10-13-2015		
REVISED		

2

The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the role of the government in the development of the country. He argues that the government has played a crucial role in the growth of the nation, and that it is essential for the government to continue to play this role in the future. The author then discusses the role of the individual in the development of the country. He argues that the individual has played a crucial role in the growth of the nation, and that it is essential for the individual to continue to play this role in the future. The author then discusses the role of the community in the development of the country. He argues that the community has played a crucial role in the growth of the nation, and that it is essential for the community to continue to play this role in the future. The author then discusses the role of the nation in the development of the world. He argues that the nation has played a crucial role in the growth of the world, and that it is essential for the nation to continue to play this role in the future. The author then discusses the role of the world in the development of the future. He argues that the world has played a crucial role in the growth of the future, and that it is essential for the world to continue to play this role in the future.



KEY

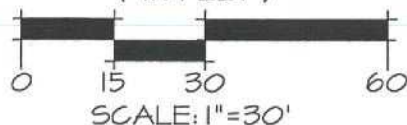
SCALE: 1"=500'

PROPOSED ECOLOGY
ENHANCEMENT PROJECT AREA
(TO MATCH EPA PLANT MATERIAL
DIVERSITY AND DENSITY)

PLANTING COMMUNITY 3

SEE CANDIDATE PLANT LIST ON FIGURE 5

GRAPHIC SCALE
(IN FEET)



THIS DIAGRAM IS FOR GENERAL
ORIENTATION PURPOSES AND DOES NOT
REFLECT AN EPA APPROVED WETLAND
DELINEATION OR A DETERMINATION OF
THE GEOGRAPHIC EXTENT OF WATERS
OF THE U.S.



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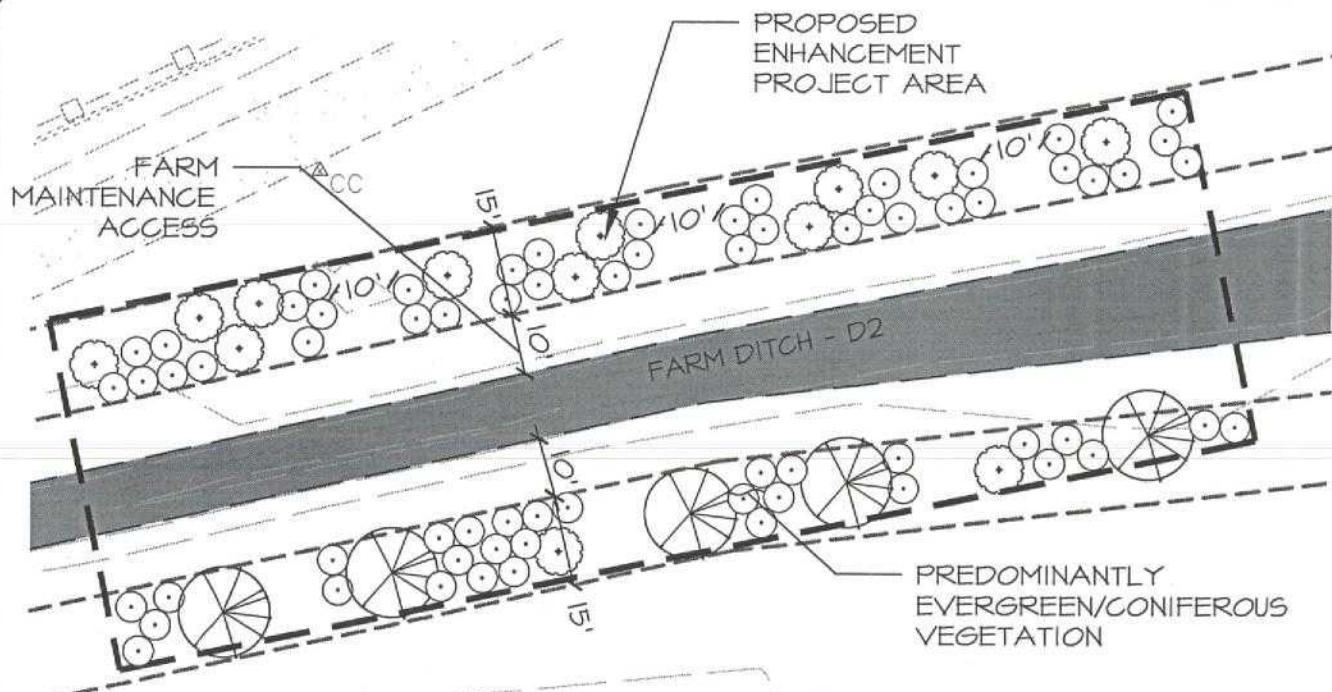
FIGURE #3

PROPOSED PLANTING COMMUNITY 3
GUNSHY MANOR
REDMOND, WASHINGTON

DESIGN	DRAWN	PROJECT
BS	ABS	1147
SCALE		
AS SHOWN		
DATE		
2-4-2016		
REVISED		

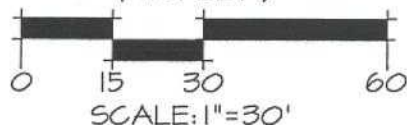
3

Z:\DRAWING\1100-1199\TAL1147\TAL-1147 FIGURES_4-4-2016.dwg



PLANTING COMMUNITY 4

GRAPHIC SCALE
(IN FEET)



LEGEND



MASSING SHRUB

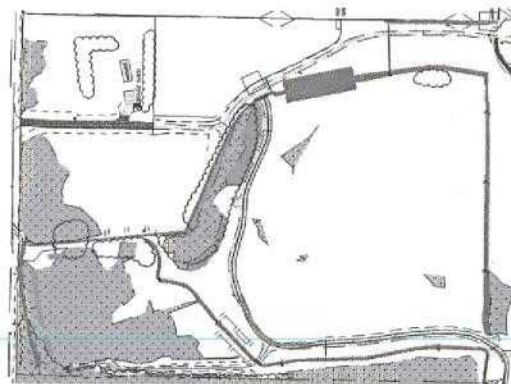


LARGE SHRUB/SMALL TREE



CONIFEROUS TREE

SEE CANDIDATE PLANT LIST ON FIGURE 5



KEY

SCALE: 1"=500'

THIS DIAGRAM IS FOR GENERAL ORIENTATION PURPOSES AND DOES NOT REFLECT AN EPA APPROVED WETLAND DELINEATION OR A DETERMINATION OF THE GEOGRAPHIC EXTENT OF WATERS OF THE U.S.



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FIGURE #4

PROPOSED PLANTING COMMUNITY 4
GUNSHY MANOR
REDMOND, WASHINGTON

DESIGN	DRAWN	PROJECT
BS	ABS	1147
SCALE		
AS SHOWN		
DATE		
10-13-2015		
REVISED		

4



CANDIDATE PLANT LIST

CONIFEROUS TREES

SCIENTIFIC NAME	COMMON NAME	WL STATUS	SPACING	SIZE (MIN.)	NOTES
PICEA SITCHENSIS	SITKA SPRUCE	FAC	AS SHOWN	2-3' HT.	B&B, FULL & BUSHY
PINUS CONTORTA VAR. CONTORTA	SHORE PINE	FAC	AS SHOWN	2-3' HT.	B&B, FULL & BUSHY
THUJA PLICATA	WESTERN RED CEDAR	FAC	AS SHOWN	2-3' HT.	B&B, FULL & BUSHY



SMALL DECIDUOUS TREE/LARGE SHRUB

SCIENTIFIC NAME	COMMON NAME	WL STATUS	SPACING	SIZE (MIN.)	NOTES
ACER CIRCINATUM	VINE MAPLE	FAC	AS SHOWN	24" HT.	SINGLE TRUNK
CRATAEGUS DOUGLASII	BLACK HAWTHORN	FAC	AS SHOWN	24" HT.	SINGLE TRUNK
MAHONIA AQUIFOLIUM	OREGONGRAPE	FACU	AS SHOWN	24" HT.	SINGLE TRUNK
PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK	FACW	AS SHOWN	24" HT.	SINGLE TRUNK
VIBURNUM EDULE	HIGH-BUSH CRANBERRY	FACW	AS SHOWN	24" HT.	SINGLE TRUNK



MASSING SHRUB

SCIENTIFIC NAME	COMMON NAME	WL STATUS	SPACING	SIZE (MIN.)	NOTES
CORNUS SERICEA	RED-OSIER DOGWOOD	FACW	4' O.C.	NA	4' CUTTING
LONICERA INVOLUCRATA	BLACK TWIN-BERRY	FAC	4' O.C.	NA	4' CUTTING
ROSA NUTKANA	NOOTKA ROSE	FAC	4' O.C.	18" HT.	MULTI-CANE (3 MIN.)
ROSA PISOCARPA	CLUSTERED WILD ROSE	FAC	4' O.C.	18" HT.	MULTI-CANE (3 MIN.)
SYMPHORICARPOS ALBUS	COMMON SNOWBERRY	FACU	4' O.C.	NA	4' CUTTING
VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	FACU	4' O.C.	18" HT.	MULTI-CANE (3 MIN.)

NOTE: PLANT SPECIES ARE SUBJECT TO CHANGE DUE TO AVAILABILITY OF PLANT STOCK AT TIME OF PLANTING AND ENVIRONMENTAL CONSTRAINTS.



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FIGURE #5

CANDIDATE PLANT LIST
GUNSHY MANOR
REDMOND, WASHINGTON

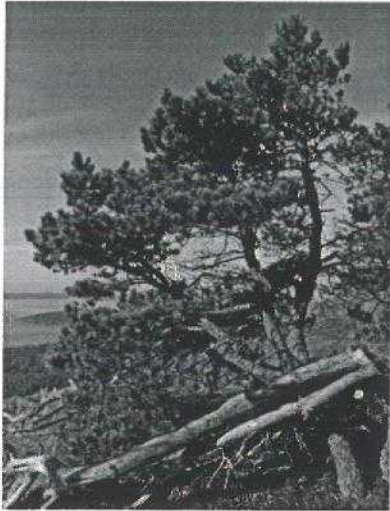
DESIGN	DRAWN	PROJECT
BS	ABS	1147
SCALE		
AS SHOWN		
DATE		
10-13-2015		
REVISED		

5

Native Plant Example

Conifer

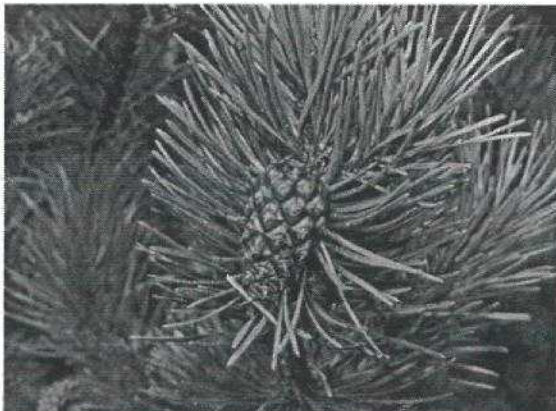
Pinus contorta var. *contorta*
(Shore Pine)



Sapling



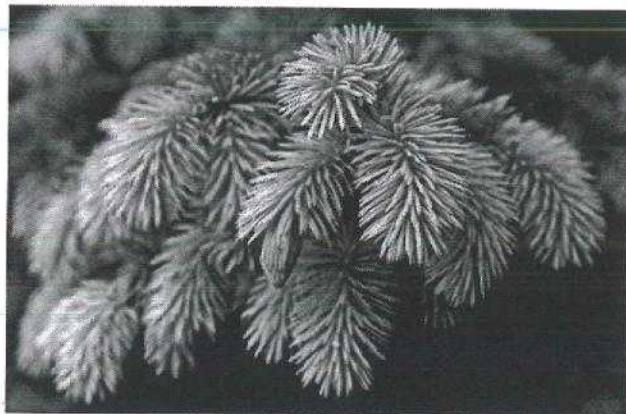
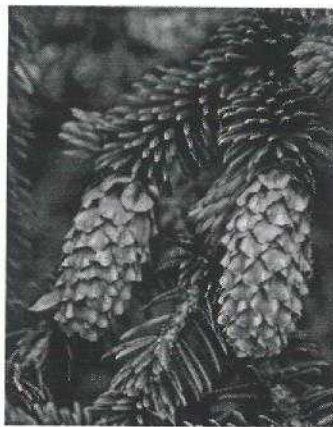
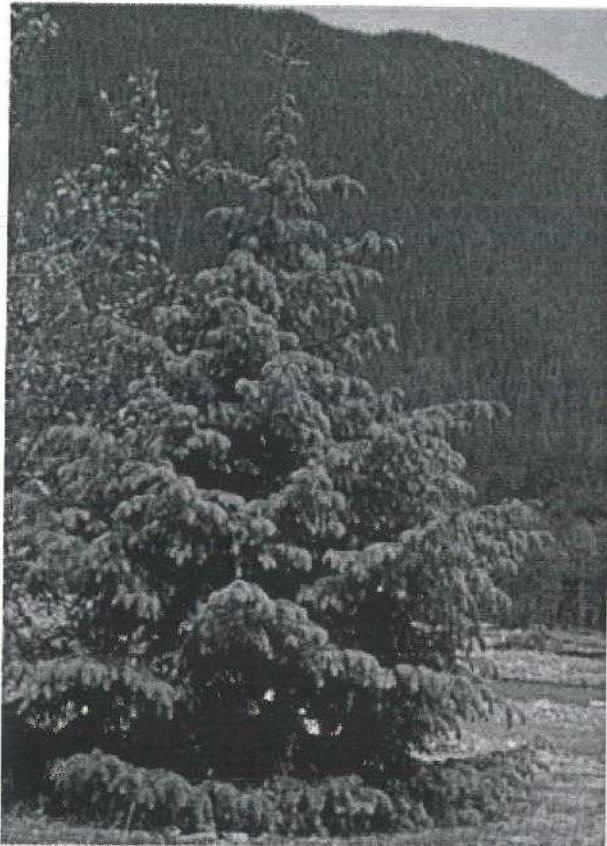
Bark

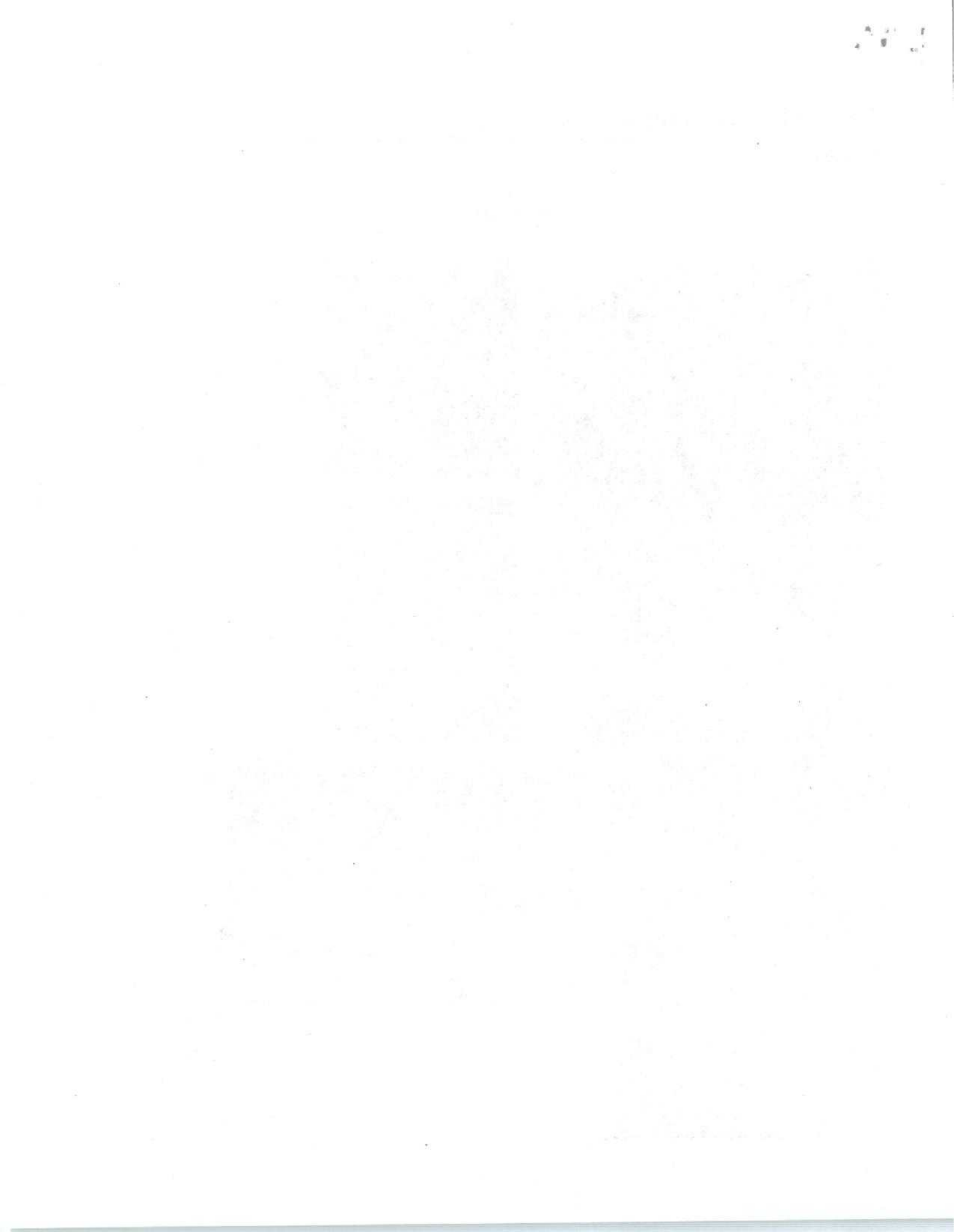


Native Plant Example

Conifer

Sitka Spruce
(*Picea sitchensis*)

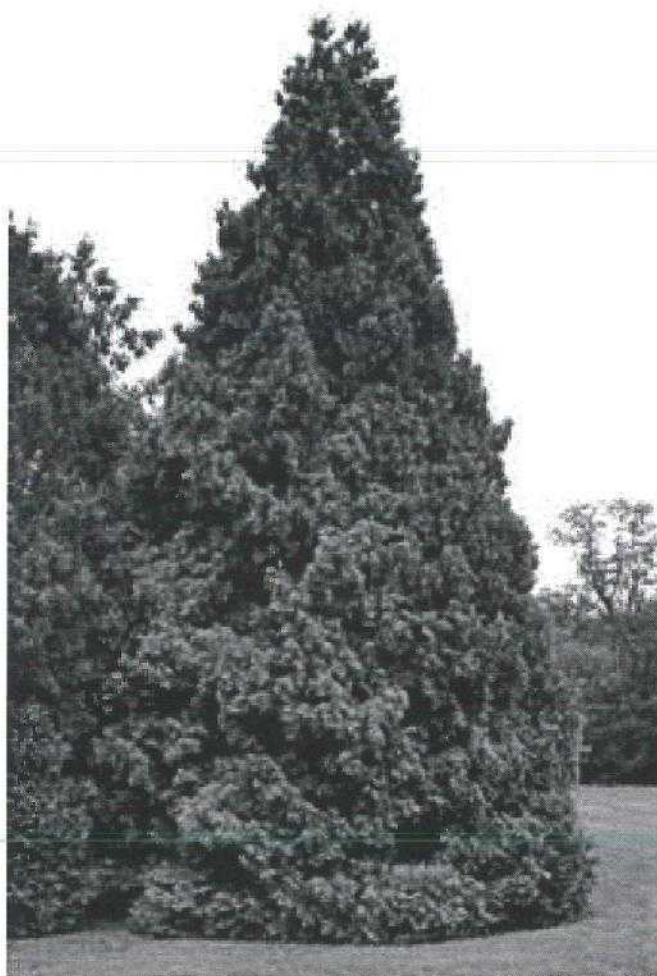
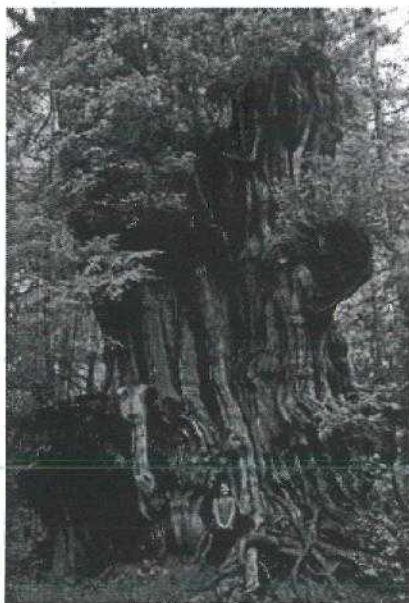




Native Plant Example

Conifer

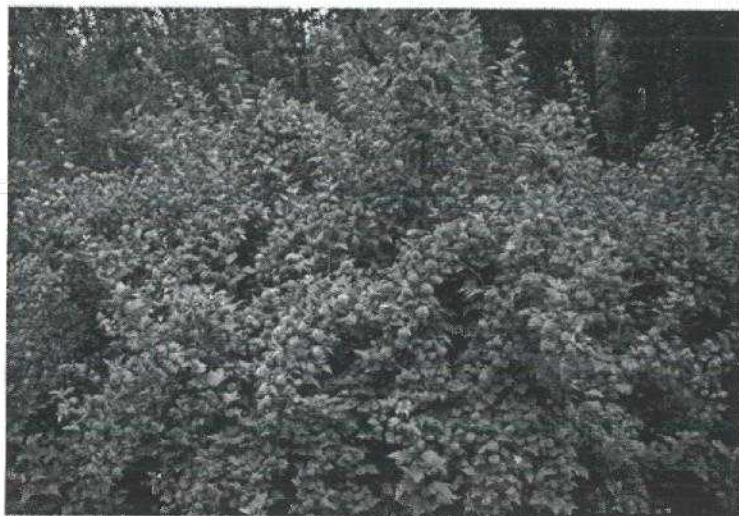
Western Red Cedar
(*Thuja Plicata*)



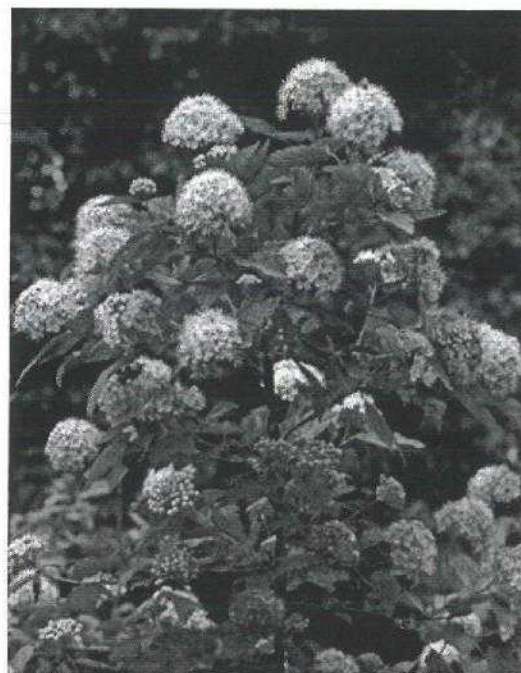
Native Plant Example

Riparian / Wetland Shrub

Pacific Ninebark (*Physocarpus capitatus*)



Mature plant



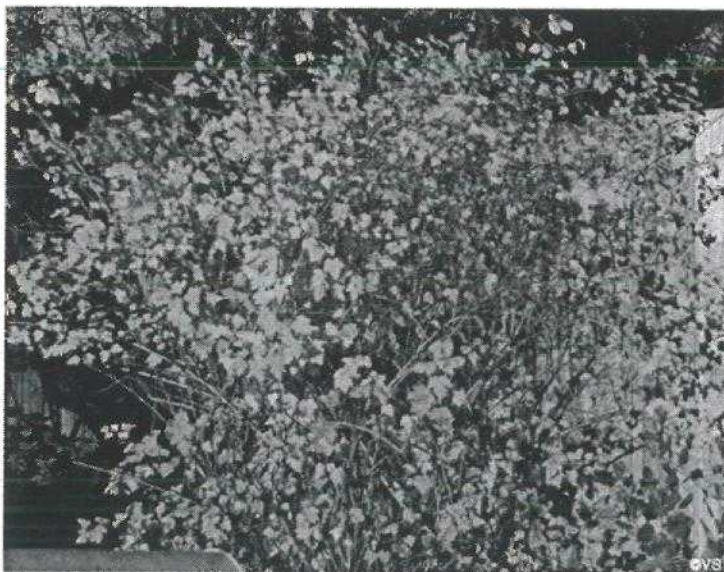
Spring flowers



Fruit



Spring flowers

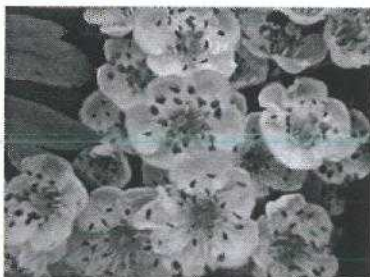


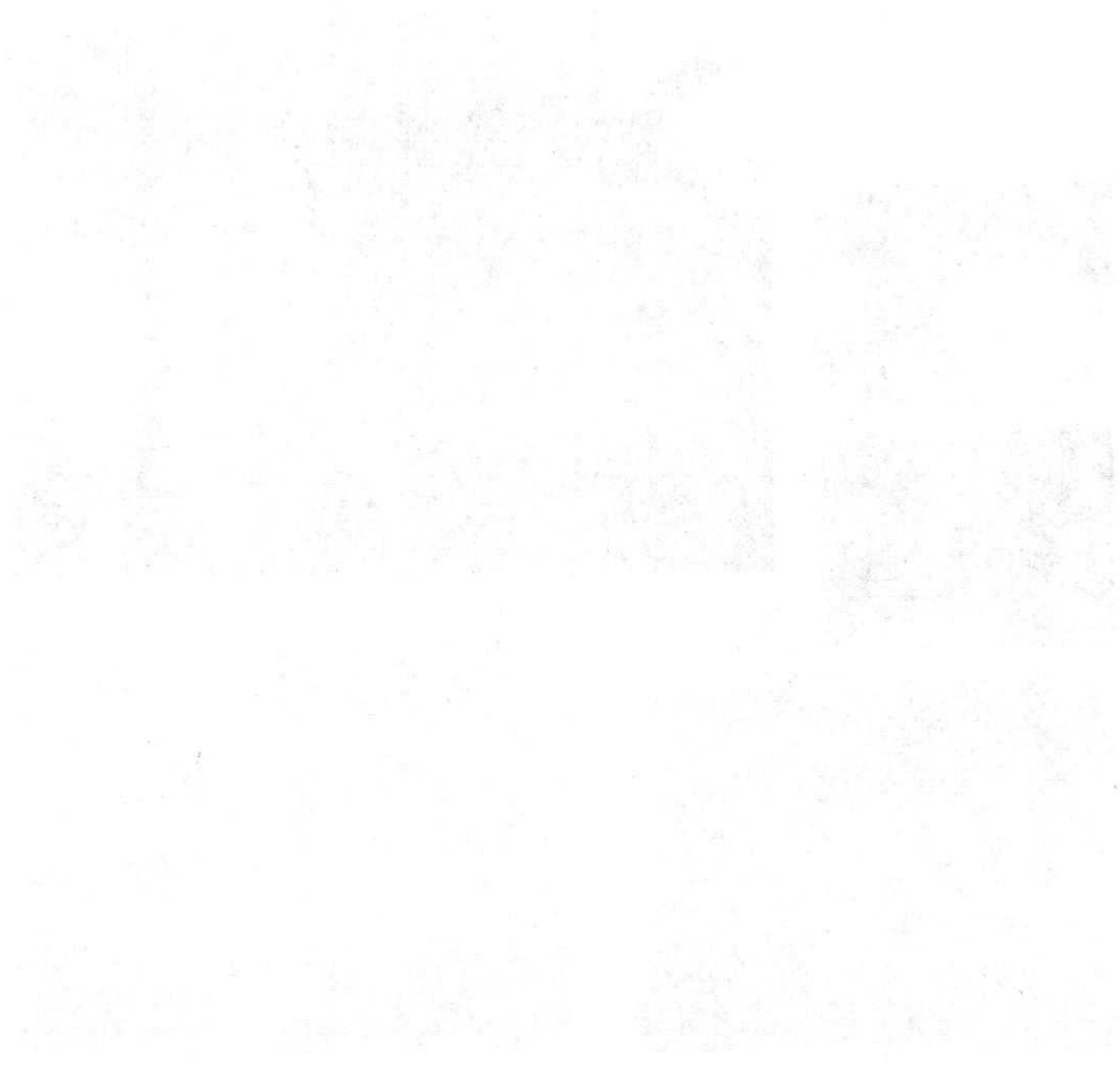
Fall color

Native Plant Example

Small Tree/Large Shrub

Black Hawthorn
(*Crataegus douglasii*)

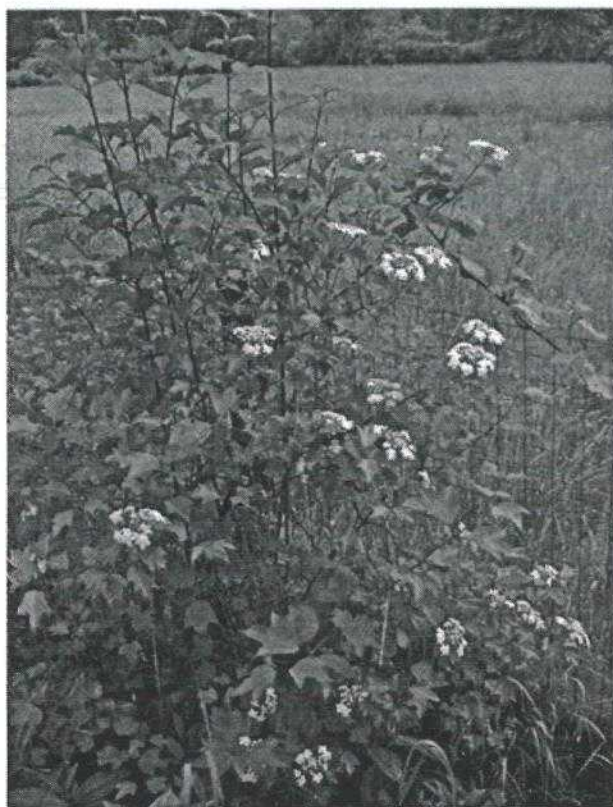




Native Plant Example

Riparian / Wetland Shrub

Highbush Cranberry (*Viburnum edule*)



Mature plant



Fruit & fall color



Spring flowers



Spring foliage

The first part of the paper discusses the importance of maintaining accurate records of all transactions. It is essential for the business to have a clear and concise record of all income and expenses, as this will be necessary for the preparation of the financial statements. The second part of the paper discusses the importance of maintaining accurate records of all assets and liabilities. It is essential for the business to have a clear and concise record of all assets and liabilities, as this will be necessary for the preparation of the balance sheet. The third part of the paper discusses the importance of maintaining accurate records of all equity transactions. It is essential for the business to have a clear and concise record of all equity transactions, as this will be necessary for the preparation of the statement of equity. The fourth part of the paper discusses the importance of maintaining accurate records of all debt transactions. It is essential for the business to have a clear and concise record of all debt transactions, as this will be necessary for the preparation of the statement of debt. The fifth part of the paper discusses the importance of maintaining accurate records of all other transactions. It is essential for the business to have a clear and concise record of all other transactions, as this will be necessary for the preparation of the statement of other transactions. The sixth part of the paper discusses the importance of maintaining accurate records of all other transactions. It is essential for the business to have a clear and concise record of all other transactions, as this will be necessary for the preparation of the statement of other transactions. The seventh part of the paper discusses the importance of maintaining accurate records of all other transactions. It is essential for the business to have a clear and concise record of all other transactions, as this will be necessary for the preparation of the statement of other transactions. The eighth part of the paper discusses the importance of maintaining accurate records of all other transactions. It is essential for the business to have a clear and concise record of all other transactions, as this will be necessary for the preparation of the statement of other transactions. The ninth part of the paper discusses the importance of maintaining accurate records of all other transactions. It is essential for the business to have a clear and concise record of all other transactions, as this will be necessary for the preparation of the statement of other transactions. The tenth part of the paper discusses the importance of maintaining accurate records of all other transactions. It is essential for the business to have a clear and concise record of all other transactions, as this will be necessary for the preparation of the statement of other transactions.

Native Plant Example

Riparian / Wetland Shrub

Red-osier Dogwood

(*Cornus sericea*)



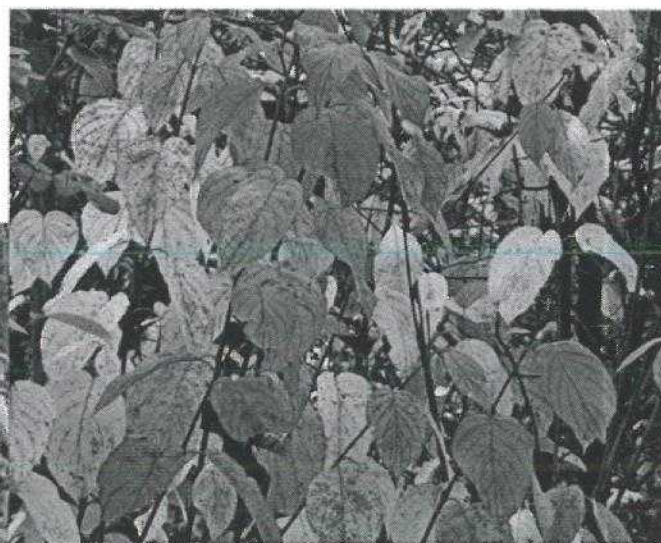
Red stem color visible after leaf drop



Spring flowers



Mature plant with summer foliage

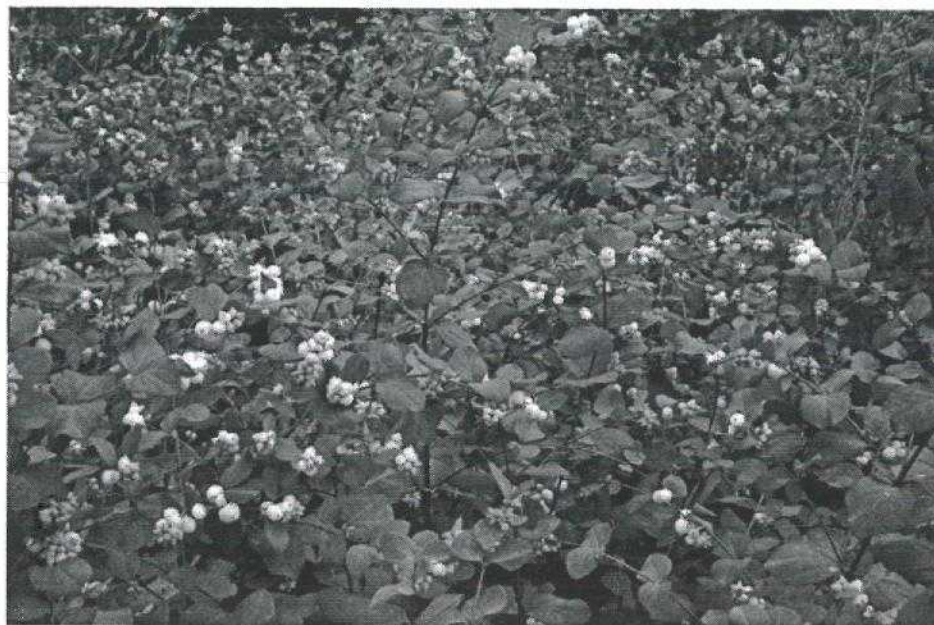


Fall color

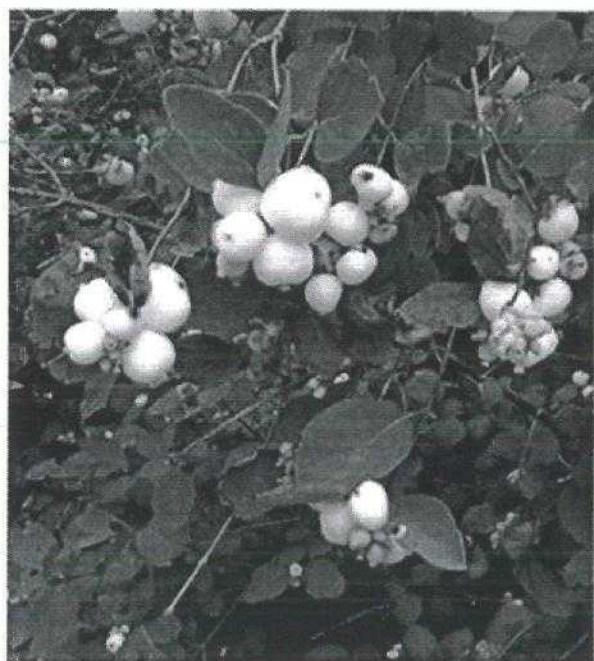
Native Plant Example

Medium Upland Shrub

Snowberry
(*Symphoricarpos albus*)



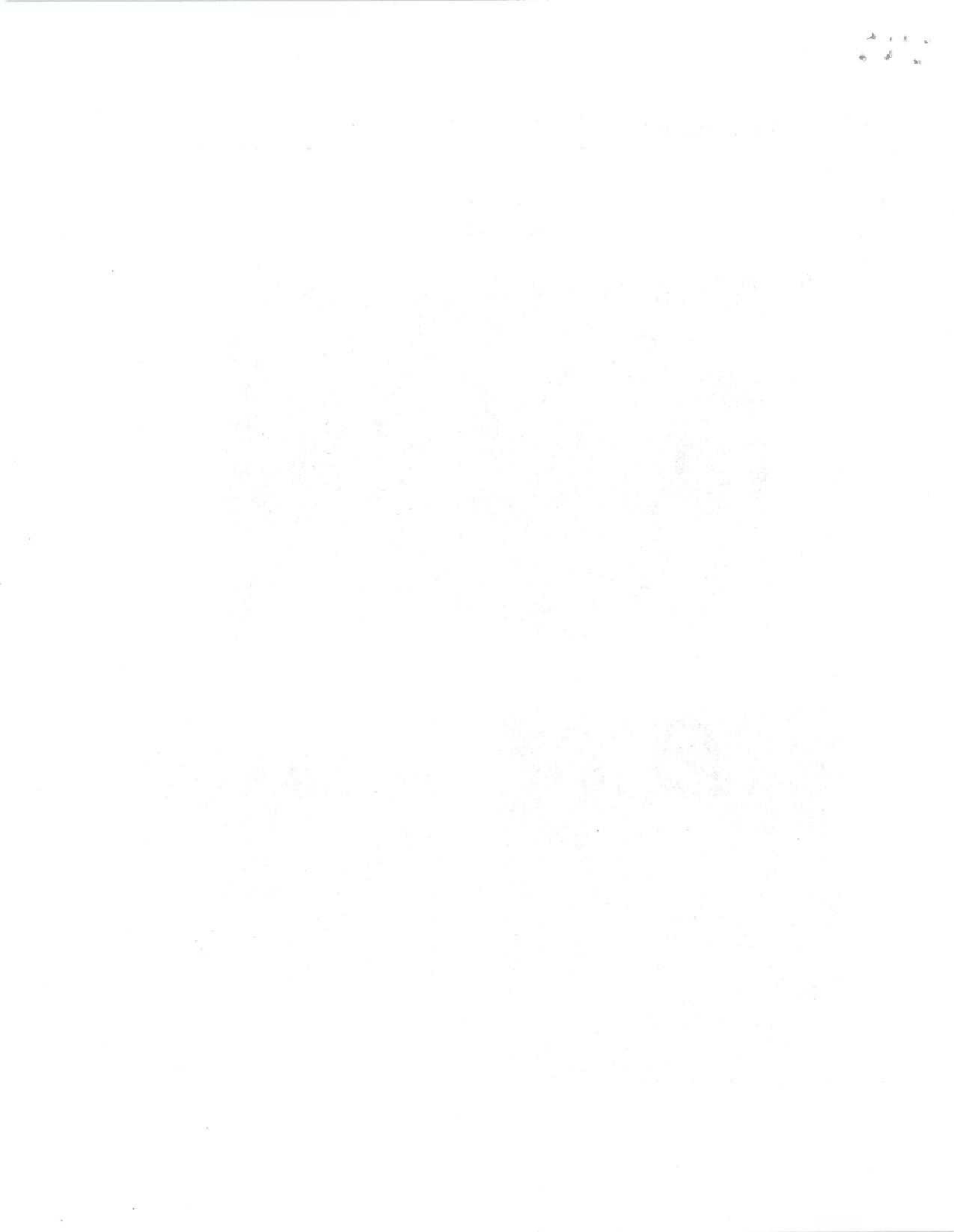
Mature plant



Fruit



Spring flowers



Native Plant Example

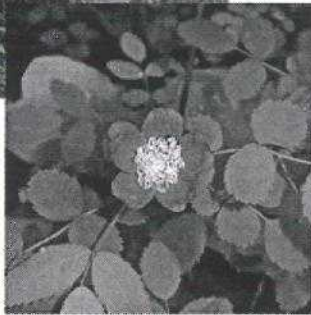
Medium Shrub

Rose Species

(*Rosa gymnocarpa*, *Rosa nutkana*, *Rosa pisocarpa*)



Rosa gymnocarpa



Rosa gymnocarpa



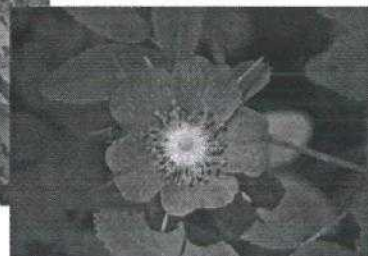
Rosa nutkana



Rosa nutkana



Rosa pisocarpa



Rosa pisocarpa

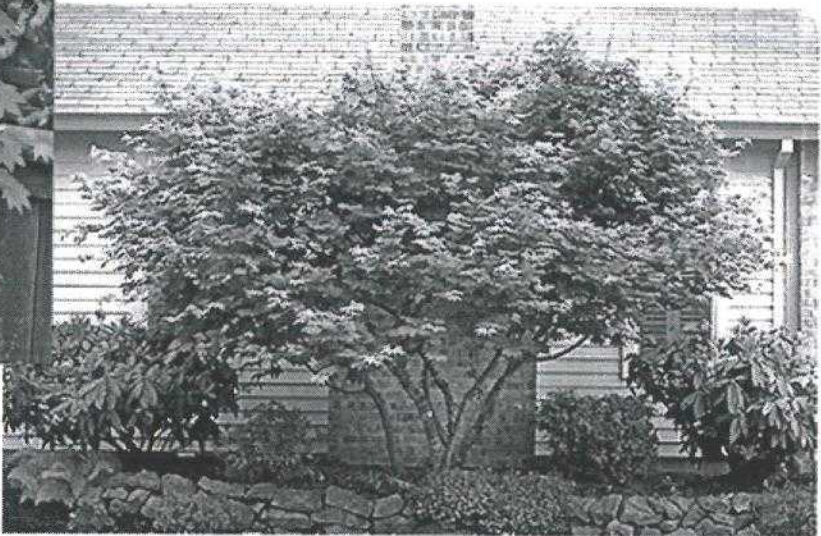
Native Plant Example

Small Deciduous Tree

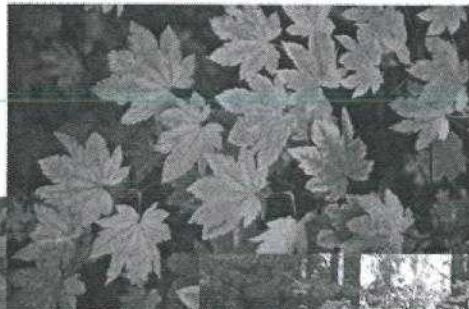
Vine Maple
(*Acer circinatum*)



Summer foliage



Landscape setting



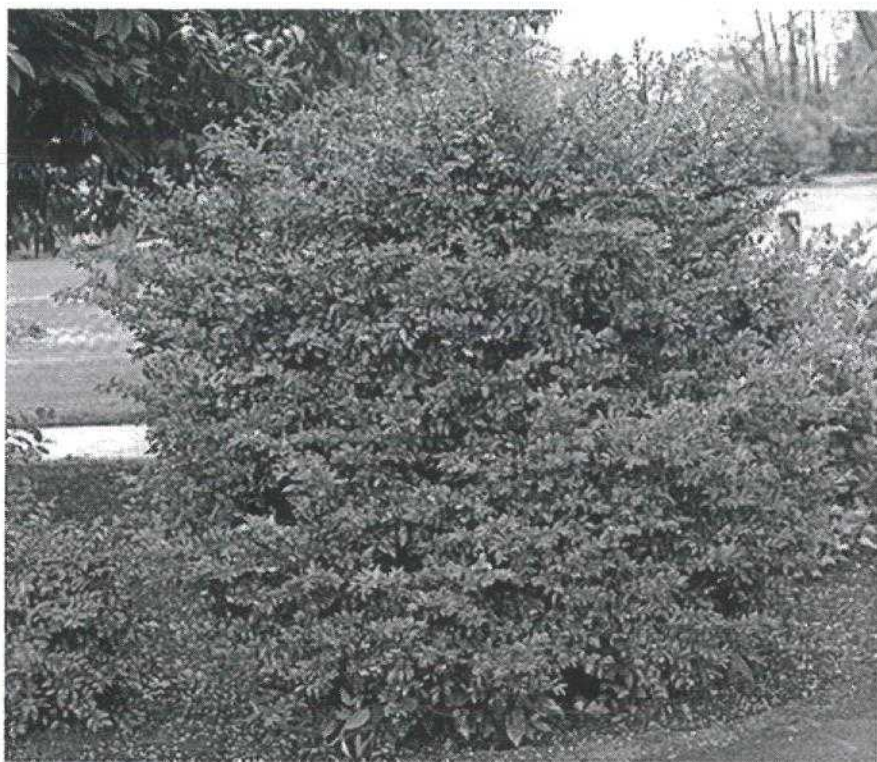
Fall color



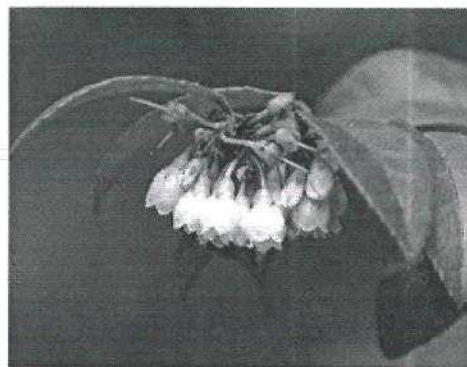
Native Plant Example

Medium Upland Shrub

Evergreen Huckleberry (*Vaccinium ovatum*)



Mature plant



Spring flowers



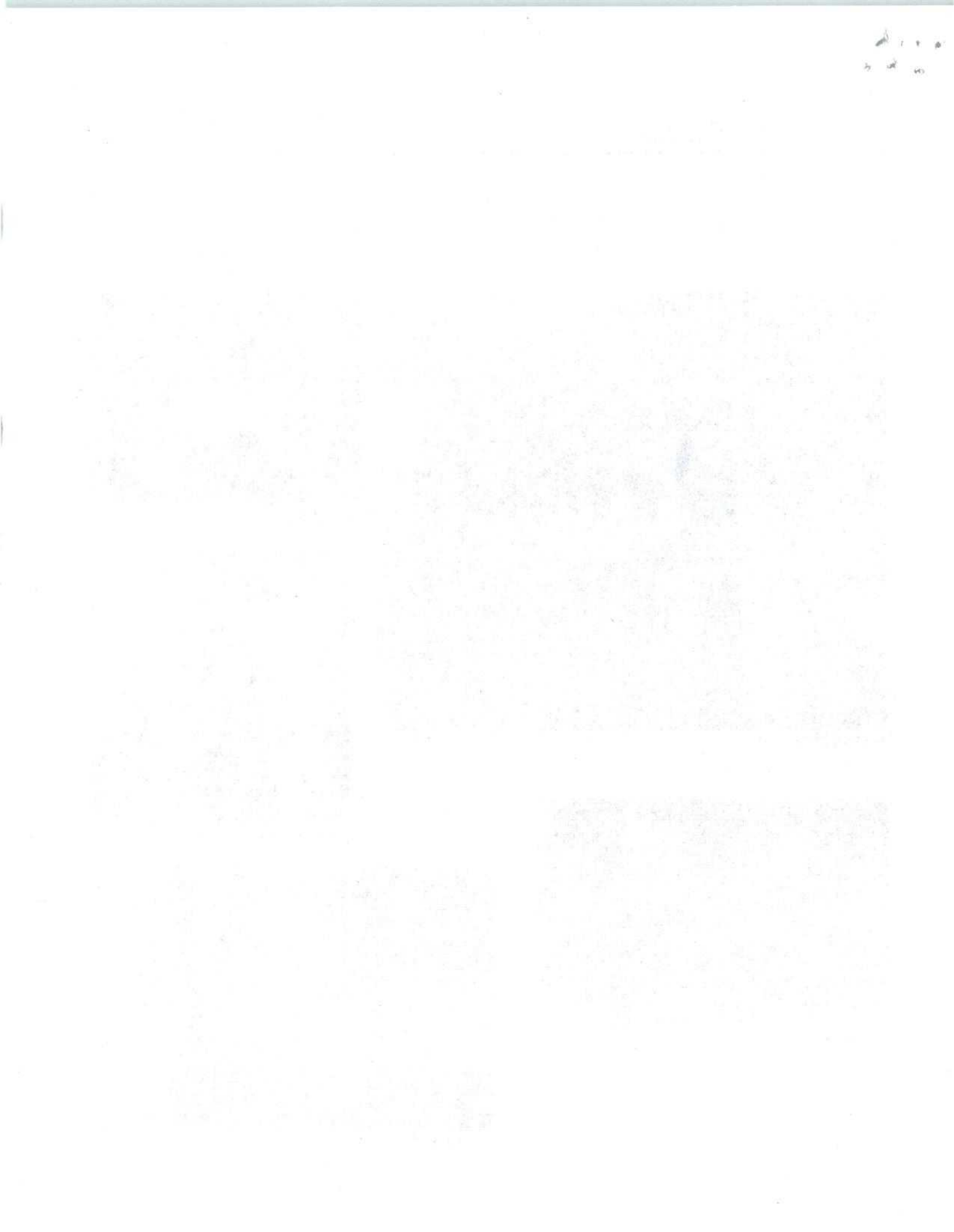
Summer fruit



Bronze new growth



Reddish winter color



Native Plant Example

Large Upland Shrub

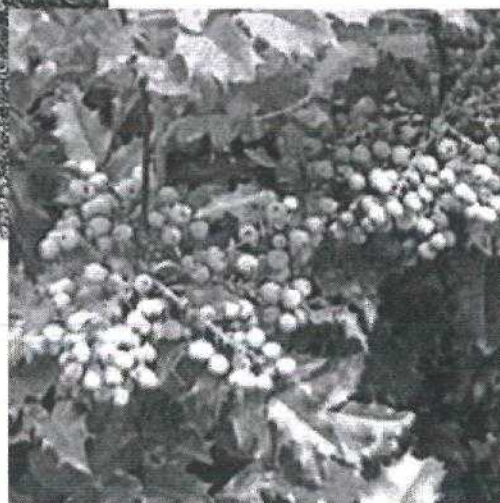
Tall Oregon Grape
(*Mahonia aquifolium*)



Mature plant in spring bloom



Spring flowers



Summer fruit

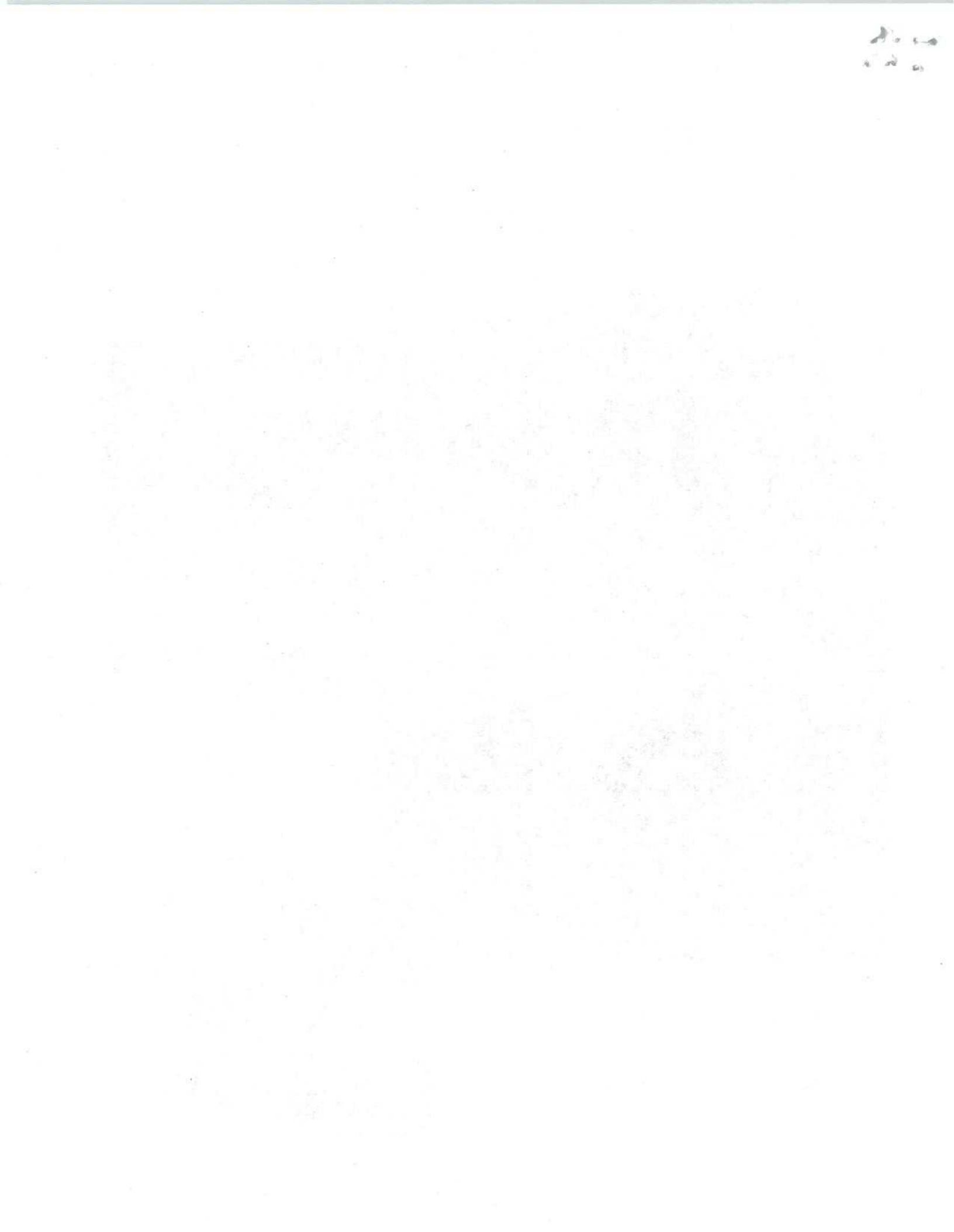


EXHIBIT D: NWP 32 REQUEST LETTER

**William C. Nelson, Jr. and
The Estate of Barbara Nelson
Consent Order – Exhibits
Docket Number CWA-10-2016-0088**

**U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
(206) 553-1073**

[DATE]

Ms. Michelle Walker
Chief, Regulatory Branch
U.S. Army Corps of Engineers – Seattle District
Post Office Box 3755
Seattle, Washington 98124-3755

Re: Request for Nationwide Permit 32 Verification; Docket No. CWA-2016-0088
William C. Nelson, Jr. and the Estate of Barbara Nelson
7240 196th Avenue, Redmond, Washington, 98053

Dear Ms. Walker:

I am writing to request the Corps to verify that the restoration and mitigation project at the above-referenced Property is authorized by Nationwide Permit 32 (NWP 32). This request is made to comply with the provisions of the Administrative Compliance Order on Consent entered into between William C. Nelson, Jr. and the Estate of Barbara Nelson and the U.S. Environmental Protection Agency dated _____ 2016, CWA-10-2016-0088, and enclosed with this letter. I have also enclosed a Joint Aquatic Resources Project Application form and supporting documents, such as drawings.

I understand that this verification would remain valid until the current NWP 32 expires (currently, March 18, 2017) provided I comply with all applicable terms and conditions of the NWP 32 verification, including any special conditions, and the terms of the consent Order.

Please send the NWP 32 verification letter to: [Mailing Address]

Sincerely,

[Name]

Enclosures

