Staff Report

Kays Subdivision Post Decision Review

Type II Post Decision Review

(2021-013-PDR) June 11, 2021

PROPOSAL:	The Applicant is requesting that the City permit offsite mitigation for wetland impacts related to the construction of W. Golden Eagle Avenue. The post decision review is a Type II review according to LCMC 18.350.070.
LOCATION:	▪ Tract C of Kays Subdivision Phase 1, La Center, WA ▪ KAYS TRACT C 311960 (PEND 1677 KAYS SUBDIV PH 2). Assessors serial number 986046-012
APPLICABLE STANDARDS	This staff report addresses the following standards and approval criteria: LCMC Title 18 Development Code. 18.30.030, Type II procedures; 18.30.150, Post-Decision Review; 18.300.120 Mitigation
RECOMMENDATION:	**APPROVAL,** subject to conditions

CONTACT LIST

OWNER/APPLICANT

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I. OVERVIEW AND PROCEDURAL BACKGROUND

Proposal

The applicant is seeking approval to permit offsite wetland mitigation associated with impacts to Wetland A of Kays Subdivision. The City of La Center approved the preliminary plat for Kays Subdivision in 2008 (see 2008-016-SUB) which authorized permanent wetland impacts being mitigated through onsite buffer enhancements to Wetland B. In 2016, the applicant filed an updated wetland mitigation plan with the United States Army Corps of Engineers (USACE). The updated wetland mitigation plan recommended offsite mitigation at the East Fork Lewis Mitigation Bank since onsite buffer improvements would have been located above a slope hazard. USACE issued a Section 404 approval authorizing offsite wetland mitigation at the bank. The applicant is completing the critical areas permit process with the City for the offsite mitigation prior to approval of final plat for Phases 2 and 3 of the subdivision.

Application Timeline:

- Preliminary subdivision approval (2008-016—SUB)
- Shoreline permit (2015-005) for stormwater outfall to the Lewis River issued August 2015
- Revised Wetland Mitigation Plan , The Resource Company, Inc., September, 2016.
- Critical areas permit application materials filed with the City of La Center April 19, 2021
- Application deemed complete May 14, 2021.
- Notice of application mailed to property owners within 150-feet, May 18, 2021
- Close of the public comment period on June 1, 2021 (Public comments are Exhibit B).

Applicable Standards and Approval Criteria

This staff report addresses the following standards and approval criteria: LCMC Title 18 Development Code. 18.30.030, Type II procedures; 18.30.150, Post-Decision Review; 18.300.120 Mitigation.

Public Comment

The Department of Ecology and the Southwest Clean Air Agency provided comments in letters dated June 1, 2021. A summary of comments received, and conditions of approval related to these comments are included in section 18.310 below.

See full text of public comments in Exhibit B.

II. ENGINEERING REVIEW

The City engineer has no review comments.

III. LAND USE REVIEW

Chapter 18.30 -- Procedures

Findings: The application is a Type II Post Decision Review subject to the procedures outlined in LCMC 18.30.090. The applicant submitted their application on April 19, 2021 and the City deemed it complete on May 14, 2021. The City noticed the application on May 18, 2021 in accordance with 18.30.050 and 18.30.120 to property owners within 150 feet, the applicant, and agencies with jurisdiction. Type II reviews do not require a public hearing.

Staff find that the applicant has met the burden of proving they meet the applicable regulations or can be conditioned to do so as summarized in this staff report.

18.30.150—Post-decision Review

Findings: Post-decision reviews are a process that changes decisions and conditions of approval for projects without necessarily subjecting the changes to the same procedures as the original decision. The original preliminary plat was processed under a Type III review. This proposal is processed as a Type II permit as it meets the criteria listed below.

(5) Post-Decision Review Guidelines.

(e) An application for post-decision review of a Type III decision shall be subject to a Type II review process if director finds the requested change:

(i) Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination;

Findings: The onsite impacts of Wetland A associated with the approved subdivision review in 2016 remain the same as part of this request. The applicant impacted 0.15 acres of Wetland A for the construction of West Golden Eagle Drive and was approved to mitigate for these impacts onsite with buffer enhancements to Wetland B. The applicant now proposes to shift mitigation offsite by purchasing credits at the East Fork Lewis Mitigation Bank for the same impacts.

(ii) Is needed to address a minor change in the facts or the law, including permits to which the development is subject; and

Findings: The Post-Decision Review would permit wetland mitigation compensation offsite through purchase of wetland credits rather than through onsite buffer plantings – a change in facts from the original onsite wetland mitigation.

(iii) Does not involve an issue of broad public interest, based on the record of the decision.

Findings: The City finds that shifting wetland mitigation offsite is not an issue of broad public interest because offsite mitigation can be permitted by meeting the criteria in LCMC 18.300.120.

18.300.120—Mitigation

(3) No Net Loss.

(a) Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function of the critical areas. No net loss shall be measured by:

(i) Avoidance or mitigation of adverse impacts to fish life; or

(ii) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(iii) Avoidance or mitigation of loss of area by habitat type.

(b) Mitigation to achieve no net loss should benefit those organisms being impacted.

(c) Where development results in a loss of wetland area, the mitigation plan shall demonstrate that wetland area is replaced consistent with the ratios described in Table 18.300.090(5)(l), Wetland Mitigation Ratios. The created or enhanced wetland shall be, acre for acre, of equal or greater biological values, including habitat value, and with equal or greater hydrological values including storage capacity.

(i) Wherever possible, mitigation, replacement or enhancement shall occur on site.

(ii) However, where the applicant can demonstrate that an off-site location is in the same drainage basin, and that equal or greater biological and hydrological values will be achieved, the city may approve such off-site mitigation.

(iii) Wetponds established and maintained for control of surface water shall not constitute mitigation for wetland alterations.

(iv) Where there is a wetland within 25 feet of the toe of a slope equal to or greater than 25 percent, the buffer shall be a minimum of 25 feet beyond the toe of the slope.

Findings: The 2016 Revised Wetland Mitigation plan proposed to purchase 0.13 acres of credits for the 0.15 acres of permanent wetland impacts to Wetland A. The wetland mitigation would be offsite and therefore the mitigation ratios in LCMC are not applicable. The proposal is using the EFLWMB recommended ratio of 0.85: 1. The 2016 Wetland Mitigation Plan details how the project will meet no net loss. According to the results of the assessment, the bank will significantly increase water quality, water quantity and habitat functions of existing conditions within the bank service area.

(4) Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures. A mitigation plan shall include but is not limited to the following:

(a) Methods and techniques to be used to mitigate impacts to critical areas;

(b) Explanation of methods and techniques, such as construction practices to be used to implement the identified mitigation methods;

(c) Methods and techniques for monitoring said mitigation and a proposed time frame for such monitoring.

Findings: In 2016, The Resource Company, Inc. updated the wetland mitigation plan for Kays Subdivision. The report identified three wetlands (A, B, and C) and detailed how the proposal would fill Wetland A for a road crossing that would serve as access to the subdivision. The total impacts to Wetland A are 6,346 square feet including 1,175 cubic yards of fill.

The previously approved wetland mitigation plan filed for the preliminary plat approval (2008-016-SUB) proposed excavating portions of Wetland B to create additional emergent, scrub/shrub, and forested communities as mitigation for impacts to Wetland A. However, Wetland B was identified as being situated on a ledge above a historic landslide area and adding additional wetland areas at this location

is not recommended due to potential for increased slide hazards. The 2016 updated wetland mitigation plan recommended offsite mitigation at the East Fork Lewis Wetland Mitigation Bank after consultation with the USACE and that agency's issuance of a Section 404 permit for filling Wetland A.

Using the EFLWMB banking instrument and mitigation ratios of 0.85:1 for Category IV wetlands the applicant is proposing to purchase 0.13 bank credits to compensate for the 0.15 acres of wetland permanent impacts to Wetland A. As the mitigation is offsite the mitigation ratio of 0.85: 1 is used as that is the ratio recommended by the bank.

A **condition of approval** is that the applicant follow all recommendations of the 2016 updated wetland mitigation plan by The Resource Company Inc. (September 5, 2016) including purchasing 0.13 bank credits from the East Fork Lewis Wetland Mitigation Bank to compensate for the 0.15 acres of permanent wetland impacts to Wetland A.

18.310—Environmental Policy

Findings: A DNS was issued for an amendment to the original 2008 SEPA determination and issued in accordance with noticing requirements in LCMC 18.30. Ecology and the Southwest Clean Air Agency provided comments on the notice of application and the SEPA likely determination of non-significance. These comments are summarized below; the full agency letters are included as Exhibit B.

Ecology issued a letter on June 1, 2021. The agency's comments are that:

1. *They support offsite wetland mitigation at the bank. The applicant needs to obtain all state, local, and federal permits.*
2. *Clean fill must be used and debris must be disposed of at an approved site.*
3. *Approved erosion control measures must be used to prevent harm to aquatic habitat.*
4. *The applicant needs to obtain a construction stormwater general permit through Ecology if more than one acre will be disturbed*

The Southwest Clean Air agency issued a letter on June 1, 2021. The agency's comments are that:

1. *The project has the potential to generate excessive dust emissions and control measures should be implemented during the project.*

Findings: A **condition of approval** is that the applicant will meet the standards and requirements outlined by Ecology in the letter issued on June 1, 2021 and included above. An additional **condition of approval** is that the applicant will meet the applicable standards outlined in the letter issued by the Southwest Clean Air Agency on June 1, 2021.

IV. CONCLUSIONS & RECOMMENDATION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. Therefore, **the subject application is approved, subject to the following conditions:**

A. Land Use

General Conditions

1. The applicant shall follow all recommendations of the 2016 updated wetland mitigation plan by The Resource Company Inc. (September 5, 2016) including purchasing 0.13 bank credits from the East Fork Lewis Wetland Mitigation Bank to compensate for the 0.15 acres of permanent wetland impacts to Wetland A.

2. The applicant shall meet the standards and requirements outlined by Ecology in the letter issued on June 1, 2021 and included above.

3. The applicant shall meet the applicable standards outlined in the letter issued by the Southwest Clean Air Agency on June 1, 2021.

V. APPEALS

A final decision regarding a Type II application may be appealed by the applicant, applicant's representative, or by any person, agency, or firm with an interest in the matter within 14 calendar days after the date of decision. Appeals shall contain all information specified in LCMC 18.30.130. The public record for this file is available at the City's Public Works Building, 305 NW Pacific Highway, La Center, Washington between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Sarah Dollar at 360-263-7665 for further information.

Signed: _____ Date: June 11, 2021
Ethan Spoo, AICP, Consulting City Planner

Ethan Spoo, AICP
Consulting City Planner

Anthony Cooper, PE
City Engineer

Sam Rubin, AICP
Consulting City Planner

VI. Exhibits

Exhibit A – Application Materials

1. Master Land Use Application
2. 2016 Revised Wetland Mitigation Plan

Exhibit B – Public Comment Received

Exhibit A

Master Land Use Application

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Property Information

Site Address Tract C of Kay's Subdivision Phase 1

Legal Description Tract C of Kay's Subdivision Phase 1

Assessor's Serial Number 986046-012

Lot Size (square feet) 285,449 sq. ft.

Zoning/Comprehensive Plan Designation Low Density Residential (LDR-7.5)

Existing Use of Site KAYS TRACT C

Contact Information

APPLICANT:

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Company WARAC LLC

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Signature
(Original Signature Required)

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Complete Address 1400 Washington Street, Suite 100 Vancouver WA 98660

Signature Tayler McClellan Digitally signed by Tayler McClellan Date: 2021.04.07 08:22:53 -07'00'
(Original Signature Required)

PROPERTY OWNER:

Contact Name Jerry Nutter

Company WARAC LLC

Phone 360-253-1100 **Email** jnutter@nuttercorp.com

Complete Address 7211 NE 43rd Ave Vancouver, WA 98661

Signature
(Original Signature Required)

Development Proposal

Project Name

Type(s) of Application Type II Post decision review - off-site wetland mitigation

Previous Project Name and File Number(s), if known 2008-016-SUB and 2015-005-SMP

Pre-Application Conference Date and File Number _____

Description of Proposal Off-site wetland mitigation approval

Office Use Only

File # _____ **Planner** _____

Received By _____ **Fees: $** _____

Date Received: _____ **Date Paid:** _____

Procedure: ☐ Type I ☐ Type II ☐ Type III ☐ Type IV **Receipt #** _____

Notes _____

KAYS SUBDIVISION

WETLAND MITIGATION - REVISED

La Center, Washington

USACE REFERENCE NO. – NWS-2013-739

Prepared for:
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Prepared by:
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(360) 693-4555

September 5, 2016

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION

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FIGURES

WETLAND MITIGATION REPORT - REVISED

Project:	**Kays Subdivision Project**
Applicant:	**WARAC, LLC**
Location:	**555 W 5th Street, La Center, Washington**
Legal Description:	**NW ¼ of Sec. 03, T04N, R01E, W. M., Clark County**
Project Type:	**Residential**
Jurisdiction:	**City of La Center**
Zoning:	**LDR-7.5**
ComPlan:	**UL**
Acreage:	**11.8 acres**
USACE Ref:	**NWS-2013-739**
Assessment by:	**Kevin Grosz, P.W.S.**
Delineation Report Date:	**December 12, 2012**
Preliminary Mitigation Report Date:	**March 4, 2015**
Wetland Mitigation Plan Revised Report Date:	**September 5, 2016**

1.0 INTRODUCTION

This report details a revised wetland mitigation plan for the Kays Subdivision and stormwater outfall prepared by The Resource Company, Inc. (TRC). The project is proposing to construct a residential subdivision within the parcel identified as assessor's serial number 2094888-000 located at 555 W. 5th Street, La Center, Washington (Fig. 1). In addition, a stormwater pipeline will cross the property to the south and southwest and outfall to the East Fork of the Lewis River (EFLR). The stormwater pipe will be located in the City's Right-of Way (ROW) for W. 5th Avenue as it extends from near its current terminus to the EFLR. The project will impact a small Category IV wetland for a road crossing within the subdivision, temporarily impact a small wetland for the installation of the stormwater outfall pipe adjacent to the EFLR and the outfall pipe below the Ordinary High Water Mark (OHWM).

A revised wetland delineation was completed in 2012 which was updated in January 2016 based on a site visit conducted with Washington Department of Ecology. The initial wetland delineation was conducted in 2005 by TRC and a wetland mitigation plan was prepared by LDC Design Group in 2005. This revised wetland mitigation plan for the subdivision addresses minor changes in the wetland configuration and modifies the original plan from enhancement of Wetland B to purchase credits from the East Fork Lewis Wetland Mitigation Bank (EFLWMB) . In addition, this plan addresses the temporary impact of the wetland near the EFLR and the stormwater outfall pipe impacts below the OHWM of the EFLR.

The development and outfall areas contain three wetlands and critical habitat areas associated with the EFLR. This report addresses direct, indirect, and temporary impacts to the wetland and buffer areas as regulated by the City of La Center Critical Areas Ordinance – Wetlands (18.300.090(6)) as well as the Washington Department of Ecology (Ecology) and U.S. Army Corps of Engineers (USACE) under Sections 401 and 404 of the Clean Water Act, respectively.

2.0 EXISTING CONDITIONS

Currently the properties proposed for the subdivision and outfall pipeline are vacant. Topography slopes moderately from northeast to southwest (Fig. 2) in the subdivision development area and relatively steeply where the stormwater pipe proceeds southwest to the EFLR. Three wetlands and two habitat areas were identified within the project area. The wetlands within the study areas are described below.

Wetland A (6,346 sq. ft.) – Wetland B (49,876 sq. ft. – within project area)
Wetlands A and B (Fig. 3) both meet the criteria of a slope hydrogeomorphic (HGM) wetland class. These Category IV wetlands are similar in vegetation, soils and hydrology and therefore are described together. The wetlands are palustrine emergent, temporarily/seasonally inundated-saturated (PEMF/C) wetlands. Vegetation in the wetlands is dominated by reed canarygrass (*Phalaris arundinacea* – FACW), tall fescue (*Schedonorus arundinacea* – FAC), bird's foot trefoil (*Lotus corniculatus* – FAC), soft rush (*Juncus effusus* – FACW), bentgrass (*Agrostis stolonifera* – FAC), and creeping buttercup (*Ranuculus repens* – FAC). Hydrologic indicators within the wetlands were water at the surface. Oxidized rhizospheres were found along the root channels. Hydric soil characteristics generally include a silt loam that is very dark brown (10YR 3/2) in the top four (4) inches, below this to a depth greater than 16 inches is a very dark brown clayey silt loam with dark brown (7.5YR 3/4) redox concentrations. Wetlands A and B both rated as Category IV wetlands according to the Western Washington Wetland Rating Form (WRF). Wetland A was previously determined to be isolated by the USACE and not under their jurisdiction. However, under the current guidelines (likely overland or shallow subsurface connection) for isolated wetlands it was determined that this wetland is not isolated and is regulated by the USACE.

Wetland C (807 sq. ft. – within project area)
Wetland C (Fig. 3) meets the criteria of riverine/depressional hydrogeomorphic (HGM) wetland class that rates as a Category IV wetland. This wetland occurs adjacent to the EFLR and its hydrology is somewhat influenced by river flow. A summary of the wetland information is given below.

Wetland C is a palustrine emergent, temporarily inundated (PEMA) wetland. Vegetation in the wetlands is dominated by meadow foxtail (*Alopecurus pratensis* – FAC), creeping buttercup (*Ranuculus repens* – FAC) and slough sedge (*Carex obnupta* – OBL). Hydrologic indicators within the wetlands were water at 10 inches below the surface and oxidized rhizopheres along living root channels. Hydric soil characteristics generally include a silty sand that is dark grayish brown (10YR 4/2) with dark reddish brown (5YR

3/4) concentrations to a depth of at least 16 inches. Wetland C rated as a Category IV wetland according to the Western Washington Wetland Rating Form.

Wetland Functional Assessment

The on-site wetlands have been assessed using the Washington State Wetland Rating System for Western Washington (Hruby 2004). The system was designed to differentiate between wetlands based on their sensitivity to disturbance, their significance, their rarity, our ability to replace them, and the functions they provide. Through a series of questions, the wetland rating system will yield a number for water quality functions, hydrologic functions, and habitat function, which yield a total score for functions. Based on the total score, the wetland is categorized as a Category I, II, III, or IV wetland. Table 1 below summarizes the wetland type, total score for functions, and category of the three wetlands identified on-site.

Table 1. Wetland Function Rating

Wetland	Wetland Type	Water Quality Functions	Hydrologic Functions	Habitat Functions	Total Score	Wetland Category
A	Slope	0	0	8	8	IV
B	Slope	2	8	4	14	IV
C	Depressional	8	6	12	26	IV

Non-Wetlands

The non-wetland portion surrounding Wetlands A and B is predominantly an open grassland pasture that was being grazed by cattle at the time of the delineation. Vegetation is dominated by a mixture of bentgrasses, tall fescue, clover (*Trifolim* spp.), and bird's foot trefoil. Vegetation surrounding Wetland C consists of Oregon white oak, big-leaf maple (*Acer macrophyllum* – FACU), Douglas-fir, hazelnut (*Corylus cornuta* – FACU), snowberry (*Symphoricapos alba*– FAC), reed canarygrass, and stinging nettle. Soils in the non-wetland portion of the site are generally a dark grayish brown (10YR 3/2) silt sand with no hydric indicators. No wetland hydrology indicators were observed in the non-wetland portions of the study area.

Photographs of the study area are provided in Photo-Sheet 1.

3.0 AVOIDANCE AND MINIMIZATION

The project is proposing to fill Wetland A for a road crossing that will allow for traffic circulation within the subdivision. In addition, a stormwater pipeline will cross the property to the south and outfall near a wetland adjacent to the EFLR. A wetland on the bench at the toe of the slope will be temporarily impacted for the installation of the outfall pipe. The construction zone through the 250-foot RHCA will be located along the slope to avoid the removal of large trees. However, some small trees and shrubs that cannot be avoided will be removed. No Oregon white oak trees will be removed for the installation of the outfall pipe.

The following measures will be taken to avoid/minimize additional impacts to wetland and buffer areas:

1. All wetland, wetland buffer, and riparian buffer boundaries will be temporarily flagged in the field prior to construction.
2. Erosion control measures (e.g. straw bale sediment barriers or sediment fence) will be installed to prevent siltation from occurring in the critical areas during construction.
3. The erosion control measures will be removed once construction is completed and vegetation has become established.
4. The final wetland and buffer configuration will be placed in a conservation covenant that will restrict use and access to the critical areas

4.0 WETLAND/STREAM IMPACTS (TABLE 2)

The Applicant is proposing to impact Wetland A for the subdivision road crossing as shown in Figures 4 and 5, and detailed in Figures 6 and 7. The entire wetland (6,346 ft²) will be directly or indirectly impacted for the construction of the roadway. A portion of Wetland C (440 ft²) will be temporarily impacted for the installation of the stormwater outfall pipe as shown in Figure 8. The extension of the outfall structure below the OHWM of the EFLR will impact 96 ft² (Figs. 8 and9).

Wetland A impacts will be compensated by purchasing credits in the EFLWMB as recommended by USACE staff. Wetland C (temporary impacts) will be restored as outlined below and shown in Figure 10. In addition, installation of the stormwater pipeline will temporarily impact 8,455 ft² of the riparian conservation zone of the EFLR. The temporary habitat impacts and compensation are addressed in the habitat restoration plan that was submitted to the City of La Center. This temporary impact will be restored and the riparian area within the City's ROW adjacent to EFLR will be enhanced

Table 2. Proposed Wetland/Stream Impacts (Figs. 5 – 9).

Wetland Identifier	Wetland Area (sq.ft.) On-site	Permanently Filled Wetland Area (sq.ft.)	Temporarily Impacted Wetland Area (sq.ft.)	Quantity of Fill Material/Type (cu. yds.)	Indirect Impact Area (sq.ft.)	Cowardin Classification	Ecology Rating	Local Jurisdiction Rating	HGM Classification
A	6,340	6,346	0	1,175 cu.yds Compacted Soils/Asphalt	0	PEMF	IV	IV	Slope
B	49,876	0	0	0	0	PEMC	IV	IV	Slope
C	807	0	440	60 cu. yds. Soil Restoration 48" Corrugated Pipe	0	PEMA	IV	IV	Depressional/ Riverine
EFLR Outfall Structure Below OHWM	--	96	0	48" Corrugated Pipe	0				
TOTALS	**57,029**	**6,346**	**440**		**0**				

5.0 MITIGATION ACTIVITIES

Wetland A. The previously approved wetland mitigation plan (LDC 2005) called for excavating Wetland B to create an extended water regime and emergent, scrub/shrub and forested plant communities. Wetland B is situated on a ledge that sits above a historic landslide area. Creating an extended water regime within this area could aggravate the slide potential of that slope. Due to this and USACE mitigation rule, which recommends mitigation banks as preferred method of wetland mitigation, the impacts for Wetland A will be compensated through the purchase credits from the EFLWMB. The project area is located within the East Fork Lewis River Watershed (Fig. 11) and the service area of the EFLWMB (Fig. 12). The bank service area (Fig. 12) encompasses Water Resource Inventory Area (WRIA) 27 whose boundaries are determined by Ecology. WRIA 27 includes EFLR drainage basin which contains the Kays site (Fig. 11). According to the EFLMB banking instrument a functional assessment of the bank was conducted in accordance with the Washington State Method for Assessing Wetland Functions (WAFAM): Volumes I and II. This assessment was conducted to determine existing wetland functional conditions the potential change in function post-bank construction. According to the results of this assessment, the bank will significantly increase water quality, water quantity and habitat functions of existing conditions within the bank service area. The credit-debit ratio for the bank is outlined in Table 3 (Bank Instrument – Appendix E, Table E-1). Wetland A is a Category IV wetland as rated by Ecology's rating system for western Washington. As per the approved EFLWMG bank instrument, Category IV wetlands are compensated at a 0.85:1 ratio (Table 3). Therefore, the applicant is proposing to purchase 0.13 bank credits (Table 4) to compensate for the 0.15 acres of wetland permanent impact to Wetland A.

Table 3. Credits Recommended for Wetland Impacts for EFLMB.

Category of Impacted Wetland	Credit Recommended per Impact Acre
I	Case-by-Case
II	1.2:1
III	1:1
IV Critical Area Buffer	0.85:1 Case-by-Case

Table 4. Mitigation Bank Credits Proposed for Wetland A Permanent Wetland Impacts

Wetland	Total Wetland Area (on-site) (sq.ft./ac)	Permanently Filled Wetland Area (sq.ft./ac)	Indirect Wetland Impact Area (sq.ft./ac)	Ecology Rating	Credit Needed per Impact	Credit Proposed for Use
A	6,346/0.15	6,346/0.15	0	IV	0.85	0.13
TOTAL	6,346/0.15	6,346/0.15	**0**			**0.13**

Wetland C. Wetland C will be temporarily impacted (440 ft²) during the excavation of the stormwater outfall pipe as shown in Figure 8. The trench area will be restored to preconstruction contours. The construction area and the remaining portion of Wetland C within the City's ROW (807 ft²) will be planted with native shrubs (Fig. 10, Table 5).

Outfall Pipe Below OHWM/Riparian Habitat Conservation Area. The installation of the outfall pipe within the 250-foot riparian habitat conservation area will temporarily impact 8,455 ft² of that critical area and 96 ft² below the OHWM of the EFLR. Once the installation has been completed this area will be restored to preconstruction contours and seeded with a native seed mixture listed below. In addition, the non-forested section of the riparian area (4,630 ft²) adjacent to the OHWM of the EFLR (Fig. 10) will be planted with native willow as outlined in Table 5.

Any ground disturbance within the wetland/riparian buffer caused by the construction of the subdivision, associated roads and installation of the outfall pipe will be restored by seeding the following native grass seed mixture or a similar native seed mixture:

Blue wildrye (*Elymus glaucus*) 40%
California brome (*Bromus carinatus*) 40%
Native red fescue (*Festuca rubra*) 15%
Tufted hairgrass (*Deschampsia caespitosa*) 5%
The seeding rate for this mixture is: 1 lb./1000 sq. ft.

6.0 MITIGATION GOALS

The overall objective of this plan is to ensure no net loss of wetland functions and values within the watershed, and satisfy the requirements the City of La Center, Ecology, and the USACE. The Category IV direct wetland impacts (Wetland A) will be compensated through purchase of 0.13 credits from the EFLWMG at a 0.85:1 ratio as the bank instrument. The total direct Category IV wetland impact for providing for lots and street (Wetland A) is 0.15 acres (6,346 ft²). The total temporary direct Category IV wetland impact (Wetland C) is 440 ft² for the excavation of the outfall pipeline. Wetland C (0.02 ac) will be restored and enhanced by planting native trees and shrubs (Fig. 10, Table 5). In addition, the 96 ft² impact for the outfall pipe will be compensated by planting 4,630 ft² of the riparian buffer adjacent to the EFLR (Fig. 10, Table 5).

7.0 OBJECTIVES

Objective #1 The proposed mitigation will compensate for direct wetland impacts (Wetland A) by obtaining credits from the ERLWMB which is designed to improve overall wetland functions within the bank service area and temporary wetland impacts through the restoration and enhancement of Wetland C and the riparian area adjacent to the EFLR.

Objective #2 Compensatory mitigation will improve plant diversity by planting a total of 0.12 acres of wetlands and wetland/riparian buffer with native shrubs on-site. The predominantly open grassland wetlands will be replaced by a native scrub/shrub community.

Objective #3 The compensatory mitigation will improve wetland functions through increasing the diversity and complexity of available wildlife habitat. The proposed project would ultimately provide a diversity of shrub and ground cover habitat that will provide the opportunity for increased wildlife use.

8.0 PROJECT SCHEDULE

This project is proposed to begin construction as soon as the appropriate permits are received. Initial project grading and direct/indirect wetland impacts are tentatively scheduled to begin in the summer of 2017. Wetland enhancement activities will take place during the first planting season following wetland impacts.

9.0 PLANTING PLAN

To mitigate for the impacts described above the Applicant proposes to complete the following on-site mitigation measures. A total of 22 shrubs will be planted within 807 ft² of Wetland C enhancement area and another 127 shrubs will be planted in the riparian habitat conservation area adjacent to the EFLR (Table 5). The planting of the wetland and buffer will provide for greater habitat structure and diversity and improved water quality. Plant species and numbers are presented in Table 5 below.

Table 5. Wetland/Riparian Enhancement/Restoration Area Planting (Fig. 10).

Species	Plant Form	Minimum Size	Minimum Spacing	Required Number
Wetland C Enhancement Area (807 ft²)				
Shrubs				
Native willow *(Salix Sp.)*	Cuttings	24 – 36"	6'	22
Total Shrubs				**22**
Riparian Habitat Conservation Area (4,630 ft²)				
Native willow *(Salix Sp.)*	Cuttings	24 – 36"	6'	127
			Total Shrubs	**127**

Additional planting specifications applicable to this plan are listed below.

Source of Plant Materials. All plants will be obtained from nurseries specializing in plant materials native to the Pacific Northwest.

Planting Time**.** Bare-root shrubs and trees should be planted between December 1 and March 31, when plants are dormant. If planting is conducted outside this time period, containerized plant stock will be used and extra care and watering may be needed to ensure that plants become adequately established.

Schedule. The mitigation area will be planted within the same calendar year that the stormwater facility is installed.

Qualifications. The initial and all successive year plantings will be supervised by a qualified professional to ensure that correct planting procedures are followed and that plantings are done according to the planting scheme.

10.0 PERFORMANCE CRITERIA

The City requires a minimum of five (5) years of monitoring and maintenance, however, the USACE and Ecology require at least 10 years of these activities. The criteria listed below are intended to meet the requirements of both entities. Performance measures and standards are used to provide a basis for evaluating whether the project's goals and objectives are being met. In order to meet the goals and objectives, the mitigation must meet the following criteria:

1. Native Woody Species
    a. Performance Standard - Year 1 - Planted, native woody species in the (scrub-shrub) wetland at the mitigation site will achieve at least 100 percent survival one year after the site is planted. If dead plantings are replaced, the performance standard will be met.
    b. Performance Standard Years 2-4 – Native woody species (planted or volunteer) will achieve a density of a minimum of 6 shrubs per 1000 ft^2 in the wetland enhanced mitigation areas.
    c. Performance Standard Year 5 - at least 30 percent aerial coverage of native and shrubs
    d. Performance Standard Year 7 - at least 50 percent aerial coverage of native and shrubs
    e. Performance Standard Year 10 - Aerial cover of native woody species will be at least 75 percent in the wetland enhancement areas by the end of the monitoring period (year 10). Natural colonization can make it difficult to separate planted individuals from volunteer trees and shrubs. Therefore, naturally recruited species will be included in vegetation monitoring.

3. Invasive species (all years)
    a. Performance Standard - During All Years, non-native, invasive plant species, with the exception of reed canarygrass, will not exceed 20 percent aerial cover in the wetland and buffer area on the enhancement mitigation site.
    b. Performance Standard - Year 5, there will be a 30 percent reduction in reed canarygrass aerial cover compared to baseline conditions.
    c. Performance Standard - Year 7, there will be a 50 percent reduction in reed canarygrass aerial cover compared to baseline conditions.
    d. Performance Standard - Year 10, reed canarygrass aerial cover will not exceed 20 percent.

11.0 MONITORING AND MAINTENANCE PLANS

The following actions will be implemented as part of the wetland mitigation monitoring and maintenance plan on this site:

1. The initial and all successive year plantings will be supervised by a qualified professional to ensure that correct planting procedures are followed and that plantings are done according to the planting scheme and to determine if the enhancement areas are meeting the performance standards listed above.

2. Monitoring of all planted areas will commence the summer following the initial planting (year 1) and continue in the 2nd, 3rd, 4th and 5th years. In addition, to meet USACE and Ecology's requirements, monitoring will be conducted in years 7 and 10. Monitoring will be conducted by a qualified professional during the late spring or summer time period. For each year that monitoring is required, a report documenting the monitoring results will be submitted to the City of LaCenter, USACE, and Ecology. The report will identify deficiencies in the mitigation progress and any contingency measures that will be taken to correct those deficiencies. Photographs taken from established photo-stations will be included with these reports.

3. To ensure planting success, the Applicant will be responsible for performing minor maintenance over the monitoring period. This will include the selective removal of undesirable plant species such as blackberry (*Rubus* spp.) that may be hindering the growth and establishment of the favored plant stands. An area, 1-foot in diameter surrounding each planted woody species, will be kept free of competing vegetation. This can be accomplished either by scarifying the area by hand or through the use of weed-control rings.

4. Maintenance of the enhancement area may include irrigation of the planted stock. A watering schedule will be established during the dry months (June through September) so that the plants are watered on a weekly basis during this time period. If necessary, a temporary above ground irrigation system capable of watering the entire enhanced wetland area will be installed.

5. Any maintenance that is required within the wetland area will be supervised by a qualified wetland professional familiar with this project.

12.0 ADAPTIVE MANAGEMENT PLANS

Adaptive management plans are designed to identify potential courses of action, and any corrective measures to be taken when monitoring indicates project goals are not being met. Table 6 summarizes the maintenance and contingency requirements for this project. In general, the contingency measures for this site are as follows:

1. Replacement Plantings—Replacement plantings will be made throughout the monitoring period if monitoring reveals that unacceptable plant mortality has

occurred. Woody species will be re-planted to the original number of plants proposed in the accepted mitigation plan annually throughout the duration of the monitoring and maintenance period.

2. Planting Plan Modifications—Modifications to the planting plan (i.e., plant species and densities) will be made if monitoring identifies problems with the original planting scheme. For example, if annual monitoring identifies that plant mortality is attributed to an inappropriate hydrologic regime, the replacement plantings should be made using a more suitable plant species. Any recommended changes to the planting scheme will be documented in the annual monitoring report. The addition of any new plant species, not already included in this enhancement plan, must be approved by the City of La Center.

3. Soil Erosion—Any areas demonstrating soil erosion problems will be restored as soon as possible. If there does not appear to be a problem with the original design, the eroded areas will be restored by replacing any lost topsoil and replanted according to the original planting scheme.

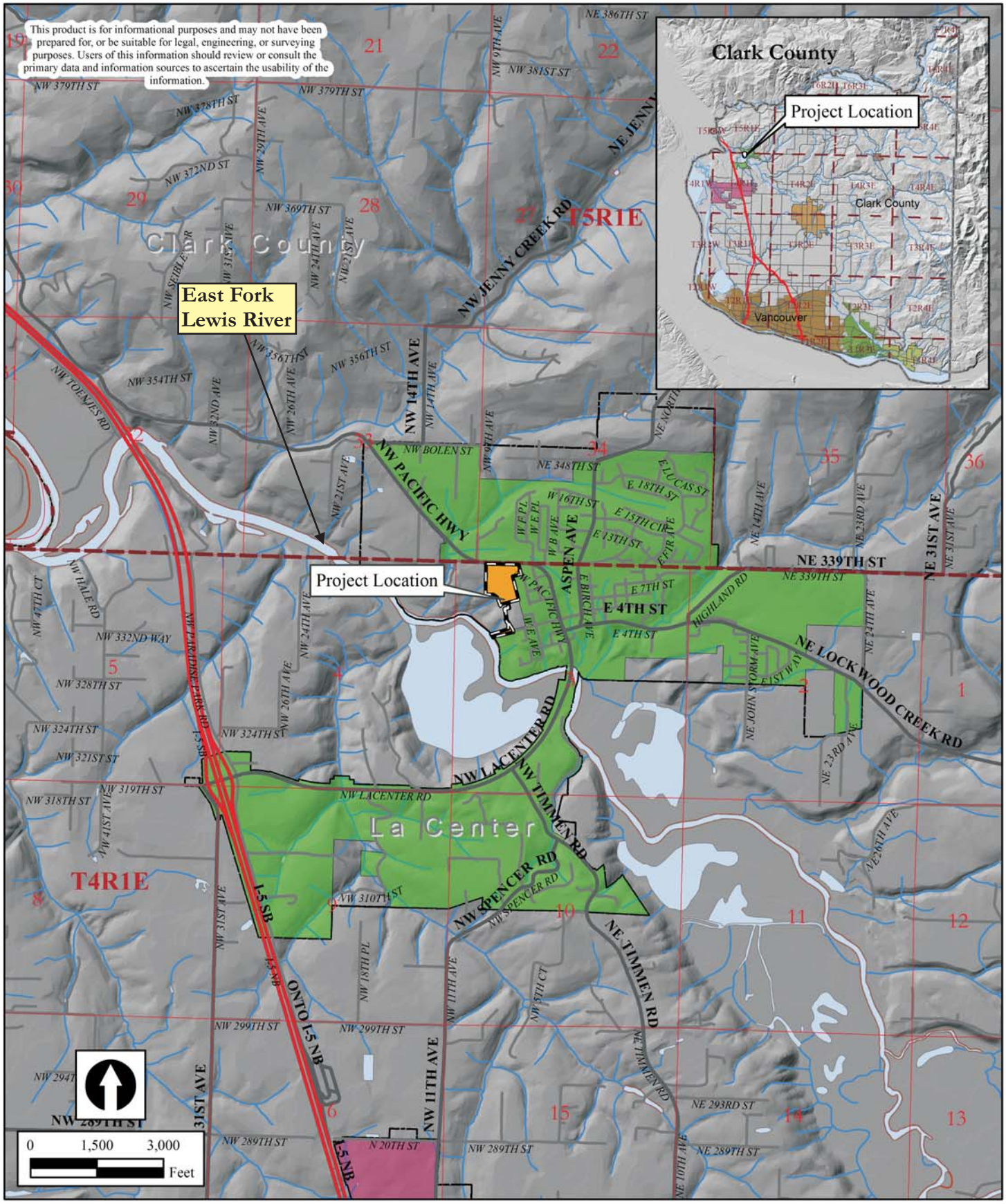
Table 6. Maintenance and Adaptive Management Requirements

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is Performed
Enhancement Areas	Trash and debris	Any trash or debris which exceeds 1 $ft.^3/100ft^2$ (equal to the volume of a standard size office garbage can). In general, there should be no evidence of dumping.	Trash and debris cleared from site.
Enhancement Areas	Erosion	Eroded damage >2 inches deep where cause of damage is still present or where there is potential for continued erosion.	Eroded areas should be stabilized with appropriate erosion control BMPs (e.g., seeding, mulching, rip rap).
Enhancement Areas	Plant mortality	Plant mortality jeopardizes attaining the required survival rate.	Plants should be replaced according to the planting plan. Modifications to the planting plan should be made if monitoring identifies problems with the original planting scheme.
Enhancement Areas	Invasion of undesirable plant species.	Undesirable plant species are hindering the growth and establishment of the favored plant stands.	Undesirable species removed by hand, or in accordance with recommendations of the Clark County Weed Control Board.

13.0 DEMARCATION

In accordance with the City's ordinance 18.300.090(6)(f)(vi) Permanent Marking of Buffer Area, a permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, fencing, or other prominent physical marking approved by the hearings examiner. In addition, small signs shall be posted at an interval of one per lot or every 100 feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer worded substantially as follows: "Wetland and Buffer – Please Retain in a Natural State."

FIGURES



Corps Reference No.: NWS-2013-739
WARAC, LLC

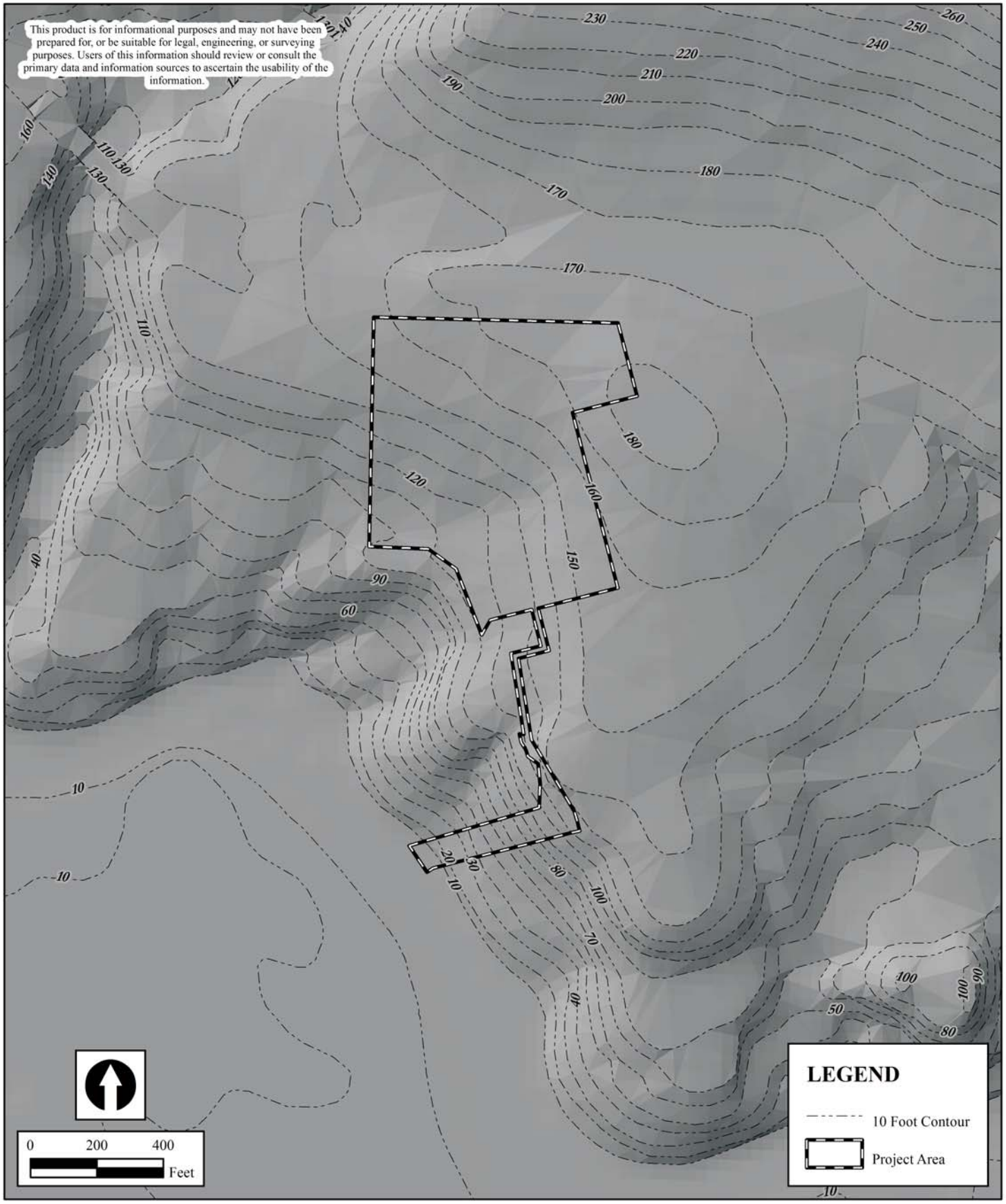
APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Project Location Map
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
LEGAL: NW ¼ of Section 3, T4N, R1E, W. M.,
NEAR: La Center, Washington
COUNTY: Clark County
DATE: September 5, 2016



Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Clark County LiDAR Topography
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

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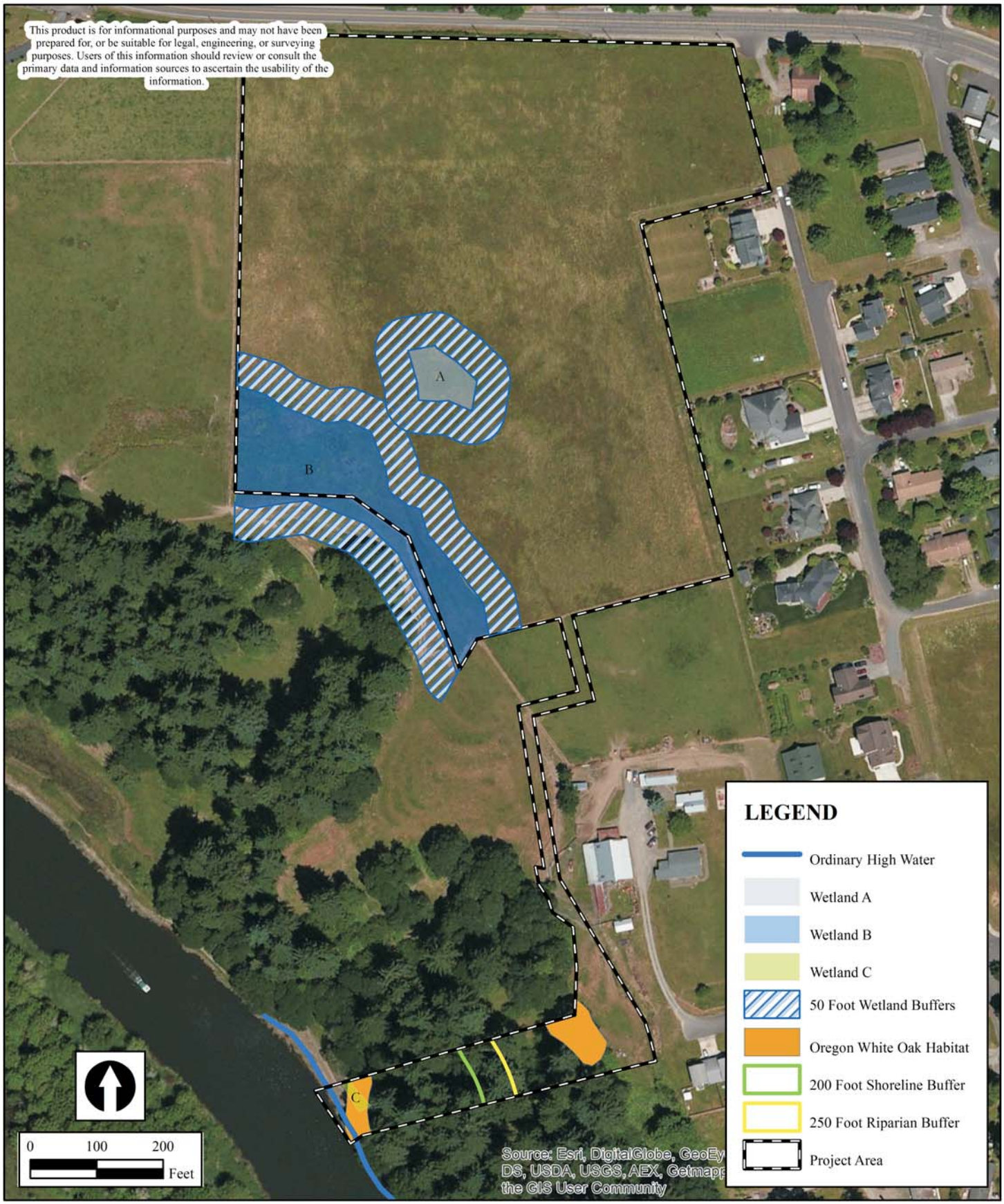
DATE: September 5, 2016

Figure 2 of 13



Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Existing Conditions
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
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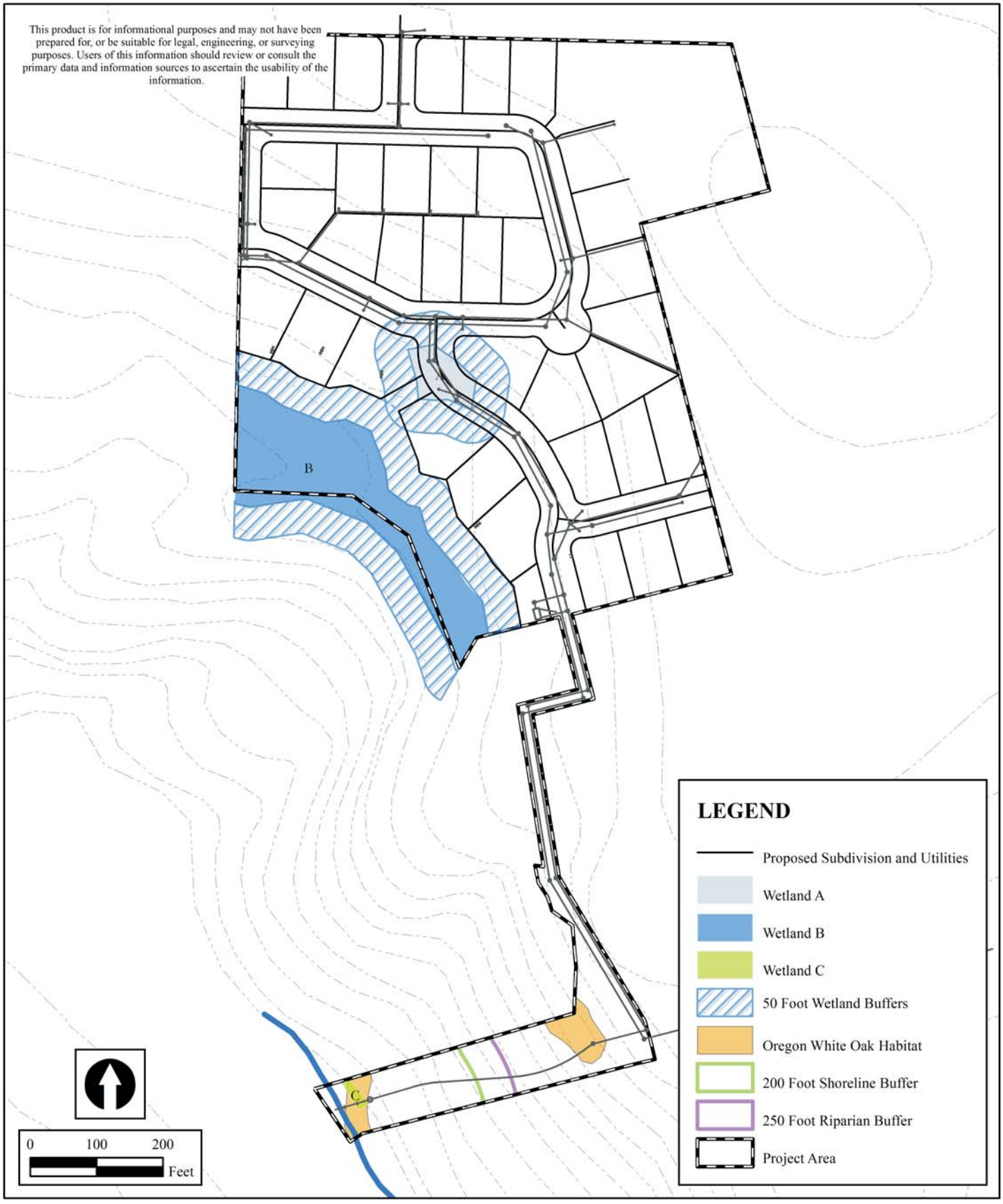
Figure 3 of 13



Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Proposed Site Plan
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
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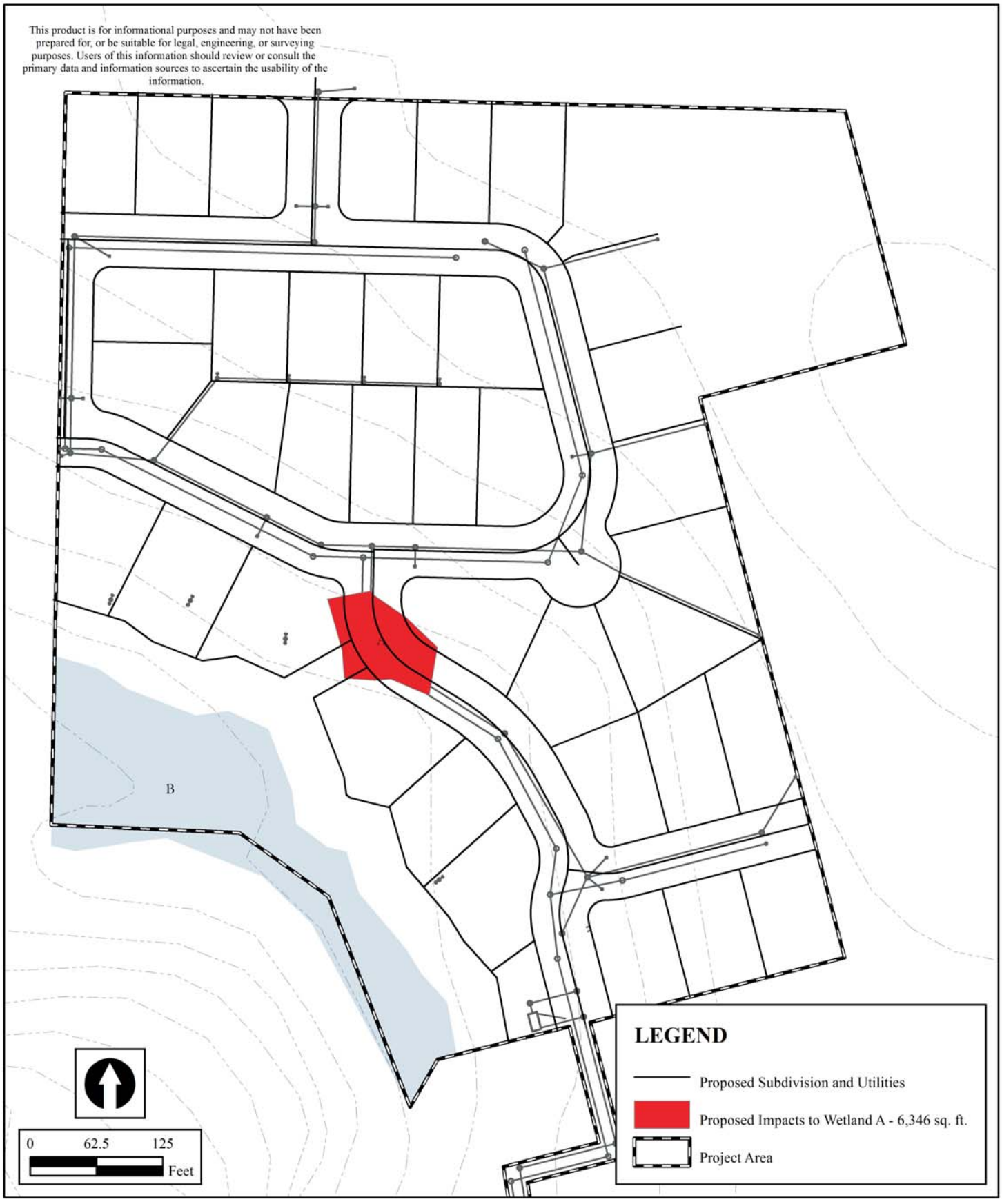
COUNTY: Clark County
DATE: September 5, 2016

Figure 4 of 13



Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Proposed Impacts - Wetland A
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
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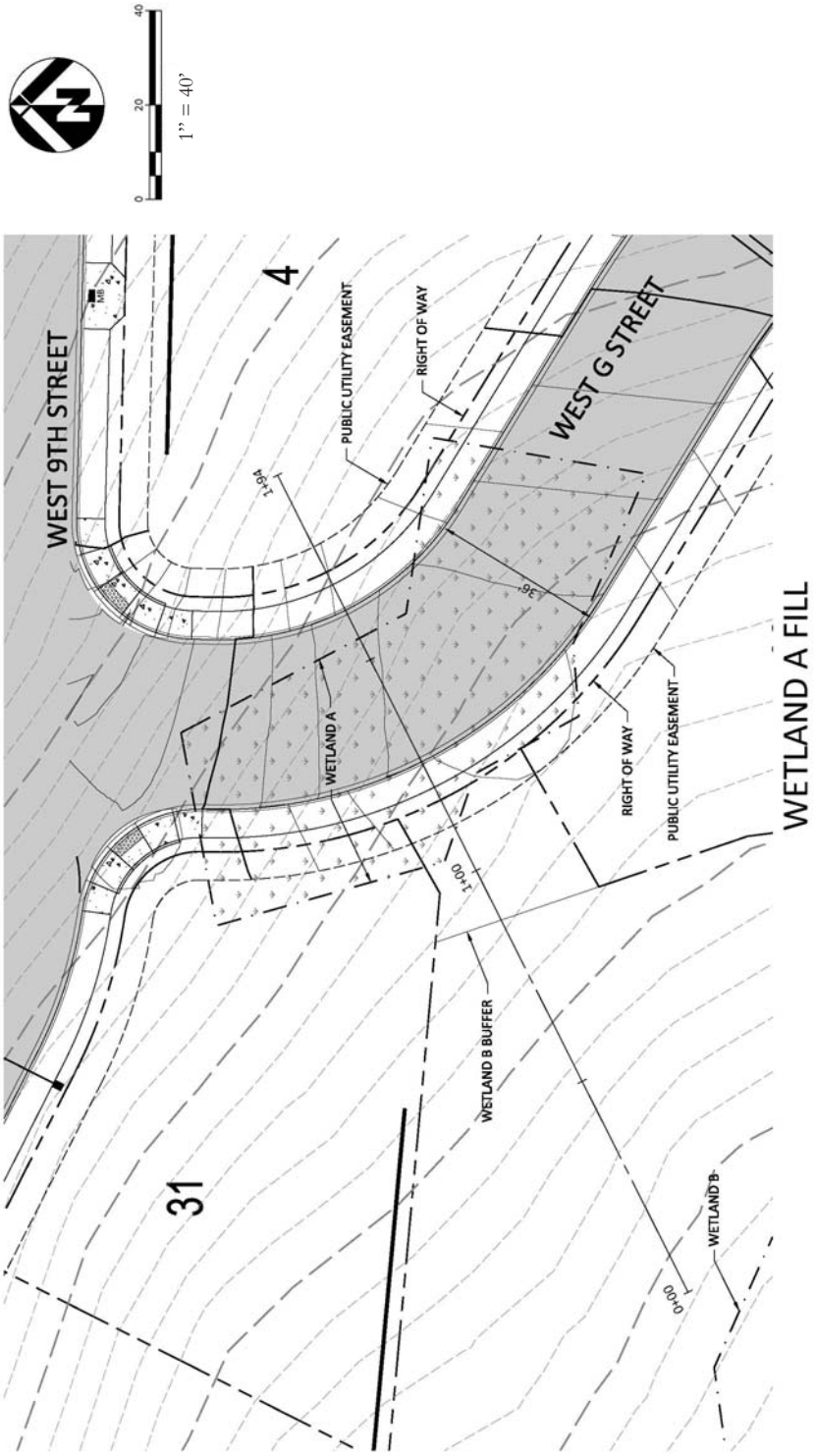

Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Wetland A Roadway Fill Details
Kays Subdivision Project
LaCenter, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
LEGAL: NW ¼ of Section 3, T4N, R1E, W. M.,
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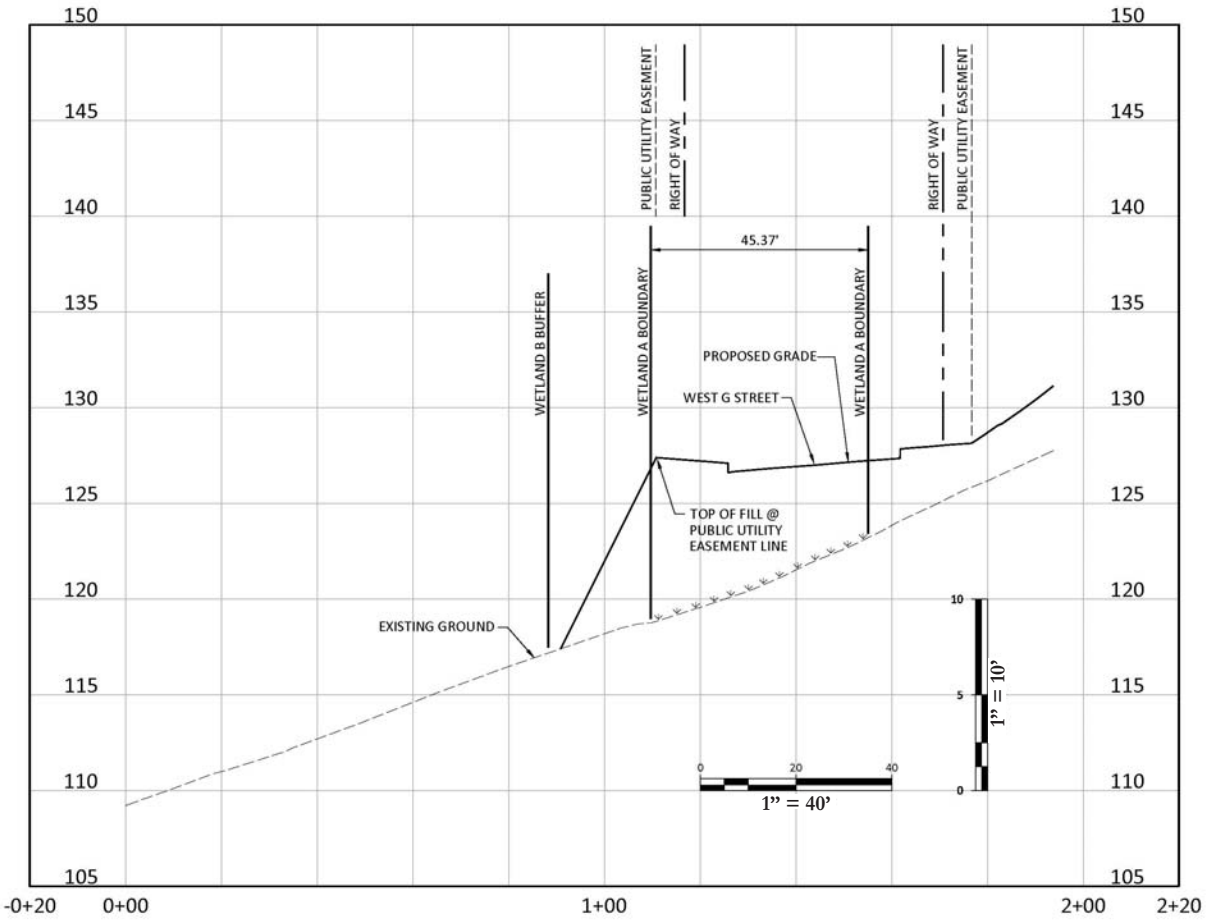
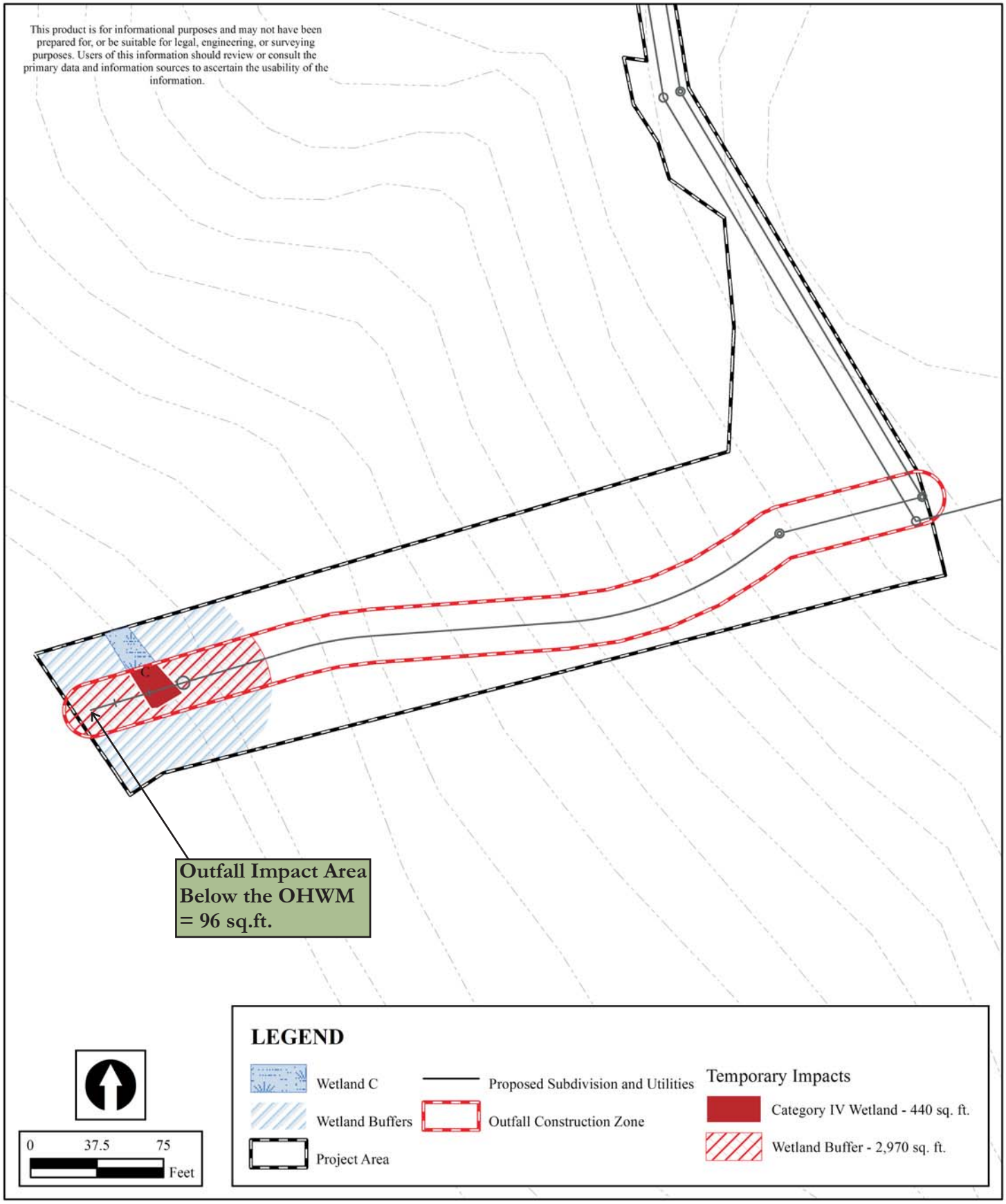
COUNTY: Clark County
DATE: September 5, 2016



WETLAND A FILL

Corps Reference No.: NWS-2013-739 **WARAC, LLC** **APPLICANT:** WARAC, LLC 7211 A NE 43rd Avenue Vancouver, WA 98661 **PURPOSE:** Revised Wetland Mitigation	**Wetland A Roadway Fill Cross Section** **Kays Subdivision Project** **La Center, Washington** The Resource Company, Inc. ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION 8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242	**PROPOSED ACTIVITIES IN:** E. Fork of the Lewis River Watershed **LEGAL:** NW ¼ of Section 3, T4N, R1E, W. M., **NEAR:** La Center, Washington **COUNTY:** Clark County **DATE:** September 5, 2016 **Figure 7 of 13**



Corps Reference No.: NWS-2013-739
WARAC, LLC

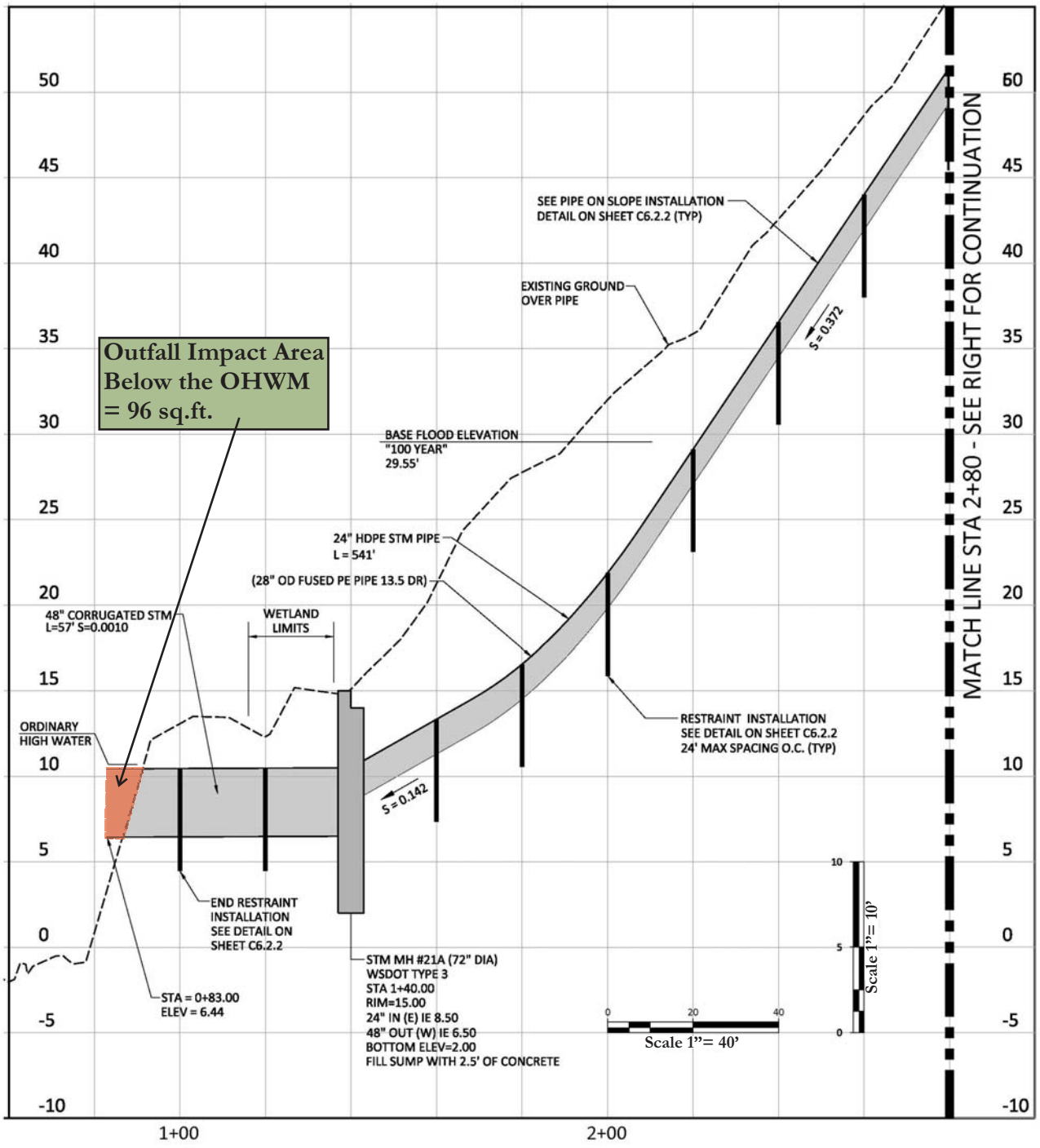
APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Wetland C Temporary Impacts
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
LEGAL: NW ¼ of Section 3, T4N, R1E, W. M.,
NEAR: La Center, Washington
COUNTY: Clark County
DATE: September 5, 2016



Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Outfall Pipe Impacts
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
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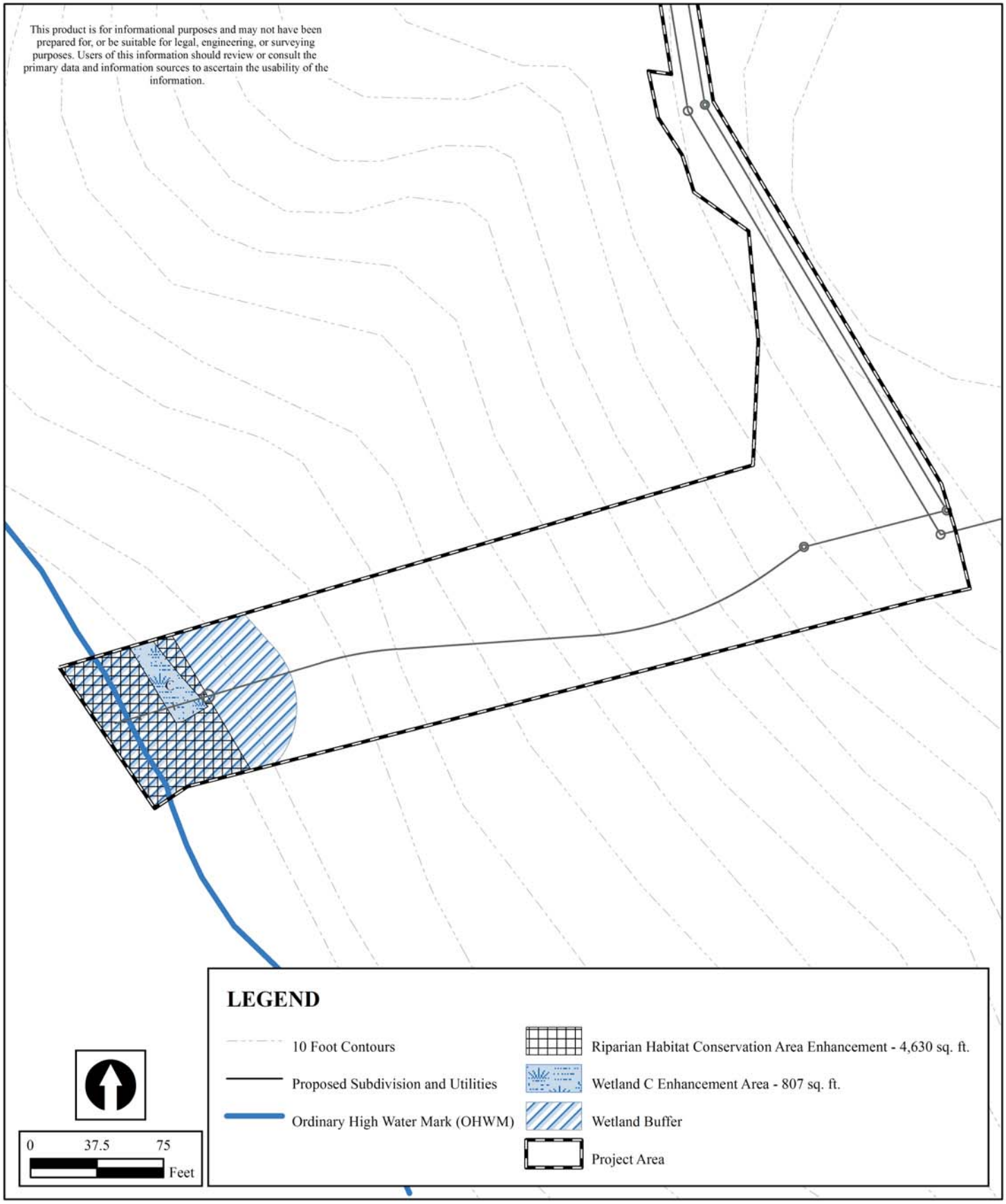
COUNTY: Clark County
DATE: September 5, 2016



Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Wetland C and Riparian Enhancement
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
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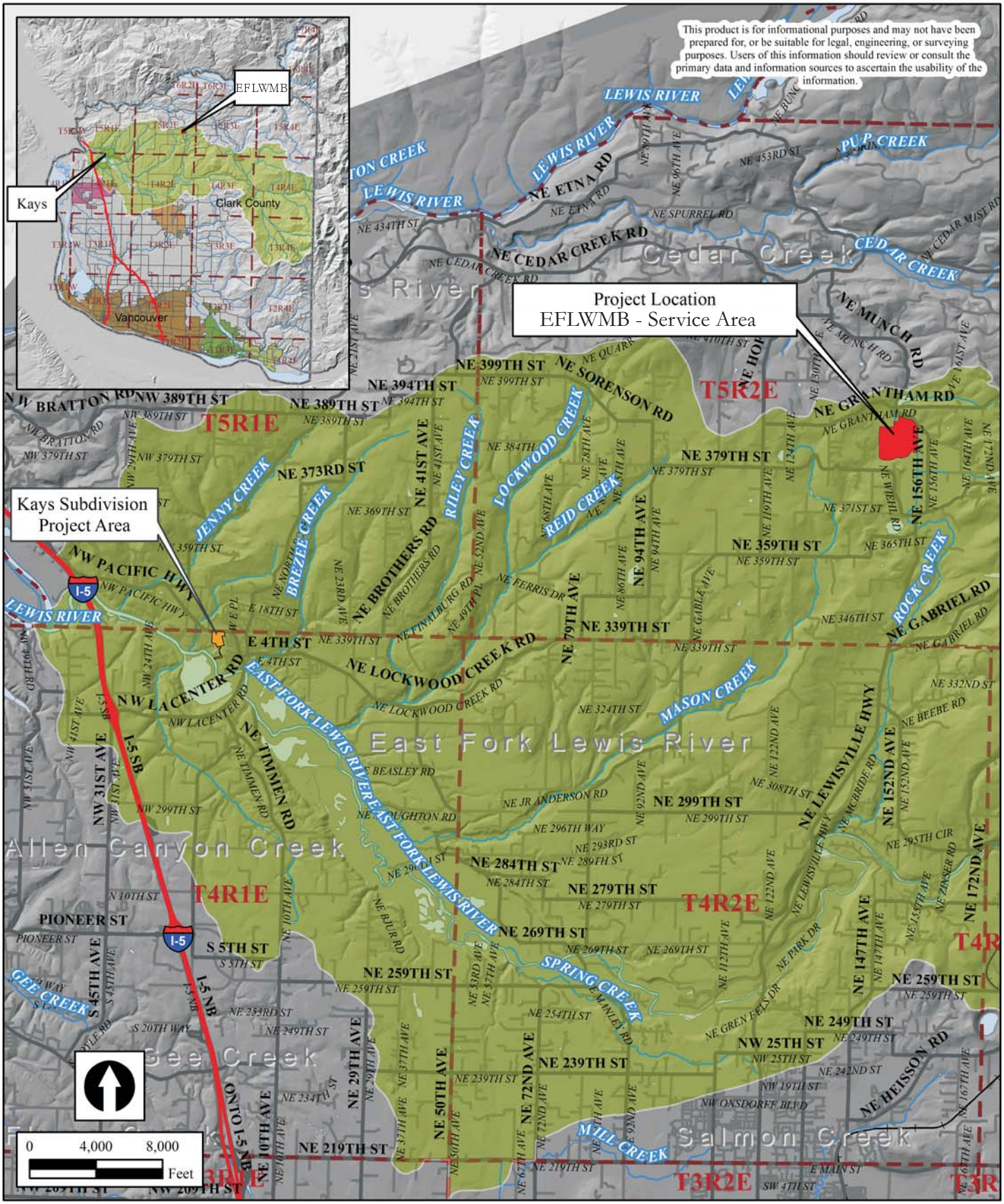
DATE: September 5, 2016



Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

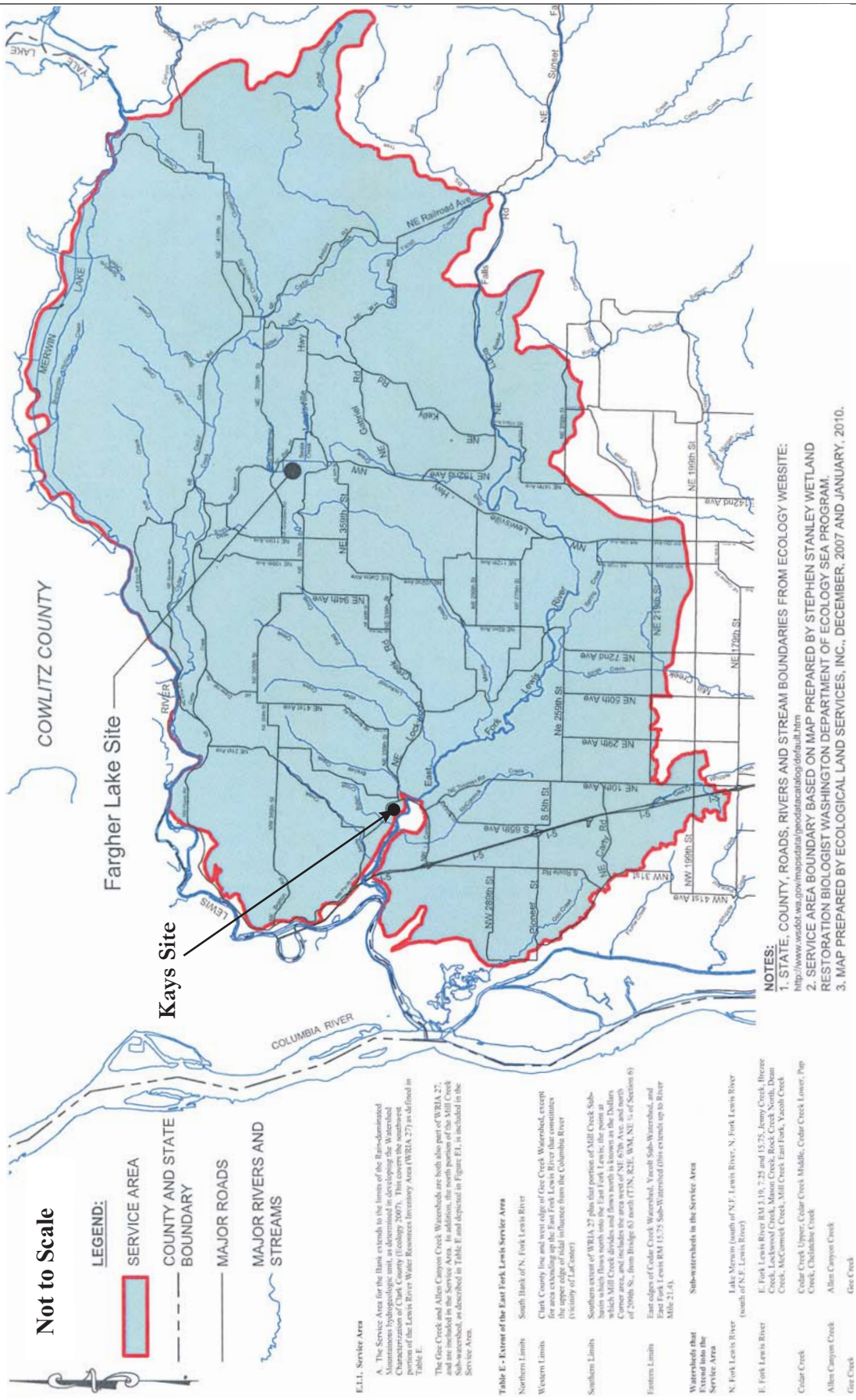
PURPOSE: Revised Wetland Mitigation

East Fork Lewis River Watershed Map
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
LEGAL: NW ¼ of Section 3, T4N, R1E, W. M.,
NEAR: La Center, Washington
COUNTY: Clark County
DATE: September 5, 2016

Figure 11 of 13



E.1.1. Service Area

A. The Service Area for the Bank extends to the limits of the Rain-dominated Mountainous hydrogeologic unit, as determined in developing the Watershed Characterization of Clark County (Ecology 2007). This covers the southwest portion of the Lewis River Water Resources Inventory Area (WRIA 27) as defined in Table E.

The Gee Creek and Allen Canyon Creek Watersheds are both also part of WRIA 27, and are included in the Service Area. In addition, the north portion of the Mill Creek Sub-watershed, as described in Table E and depicted in Figure E1, is included in the Service Area.

Table E - Extent of the East Fork Lewis Service Area

Northern Limits	South Bank of N. Fork Lewis River	
Western Limits	Clark County line and west edge of Gee Creek Watershed, except for area extending up the East Fork Lewis River that constitutes the upper edge of tidal influence from the Columbia River (vicinity of Lat center)	
Southern Limits	Southern extent of WRIA 27 plus that portion of Mill Creek Sub-basin which flows north into the East Fork Lewis; the point at which Mill Creek divides and flows north is known as the Dollars Corner area, and includes the area west of NE 67th Ave. and north of 299th St., from Bridge 63 north (T3N, R2E, WM, NE ¼ of Section 6)	
Eastern Limits	East edges of Cedar Creek Watershed, Yacolt Sub-Watershed, and East Fork Lewis RM 15.75 Sub-Watershed (this extends up to River Mile 21.6).	
Watersheds that Extend into the Service Area	Sub-watersheds in the Service Area	
N. Fork Lewis River	Lake Merwin (south of N.F. Lewis River, N. Fork Lewis River (south of N.F. Lewis River)	
E. Fork Lewis River	E. Fork Lewis River RM 3.19, 7.25 and 15.75, Jenny Creek, Breeze Creek, Lockwood Creek, Mason Creek, Rock Creek North, Dean Creek, McCormick Creek, Mill Creek East Fork, Yacolt Creek	
Cedar Creek	Cedar Creek Upper, Cedar Creek Middle, Cedar Creek Lower, Pup Creek, Chelatchie Creek	
Allen Canyon Creek	Allen Canyon Creek	
Gee Creek	Gee Creek	

Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

EFLWMB Service Area
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
LEGAL: NW ¼ of Section 3, T4N, R1E, W. M.,
NEAR: La Center, Washington
COUNTY: Clark County
DATE: September 5, 2016

Figure 12 of 13

Wetland A

Wetland A

Wetland B

Wetland B

Wetland C

Wetland C

Corps Reference No.: NWS-2013-739
WARAC, LLC

APPLICANT:
WARAC, LLC
7211 A NE 43rd Avenue
Vancouver, WA 98661

PURPOSE: Revised Wetland Mitigation

Project Photographs
Kays Subdivision Project
La Center, Washington

The Resource Company, Inc.
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:
E. Fork of the Lewis River Watershed
LEGAL: NW ¼ of Section 3, T4N, R1E, W. M.,
NEAR: La Center, Washington
COUNTY: Clark County
DATE: September 5, 2016

Exhibit B

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 1, 2021

Sarah Dollar, Permit Technician
City of La Center
Community Development Department
305 Northwest Pacific Highway
La Center, WA 98629

Dear Sarah Dollar:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Kay's Subdivision Project (2021-013-PDR/SEPA) located at 834 West Golden Eagle Drive as proposed by WARAC LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Miranda Adams, Wetlands/Shorelands Specialist
(360) 690-7164 | miranda.adams@ecy.wa.gov

Ecology supports the proposal to mitigate for wetland impacts with the purchase of credits from the East Fork Lewis River Mitigation Bank. The applicant should be advised that revisions to mitigation plans are subject to local, state and federal review and that all necessary approvals shall be sought by the applicant.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

WATER QUALITY/WATERSHED RESOURCES UNIT:
Greg Benge (360) 690-4787

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil

and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Section A #10 of the SEPA checklist does not reflect the need for coverage under the Construction Stormwater General Permit (CSWGP), which will likely be required for the proposed project. If site disturbance is over an acre or the project reasonably expects to cause a violation of any water quality standards, and stormwater discharges to surface Waters of the State, a CSWGP is required. The presence of onsite wetlands presents an increased likelihood that construction stormwater will enter Waters of the State.

Construction Stormwater General Permit:
The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
    a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
    a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
    b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional

sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx.

The applicant may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202102609)

cc: Miranda Adams, SEA
Derek Rockett, SWM
Greg Benge, WQ

SWCAA
Southwest Clean Air Agency

11815 NE 99th Street, Suite 1294
Vancouver, WA 98682
(360) 574-3058
www.swcleanair.org

June 1, 2021

Sarah Dollar, Community Development Technician
ATTN: SEPA COMMENTS – Kay's Subdivision
c/o 305 NW Pacific Hwy
La Center WA 98629

RE: Kay's Subdivision; File # 2021-013-PDR; SEPA 202102609

Ms. Dollar:

The Southwest Clean Air Agency (SWCAA) has learned that your agency has issued/will issue a SEPA Determination for the above project. Please be advised that SWCAA administers/enforces a number of regulations that may apply to the proposed project. The applicability of these regulations depends on the exact nature of the project in question. The following section provides a brief summary of the requirements for the general types of activity that may be affected by this project.

Construction Dust [SWCAA 400 - General Regulations for Air Pollution Sources]:

- Construction and earthmoving activities have the potential to generate excessive dust emissions if reasonable control measures are not implemented. SWCAA Regulation 400-040(2) requires that "no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited". Furthermore, SWCAA Regulation 400-040(8)(a) requires that "the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions".
- Common control measures to mitigate the emission of dust from construction and earthmoving activities include: application of water before and during earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events.
- Violations of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

The proponent of this project may contact SWCAA at 360-574-3058 for more information regarding the agency's requirements. Notification forms, permit applications, air quality regulations and other information are available on the internet at **http://www.swcleanair.org**.

Sincerely,

Duane Van Johnson
Air Quality Specialist II