



Facsimile Cover Sheet

To: Tom Luster, ecology - 7-pages
 Eric Stockdale, NWRO

From: Elizabeth M. Leavitt, Manager, Aviation Environmental Programs
Seattle-Tacoma International Airport
17900 International Blvd., Suite 402
Seattle, WA 98188-4236

Phone: 206-433-7203
Fax: 206-988-5636
Date:
Pages including this cover page:

The Auburn HPA
 Shoreline Exemptions . . .

AR 031741

CHARLES A. BOOTH, MAYOR
Paul Krauss, A.I.C.P., Planning Director



PLANNING DEPARTMENT
25 West Main, Auburn, WA 98001
(253) 931-3090 Fax: (253) 931-3053

August 9, 2000

Elizabeth Leavitt
Port of Seattle
17900 International Boulevard
Seattle, WA 98188

Robert J. Fritzen
Shoreline and Environmental Assistance Program
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE.
Bellevue, WA 98008-5452

RE: Shoreline Permit Exemption Letter – Port of Seattle Wetland Mitigation Project located in the City of Auburn, West of the Green River within Section 31, Township 22N, Range 5E, W.M.

Dear Ms. Leavitt and Mr. Fritzen:

This letter is in response to a request by the Port of Seattle that the City provides an exemption letter from the Shoreline Permitting requirements for the above-referenced project.

Your project, as defined in the Joint Aquatic Resources Application (JARPA) dated May 19, 2000, consists of creating new wetlands and enhancing wetland area to create avian habitat and creating downstream channel improvements. Completing these activities will require construction of an access road, temporary haul road, erosion and sedimentation control facilities, and excavation and dewatering system. The project will create approximately 40 acres of wetland and 15 acres of associated buffers within the 67-acre parcel. Approximately 5 acres on the west side of the parcel will be used for construction staging, siting of erosion control facilities and access and haul roads. Greater than 60-acre feet of flood storage capacity will be created in the wetland mitigation area.

The City has evaluated this request and determined that the proposal is exempt from a shoreline permit pursuant to WAC 173-27-040(2)(p). This section provides that activity, which consists of a public or private project whose primary purpose is to improve fish or wildlife habitat or fish passage, is exempt when certain criteria are met. The criteria includes: approval of the project in

AR 031742

writing by the Department of Fish and Wildlife, receipt of a Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife, and determination that the project is consistent with the local shoreline master program. The Department of Fish and Wildlife approved the project as necessary for improvement of habitat by letter dated July 28, 2000. The Department of Fish and Wildlife issued the HPA on July 28, 2000. And the City previously determined the project to be consistent with the local shoreline master program by letter dated May 26, 1998.

While a shoreline permit is not required for the proposed action, the project must still be consistent with the City's Shoreline Master Program and the Shoreline Management Act. Also, a City grading permit is required to be issued for the project.

If you have questions or need further assistance please feel free to call Jeff Dixon, Planner II at (253) 931-3090.

Sincerely,



Paul Krauss, AICP
Planning Director

PK/JD:ceb

cc: Philip Schneider, Department of Fish and Wildlife
Paul Fendt, Parametrix, Inc.
Tom Walsh, Foster Pepper Shefelman LLC

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AR 031743



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Region 4 Office: 15018 Mill Creek Boulevard - Mill Creek, Washington 98012 - (425) 775-1311

July 28, 2000

City of Auburn
ATTENTION: Paul Krauss
25 West Main
Auburn, Washington 98001

Dear Mr. Krauss:

SUBJECT: Port of Seattle's wetland mitigation project in Auburn; RCW 90.58.147, Wildlife habitat exemption from shoreline permit, Green River, Tributary to Duwamish River, Section 31, Township 22 North, Range 05 East, King County, WRLA 09.0001, Hydraulic Project Approval (HPA) Control Number 00-E6607-01

This proposed wetland mitigation project will create new wetlands and enhancing existing wetlands. This mitigation project will benefit wildlife by improving the diversity of vegetation and increasing open water habitat. The project will mostly benefit avian species however small mammals will also benefit from this mitigation project.

The Port of Seattle has applied for a HPA to discharge water into the Green River using existing outfalls and ditches. The discharge water is from the dewatering activities that is necessary to construct the wetlands. A HPA will be issued for the dewatering discharge into the Green River. This letter and HPA should fulfill the shorelines exemption requirements for wildlife habitat projects for RCW 90.58.147.

Thank you for the opportunity to provide this information. If you have any questions, please contact me at (425) 649-7015.

Sincerely,

A handwritten signature in cursive script that reads "Philip Schneider".

Philip Schneider
Area Habitat Biologist

PS:ps:PorAuMig.ltr

cc: Robert Fritzen- Department of Ecology

AR 031744



HYDRAULIC PROJECT APPROVAL
RCW 75.20.100 or RCW 75.20.108

State of Washington
 Department of Fish and Wildlife
 Region 4 Office
 16018 Mill Creek Boulevard
 Mill Creek, Washington 98012

DATE OF ISSUE: July 28, 2000

LOG NUMBER: 00-E6607.02

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Port of Seattle ATTENTION: Elizabeth Leavitt AV/PMG, 4 th Floor, 17900 International Boulevard Seattle, Washington 98188 (206) 466-7203 Fax: (206) 431-4458	Parametrix, Inc. ATTENTION: Paul Fendt 5808 Lake Washington Boulevard Northeast, Suite 200 Kirkland, Washington 98033-7350 (425) 822-8880 Fax: (425) 889-8808

PROJECT DESCRIPTION: Temporary water discharge

PROJECT LOCATION: Northeast Auburn south of South 277th Street

#	<u>WRIA</u>	<u>WATER BODY</u>	<u>TRIBUTARY TO</u>	<u>1/4 SEC.</u>	<u>SEC.</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>COUNTY</u>
1	09.0001	Green River	Duwamish River		31	22 North	05 East	King

PROVISIONS

TIMING LIMITATIONS: The project may begin **Immediately** and shall be completed by **October 1, 2003**. Work shall occur between **May 1 and October 1** in years **2000, 2001 and 2003**.

- 1. NOTIFICATION REQUIREMENT:** The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below, by FAX at (425) 649-7084, of the project start date. Notification shall be received by the AHB at least three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this Hydraulic Project Approval.
- 2. Work shall be accomplished per plans and specifications entitled, "Port of Seattle, Sea-Tac International Airport, Auburn Wetland Development Site Plan" dated December 1999 and submitted to the department of Fish and Wildlife, except as modified by this Hydraulic Project Approval. These plans reflect design criteria per Chapter 220-110 WAC. These plans reflect mitigation procedures to significantly reduce or eliminate impacts to fish resources. A copy of these plans shall be available on site during construction.**
- 3. The outfall shall be installed to prevent scouring.**
- 4. Excavation for the placement of the structure or armoring materials shall be isolated from the wetted perimeter.**
- 5. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means.**
- 6. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas.**
- 7. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to the ditch and/or outfall system.**

AR 031745



HYDRAULIC PROJECT APPROVAL

RCW 75.20.100 or RCW 75.20.108

State of Washington
Department of Fish and Wildlife
Region 4 Office
16018 Mill Creek Boulevard
Mill Creek, Washington 98012

DATE OF ISSUE: July 28, 2000

LOG NUMBER: 00-E6607.02

8. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.
9. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the stream.
10. Equipment shall operate stationed on the bank.
11. Final construction plans shall be submitted to the Area Habitat Biologist listed below for review and approval prior to starting project.

SEPA: DNS addendum by Port of Seattle April 27, 2000, SEIS February 1996, FEIS May 1997

12. **APPLICATION ACCEPTED:** June 23, 2000 13. **ENFORCEMENT OFFICER:** Boone 030 [P3]

Philip Schneider (425) 649-7015
Area Habitat Biologist

**for Director
WDFW**

cc Paul Krauss - City of Auburn, 25 West Main, Auburn, WA, 98001
Robert Fritzen - Department of Ecology
Tony Oppermann - WDFW - Mill Creek

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 75.20.100 or 75.20.160 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 75.20.103 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: **PROVIDED** HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 75.20.130.

APPEALS - GENERAL INFORMATION

AR 031746



HYDRAULIC PROJECT APPROVAL
RCW 75.20.100 or RCW 75.20.108

State of Washington
 Department of Fish and Wildlife
 Region 4 Office
 16018 Mill Creek Boulevard
 Mill Creek, Washington 98012

DATE OF ISSUE: July 28, 2000

LOG NUMBER: 00-E6607.02

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 75.20.100, 75.20.103, 75.20.106, AND 75.20.160:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 75.20.100 OR 75.20.106:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 75.20.103 or 75.20.160;

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

AR 031747