

## MITIGATION AGREEMENT

This agreement is made between Vernon Brett, project sponsor, Washington State Department of Game, and Pierce County.

1. The purpose of this agreement is to allow the project proponent the opportunity to develop portions of his land situated in NW 1/4 of Section 27 Township 20N, Range 3E, while providing mitigation for unavoidable adverse impacts. The development consists of preparing lands for construction of a mini-warehouse complex.
2. The project sponsor will fill a two acre pond in an area described as Parcel A on Exhibit I (project map) attached and incorporated herein.
3. The Washington State Department of Game has the responsibility to preserve, protect and perpetuate fish and wildlife resources in the State of Washington. This responsibility includes the authority to issue a hydraulic permit for this project. The Department agrees to meet these responsibilities through implementation of this agreement.
4. The impacts of this project upon the fish and wildlife resources and their habitat have been identified. Appropriate mitigation measures have been identified by the Department in consultation with the project sponsor and Pierce County. This document memorializes the agreement of the parties hereto with respect to all mitigation measures which have been agreed upon. This agreement and subsequent actions satisfies all present mitigation obligations associated with fish and wildlife impacts of the described project.
5. Project sponsor agrees to provide equipment, labor and materials necessary to construct a habitat improvement project as described in Exhibit II (engineering specifications and drawings) attached and incorporated herein. The habitat improvement project will be constructed on land owned by Pierce County located in Section 7, Township 19 N, Range 3E.
6. Pierce County is in the process of acquiring the land described in Exhibit II with Community Development funds. The acquisition has been approved conditioned upon its use as a "holding basin" for flood control and as a passive use nature park conservancy. The area will remain in a natural state to the extent possible not inconsistent with the uses stated above, while providing access to the public. Pierce County also agrees to participate to the extent feasible in the planning, design, and development of the habitat improvement project.
7. The Department of Game agrees to design the habitat improvement project.
8. The Department of Game agrees to dismiss hydraulics citation #F41127 issued July 30, 1985.

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except for Pierce County <sup>W.N.</sup>

9. Signatories to this agreement agree to implement all facets of this program by September 1, 1986.

This agreement shall be effective as of the date of execution by all parties.

*Jed Williams*

Director, Washington State Department of Game

Dated 9-27-85

*J. K. Mont*

Pierce County - DEPUTY COUNTY EXECUTIVE

Dated 10-8-85

Approved as to form this 25 day of September, 1985

*Vernon M. Brett*

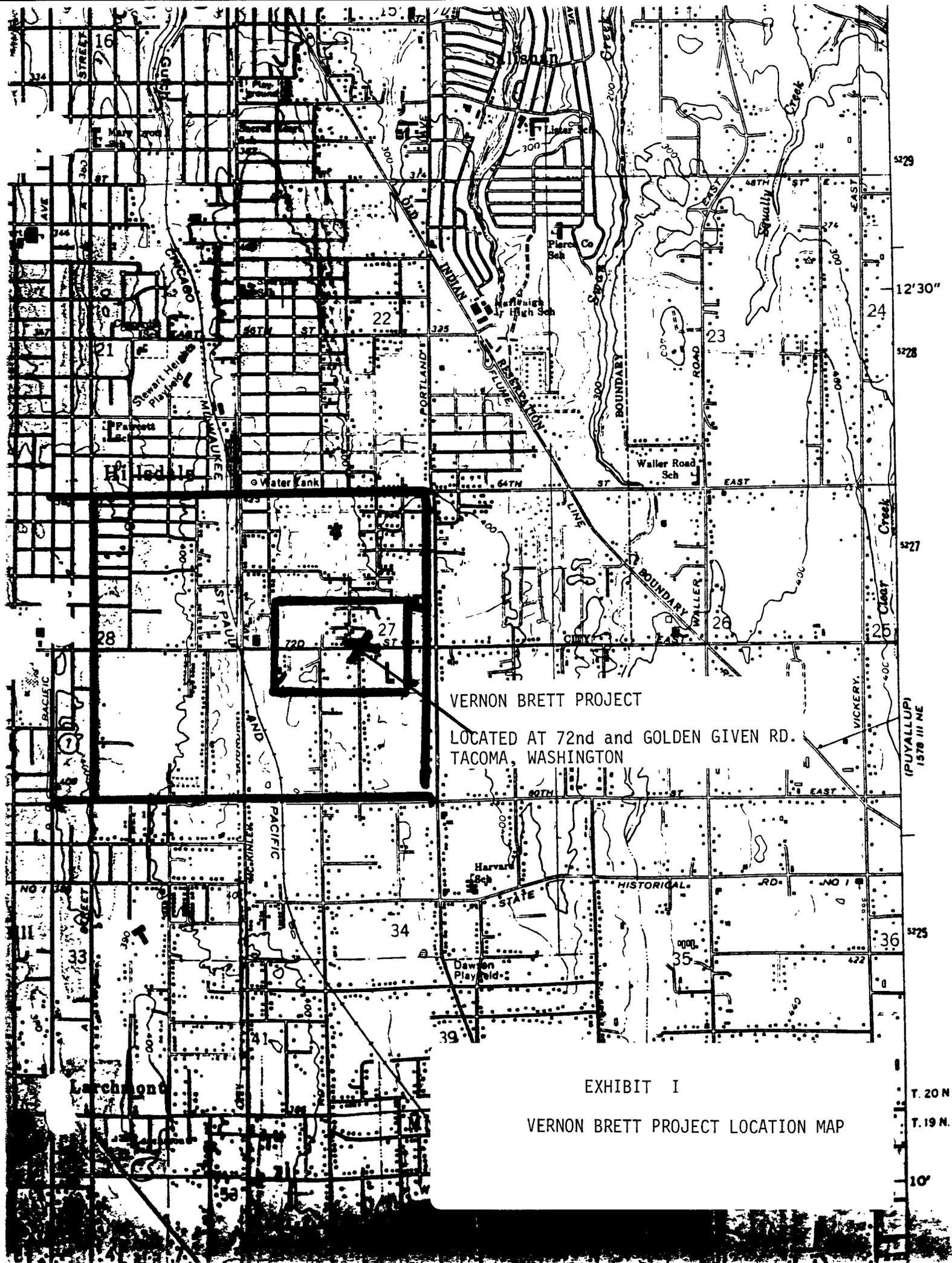
Vernon Brett, project sponsor

Dated Sept 24 - 1985

*Daniel William Wysocki*  
Asst. Attorney General  
Daniel William Wysocki

Approved as to form:  
*Floyd Michael*  
Deputy Prosecuting Attorney

*Alfred Sanchez*  
Risk Mgr.



VERNON BRETT PROJECT

LOCATED AT 72nd and GOLDEN GIVEN RD.  
TACOMA, WASHINGTON

EXHIBIT I

VERNON BRETT PROJECT LOCATION MAP

5279

12'30"

5278

527

(PUYALLUP)  
1578 III NE

5275

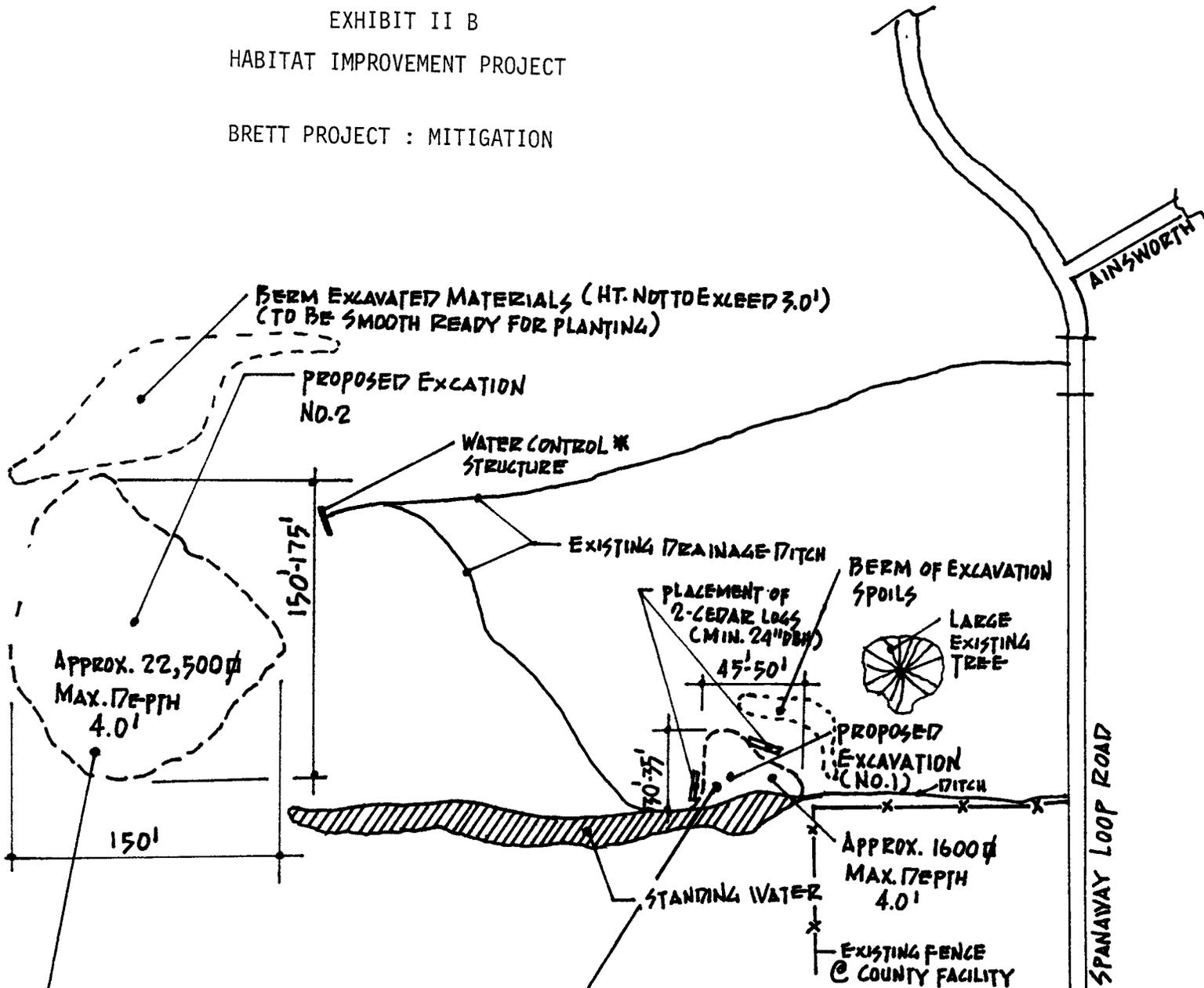
T. 20 N

T. 19 N

10'



EXHIBIT II B  
 HABITAT IMPROVEMENT PROJECT  
 BRETT PROJECT : MITIGATION



**EXCAVATION (POND NO. 2)**

A POND IN LOW AREA AT END OF EXISTING DRAINAGE DITCH APPROX. 150.0' x 150.0' WITH IRREGULAR SHORELINE AS SHOWN AND STAKED. REMOVE APPROX. 1670 CU.YDS AND CREATE BERM AS SHOWN.

EXCAVATED POND SLOPES TO BE 2:1.

\* WATER CONTROL STRUCTURE (FLASH BOARDS IF NECESSARY) (FOR WATER IN SUMMER)

**EXCAVATION (POND NO. 1)**

A POND CONTIGUOUS TO STANDING WATER APPROX 30.0' x 45.0' APPROX. 1350 cu yds WITH IRREGULAR SHORELINE AS SHOWN AND STAKED. REMOVE APPROX: 150 CU.YDS. AND CREATE BERM AS SHOWN.

EXCAVATED POND SLOPES TO BE 2:1

**HABITAT IMPROVEMENT PROJECT**