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JUN 02 2010

HABITAT PROGRAM

Date: May 28, 2010

Washington State Department of Fish and Wildlife
Hydraulic Project Approval
ATTN: Jason Kunze

Re: TNC-Mima Creek Project
JARPA enclosed

Dear Sir or Madam,

Enclosed is the JARPA application and associated materials for the proposed pond sculpting project on Mima Creek Preserve in Thurston County. I contacted Jason Kunze, but was unable to connect with him regarding the project. Marc Hayes, senior scientist with WDFW, is knowledgeable about the project and is assisting with our SEPA determination. Will look forward to answering any questions or clarifying project details. Thanks for your time and review.

Sincerely,

Sanders Freed

**The Nature Conservancy
South Sound Program**
120 Union Ave SE, Suite 215
Olympia, WA 98501

Project Biologist

sfreed@tnc.org
(360) 451-6696 (Phone)
(360) 956-9445 (Fax)

nature.org



2010

WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form¹

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



US Army Corps of Engineers Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: 120690

Tax Parcel #(s): _____

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]²

Mima Creek Pond Sculpting

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Part 2—Applicant

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

HABITAT PROGRAM

2a. Name (Last, First, Middle) and Organization (if applicable)

The Nature Conservancy

2b. Mailing Address (Street or PO Box)

1917 1st AV

2c. City, State, Zip

Seattle WA, 98101

2d. Phone (1)	2e. Phone (2)	2f. Fax	2g. E-mail
(206) 343-4345		(206) 343-5608	sffreed@tnc.org

Part 3—Authorized Agent or Contact

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

3a. Name (Last, First, Middle) and Organization (if applicable)

Freed, Sanders, Baikol- The Nature Conservancy

3b. Mailing Address (Street or PO Box)

120 E Union, Suite 215

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_ESA
- If you are applying for an Aquatic Resources Use Authorization you will need to fill out and submit an Application for Authorization to Use State-Owned Aquatic Lands form to DNR, which can be found at http://www.dnr.wa.gov/Publications/aqr_use_auth_app.doc
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you think you will need a Shoreline permit, contact the appropriate city or county government to make sure they will accept the JARPA.

²To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx. For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or help@ora.wa.gov.

Kunz

3c. City, State, Zip			
Olympia, WA, 98501			
3d. Phone (1)	3e. Phone (2)	3f. Fax	3g. E-mail
(360) 451-6696		(360) 956-9445	sfreed@tnc.org

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

4a. Name (Last, First, Middle) and Organization (if applicable)			
The Nature Conservancy			
4b. Mailing Address (Street or PO Box)			
1917 1 st AV			
4c. City, State, Zip			
Seattle WA, 98101			
4d. Phone (1)	4e. Phone (2)	4f. Fax	4g. E-mail
()	()	()	

Part 5—Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

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

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input type="checkbox"/> State Owned Aquatic Land (If yes or maybe, contact the Department of Natural Resources (DNR) at (360) 902-1100)			
<input type="checkbox"/> Federal			
<input type="checkbox"/> Other publicly owned (state, county, city, special districts like schools, ports, etc.)			
<input type="checkbox"/> Tribal			
<input checked="" type="checkbox"/> Private			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
10014 Gate Rd SW			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Olympia, WA, 98512			
5d. County [help]			
Thurston County			

5e. Provide the section, township, and range for the project location. [\[help\]](#)

¼ Section	Section	Township	Range
SE	20	16N	3W

5f. Provide the latitude and longitude of the project location. [\[help\]](#)

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

46.85599 N lat/ -123.08813 W long (NAD 83)

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

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

09240002000

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

Name	Mailing Address	Tax Parcel # (if known)
Scott A Collyard	10014 Gate Rd SW	09240002001
	Olympia WA 98516	
Thurston County Parks	4131 Mud Bay Rd SW	09060012000
	Olympia WA 98502	

5i. List all wetlands on or adjacent to the project location. [\[help\]](#)

The southeast portion of the site is a wetland of Mima Creek/Black River

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

Adjacent to the site is the Black River and Mima Creek

5k. Is any part of the project area within a 100-year flood plain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

The upper portion of the parcel was historically agriculture and has a remnant airstrip, now dominated by nonnative grasses. The lower section is wetland, running along a railroad grade, and is dominated by reed canary grass with hydric soils.

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

The property is protected for wildlife since purchased by The Nature Conservancy.

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

There is a single residence across Gate Road from the property. Two parcels over to the north are agricultural fields, used for grazing.

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

An old barn is located on the property on Gate Road, across from a residence. The barn was used to store hay and milk cattle, which now houses restoration supplies.

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

Take exit 95 off I5, heading to the town of Littlerock- Maytown Road. Once in Littlerock, go straight on 128th St. Turn Left onto Mima Rd, which turns into Gate Rd. Follow to 10014, property is on the left.

Part 6--Project Description

6a. Summarize the overall project. You can provide more detail in 6d. [\[help\]](#)

3 ponds will be sculpted into the Reed Canary Grass area of the wetland, totaling 5 acres. Removed material will be spread upland of the pond excavation site and seeded with native grasses and forbs. Sculpted ponds will be planted with native wetland vegetation.

6b. Indicate the project category. (Check all that apply) [\[help\]](#)

- Commercial Residential Institutional Transportation Recreational
 Maintenance Environmental Enhancement

6c. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

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

Other: Pond Creation

6d. Describe how you plan to construct each project element checked in 6c. Include specific construction methods and equipment to be used. [\[help\]](#)

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

An excavator will scrape/remove Reed Canary Grass root masses and hydric soil to create 3 ponds in the wetland, removing approximately 3500 cubic yards of material. Max depth 3'. Removed soils will be deposited and spread upland of the excavation, not exceeding 3' high. See attached site plan. The restoration area is located on the NW side of a railroad grade, separating it from the Black River. Mima Creek runs to the North of the restoration area.

6e. What are the start and end dates for project construction? (month/year) [\[help\]](#)

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

Start date: Low water 2010

End date: October 2010

See JARPA Attachment D

6f. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The project will provide open water habitat for migratory water fowl, and suitable habitat for Oregon Spotted Frog oviposition and larval development. As a Nature Conservancy property, the goal is to protect and enhance biodiversity on the property, which this project will do.

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$20,000- \$15,000 is provided by NRCS, and \$5,000 by TNC

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- If yes, list each agency providing funds.

Yes No Don't know

USDA- NRCS

Part 7–Wetlands: Impacts and Mitigation

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

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

Not applicable

This project will improve the structure and function of this wetland by providing open water habitat into a wetland that is dominated by Reed Canary Grass. Numerous species require open water habitat to fulfill different stages of their lifecycles.

7b. Will the project impact wetlands? [\[help\]](#)

Yes No Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

Yes No Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

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

Yes No

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

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

Yes No Don't know

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

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

Yes No Not applicable

The proposed work will enhance the wetland, not degrade it.

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

NA

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

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

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

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

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

NA

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

NA

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

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

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

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

Not applicable

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes No

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

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

Yes No Not applicable

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

- If you already completed 7g., you do not need to restate your answer here. [\[help\]](#)

NA

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

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

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

NA

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

NA

Part 9—Additional Information

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

9a. If you have already worked with any government agencies on this project, list them below. [help]			
Agency Name	Contact Name	Phone	Most Recent Date of Contact
NRCS	Monica Hoover	(360) 704-7752	April 2010
WDFW	Marc Hayes	(360) 902-2567	April 2010
DOE	Alexander Callender	(360) 407-6167	May 2010
9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 on the Washington Department of Ecology's 303(d) List? [help] <ul style="list-style-type: none"> • If yes, list the parameter(s) below. • If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/. 			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help] <ul style="list-style-type: none"> • Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC. 			
17100103			
9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help] <ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #. 			
23			
9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help] <ul style="list-style-type: none"> • Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards. 			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable			
9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help] <ul style="list-style-type: none"> • If you don't know, contact the local planning department. • For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html. 			
<input type="checkbox"/> Rural <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input type="checkbox"/> Other _____			
9g. What is the Washington Department of Natural Resources Water Type? [help] <ul style="list-style-type: none"> • Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System. 			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input checked="" type="checkbox"/> Non-Fish Seasonal			

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

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

Yes No

Name of manual:

9i. If you know what the property was used for in the past, describe below. [\[help\]](#)

Agriculture- likely hay production, and grazing.

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

- If yes, attach it to your JARPA package.

Yes No

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

NONE

9l. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Olympic mudminnow (*Novumbra hubbsi*) and sculpins have been documented on site, but in deeper areas than the proposed restoration site.

Different salmonids are known to be in the Black River including chum salmon, cutthroat and rainbow trout. None have been documented in the wetlands on site.

No Oregon spotted frogs (*Rana pretiosa*) or western toads (*Bufo boreas*) have been documented on site.

Several prairie associated birds and butterflies may have historically used the site, but agricultural degradation has resulted in their extirpation.

Riparian habitat and freshwater wetland habitats occur on site.

Part 10-SEPA Compliance and Permits

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

- Online Project Questionnaire at <http://apps.ecy.wa.gov/opas/>.
- Governor's Office of Regulatory Assistance at (800) 917-0043 or help@ora.wa.gov.
- For a list of agency addresses to send your application, click on the "[where to send your completed JARPA](#)" at <http://www.epermitting.wa.gov>.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

A copy of the SEPA determination or letter of exemption is included with this application.

A SEPA determination is pending with WDFW (lead agency). The expected decision date is June 2010.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

This project is exempt (choose type of exemption below).

Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

Other: _____

SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

Substantial Development Conditional Use Variance

Shoreline Exemption Type (explain): WAC 173-27-040(2)(p)___

Other city/county permits:

Floodplain Development Permit Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

Hydraulic Project Approval (HPA) Fish Habitat Enhancement Exemption

Washington Department of Ecology:

Section 401 Water Quality Certification

Washington Department of Natural Resources:

Aquatic Resources Use Authorization

FEDERAL GOVERNMENT

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

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

United States Coast Guard permits:

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

Part 11—Authorizing Signatures

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

11a. Applicant Signature (required) [help]

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

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

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

Molly W Ingraham Applicant Printed Name [Signature] Applicant Signature 5/6/10 Date

11b. Authorized Agent Signature [help]

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

Sanders Freed Authorized Agent Printed Name [Signature] Authorized Agent Signature 4 May, 2010 Date

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

Not required if project is on existing rights-of-way or easements.

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

Property Owner Printed Name Property Owner Signature Date

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

If you require this document in another format, contact The Governor's Office of Regulatory Assistance (ORA). People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORA publication number: ENV-019-09