



WORK ORDER NUMBER #2023-004 to CONTRACT NUMBER # 93-105521

PI: 930-RVW

Funding Source: State

Grant Funded: Yes No

This Work Order is executed under the Washington State Department of Natural Resources (AGENCY/DNR) and Back Country Horsemen of Washington (COOPERATOR), Contract Number 93-105521 to identify specifications, deliverables, and provide for compensation of the completion of projects associated with carrying out the purpose and scope of the contract.

I. Project Title Olsen Creek Forest Trail Work

II. Project Summary

The purpose of this Work Order is to specify the terms and conditions by which the COOPERATOR will provide and DNR will reimburse for services and other expenses as outlined within.

The COOPERATOR will provide manual labor and pack animals to assist with recreation trail development on DNR-managed land at the Olsen Creek Forest block.

III. Period of Performance

Subject to other provisions, the period of performance under this Work Order is from October 24, 2023, or date of execution, whichever is later, through September 30, 2025.

V. Project Details

COOPERATOR shall furnish the necessary personnel and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

TASK(S)	DESCRIPTION
1. Manage volunteers to improve existing trails to be incorporated in the Olsen Creek Trail System, in accordance with Attachment A, Olsen Creek Trail System Construction Plan.	1. In accordance with Attachment A, Olsen Creek Trail System Construction Plan, COOPERATOR will improve drainage, establish out-sloped bench cut and reduce erosion on existing trail routes.
2. Manage volunteers to construct new trail routes in accordance with Attachment A, Olsen Creek Trail System Construction Plan.	2. In accordance with Attachment A, Olsen Creek Trail System Construction Plan, COOPERATOR will establish new trails by removing organic material, establishing a 5% out-sloped bench cut, install drainage as needed, install water crossing structures and transplant native plants to create new trails.
3. Manage volunteers to decommission and rehabilitate trail routes in accordance with Attachment A, Olsen Creek Trail System Construction Plan.	3. In accordance with the Attachment A, Olsen Creek Trail System Construction Plan and Attachment B, Critical Areas Impact Mitigation Plan, COOPERATOR will decommission existing trails which will not be incorporated into the system. Transplant native plants, pull woody debris into old trail corridors, and install DNR provided signs to close decommissioned trails.
4. Provide pack animals to support trail improvement and construction work.	4. COOPERATOR will supply pack animals to help deliver materials to pre-planned locations throughout the trail system.
5. Comply with requirements of Whatcom County and WDFW permits.	5. COOPERATOR will have a copy of Attachment C, Whatcom County Land Fill and Grade Permit #2023-00030 and Attachment D, Washington Department of Fish and Wildlife Hydraulic Project Approval #2023-4-332+01 on their persons while working in the Olsen Creek Forest. COOPERATOR will comply with all regulatory guidelines in these documents.

VII. Deliverables

The COOPERATOR shall produce the following written reports or other written documents (deliverables) by the dates indicated below.

DELIVERABLE	DEADLINE
1. COOPERATOR will track and report quarterly written trail improvement and construction metrics to DNR Project Coordinator or designee.	1. COOPERATOR shall track the amount of work accomplished, including but not limited to: length of trail improved and brushed, length of new trail tread constructed, number of culverts installed, and length of trail decommissioned and rehabilitated to a natural state. Work accomplishments will be submitted with each invoice quarterly.
2. COOPERATOR will comply with volunteer reporting requirements.	2. COOPERATOR shall track volunteer work including trail, work type, date, volunteer names and hours using appropriate forms and submit the volunteer forms with each invoice quarterly.
3. COOPERATOR will provide a final report of work accomplishments.	COOPERATOR will provide a final written report detailing the project accomplishments on or before September 30, 2025.

All deliverables shall be submitted to the Project Manager by the date specified.

VIII. Project Manager

The following staff are responsible for the administration of this Work Order:

COOPERATOR	DNR
Tim Van Beek Back Country Horsemen of Washington PO Box 1132, Ellensburg, Washington, 98926 <i>Phone:</i> 360-472-5449 <i>Fax:</i> NA <i>Email address:</i> bchwtim@gmail.com	Hyden McKown Department of Natural Resources 919 North Township Street Sedro Woolley, Washington 98284 <i>Phone:</i> 360-854-8835 <i>Fax:</i> NA <i>Email address:</i> Hyden.McKown@dnr.wa.gov

X. Budget, Compensation and Payment

The parties estimate that the cost of accomplishing the work outlined within will not exceed Twenty Thousand Seven Hundred Sixty-Seven Dollars and Fifty Cents (\$20,767.50). This amount is based on the following:

ITEM	DESCRIPTION	BUDGET
COOPERATOR Volunteer Work Party Coordination	\$1,300 per day for 15 volunteer working days.	\$19,500.00
	Tax (6.5%)	\$1,267.50
	Total	\$20,767.50

COOPERATOR shall submit invoices quarterly and as outlined in the Billing Procedures and Payment Section of the contract.

Invoices shall be submitted to DNR’s Contract Manager as identified in contract reference number 93-105521.

Approval:

By signature below, the parties certify that the individuals listed in this document, as representatives of the parties, are authorized to act in their respective areas for matters related to this instrument.

IN WITNESS WHEREOF, the parties have executed this Work Order.

BACK COUNTRY HORSEMEN OF WASHINGTON

**STATE OF WASHINGTON
DEPARTMENT OF NATURAL
RESOURCES**

s/ Kathy Young *Ky*

10/27/2023

Signature
Kathy Young

Name
Public Lands Chair

Title
PO Box 1132

Ellensburg, Washington 98926

Address
360-472-5449

Signature
Jay Guthrie

Name
Northwest Region Manager

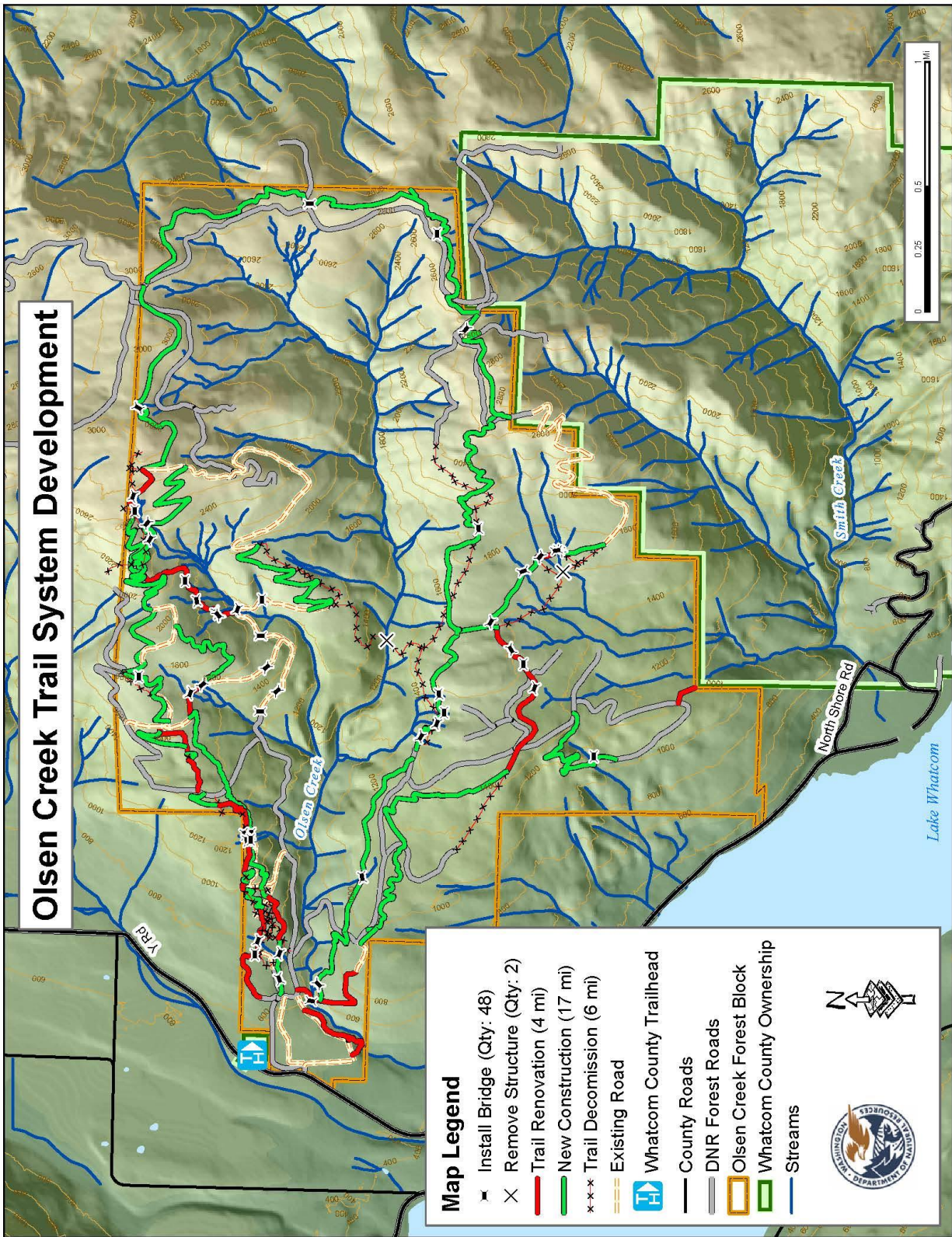
Title
919 North Townsend Street

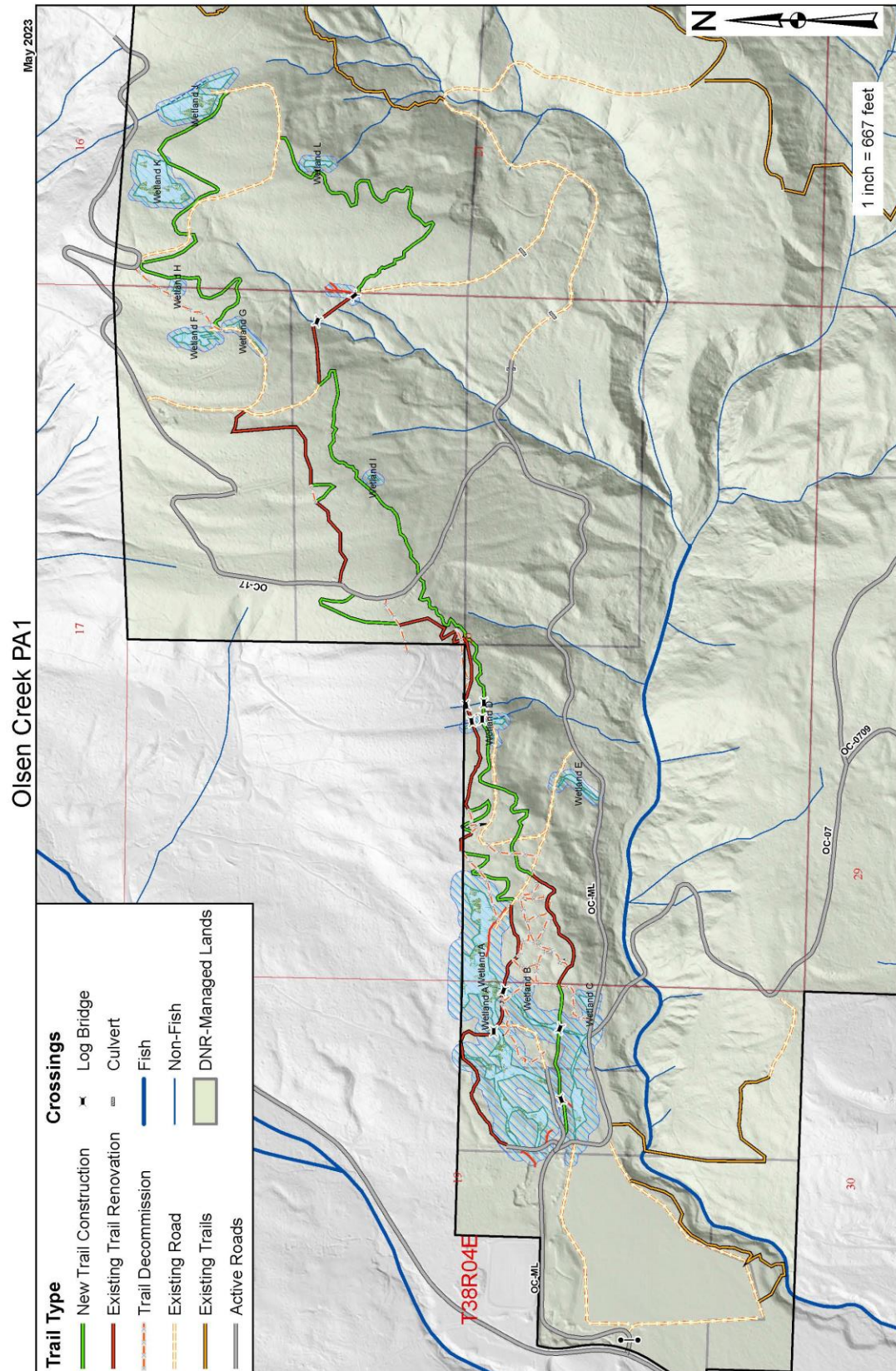
Sedro Woolley, Washington 98284

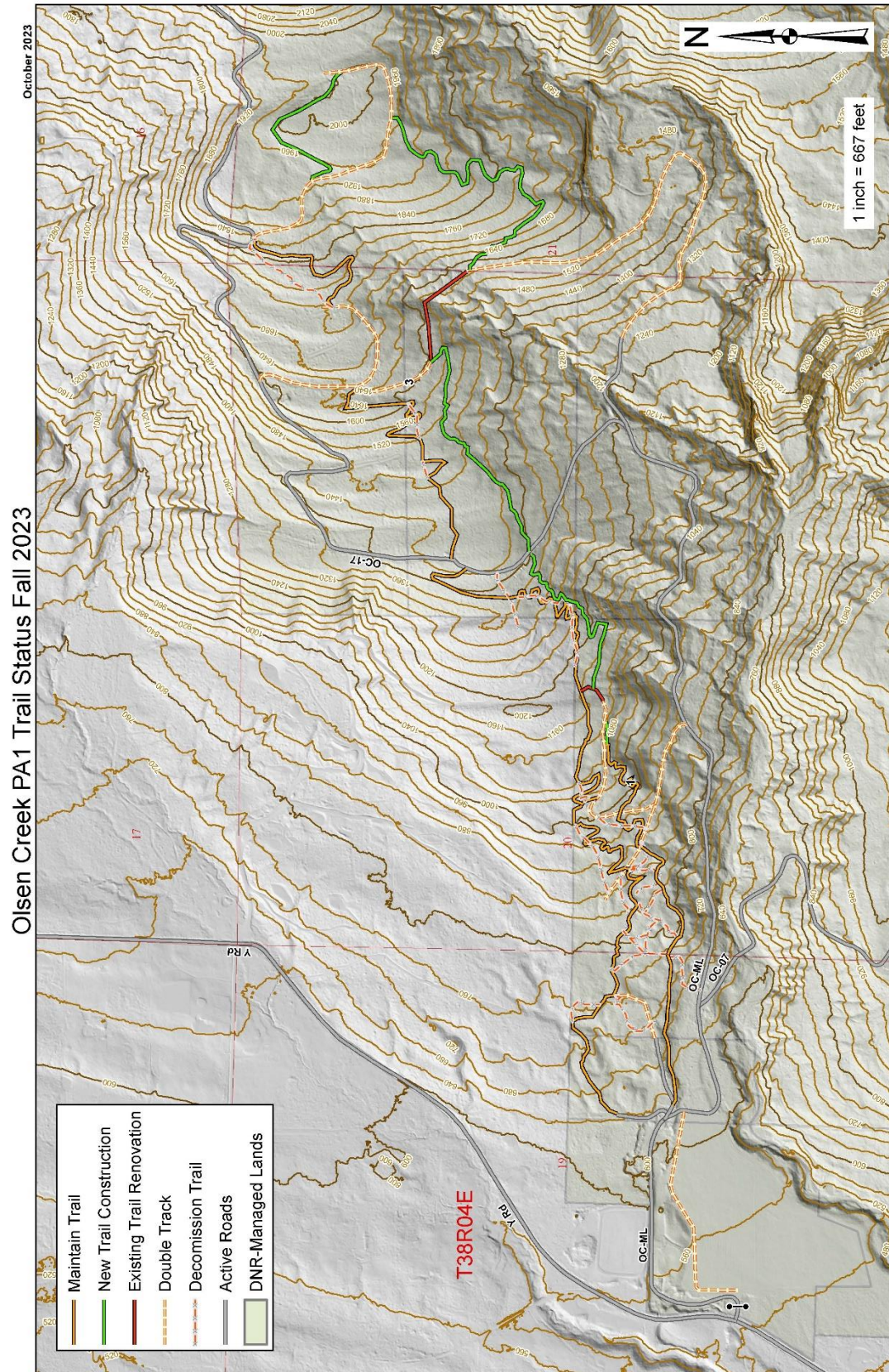
Address
360-854-3500

ATTACHMENTS

- A. Olsen Creek Trail System Construction Plan
- B. Critical Area Impact Mitigation Plan
- C. Whatcom County Land Fill and Grade Permit #2023-00030
- D. Washington Department of Fish and Wildlife Hydraulic Project Approval #2023-4-332+01







DNR Contract #: 93-105521

Attachment A: Olsen Creek Trail System Construction Plan

Olsen Creek Priority Area One

Construction Detail

ID	Con. type	Con. phase	Feet	Use	Description	Work Plan
166	machine	1	2500	multi	Renovation	Straighten, hit target grade, and stay on property.
204	machine	1	1000	multi	New Trail	Provides multi use trail at target grade with separation from bike trail
207	machine	1	500	multi	New Trail	Re-aligns steep switchbacks to target grade. Avoid property line.
167	machine	1	1100	multi	Renovation	Straighten, hit grade target, and stay on property.
169	machine	1	1300	multi	New Trail	Extensive re-alignment of existing trail for grade and to stay on property.
119	machine	1	1000	multi	New Trail	Lower gradient addition. Good Access.
145	machine	1	2500	multi	Double Track	Re-grade waterbars, install crossings.
107	hand	1	200		Decomission	Private access trail.
201	hand	1	500		Decomission	On private property - block when 169 is complete. No CA impacts.
161	hand	2	1500	bike	New Trail	Agile trail development to be implemented.
218	hand	2	4000	bike	New Trail	Agile trail development to be implemented.
203	hand	2	1000	bike	Renovation	Very small realignments to adjust for bike use. Easy project.
202	machine	2	1200	bike	New Trail	Bench-cut across slope. Machine recommended. Multiple Crossings.
222	machine	2	450	bike	Road to trail	Re-grade waterbars for bike traffic
209	machine	2	400	multi	New Trail	Re-align steep grade.
148	machine	2	800	multi	Road to trail	Re-grade waterbars for multi-use traffic
108	machine	2	1200	multi	Renovation	Steep portions need re-alignment. Not flagged in field. Review with staff.
127	hand	3	4000	bike	New Trail	Agile trail development to be implemented. Hand or machine in young plantation. Implement agile trail development.
157	machine	3	3000	bike	New Trail	
118	machine	3	900	multi	Renovation	Re-alignment flagged. Install crossings.
121	machine	3	1700	multi	Road to trail	Re-grade waterbars for multi-use traffic
125	machine	3	2500	multi	New Trail	Low-gradient trail in young plantation.
164	machine	3	1500	multi	New Trail	On private property - block when 169 is complete. No CA impacts.
126	machine	3	2600	multi	Road to trail	Re-grade waterbars for multi-use traffic
123	machine	3	4000	multi	Road to trail	Re-grade waterbars for multi-use traffic, install crossings.
173	hand	4	1000		Decomission	Wetland impact - replanting required.
200	hand	4	200		Decomission	Wetland impact - replanting required.
205	hand	4	600		Decomission	Wetland impact - replanting required.
165	hand	4	400		Decomission	Wetland impact - replanting required.
190	hand	4	300		Decomission	Wetland impact - replanting required.
180	hand	4	800		Decomission	Wetland impact - replanting required. Popular segment, block well. Wetland impact - replanting required. Only decomission after 202 is ready.
191	hand	4	500		Decomission	
211	hand	5	100		Decomission	No impacts. Block when 209 is complete.
197	hand	5	400		Decomission	No impacts. Block trail
208	hand	5	300		Decomission	No impacts. Block when 207 is complete.
181	hand	5	2000		Decomission	No impacts. Block trail
120	hand	5	300		Decomission	No impacts. Block trail

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Attachment B: Critical Area Impact Mitigation Plan

Chapter 8. Mitigation Installation

8.1 Site Preparation and Invasive Species Removal

Weed control measures should be conducted prior to plant installation. All non-native vegetation, predominantly existing Himalayan blackberry, should be removed from the mitigation area prior to planting and thereafter strictly controlled. Plant cover for an individual non-native species may not exceed 10% throughout the five-year monitoring period.

8.2 Planting Plan

Plant installation will consist of installing plants, installing plant protective devices, and applying mulch. Installation should not be initiated until the mitigation site is prepared in accordance with this mitigation plan and all requirements made by the County or other jurisdictional authority have been completed. This list is based on observed native vegetation that was thriving near the mitigation area. Moreover, given the study area is mostly forested and lacking in herbaceous vegetation, we recommend a sparse spacing with a wetland seed-mix (sedges and rushes) to be applied in the wetland. The recommended plant species and quantities are listed in Table 8-1. The recommended square footage of plantings is based on the linear feet of impacts with a four-foot average trail width.

Table 8-1. Recommended Plant Species List

Common Name	Scientific Name	Planting Method	Recommended Spacing (FOC)	Recommended Quantity
Portion of Decommissioned Trail used as the Project Mitigation Area (5,840 SF)¹				
Shrubs				
Red osier dogwood	<i>Cornus sericea</i>	1-gal	8	22
Nootka rose	<i>Rosa nutkana</i>	Bare-root	8	23
Vine maple	<i>Acer circinatum</i>	1-gal	8	23
Common snowberry	<i>Symphoricarpos albus</i>	Bare-root	8	23
Wetland Mitigation Area (160 SF)¹				
Wetland trees/shrubs				
Pacific willow	<i>Salix lasiandra</i>	Bare-root	8	1
Hooker's willow	<i>Salix hookeriana</i>	Bare-root	8	1
MacKenzie's Willow	<i>Salix prolixa</i>	Bare-root	8	1
Wetland Herbs				
Sedge and rush wetland seed mix	Various species	Seed	Broadcast	160 SF
Total				94

Notes: FOC = feet on center, 1-gal = 1-gallon container, SF = square feet

¹Plant densities were calculated using professional opinion in conjunction with the Plant Quantity Calculator from Sound Native Plants using a "Sparse" spacing (FOC).

8.2.1 Source of Plant Materials

All plant materials used at the mitigation site shall be acquired from local or near local sources grown in the Puget Sound lowlands and obtained from a reputable native plant nursery, preferably

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Attachment B: Critical Area Impact Mitigation Plan

in Whatcom County. Note that the quantities of individual species may change depending on nursery availability.

8.2.2 Planting Locations

Using a planting plan (if applicable) and Table 8-1 as a guide, plants should be installed in areas best suited to promote growth and function of a native habitat area. Plants should be laid out in clusters or “islands” that mimic natural plant distribution. Specific attention should be paid to hydrologic, soil, and shade conditions that can contribute to the survival and proliferation of the plantings. Planting plan locations may vary based on actual site conditions, however the total number of plants installed, and the area enhanced should not fall below the suggested quantities.

8.2.3 Installation of Container and Bare-root Plants

Bare root plants should only be installed during the months of December through early March. Planting bare-root plants outside of this window can substantially reduce survival rates. Plants grown in containers are usually more expensive than bare root stock but are generally easier to transplant. We recommend following these general guidelines for plant installation:

- Water all container stock and bare-root plants the day before planting.
- Follow the appropriate spacing guidelines in Table 8-1.
- Dig holes deep enough and wide enough to allow room for roots to spread.
- Install plantings with downward facing root masses and avoid “J-planting” or horizontal root arrangements.
- Apply water to the hole prior to installing the plant.
- Water plant after installation and tamp down the soil to close any air holes.
- Create soil basins around plantings to allow for water collection while establishing itself.

8.2.4 Markers

Numbered flags and/or posts will be established, and photos taken during the initial phase of mitigation. These markers will identify permanent photo-monitoring points, or “photo points”, during plant installation and will be indicated on map figures when submitted with the annual monitoring report. The number of photo points and their locations shall be determined based on site conditions and will be used to create photographic representation of the entire mitigation area.

8.2.5 Tentative Plant Installation Schedule

Mitigation installation should begin in the spring or fall following the approval of this mitigation plan by County staff. Plant installation should generally take place between February 15th and April 15th, between September 15th and October 31st, or according to the specific recommendations of a representative of the nursery that provides the plant materials.

8.3 As-Built Documentation

The applicant shall submit, or arrange to have submitted, an as-built report within 30 days of the completion of the implementation of this mitigation plan to the Whatcom County Planning and Development Department. The as-built will contain at a minimum: photographs of the installed mitigation from photo point locations, a map showing all activities associated with this mitigation plan, a plant plot map showing specific locations of the installed individual plant species, and a schedule of planned activities that includes procedures, materials, and equipment to be used for maintenance for the first monitoring year. The five-year monitoring period will commence only after the County has received the as-built form.

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Attachment B: Critical Area Impact Mitigation Plan

Olsen Creek Trail System Renovation and Development Project – PA1
Critical Areas Assessment Report

Leon Environmental, LLC

Link to As-built Documentation Form:

<http://www.co.whatcom.wa.us/DocumentCenter/View/28923/As-built-Documentation-Form>

8.4 Assignment of Savings

The applicant shall submit, or arrange to have submitted, an Assignment of Savings (AOS) Form. With the detailed mitigation bond quantity worksheet (Appendix D), and submit the AOS bond to ensure that mitigation requirements will be met throughout the five-year monitoring period.

Link to AOS form: <https://www.whatcomcounty.us/DocumentCenter/View/2175/Assignment-of-Savings---Landscape-Maintenance-Guarantee-PDF>

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Attachment C: Whatcom County Land Fill and Grade Permit #2023-00030



Whatcom County
Report Text Library:
Permit_Municipality_Address

Permit NO.: LFG2023-00030 Permit I/R Number: 126023

Permit

Permit Type: Land Fill & Grade
Work Classification: Permit
Permit Status: Issued

Issue Date: 07/28/2023 Expiration: 01/24/2024

Location Address Parcel Number
3804192961640000

Contacts

Laurie Bergvall Applicant
MS 47000 1111 Washington St. SE, Olympia, WA 98504
(360)856-3500 Laurie.Bergvall@dnr.wa.gov

Description: Olsen Creek trail development project to create a designated trail system on state trust land for public recreational use (see narrative for full description) See case file for full list of affected parcels.


Valuation: \$0.00
Total Sq Feet: 0.00

Inspection Requests:
Inspection_Phone

Fees	Amount
3% Technology Fee (P/P/C/L)	\$22.50
3% Technology Fee (P/P/C/L)	\$19.80
Grading Permit Application (8268) F / B / M	\$420.00
NR Site Inspection (8246)	\$240.00
NR Technical Report Review (8247)	\$375.00
NR Technical Report Review (8247)	\$375.00
Total:	\$1,452.30

Payments	Amt Paid
Total Fees	\$1,452.30
CR Manual	\$772.50
CR Manual	\$679.80
Amount Due:	\$0.00

Insert a permit notice prefix in the report text bank, entry: Permit_Notice_Prefix


 Issued By: Eric Caubo

July 28, 2023
 Date

Permit_Signature_1
 Date

Permit_Signature_2
 Date



Whatcom County Land Fill & Grade Permit

Permit #: LFG2023-00030
Issued Date: July 28, 2023
Project Address:

Parcel #: 3804192961640000
Expiration Date: January 24, 2024
Project:

Owner:
Address:

Contractor:
Address:

Phone:

Phone:

Project Details

SQ Ft: 0 **Valuation:** \$0.00
Description: Olsen Creek trail development project to create a designated trail system on state trust land for public recreational use (see narrative for full description) See case file for full list of affected parcels.

Permit Fees

Name	Amount	Paid	Due
NR Site Inspection (8246)	\$240.00	\$240.00	\$0.00
NR Technical Report Review(8247)	\$375.00	\$375.00	\$0.00
NR Technical Report Review(8247)	\$375.00	\$375.00	\$0.00
3% Technology Fee (P/P/C/L)	\$22.50	\$22.50	\$0.00
Grading Permit Application (8268) F / B / M	\$420.00	\$420.00	\$0.00
3% Technology Fee (P/P/C/L)	\$19.80	\$19.80	\$0.00
Totals:	\$1,452.30	\$1,452.30	\$0.00

Insert a permit notice prefix in the report text bank, entry: Permit_Notice_Prefix

Notice

Insert a permit notice prefix in the report text bank, entry: Permit_Notice

Permit_Signature_1

Date

Permit_Signature_2

Date

DNR Contract #: 93-105521

Attachment C: Whatcom County Land Fill and Grade Permit #2023-00030

Condition Name	Condition Requirement
1 MIT Monitoring 5Years	Following the as-built report approval, a mitigation monitoring report is required for a period of five years on the 1st, 2nd, 3rd and 5th year after installation showing that mitigation is meeting its approved criteria. Funds will be released from the surety with the approval of each monitoring report. Please refer to the County website for this form. http://www.co.whatcom.wa.us/DocumentCenter/View/33014
2 Stormwater Condition	Trails shall be constructed in a manner that allows stormwater to sheet-flow into at least 100-feet of surrounding vegetation. In instances when sheet flow may not be feasible, other means (i.e. water bars, etc.) shall be used to disperse stormwater into at least 100-feet of vegetation.
3 Final Inspection Required	Once all work is completed, a final inspection is required to close out the permit. The inspection hotline can be reached at 360-778-5902. There is also a portal to request an inspection online at https://www.whatcomcounty.us/FormCenter/Planning-Development-Services-9/Planning-and-Development-Services-Buildi-55
4 MIT Plan Approval	The project shall adhere to the approved Wetland Delineation and Fish and Wildlife Habitat Conservation Areas (with Mitigation) prepared by Leon Environmental, LLC on April 2023, and submitted to the County on 04/19/2023. MIT2023-00025 has been opened for this case, or as otherwise conditioned here.
5 LU Natural Drainage Patterns	Natural drainage patterns shall be maintained and discharges from the site shall occur at the natural location, unless it can be shown that relocation will have no significant adverse impact to either built or natural systems as a result of the relocation.
6 ARCHY-Contact and Communications	Should archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-312-2253) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
7 Stormwater Impact Condition	Stormwater from this development shall be managed in a way that does not adversely impact critical areas, downstream property/development, or existing stormwater infrastructure
8 LU Excavation Waste	Any excess excavation waste or waste volume of any origin exported off site must be exported to a site with an ACTIVE LAND FILL AND GRADE PERMIT for the approved fill volume or a site with a current Washington State approved Reclamation Plan. Whatcom County Planning and Development Services will require documentation regarding the site location and current approval status.
9 WET HCA Water Quality	No petroleum products or other deleterious materials shall enter surface waters.
10 MIT Agreement to Maintain	A Signed agreement to maintain the mitigation site for the duration described in the permit. Please refer to the County website for this form. https://www.whatcomcounty.us/DocumentCenter/View/2170/Agreement-to-Maintain-Mitigation-Site-PDF
11 LU County ROW	Issuance of this permit does not authorize any work within the County right-of-way. Obtain a Revocable Encroachment Permit from Whatcom County's Engineering Department prior to commencing any work within the County right-of-way.
12 LU Reseeding	Reseeding of the area affected by the work detailed in this permit is required. Erosion and sediment shall be controlled and contained within the work area through best management practices until stabilization through revegetation can occur. Within regulated Critical Areas the seed source shall be native to the Pacific Northwest.
13 WET HCA Fish Stream	This site contains REGULATED STREAM AND BUFFER AREAS. The regulated buffer area is 100 feet measured from the ordinary high water mark. No disturbance or alteration of vegetation or soils is permitted within the stream channel or 100 foot buffer except as indicated in an approved Mitigation Plan on file with Whatcom County Planning and Development.
14 Erosion Control Condition	Adequate Erosion and Sedimentation Control (ESC) measures shall be installed to prevent sediment laden water from entering neighboring properties, surface drainages (i.e. ditches), and critical areas.
15 MIT Mitigation Present	Development of this site requires mitigation for unavoidable impacts to critical areas and / or their buffer areas. This mitigation is approved according mitigation plan on file with Whatcom County Planning and Development.
16 LU Notify of add fill/grade	Notify Whatcom County Planning and Development Services, Natural Resources Division - Inspector at (360) 778-5900 of any additional Fill and / or Grading to be included.
17 WET HCA Approved Documents	This project shall be implemented according to the following submitted and reviewed documents: Wetland Delineation and Fish and Wildlife Habitat Conservation Areas (with Mitigation), prepared by Leon Environmental, LLC in April 2023
18 ARCHY-inadvertent Discovery	If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
19 LU Disclosure Condition	Unless otherwise specified the construction of any improvements (e.g. accesses, roads, driveways, storm water facilities, etc.) approved by this permit are for the purpose of facilitating the clearing and or grading activities identified in the scope of this permit only. Approval of such construction activities shall not be construed as approval of improvements that may be associated with other future and or pending land use permits and or authorizations (e.g. short plats, long plats, binding site plans, conditional use permits, shoreline permits, variances, building permits, etc.). All work performed by applicant in advance of application approval and or issuance of other associated land use permits and or authorization (e.g. short plats, long plats, binding site plans, conditional use permits, shoreline permits, variances, building permits, etc.) are undertaken at the sole risk of the underlying property owner(s) and may be subject to modification.
20 LU Conformance with site plan	All activity on site shall be done in accordance with the site plan approved by the Whatcom County Planning and Development Natural Resources Division. Any alterations from the approved site plan will require further review by Planning and Development Services.
21 RS - Seasonal Exposed Soil	Exposed soils exceeding 500 square feet shall not be permitted from October 1st through May 31st.
22 LU Other Agency Condition	Obtaining a County permit does not supersede other local, state or federal statutes and regulations that may apply to this permit.
23 Geo - LANDSLIDE HAZARD REPORT	The subject site is considered a REGULATED LANDSLIDE HAZARD AREA. A qualified Washington State Licensed Engineering Geologist has assessed the hazard and has made mitigating and / or construction recommendations in a professional report, Geologic Hazard Critical Areas Assessment for Olsen Creek Trail System Renovation and Development – Priority Area 1, dated April 3, 2022). All recommendations for trail construction presented by the qualified professional shall be implemented during and following construction of the proposed trail alignment.

DNR Contract #: 93-105521

Attachment C: Whatcom County Land Fill and Grade Permit #2023-00030

- 24 **MIT As-Built** An as-built plan shall be submitted to the County for approval within 30 days of installation. The as-built shall include photographs of the mitigation area, nursery plant receipts, a site plan showing the location of the mitigation, and a brief narrative of the installation. It shall be approved in conjunction with an on-site as-built inspection. Please refer to the County website for this form. <http://www.co.whatcom.wa.us/DocumentCenter/View/28923>
- 25 **WET HCA Change of Plans** Any changes to the submitted documents shall require additional Critical Area Review and may be subject to additional fees.
- 26 **LU Construction Access** Construction vehicle access will be, whenever feasible, limited to one route. Access surfaces shall be stabilized to minimize the tracking of sediment onto adjacent roads.
- 27 **WET HCA Invasive Species** All invasive and introduced species listed by County and State codes shall be managed according to contemporary protocols, with guidance and notification of Whatcom County Public Works Natural Resources Department and Washington State Invasive Species Council.
- 28 **WET HCA Habitat Conservation Area** This site contains a REGULATED WILDLIFE HABITAT CONSERVATION AREA (HCA). No disturbance or alteration of vegetation or soils is permitted within the HCA, or its buffer except as specifically indicated in an approved Habitat Management Plan on file with Whatcom County Planning and Development Services.
- 29 **MIT Vegetation Changes** Please consult with Whatcom County PDS Critical Areas staff if there are questions or substitutions of specified plant material. Non-native plant material are not permitted for mitigation within critical areas or associated buffers.
- 30 **LU Designated Staging Area** No dirt spoils or heavy equipment shall be placed or used within the regulated critical area or buffer / conservation easement without prior approval. Mitigation may be required for any inadvertent disturbance.
- 31 **WET HCA Disposal of Waste** All debris from construction and operations shall be disposed of at an approved terrestrial disposal facility, outside of regulated areas.
- 32 **WET HCA BMP** Applicable protective measures and Best Management Practices (BMP) shall be implemented prior to the beginning of work, and through completion of the construction, in order to minimize potential for adverse impacts to the natural environment.
- 33 **WET HCA Wetland** This site contains REGULATED WETLANDS AND BUFFER AREAS. The width of the protective buffer has been determined based on the category of wetland, wildlife habitat function score, intensity of land use, and the existing condition of the protective buffer. No disturbance or alteration of vegetation or soils is permitted within the wetland or buffer except as indicated in an approved Mitigation Plan (MIT2023-00025) on file with Whatcom County Planning and Development Services.



HYDRAULIC PROJECT APPROVAL

Washington Department of Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issued Date: June 28, 2023
Project End Date: June 26, 2028

Permit Number: 2023-4-332+01
FPA/Public Notice Number: N/A
Application ID: 31612

Table with 2 columns: PERMITTEE and AUTHORIZED AGENT OR CONTRACTOR. Rows include contact information for Washington Department of Natural Resources and Leon Environmental, LLC.

Project Name: Olsen Creek Trail System Renovation and Development Project - Priority Area 1

Project Description: The Olsen Creek Trail System Development project will focus on formalizing, improving, and expanding upon non-designated recreation opportunities on DNR-managed State Trust land in Whatcom County.

PROVISIONS

- 1. TIMING LIMITATION: You may begin the project immediately, and you must complete the project by June 26, 2028...
2. APPROVED PLANS: You must accomplish the work per plans and specifications submitted with the application...
3. NOTIFICATION: You, your agent, or contractor must contact the Washington Department of Fish and Wildlife...
4. INVASIVE SPECIES CONTROL: Follow Method 1 for low risk locations...
5. Establish staging areas...
6. Limit the removal of native bankline vegetation...



HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish & Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

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7. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the pre-project location before leaving the job site.

8. Equipment used for this project may operate waterward of the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) do not enter or operate waterward of the ordinary high water line.

9. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment that reduces ground pressure.

10. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

11. Protect all disturbed areas from erosion. Maintain erosion and sediment control at each work site until all work and cleanup of the job site is complete.

12. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.

13. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.

14. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow or precipitation conditions arise that will result in erosion or siltation of waters of the state.

15. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater.

CULVERT

16. Culverts used must be sized to pass the 100yr peak storm event for any individual waterway. All installed culverts must provide an "as-built report" outlining the stream flow hydrology assessment, culvert sizing criteria, and photos of the installations (upstream and downstream ends of culvert at minimum). Culverts for cross drains and seeps (waters without a defined bed or bank) are approved and are not required to comply with this requirement.

17. Install the culvert in the dry or in isolation from the stream flow by using a bypass channel or culvert, or by pumping the stream flow around the work area.

18. Culverts are to be set consistent with the prevailing grade of the stream channel. Do not create an outfall drop out of a culvert.

19. Dissipate stream flow energy at outlet of culverts by placing the larger class of streambed substrate material immediately downstream of the culvert outlet to form a small erosion protection pad. This pad will be flush with the streambed and extend no less than 3 feet downstream from end of culvert.

20. Protect structural fill associated with the culvert installation from erosion to the 100 year peak flow.

21. Minimize damage to the bed and banks when placing the culvert.

22. Approach material must be structurally stable and composed of material that if eroded into the water will not harm fish life.

23. Route the construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.

BRIDGE

24. Design and construct the bridge to pass water, ice, large wood, and associated woody material and sediment likely to move under the bridge during anticipated flood flows.

25. Construct bridges so they completely span the water and extend from the top of the bank to the top of the bank.

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- 26. Locate the waterward face of all bridge elements including abutments, piers, pilings, sills, foundations, aprons, wing walls, and approach material landward of the ordinary high water line.
- 27. If excavation or other construction activities take place waterward of the ordinary high water line, isolate the work area from the stream flow (if present) by using a cofferdam, bypass, or similar structure.
- 28. Minimize damage to the bed and banks when placing bridge stringers.
- 29. Use material for the approaches that is structurally stable and that will not harm fish life if it erodes into the water.
- 30. Install and maintain curbs or wheel guards to prevent aggregate or earth-type paving material from entering the stream.
- LARGE WOODY MATERIAL**
- 31. If a project requires that natural wood is moved, place the wood directly back in the channel immediately downstream of the structure.
- 32. When repositioning large woody material, minimize releasing bedload, logs, or debris downstream.
- DEMOBILIZATION AND CLEANUP**
- 33. Before the end of the in-water work period specified in the "timing limitations" provision, remove all temporary stream crossings and restore the bed and banks to pre-project condition.
- 34. Replace native riparian zone vegetation damaged or destroyed by construction with at least twice as many native trees and native shrubs as were damaged or destroyed. Replace native wetland vascular plants (except noxious weeds) damaged or destroyed by construction with at least twice as many plants as were damaged or destroyed.
- 35. Seed areas disturbed by construction activities with a native seed mix suitable for the site that has at least one quick-establishing plant species.
- 36. Complete replanting of riparian vegetation during the first dormant season (late fall through late winter) after project completion per the approved plan. Maintain plantings for at least three years to ensure at least eighty percent of the plantings survive. Failure to achieve the eighty percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.

LOCATION #1:		Site Name: Olsen Creek Trail System Renovation and Development - Priority Area 1 , WA				
WORK START:		June 28, 2023		WORK END:		June 26, 2028
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
01 - Nooksack		Olsen Creek (rs)			Lake Whatcom	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
	19	38 N	04 E	48.764	-122.345	Whatcom
<u>Location #1 Driving Directions</u>						
This proposal is located in the Olsen Creek Forest Block of WA DNR managed State Trust land on the west aspect of Stewart Mountain in Whatcom County. Proposal work will take place in: Sections 19, 20, 21, 22, 27, 28, 29, 32, & 33 of Township 38 North, Range 04 East, W.M. Proposal is located approximately 9 miles, by road, east of Bellingham, WA.						

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APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person (s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

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MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

A. INFORMAL APPEALS: WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

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A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist	Joel.Ingram@dfw.wa.gov
Joel Ingram	360-466-4345, Ext:271

A handwritten signature in black ink, appearing to read "Joel Ingram".

for Director
WDFW
