CONCEPTUAL MITIGATION PLAN

M-51 INDUSTRIAL

JUNE 2023

Soundview Consultants
Environmental Assessment
Planning + Land Use Solutions

CONCEPTUAL MITIGATION PLAN

M-51 INDUSTRIAL

JUNE 22, 2023

PROJECT LOCATION
16329 51ST AVENUE NORTHEAST
MARYSVILLE, WASHINGTON 98271

PREPARED FOR
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Executive Summary

Soundview Consultants LLC (SVC) is assisting M-51 Industrial LLC (Applicant) with a conceptual mitigation plan for the proposed industrial development of an approximately 75.83-acre site located at 16329 51st Avenue Northeast in the City of Marysville, Washington. The subject property consists of four parcels situated in the Southwest ¼, of Section 27, Township 31 North, Range 5 East, W.M (Snohomish County Tax Parcel Numbers 31052700200700, 31052700201000, 31052700301100, and 31052700300100).

SVC investigated the subject property for the presence of potentially regulated wetlands, waterbodies, and other fish and wildlife habitat in the winter and spring of 2020, with formal groundwater monitoring conducted from late winter through early spring of 2020. Using current methodology, the site investigations identified four offsite wetlands (Wetlands A - C) within 150 feet of the subject property to the north. One jurisdictional artificially created ditch (51st Avenue East Ditch) that meets wetland criteria was identified onsite. Offsite Wetlands A – C and 51st Avenue East Ditch are Category III depressional wetlands with standard 75-foot buffers under Marysville Municipal Code (MMC) 22E.010.100.4. The site investigation also identified two non-jurisdictional artificially excavated ditches (Ditch Z and Ditch V); these two roadside and agricultural ditches are not regulated as streams under MMC 22E.010.210(1). Multiple critical areas were identified offsite to the east; however, these critical areas have since been impacted and mitigated for as part of the Cascade Business Park (PLN#796) project. No other potentially-regulated wetlands, fish and wildlife habitat, streams, or priority species were identified on or within 150 feet of the subject property.

The Applicant proposes to redevelop the subject property with four industrial buildings, internal access roads, stormwater ponds, and parking stalls. The project was carefully designed to fully utilize the developable upland area on the site; however, several wetland buffers extend onsite to the north which limits space for an internal access road and parking stalls. As stormwater ponds are proposed to the west, south, and east of the proposed buildings, access roads are limited to the north and south of the western stormwater pond. To allow full site utilization necessary for industrial development and allow room for the access road alignment and parking stalls, permanent wetland impacts to 51st Avenue East Ditch and wetland buffer averaging associated with Offsite Wetlands A – C are necessary and unavoidable. To minimize impacts to critical areas, alternate access road routes and stormwater pond configurations were considered; however, the configurations would only allow for one access road on the southern portion of the property which could create congestion and pose a safety hazard for those accessing the site. Further, the northern access road could not be shifted south to avoid the wetland buffers as a large stormwater pond separates the southern and northern access points. In addition, the 51st Avenue East Ditch and Ditch V will also be piped to convey flow with the recently piped offsite portion of the 51st Avenue East Ditch to the south, and Ditch Z will be filled to construct the western stormwater pond. These Ditch impacts will be accounted for as wetland impacts.

Mitigation for the permanent wetland (Ditch) impacts will be provided through the purchase of mitigation bank credits from the Snohomish Basin Wetland Mitigation Bank (SBMB). Utilization of a mitigation bank is the most ecologically practicable mitigation option as full site development, and a lack of additional onsite critical areas inhibits the space required to provide ecologically beneficial onsite mitigation. The use of a mitigation bank will likely provide a higher level of ecological lift than small onsite or offsite, in-kind permittee responsible mitigation especially with the established resources for maintenance and monitoring over a longer term to ensure success of the mitigation

actions. The project is anticipated to result in a net increase in ecological functions within the Snohomish River watershed (Water Resource Inventory Area 7) when compared to the existing condition of the wetland buffers proposed to be impacted, which are severely degraded due to active agricultural use. A Conceptual Mitigation Plan is provided in Chapter 2 of this report.

The table below identifies the critical areas within the project vicinity and summarizes the potential regulatory status by local, state, and federal agencies.

Wetland/ Waterbody[1]	Size/Length (onsite)	Category[2] or Type[2]	Regulated under MMC 22E.010	Regulated under RCW 90.48	Regulated under Section 404 of the CWA
51st Ave NE Ditch (Ditch Y)	1,300	III	Yes	Yes	No[3]
Ditch V	1,275	N/A (non-typed)	No	No	No[3]
Ditch Z	300	N/A (non-typed)	No	No	No[3]
Edgecomb Creek	Offsite	F	Yes	Yes	Yes
Wetland A	Offsite	III	Yes	Yes	Not Likely
Wetland B	Offsite	III	Yes	Yes	Not Likely
Wetland C	Offsite	III	Yes	Yes	Not Likely
Wetland D	Offsite	III	Yes	Yes	Not Likely

1. Offsite critical areas to the east were not included in this mitigation plan as these areas have since been impacted and mitigated for as part of the Cascade Business Park (PLN#796) project.
2. Current Washington State Department of Ecology (WSDOE) wetland rating (Hruby, 2014) per MCC 22E.010.060.1.
3. Not regulated by the USACE per an approved jurisdictional determination for the neighboring Cascade Business Park project dated July 30th 2020.

The table below summarizes the proposed buffer and indirect critical area impacts.

Type of Impact	Buffer Impact Area
Permanent Wetland Fill	8,552 SF

The table below summarizes the proposed mitigation to offset the proposed critical area impacts.

Mitigation Type	Mitigation Area
Mitigation Bank Credits	0.20 credits

Site Map


PRELIMINARY
INFORMATION ONLY
NOT FOR CONSTRUCTION
SOUNDVIEW CONSULTANTS LLC ASSUMES NO LIABILITY OR RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENTS, OR ESTIMATES BASED ON THIS PLAN SET
Offsite Wetland A Category III
Offsite Wetland B Category III
Offsite Wetland D Category III
Offsite Wetland C Category III
Mitigation Area
51st Avenue Northeast Ditch Wetland Category III
Ditch Z
Edgecomb Creek Permitted Fill and Relocation Under Separate Project
Ditch V Water of the State
NOTE: All Wetlands South & East of Site Boundary Permitted Fill and Mitigation Under Separate Project
Monitoring Points
Drainage Point
OHWM
Data Plots
OHW
Drainage Ditch
Voluntary Flood Water Storage System
75' Standard Wetland Buffer
Offsite Wetland
Filled Wetlands
Stormwater Feature
Mitigation Area
Site Boundary
N
0 140 280 560 Feet

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Chapter 1. Regulatory Considerations

The site investigations in the spring of 2020 identified three artificially excavated ditches (51st Avenue East Ditch and Ditches Z and V) and four potentially-regulated offsite wetlands (Wetlands A – C). In addition, the 51st Avenue East Ditch met wetland criteria and also is a potentially regulated wetland. Multiple critical areas were identified offsite to the east; however, these critical areas have since been impacted and mitigated for as part of the Cascade Business Park (PLN#796) project. No other potentially-regulated wetlands, fish and wildlife habitat, streams, or priority species were identified on or within 150 feet of the subject property.

1.1 Local Considerations

1.1.1 Buffer Standards

MMC 22E.010.060(1) has adopted the current wetland rating system for western Washington (Hruby, 2014). Category III wetlands generally provide moderate levels of functions and score between 16 and 19 points. Offsites Wetlands A – C and 51st Avenue East Ditch are Category III depressional wetlands. Under MMC 22E.010.100.4 the standard buffer for a Category III wetland is 75 feet. An additional 15-foot building setback is required from the edge of all critical area buffers per MMC 22E.010.380.

1.1.2 Mitigation Sequencing

The proposed industrial development will result in necessary and unavoidable permanent wetland and wetland buffer impacts. Impacts to wetlands and/or their associated buffers are permitted provided that the activity will be designed to ensure no net loss of critical area functions and values. Mitigation sequencing per MMC 22E.010.110(1) is outlined below for the proposed project.

1. *Avoiding impacts altogether by not taking a certain action or parts of an action.*

   The Applicant proposes to redevelop the subject property with four industrial buildings, internal access roads, stormwater ponds, and parking stalls. The project was carefully designed to fully utilize the developable upland area on the site; however, several wetland buffers extend onsite to the north which limits space for an internal access road and parking stalls. As stormwater ponds are proposed to the west, south, and east of the proposed buildings, access roads are limited to the north and south of the western stormwater pond. To allow full site utilization necessary for industrial development and allow room for the access road alignment and parking stalls, permanent wetland impacts to 51st Avenue East Ditch and wetland buffer averaging associated with Offsite Wetlands A – C are necessary and unavoidable. Furthermore, it should be noted that offsite wetlands are low functioning and degraded buy the surrounding land use and lack of buffer area. In addition, the current onsite use (high intensity agriculture) provided no onsite buffer area. As such, permanent buffer impacts to degraded Category III wetland buffers are necessary and unavoidable.

2. *Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.*

   As described under criterion 1 above, permanent wetland and wetland buffer impacts are unavoidable. To minimize impacts to critical areas, alternate access road routes and stormwater pond configurations were considered; however, the configurations would only allow for one

access road on the southern portion of the property which could create congestion and pose a safety hazard for those accessing the site. Further, the northern access road could not be shifted south to avoid the wetland buffers as a large stormwater pond separates the southern and northern access points. The proposed wetland fill and buffer averaging are the minimum necessary to incorporate the required infrastructure for the proposed layout.

3. *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.*

Mitigation for the permanent wetland impacts will be provided through the purchase of mitigation bank credits from the SBMB and the use of buffer averaging. Utilization of a mitigation bank is the most ecologically practicable mitigation option as full site development, and a lack of additional onsite critical areas inhibits the space required to provide ecologically beneficial onsite mitigation. The use of a mitigation bank will likely provide a higher level of ecological lift than small onsite or offsite, in-kind permittee responsible mitigation especially with the established resources for maintenance and monitoring over a longer term to ensure success of the mitigation actions. In addition, creating a small remanent wetland area is less ecologically beneficial due to the inherent takeover of invasive species and trash and debris. The small area of impacts to degraded wetland buffer areas is better provided through a larger scale program with watershed-level goals and more robust, established resources to ensure mitigation success.

4. *Reducing or eliminating the impact over time by preservation and maintenance operations.*

The wetlands created through the purchase of mitigation bank credits from the SBMB will be higher functioning than the degraded, low-functioning onsite wetlands proposed to be impacted. The mitigation areas provided will be maintained and monitored through the mitigation banking program for an appropriate timeline to ensure success of the mitigation actions. Buffer averaging will allow for the preservation of wetland buffer onsite with no net loss.

5. *Compensating for the impact by replacing or providing substitute resources or environments.*

Refer to criterion 3 above. The necessary and unavoidable permanent wetland and wetland buffer impacts will be compensated through the purchase of mitigation bank credits from the SBMB and buffer averaging onsite.

6. *Monitoring the impact and taking appropriate corrective measures.*

Mitigation for the permanent buffer impacts of 51st Avenue East Ditch and Offsite Wetlands A - C will be provided through buffer averaging and the purchase of mitigation bank credits from the SBMB and therefore, will not require permittee-responsible mitigation monitoring. The mitigation areas provided will be maintained and monitored through the mitigation banking program for an appropriate timeline to ensure success of the mitigation actions.

1.1.3 Mitigation Performance Standards

According to MMC 22E.010.120, adverse impacts to wetland functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in MMC 22E.010.110(1) (see Section 6.1.2 above). Proposals which include less preferred or compensatory mitigation shall demonstrate that:

1. *All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland;*

See responses to criteria 1 and 2 under Section 1.1.2 above for details regarding avoidance and minimization measures for the project.

2. *No overall net loss will occur in wetland functions, values and acreage; and*

Compensatory mitigation for the permanent wetland impacts to 51st Avenue East Ditch and Offsite Wetlands A – C will be provided through the purchase of mitigation bank credits from the SBMB, in addition to buffer averaging onsite. The project will utilize a mitigation ratio of 0.2:1 for critical area buffer impacts to ensure no net loss of functions, values, and acreage as determined by the mitigation bank (Habitat Bank & Talasaea Consultants, 2016). The use of buffer averaging will reduce the current wetland buffer by 9,897 square feet while then increasing the buffer by 9,972 square feet, for a net gain of 75 square feet of wetland buffer onsite. The project will result in no net loss in ecological functions within Snohomish River watershed (Water Resource Inventory Area 7) when compared to the existing degraded wetland buffers proposed to be impacted.

3. *The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.*

The mitigation provided through the purchase of credits from the SBMB will be much higher functioning than the existing degraded wetlands buffers that will be impacted, as the existing buffers consist of active agricultural areas. The 199-acre Snohomish Basin Bank in Snohomish County consists of wetland re-establishment, wetland rehabilitation, restored floodplain, and associated upland/wetland buffer areas which will establish ideal habitat conditions for a wide range of fish and wildlife species, more than what could be provided onsite in an isolated landscape setting.

1.1.4 Wetland Mitigation Banks

Per MMC 22E.010.130, when mitigation bank use is proposed it shall be conducted in accordance with the following requirements:

1. *Credits from a wetland bank may be approved for use as compensation for unavoidable impacts to wetlands when:*

   a. *The bank is certified under Chapter 173-700 WAC*

   The Snohomish Basin Mitigation Bank was certified for use on August 12, 2005.

   b. *The community development director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and*

   Approximately 8,552 square feet of permanent wetland fill impacts associated with Category III wetland 51st Avenue East Ditch, is necessary and unavoidable and will be compensated through the purchase of mitigation bank credits from the SBMB. The City of Marysville allows the use of mitigation banks under MMC 22E.010.130. Utilization of a mitigation bank is the most ecologically practicable mitigation option as full site development and a lack of additional onsite critical areas inhibits the space required or opportunity to provide ecologically beneficial onsite mitigation. The use of a mitigation bank will likely provide a higher level of ecological lift than small onsite or offsite, in-kind permittee responsible mitigation especially with the established resources for maintenance and monitoring over a longer term to ensure success of the mitigation

actions. As such, the use of a mitigation bank will result in a net gain in ecological functions within the Snohomish watershed over the existing degraded conditions of the onsite wetland buffers that will be impacted

c. *The proposed use of credits is consistent with the terms and conditions of the bank's certification.*

The purchase of credits will be consistent with the terms and conditions of the bank's certification.

2. *Replacement ratios for projects using bank credits shall be consistent with the terms and conditions of the bank's certification.*

   The 8,552 square feet of wetland fill will be compensated at a 0.2 to 1 ratio as outlined in the mitigation banking instrument document (Habitat Bank & Talasaea Consultants, 2016).

3. *Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.*

   The purchase of credits from the SBMB will be utilized to compensate for 8,552 square feet of permanent wetland impacts associated with 51st Avenue East Ditch, as the site is located within the service area in WRIA 7 – Snohomish. The purchase of credits will result in much higher functioning wetlands when compared to the existing degraded ditched function that will be impacted.

1.1.5 Wetland Buffer Averaging Plan

The proposed development will require buffer averaging for the buffers associated with Offsite Wetlands A, B, and C to allow the necessary space for the access road. According to MMC 22E.010.100.5.a, buffer width averaging shall be allowed when the applicant demonstrates that the averaging will not impair or reduce the habitat, water quality purification and enhancement, storm water detention, ground water recharge, shoreline protection and erosion protection and other functions of the wetland and buffer; that lower-intensity land uses would be located adjacent to areas where buffer width is reduced; and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

The proposed wetland buffer averaging plan will result in a net gain in contiguous wetland buffer area, which will ensure no net loss in ecological functions. In order to provide safe and efficient access to the site, the access road must be located in the northern portion of the site, therefore no other lower intensity land use can be located adjacent to the buffer area.

1.2 State and Federal Considerations

1.2.1 State Requirements

WSDOE regulates surface waters of the state under RCW 90.48 and WAC 173-201A for potential impacts to water quality. WAC-173-201A-020 provides definitions of surface waters of the state and wetlands.

Per WAC 173-201A-020, surface waters of the state are defined as:

"includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface waters and water courses within the jurisdiction of the state of Washington."

Per WAC 173-201A-020, wetlands are defined as:

"wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (Water bodies not included in the definition of wetlands as well as those mentioned in the definition are still waters of the state.)"

All identified onsite wetlands (including the 51st Avenue Northeast Ditch) are likely to be regulated as waters of the state of Washington under the RCW 90.48 and WAC 173-201A. Ditch V acts as a feeder ditch to the 51st Avenue Northeast Ditch, indirectly contributing surface water runoff to a downgradient tributary (Edgecomb Creek). As such, Ditch V is likely to be regulated as a waters of the state as a non-wetland water. Ditch Z is an artificially and intentionally created ditch that conveys only ephemeral runoff that appears to primarily infiltrate, and as such is not likely regulated as a water of the state.

1.2.2 Federal Requirements

On January 18, 2023, USACE and EPA published a revised definition of "Waters of the United States" (WOTUS) The revised rule became effective on March 20, 2023. Under the 2023 revised rule, Waters of the United States is described as follows (USACE and EPA, 2023):

(a) Waters of the United States means:

(1) Waters which are: (i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (ii) The territorial seas; or (iii) Interstate waters, including interstate wetlands;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section: (i) That are relatively permanent, standing or continuously flowing bodies of water; or (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;

(4) Wetlands adjacent to the following waters: (i) Waters identified in paragraph (a)(1) of this section; or (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3)(i) of this section and with a continuous surface connection to those waters; or (iii) Waters identified in paragraph (a)(2) or (3) of this section

when the wetlands either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;

(5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section: (i) That are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3)(i) of this section; or (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section.

Offsite Wetlands A, B, C, and D, and the 51st Avenue Northeast Ditch would potentially be regulated through (5) above due to a potential "significant nexus" to downgradient and nearby federally regulated waters. An Approved Jurisdictional Determination (AJD) (NWS-2020-571) was completed for the Cascade Commerce Center project to the south and included Ditch V within the review area. The AJD indicated that Ditch V was not a WOTUS, and therefore not subject to federal jurisdiction. The AJD was issued on July 30, 2020, and is valid for 5 years. If impacts to regulated waters and wetlands cannot be avoided, federal, state, and local approvals will be required.

Chapter 2. Conceptual Mitigation Plan

The mitigation actions for the project attempt to strike a balance between achieving project goals as well as a positive result in terms of ecological lift. In general, joint USACE and EPA rules have been established that require more careful mitigation planning efforts utilizing a watershed approach in site selection, establishment of enforceable performance standards, and preference for use of mitigation banks or ILF's wherever most ecologically practicable (USACE & EPA, 2008). The wetland buffer impacts and mitigation actions closely adhere to these rules while also utilizing the best available science (Granger et al., 2005; Hruby et al., 2009; Sheldon et al., 2005; WSDOE et al., 2006; and WSDOE et al., 2021). This chapter presents the mitigation details for the industrial project.

2.1 Purpose and Need

The purpose of the proposed project is to provide an industrial warehouse that will increase jobs within the City of Marysville.

2.2 Description of Impacts

The Applicant proposes to redevelop the subject property with four industrial buildings, internal access roads, stormwater ponds, and parking stalls. The project was carefully designed to fully utilize the developable upland area on the site; however, several wetland buffers extend onsite to the north which limits space for an internal access road and parking stalls. As stormwater ponds are proposed to the west, south, and east of the proposed buildings, access roads are limited to the north and south of the western stormwater pond. To allow full site utilization necessary for industrial development and allow room for the access road alignment and parking stalls, permanent wetland fill of 51st Avenue East Ditch and buffer averaging associated with Offsite Wetlands A – C are necessary and unavoidable. To minimize impacts to critical areas, alternate access road routes and stormwater pond configurations were considered; however, the configurations would only allow for one access road on the southern portion of the property which could create congestion and pose a safety hazard for those accessing the site. Further, the northern access road could not be shifted south to avoid the wetland buffers as a large stormwater pond separates the southern and northern access points. In addition, the 51st Avenue East Ditch and Ditch V will also be piped to convey flow with the recently piped offsite portion of the 51st Avenue East Ditch to the south, and Ditch Z will be filled to construct the western stormwater pond.

2.3 Mitigation Strategy

The mitigation actions will compensate for lost wetland buffer functions and values by providing additional functions according to the needs of the watershed and providing an overall improvement in the quality of wetland habitat and no net loss in habitat and ecological function. To achieve this, the objectives of the mitigation actions are to purchase credits from the SBMB to compensate for unavoidable permanent wetland fill of 51st Avenue East Ditch and to utilize buffer averaging to avoid permanent impacts to the wetland buffers of offsite Wetlands A - C. Therefore, the Mitigation Plan will incorporate use of the mitigation bank to meet federal, state, and local requirements that are most appropriate for the impacted aquatic areas which is anticipated to result in a net increase in ecological functions within the watershed.

2.3.1 Mitigation Bank Use

Wetland functions targeted for use in the SBMB include improving water quality, flood storage, flow reductions, and habitat for plant and animals on a 199-acre site focusing on wetland re-establishment, wetland rehabilitation, restoring floodplain, and associated upland/wetland buffer areas. The onsite 51st Avenue East Ditch and associated buffers of offsite Wetlands A – C are degraded and do not provide critical wetland functions; full wetland function compensation is better provided elsewhere, through a consolidated mitigation program that has greater potential to provide valuable wetland functions and that has the landscape potential to maintain each function. Onsite permittee-responsible mitigation is not feasible; utilization of a mitigation bank is the most ecologically practicable mitigation option as full site development and a lack of additional onsite critical areas inhibits the space required or the opportunity to provide ecologically beneficial onsite mitigation. In addition, non-native invasive vegetation is likely to take over such a small mitigation area. Offsite permittee-responsible wetland mitigation has been carefully considered; however, offsite permittee-responsible mitigation is not an ecologically beneficial or a practical option due to the minimal wetland buffer impacts. The challenges of creating and restoring relatively small areas of wetland functions are alleviated though mitigation banking where the mitigation is completed on a large scale and the benefits of the purchased credits provide watershed scale benefits, with longer term maintenance and management than is normally provided with permittee-responsible-mitigation. The wetlands created through mitigation banking will have much higher habitat value than the small areas of onsite wetland buffers that will be impacted.

Joint USACE and EPA rules (USACE & EPA, 2008) and interagency guidance (WSDOE et el., 2006; WSDOE et al., 2021; Hruby et al., 2009) require more careful mitigation planning efforts utilizing a watershed approach in site selection, establishment of enforceable performance standards, and preference for use of mitigation banks or ILFs wherever most ecologically practicable. The subject property is currently located within the SBMB's Service Area (Appendix C), thus allowing the project to utilize the approved mitigation banking program for compensatory mitigation within the same watershed as project impacts. The overarching mitigation goal of the SBMB is to protect and enhance salmonid populations using a watershed approach, which will in turn benefit other aquatic species. The purchase of mitigation banking credits will allow the project to achieve no net loss of aquatic resource functions.

The SBMB, administered by Mitigation Banking Services, creates a "comprehensive, equitable, and consistent" program to ensure successful mitigation actions. Oversight of this mitigation banking program is provided by an Interagency Review Team (IRT) that includes representatives from the USACE, WSDOE, tribes, and other federal, state, and local regulatory agencies.

The permanent buffer impacts will result in the purchase of 0.20 acre credits, as outlined in Table 1 below. The credits outlined below will be available for purchase from the SBMB.

Table 1. Replacement Ratios and Calculation of Bank Credits Required

Feature	Impact Area (SF)	WSDOE Rating[1]	Mitigation Ratio[2] (SBMB Credits Needed per Acre of Impacted Wetland)[2]	Total Bank Credits Needed (acres)
Critical Area Fill	8,552 (0.19 acres)	III	1:1	0.20
Total:	**8,552 (0.19 acres)**			**0.20**

Notes:

1. WSDOE rating according to Washington State wetland rating system for Western Washington – Revised (Hruby, 2014).
2. Credit calculation methods are derived from the SBMB MBI document

2.3.2 Credit Purchase or Transfer Timing

Negotiations of terms of the mitigation bank credit purchase will be made with IRT staff with preliminary approvals of the project by the City and WSDOE, after formal approval of the Mitigation Plan by all appropriate regulatory agencies. Proof of credit purchase and transfer will be provided via a Statement of Sale from the Applicant. Prior to any impacts to wetlands, the Statement of Sale will be provided to WSDOE and the City.

Chapter 3. Closure

The findings and conclusions documented in this report have been prepared for specific application to this project. They have been developed in a manner consistent with that level of care and skill normally exercised by members of the environmental science profession currently practicing under similar conditions in the area. Our work was also performed in accordance with the terms and conditions set forth in our proposal. The conclusions and recommendations presented in this report are professional opinions based on an interpretation of information currently available to us and are made within the operation scope, budget, and schedule of this project. No warranty, expressed or implied, is made. In addition, changes in government codes, regulations, or laws may occur. Due to such changes, our observations and conclusions applicable to this project may need to be revised wholly or in part.

Chapter 4. References

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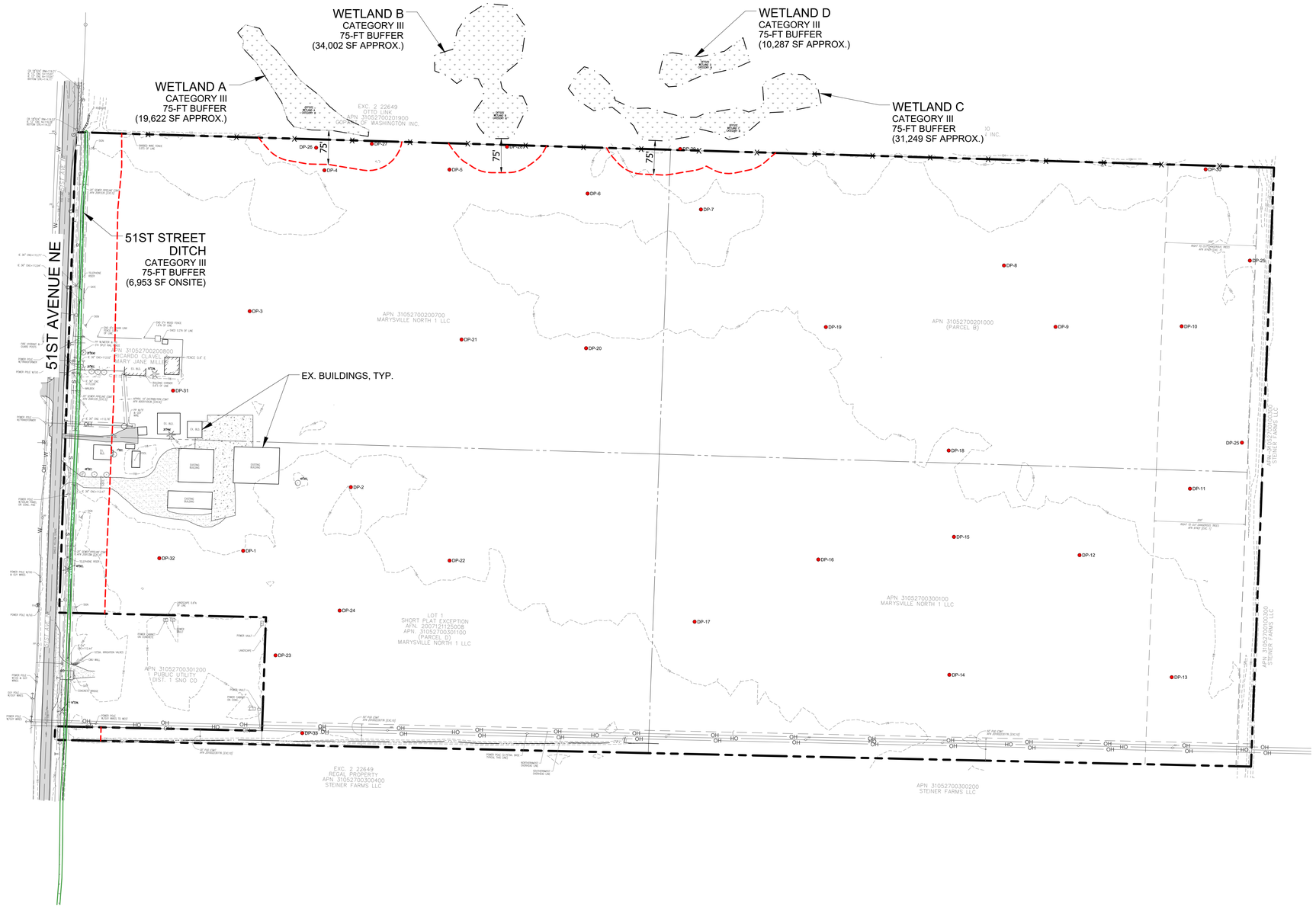
WSDOE, USACE, and EPA Region 10. 2021. *Wetland Mitigation in Washington State–Part 1: Agency Policies and Guidance (Version 2)*. Washington State Department of Ecology Publication #21-06-003.

Appendix A — Existing Conditions and Proposed Exhibits



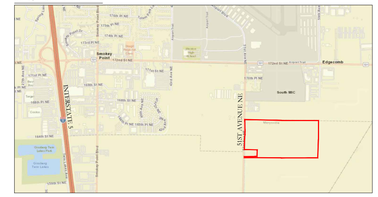
0 120 240 480

GRAPHIC SCALE
1"= 120'

PLAN LEGEND

- PROPERTY LINE
- EXISTING WETLAND BOUNDARY
- APPROXIMATED WETLAND BOUNDARY (NOT SURVEYED)
- WETLAND BUFFER
- DP-# DATA PLOT LOCATION
- EXISTING CONTOUR

VICINITY MAP



SOURCE: ESRI (ACCESSED 12/20/2021)

LOCATION

THE SW ¼ OF SECTION 27,

TOWNSHIP 31N, RANGE 05E, WM

APPLICANT/OWNER

MOWAT CONSTRUCTION
P.O. BOX 3884
BELLEVUE, WA 98009
CONTACT: JOHN SANDSTROM
PHONE: (206) 793-3363
E-MAIL: JOHN.SANDSTROM@MOWATCO.COM

ENVIRONMENTAL CONSULTANT

SOUNDVIEW CONSULTANTS LLC
2907 HARBORVIEW DRIVE,
GIG HARBOR, WA 98355
(253) 514-8952

SHEET INDEX

PRELIMINARY
INFORMATION ONLY

NOT FOR CONSTRUCTION

SOUNDVIEW CONSULTANTS LLC ASSUMES NO LIABILITY OR RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENTS, OR ESTIMATES BASED ON THIS PLAN SET

SOURCES:

LDC | Surveying Engineering Planning
Woodinville
20210 142nd Avenue NE
Woodinville, WA 98072
T. 425.806.1869
Kent
1851 Central Pl S, #101
Kent, WA 98030
F. 425.482.2893
www.LDCcorp.com

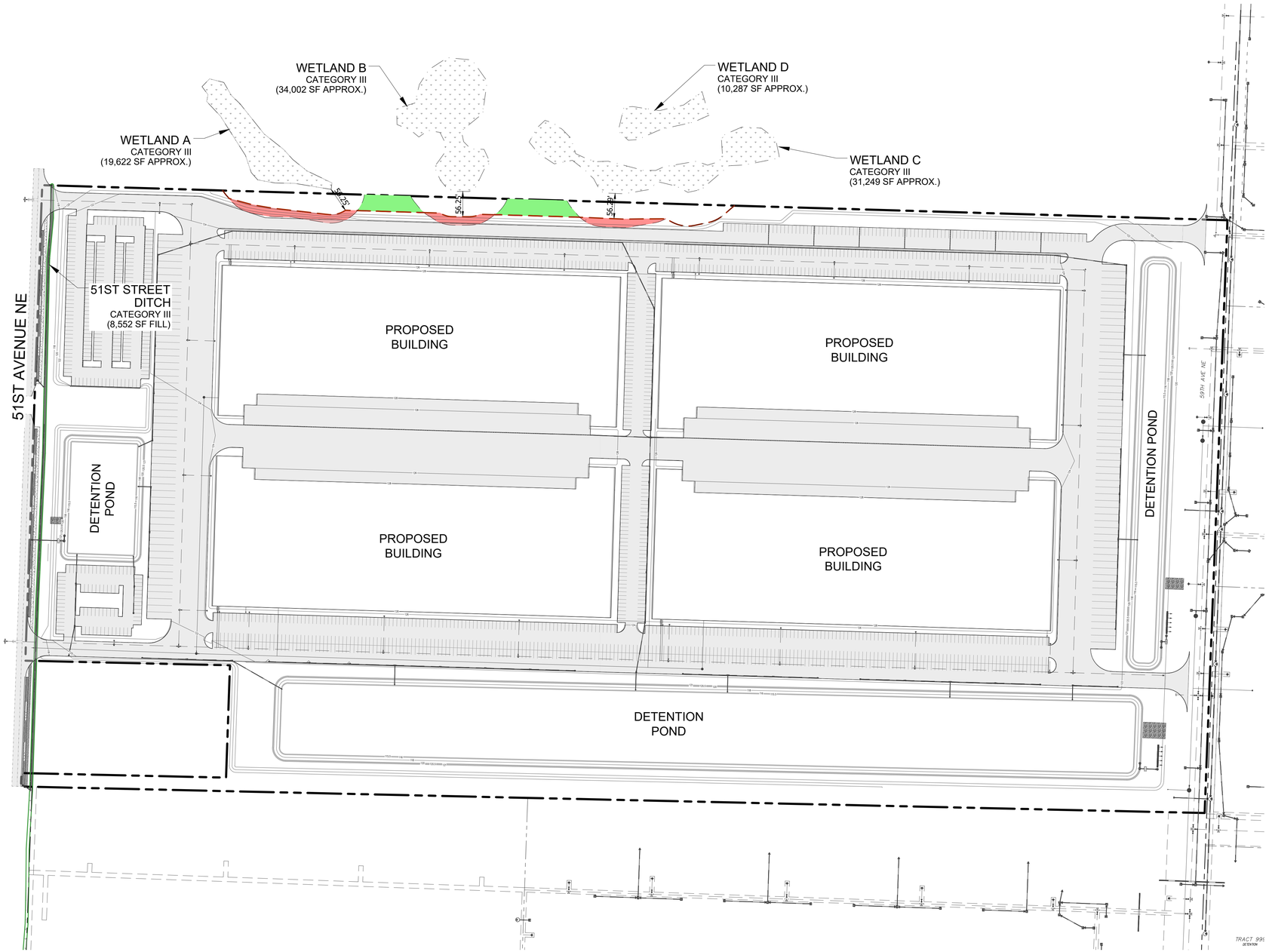
Soundview Consultants LLC
Environmental Assessment • Planning • Land Use Solutions
2907 HARBORVIEW DRIVE, SUITE D
GIG HARBOR, WASHINGTON 98335
P. 253.514.8952
F. 253.514.8954
WWW.SOUNDVIEWCONSULTANTS.COM

NORTHSOUND CORPORATE PARK
16329 51ST AVE NE
MARYSVILLE, WA 98271-7513
SNOHOMISH COUNTY PARCEL NUMBERS:
31052700200700, 31052700201000, 31052700301100, & 31052700300100

DATE: 05/31/2023
JOB: 2021.0001
BY: DS
SCALE: AS SHOWN
SHEET: 1

S:\CURRENT\2021 Mowat Construction\2021.0001 M-51 Industrial LLC\Graphics & Maps\CAD\A - CURRENT SVC DRAWINGS\A - Current Base DWGs\2021.0001 (2023-05) base.dwg
Plotted June 1, 2023

PROPOSED BUFFER AVERAGING PLAN & IMPACTS



0 120 240 480

GRAPHIC SCALE
1"= 120'

PLAN LEGEND

- PROPERTY LINE
- EXISTING WETLAND BOUNDARY
- APPROXIMATED WETLAND BOUNDARY (NOT SURVEYED)
- POST CONSTRUCTION BUFFER
- STANDARD WETLAND BUFFER
- PROPOSED CONTOUR

BUFFER AVERAGING LEGEND

WETLAND BUFFER	
DECREASED WETLAND BUFFER	9,897 SF
INCREASED WETLAND BUFFER	9,972 SF
(WETLAND BUFFER NET GAIN)	75 SF

IMPACTS LEGEND

WETLAND IMPACTS	
WETLAND FILL	8,552 SF

PRELIMINARY
INFORMATION ONLY

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16329 51ST AVE NE
MARYSVILLE, WA 98271-7513

SNOHOMISH COUNTY PARCEL NUMBERS:
31052700200700, 31052700201000, 31052700301100, & 31052700300100

DATE:	05/31/2023
JOB:	2021.0001
BY:	DS
SCALE:	AS SHOWN
SHEET:	2

Appendix B — Approved Jurisdictional Determination

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, SEATTLE DISTRICT
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch July 30, 2020

Mr. Thane Smith
NorthPoint Development
2265 East Murray Holladay Road
Holladay, Utah 84117

Reference: NWS-2020-571
NorthPoint Development

Dear Mr. Smith:

On July 22, 2020, we conducted a desk review of your Technical Memorandum for 51st Avenue Northeast Ditch Network, dated June 24, 2020, for the property at Marysville, Washington in response to your request for verification of the jurisdictional limits of waters of the U.S. in the review area as shown on the enclosed drawing dated June 24, 2020. The U.S. Army Corps of Engineers has determined that 51st Avenue East Ditch, Ditch V, and Ditch W are not waters of the U.S. because they are excluded non-waters of the U.S. per 33 CFR Part 328.3 (b). As such, work that would occur within these areas does not require Department of the Army authorization under Section 404 of the Clean Water Act. This determination applies only to the review area. Other waters and wetlands that may occur on this property outside the review area are not the subject of this determination.

This approved jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination. A copy of this jurisdictional determination, dated July 22, 2020, can be found on our website at www.nws.usace.army.mil select "Regulatory Branch, Permit Information" and then "Jurisdictional Determinations". If you object to this determination, you may request an administrative appeal under our regulations (33 Code of Federal Regulations, Part 331) as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

A copy of this letter with drawings will be furnished to Mr. Matt DeCaro at matt@soundviewconsultants.com. If you propose to do any work in the areas identified to be waters of the U.S., you should contact our office prior to commencing work to determine permit

requirements. If you have any questions, please contact Ms. Amanda Barbieri at amanda.n.barbieri@usace.army.mil or at (206) 316-3156.

Sincerely,

Kristina G. Tong

Kristina G. Tong, Section Chief
Regulatory Branch

Enclosures

AJD REVIEW AREA EXHIBIT

Soundview Consultants LLC
Environmental Assessment • Planning • Land Use Solutions
2907 Harborview Dr., Suite D, Gig Harbor, WA 98335
Phone: (253) 514-8952 Fax: (253) 514-8954
www.soundviewconsultants.com

M-51 INDUSTRIAL LLC

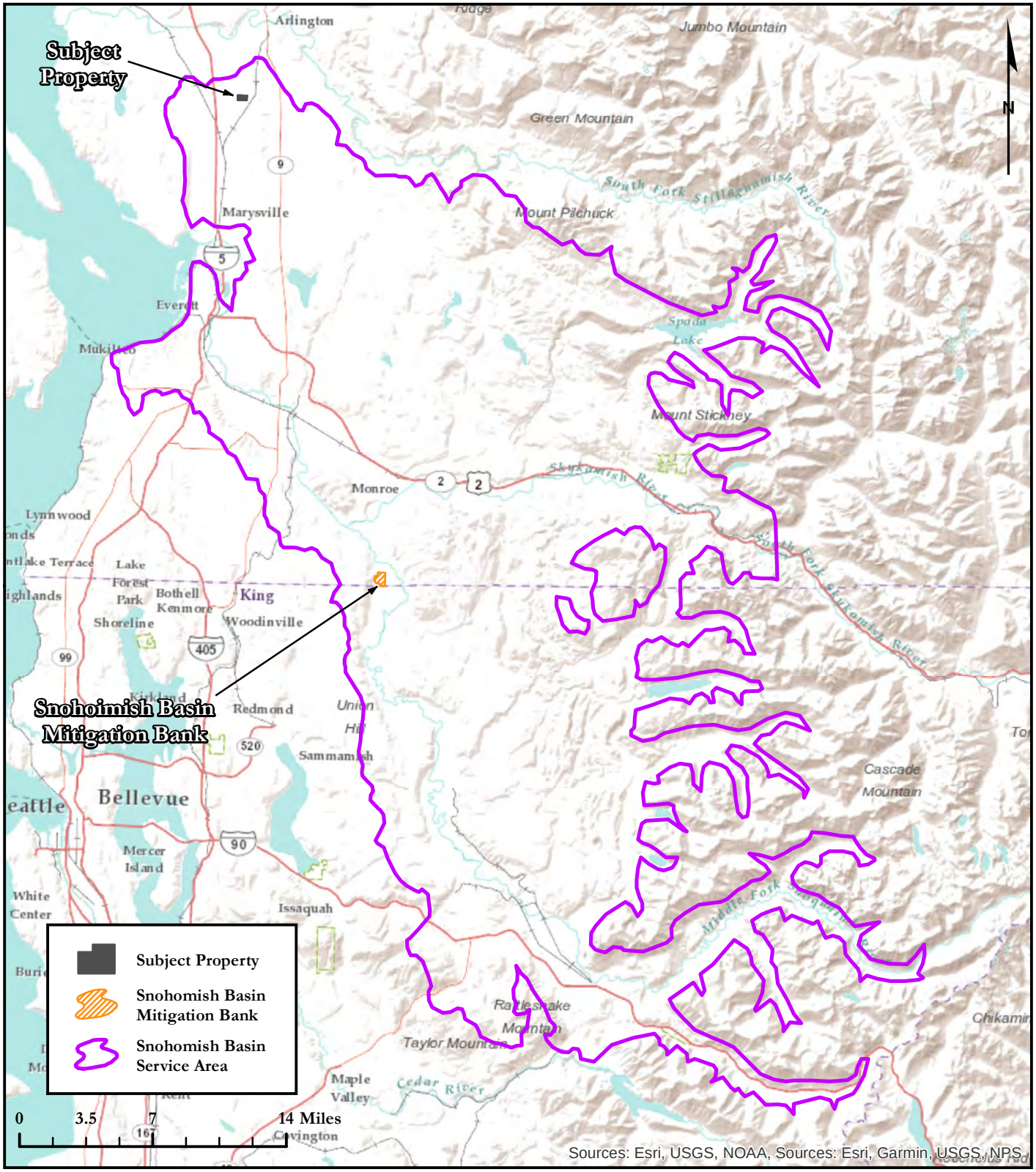
16329 51ST AVE NE
MARYSVILLE, WA 98271-7513

SNOHOMISH COUNTY PARCEL NUMBERS:
31052700200700, 31052700201000, 31052700301100,
& 31052700300100

DATE:	6/2/2023
JOB:	2021.0001
BY:	DDS
SCALE:	1 " = 400 '
FIGURE NO.	1

Appendix C — Mitigation Bank Service Area Map

NORTHSOUND CORPORATE PARK - MITIGATION BANK SERVICE AREA EXHIBIT



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NORTHSOUND CORPORATE PARK
16329 51ST AVE NE
MARYSVILLE, WA 98271-7513

SNOHOMISH COUNTY PARCEL NUMBERS:
31052700200700, 31052700201000, 31052700301100, & 31052700300100

DATE:	1/6/2022
JOB:	2021.0001
BY:	DDS
SCALE:	1 " = 7 mi
FIGURE NO.	1

Appendix D — Qualifications

All field inspections, wetland delineations, habitat assessments, and supporting documentation, including this ***Conceptual Mitigation Plan*** prepared for ***M-51 Industrial*** were prepared by, or under the direction of, Jon Picket of SVC. In addition, report preparation was completed by Lauren Templeton, and additional project oversight and final quality assurance / quality control was completed by Kyla Caddey.

Jon Pickett

Associate Principal
Professional Experience: 10+ years

Jon Pickett is an Associate Principal and Senior Scientist with a diverse background in environmental and shoreline compliance and permitting, wetland and stream ecology, fish and wildlife biology, mitigation compliance and design, and environmental planning and land use due diligence. Jon oversees a wide range of large-scale industrial, commercial, and multi-family residential projects throughout Western Washington, providing environmental permitting and regulatory compliance assistance for land use entitlement projects from feasibility through mitigation compliance. Jon performs wetland, stream, and shoreline delineations and fish & wildlife habitat assessments; conducts code and regulation analysis and review; prepares reports and permit applications and documents; provides environmental compliance recommendation; and provides restoration and mitigation design.

Jon earned a Bachelor of Science degree in Natural Resource Sciences from Washington State University and Bachelor of Science and Minor in Forestry from Washington State University. Jon has received 40-hour wetland delineation training (Western Mountains, Valleys, & Coast and Arid West Regional Supplements) and regularly performs wetland, stream, and shoreline delineations. Jon is a Whatcom County Qualified Wetland Specialist and Wildlife Biologist and is a Pierce County Qualified Wetland Specialist. He has been formally trained by WSDOE in the use of the Washington State Wetland Rating System 2014, How to Determine the Ordinary High-Water Mark (Freshwater and Marine), Using Field Indicators for Hydric Soils, and the Using the Credit-Debit Method for Estimating Mitigation Needs.

Kyla Caddey

Environmental Scientist & Certified Ecologist
Professional Experience: 7 years

Kyla Caddey is a senior-level Environmental Scientist with a diverse background in stream and wetland ecology, wildlife ecology and conservation, wildlife and natural resource assessments and monitoring, and riparian habitat restoration at various public and private entities. Kyla has field experience performing in-depth studies in both the Pacific Northwest and Central American ecosystems which included various environmental science research and statistical analysis. Kyla has advanced expertise in federal- and state-listed endangered, threatened, and sensitive species surveys and assessment of aquatic and terrestrial systems throughout the Puget Sound region. She has completed hundreds of wetland delineations and has extensive knowledge and interest in hydric soil identification. As the senior writer, she provides informed project oversight and performs final quality assurance / quality control on various types of scientific reports for agency submittal, including: Biological Assessments/Evaluations; Wetland, Shoreline, and Fish and Wildlife Habitat Assessments; Mitigation

Plans, and Mitigation Monitoring Reports. She currently performs wetland, stream, and shoreline delineations and fish and wildlife habitat assessments; prepares scientific reports; and provides environmental permitting and regulatory compliance assistance to support a wide range of commercial, industrial, and multi-family residential land use projects.

Kyla earned a Bachelor of Science degree in Environmental Science and Resource Management from the University of Washington, Seattle with a focus in Wildlife Conservation and a minor in Quantitative Science. She has also completed additional coursework in Comprehensive Bird Biology from Cornell University. Ms. Caddey is a Certified Ecologist through the Ecological Society of America. She has received 40-hour wetland delineation training (Western Mtns, Valleys, & Coast and Arid West Regional Supplement), is a Pierce County Qualified Wetland Specialist and Wildlife Biologist, and is a USFWS-approved Mazama pocket gopher survey biologist. Kyla has been formally trained through the Washington State Department of Ecology, Coastal Training Program, and the Washington Native Plant Society in winter twig and grass, sedge, and rush identification for Western WA; Using the Credit-Debit Method in Estimating Wetland Mitigation Needs; How to Determine the Ordinary High Water Mark; Using Field Indicators for Hydric Soils; How to Administer Development Permits in Washington Shorelines; Puget Sound Coastal Processes; and Forage Fish Survey Techniques. Additionally, she has received formal training in preparing WSDOT Biological Assessments.

Lauren Templeton

Environmental Scientist
Professional Experience: 3 years

Lauren Templeton is an Environmental Scientist with three plus years of experience in conducting wetland delineations, biological surveys, and in-situ water quality monitoring. Lauren has a background in wetland and biological assessments in various states, most notably Washington, Montana, Oregon, and New Mexico. Her project experience includes residential land use and developments, transportation, and water resources projects, working for federal, state, tribal, and private agencies. Lauren has experience developing various environmental documentation including environmental assessments, biological evaluations, mitigation reports, and permit applications at the federal, state and tribal levels. Additionally, Lauren has experience utilizing desktop and remote GIS software and equipment to collect and process data, perform data analysis, and develop delineation exhibits. Lauren currently performs wetland delineations, conducts environmental code analysis, and prepares various environmental compliance documentation including fish and wildlife habitat assessments, biological evaluations, and permit applications.

Lauren graduated from Western Washington University with a Bachelor of Arts in Environmental Science and Policy where she gained hands-on experience associated with water quality, statistical analysis, CERCLA projects, and ecological biomonitoring. Lauren has completed Basic Wetland Delineator Training with the Wetland Training Institute and received 40-hour USACE wetland delineation training. Lauren has been formally trained through the Washington State Department of Ecology, Coastal Training Program, How to Determine the Ordinary High Water Mark and Using the Washington State Wetland Rating System. Additionally, Lauren has been trained through the Shipley Group on the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and Administrative Record.