

February 28, 2007

To: Mayor Tolson and City Council

From: Rick Cisar, Director of Community Development

Subject: Meeting with Corps of Engineers LID-97 Mitigation

On Wednesday February 28 Deborah Knight, Jon Stack and I met with Kristina Tong, Biologist with the US Army Corps of Engineers. The purpose of the meeting was to review possible mitigation options for LID-97 that the Corps may support in light of the City's difficulty in obtaining the necessary easements for the original mitigation plan. The City and the Corps agreed to the original mitigation plan in March of 2003.

The meeting with the Corps involved an on site tour of the areas disturbed by the construction of the sewer line as well the original properties identified for enhancement in the approved mitigation plan. During our discussions and inspection of the properties, Ms Tong was asked to consider several alternatives to the original mitigation plan including (1) the disturbed areas had naturally revegetated over the last 3 years and no further mitigation was necessary, (2) consider other mitigation sites within the LID-97 area that the City could possibly acquire and enhance and (3) consider using an off site wetland mitigation bank. A new wetlands Bank was recently permitted in Snohomish County.

At the conclusion of our rather wet and snowy inspection tour Ms. Tong appeared to be supportive of considering other mitigation sites within the LID area to meet our obligations under the original 2003 plan. Ms. Tong indicated she would contact us after she had an opportunity to review the maps and information we provide as well as the specific requirements of the original mitigation plan.

In summary, the outcome of meeting was very positive and I believe we will be successful in resolving this issue this year.

Attachments: December 7, 2006 correspondence from Corps
January 4, 2007 correspondence from City



REPLY TO
ATTENTION OF

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

RECEIVED

DEC 08 2006
CITY OF SULTAN
FINANCE DEPT.

Regulatory Branch

DEC 7 2006

City of Sultan
Mr. William Tippett
Post Office Box 1199
Sultan, Washington 98294

Reference: 199900025
Sultan, City of

Dear Mr. Tippett:

A recent review of our records has revealed that we have a pending compliance action with the City of Sultan on the above referenced action. On June 8, 2000, we notified you that there was a permit deviation which included exceeding the 40-foot width limit impact to wetlands for the construction project, End Sewer LID. The proposed resolution to this permit deviation was your implementation of a mitigation project. On March 17, 2003, we approved the mitigation plan *Conceptual Offsite Wetland Mitigation Plan, City of Sultan LID-97 Sewer Line* and addendums.

As-built drawings and a status report on mitigation construction were due no later than September 2003. As of the date of this letter, we have not received either. Also, we recently inspected two of the three mitigation areas and we did not observe any mitigation work.

You must submit as-built drawings and a status report on the mitigation construction within 30 days from the date of this letter. If you do not submit this information, we will proceed with the appropriate enforcement action based on the available information. If you have any questions, please contact Ms. Kristina Tong at (206) 764-6913 or via email Kristina.G.Tong@usace.army.mil.

Sincerely,

Kristina G. Tong
for
Michelle Walker
Chief, Regulatory Branch



City of Sultan

January 4, 2007

Ms. Christina Tong
Regulatory Branch, Department of the Army
Seattle District, Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

Dear Ms. Tong:

The City of Sultan is in receipt of your letter dated December 7, 2006 inquiring about the status of wetland mitigation that was to be completed in association with the City's Sewer LID 97-1 project (Reference 199900025). In addition, the Corps requested delivery of the as-built drawings and status report on the mitigation.

The City of Sultan initiated the construction of corridor restoration (on-site mitigation) in January 2005. Initial efforts including clearing the sewer line easement of scrubby vegetation, regrading of Wetland 3, removal of the borehole pipes on either side of Wagley's Creek in the same vicinity, and restoration of the hydrologic connection between Wagley's Creek and Wetland 17. The intent of this was to complete the initial clearing of those areas where the City still maintained easements while permanent easements were negotiated with the landowners to complete the off-site wetland mitigation that was to occur on private property. However, the work halted when the City recognized that obtaining the necessary permission from the landowners would be an obstacle to completing both the on-site and off-site wetland mitigation.

While completing the mitigation as described in the *Conceptual Offsite Wetland Mitigation Plan, City of Sultan LID-97 Sewer Line* is likely not possible at this time, the City is committed to providing compensation for the wetland impacts associated with this project and would like to request a meeting with the Corps to discuss potential options for meeting this requirement. Please contact Rick Cisar at (360) 793-2231 or via email rick.cisar@ci.sultan.wa.us upon receipt of this letter to schedule a meeting.

Sincerely,

Rick Cisar
Director of Community Development

cc: Deborah Knight, City Administrator
Brian Higgins, Jones & Stokes

319 Main Street, Suite 200 – PO Box 1199 – Sultan, WA 98294-1199
City Hall (360) 793.2231 – Fax (360) 793.3344
cityhall@ci.sultan.wa.us