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Skagit County Auditor

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After recording return to:

Washington State Department of Ecology

Northwest Regional Office

Attn: 401/CZM Federal Project Manager

3190 160th Avenue SE

Bellevue, WA 98008-5452

**Document Title: Wetland Notice for Deed Notification, Custom Plywood Interim Remedial  
Action Site, Phase I, Anacortes**

Grantor/Owner: G B H INVESTMENTS, LLC

Grantee: Washington State Department of Ecology

Legal Description: Anacortes tide lands less wly 30ft TR 8 PL 11, Township: 35, Range: 02,  
Section: 30

Tax Parcel Numbers: P33198

**Attachment B  
Wetland Notice for Deed Notification**

**Custom Plywood Interim Remedial Action Site, Phase I**

Tax Parcel Number: P33198

Legal Description: Anacortes tide lands less wly 30ft TR 8 PL 11, Township: 35, Range: 02, Section: 30

Legal Owner: G B H INVESTMENTS, LLC

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(21) RCW, Chapter 90.58.030 (2)(h) RCW and WAC 173-201A-020. The property was the subject of an Ecology action under Chapter 90.48.260 RCW or Chapter 90.48.120(1) RCW.

Restrictions on use or alteration of the wetlands may exist due to natural conditions of the property and resulting regulations. A copy of Ecology's required conditions and the site map from the mitigation plan indicating the location of wetlands and their buffers is attached hereto.

EXECUTED this 11 day of April, 2012

*Richard A. Wh...*  
Member GBL LLC

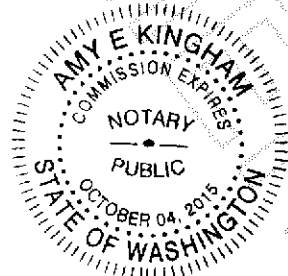
State of Washington)  
County of \_\_\_\_\_)

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand an official seal this 11 day of April, 2012.

Amy E Kingham  
NOTARY PUBLIC in and for the state of Washington,  
residing at Anacortes WA (Amended by

Ord. 11200 § 50 (part), 1996)



**Attachment B1  
Wetland Notice for Deed Notification**

**Custom Plywood Interim Remedial Action Site, Phase I**

1. The Applicant shall mitigate wetland impacts as described in the September 2011 mitigation plan (hereafter called the "Mitigation Plan"; Appendix B in the Phase 1 Cleanup Action Plan), prepared by Hart Crowser and dated September 9, 2011, or as modified below or revised by the Applicant, and subject to approval by Ecology. Mean higher high water for the project site shall be 8.3 feet relative to mean lower low water and not 7.55 feet as shown on the March 22, 2011 drawing set.
2. The Applicant shall provide access to the mitigation site upon request by Ecology personnel for site inspections to ensure that conditions of the approved Mitigation Plan are being met.
3. Within 90 days of recording the Wetlands Notice for the Phase I Mitigation Site, the Applicant shall submit to Ecology one hard copy and one electronic file of the final as-built report including maps. The as-built report shall be sent to **Ecology's Northwest Regional Office, Attn: 401/CZM Federal Project Manager, 3190 160th Avenue SE, Bellevue, WA 98008-5452**. The as-built report must:
  - a) Document site conditions at Year Zero.
  - b) Include the information listed in Attachment B1a (Information Required for As-built Reports).
  - c) Include documentation of the recorded Deed Notification.
4. Within 90 days of completing construction and planting of the Phase I Mitigation Site, the Applicant shall record a Wetlands Notice with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
5. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards.
6. The mitigation site shall be monitored for a minimum of 10 years (Years 0, 1, 2, 3, 5, 7 and 10). All monitoring shall be consistent with the methods described in the Mitigation Plan.
7. The Applicant shall submit to Ecology one hard and one electronic copy of the monitoring reports documenting mitigation site conditions as described in the Mitigation Plan. The monitoring reports shall be sent to **Ecology's Northwest Regional Office,**



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**Attn: 401/CZM Federal Project Manager, 3190 160th Avenue SE, Bellevue, WA 98008-5452.** At a minimum, the reports must contain the information in Attachment B1b (Information Required for Monitoring Reports). The Applicant shall submit the first monitoring report 12 months after completing the mitigation site construction and planting.

8. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
9. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology's Shorelands and Environmental Assistance Program for the changes.
10. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the first available planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
11. For monitoring year five (5), the Applicant shall delineate the mitigation wetland consistent with the standards in WAC 173-22-035 and include delineation information (e.g. data sheets, maps, etc.) in the monitoring reports.
12. If the Applicant has not met all conditions and performance standards for the mitigation site at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.
13. Until the Applicant has received written notice from Ecology's Shorelands and Environmental Assistance Program that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition 1 to mitigate for wetland impacts is not met.



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**Attachment B1a**  
**Information Required for As-built Reports**

**Custom Plywood Interim Remedial Action Site, Phase I**

**Background Information**

- 1) Project name.
- 2) Ecology docket number and the Corps reference number, if applicable.
- 3) Name and contact information for the parties responsible for the mitigation site including:
  - a) The applicant.
  - b) The landowner.
  - c) Wetland professional on site during construction of the compensatory mitigation site.
- 4) Name and contact information for the party responsible for preparing the report.
- 5) Who the report was prepared for (name, address, and phone number if different from No. 3 above).
- 6) Month and year the report was produced.

**The Development (Impact) Site**

- 7) Brief description of the development project (impact site). Include:
  - a) Directions to the site.
  - b) Month and year construction of the development project started and ended.
  - c) Area (acres) and type(s) (rating category, HGM classification, and Cowardin classification) of wetlands that were **actually** impacted by the development project, including temporary impacts.

**The Compensatory Mitigation Project**

- 8) Brief description of the **final** compensatory mitigation project with any changes from the approved plan made during construction. Include:
  - a) Directions to the site.
  - b) Who completed the compensatory mitigation project (name, address, and phone number).
  - c) **Actual** acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
  - d) Important dates including:
    - i. Month and year the wetland impacts occurred.
    - ii. When work on the compensatory mitigation site began and ended.
    - iii. When different activities began and ended such as grading, removal of invasive plants, installing plants, and installing habitat features.
- 9) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the compensatory mitigation site.
- 10) Any changes to the goals, objectives, and performance standards of the compensatory mitigation project.
- 11) List of any follow-up actions needed, with a schedule.
- 12) Final site maps (8 1/2" x 11" or larger) of the compensatory mitigation site(s) including the following (at a minimum).
  - a) Geographic location of the site with landmarks;
  - b) Clear delineation of the project perimeter(s);
  - c) Topography (with a description of how elevations were determined),;



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- d) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material);
- e) Location of habitat features;
- f) Location of permanent photo stations.

The final site maps should reflect on-the-ground conditions after the site work is completed. Include the month and year when the maps were produced and, if applicable, when information was collected.

- 13) Photographs of the site at as-built conditions taken from permanent photo stations. We recommend photo pans.
- 14) Copies of any records of deed notification or conservation easements.



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**Attachment B1b**  
**Information Required for Monitoring Reports**

**Custom Plywood Interim Remedial Action Site, Phase I**

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other regulators.

**Background Information**

- 1) Project name.
- 2) Ecology docket number and Corps reference number, if applicable.
- 3) Name and contact information of the parties responsible for the mitigation site, including:
  - a) The applicant.
  - b) The landowner.
- 4) Name and contact information for the party responsible for the monitoring activities and report.
- 5) Whom the report was prepared for (name, address, and phone number if different from No. 3 above).
- 6) Month and year the monitoring data were collected.
- 7) Month and year the report was produced.

**Mitigation Project Information**

- 8) Brief description of the mitigation project, including:
  - a) Directions to the site.
  - b) Acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
- 9) Brief description of monitoring approach and methods.
- 10) A list of the goals and objectives for the mitigation project.
- 11) Summary table of monitoring data compared with performance standards. Using the monitoring data, describe how the site is developing toward goals and objectives and whether the project is in compliance with performance standards.
- 12) Summary (including dates) of management actions (maintenance, contingencies, and corrective actions) implemented at the site(s).
- 13) Summary of any difficulties or significant events that occurred on the site that may affect the ultimate success of the project.
- 14) Specific recommendations for any additional corrective actions or adaptive management with a time table.
- 15) Summary of any lessons learned.
- 16) Site maps (8 1/2" x 11" or larger) of the compensatory mitigation site(s) including the following (at a minimum).
  - a) Include the month and year when the maps were produced and when information was collected.
  - b) The geographic location of the site with landmarks.
  - c) Clear delineation of the project perimeter(s).
  - d) Species, numbers, and approximate locations of all replanted vegetation.
  - e) Location of habitat features.
  - f) Location of permanent photo stations and location of any other photos.



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g) Location of sampling locations such as points, lines, or transects.

17) Photographs taken at permanent photo stations (and other photographs as needed) from the most recent monitoring visit, which are dated and clearly indicate the direction from which the photo was taken. We recommend photo pans.



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




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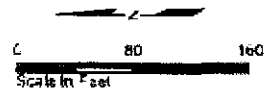
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General Area of Future  
City of Anacortes Public  
Beach Access Facility,  
to be developed during  
Phase II Aquatic Cleanup

-  Estuarine Wetland (12,050 sf)
-  Buffer (26,840 sf)
-  Swale and Conveyance
-  Temporary Fencing and Barrier Plantings
-  Temporary Shoreline Barr
-  Stormwater Plantings
-  Cross Section Location and Designation

Note: See Figure 4 for stormwater conveyance and swale details.



Source: Aerial photographs of City of Anacortes, 2001.

Current Physical Site Anacortes, Washington	
Wetland Mitigation Plan	
1733627 (Sheet)	311
	None



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