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

REPLY TO
ATTENTION OF

Regulatory Branch

AUG 21 2014

Mr. Krista Rave-Perkins
U.S. Environmental Protection Agency
Office of Ecosystems, Tribal and Public Affairs
Region 10 (ECO-083)
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Reference: NWS-2014-667
Estate of Barbara Nelson

Dear Ms. Rave-Perkins:

Thank you for investigating the complaint regarding an alleged Clean Water Act violation at the Estate of Barbara Nelson property (Gunshy Manor) located near 7240 196th Avenue, Redmond, Washington. This land owner and property was the subject of a previous Clean Water Act violation for filling wetlands without a valid Department of the Army permit. U.S. Army Corps of Engineers staff investigated and resolved this previous violation on November 5, 1986, through voluntary removal of the unauthorized fill.

Enclosed for your information is a copy of our records regarding the pervious violation (Reference: 071-OYB-4-4009379). If you have any questions, please contact me at joseph.w.brock@usace.army.mil or at (206) 764-6905.

Sincerely,

Joseph W. Brock

Joseph W. Brock
Senior Scientist, Regulatory Branch

Enclosure

NOV 5 1986

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

MARTIN/sl/3495
28 October 1986
Wang #3745s
Disc #715

Thank you for your cooperation and that of Mrs. Nelson. If you have any further questions, please call me office at (208) 714-3413.

Sincerely,

Warren E. Baxter
Chief, Regulatory Branch

enclosures

WRIGHT/OP-RF

BAXTER/OP-RF/s

Reg Br Files

MFR

21 October 1986

Subject: Nelson 071-048-4-009379; Inspection of Removal

1. On this date I met Mrs. Nelson and examined the removal of fill.

2. The removal had been completed according to the drawing provided in our letter of 28 March 1986.

3. I will send a letter to Mr. Nelson confirming that removal was satisfactory and that the violation is resolved as promised to Mrs. Nelson.

Photos attached.

Robert Martin
Proj. Mgr.

NELSON, WILLIAM
071-0YB-4-009379
PHOTOS BY: R. MARTIN
DATE: 21 OCT. 86

↑

SAME VIEW AS A, B, C, D OF 3 JAN. 86 FIELD INVESTIGATION REPORT

TELEPHONE OR VERBAL CONVERSATION RECORD

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

DATE: 16 October 1983

SUBJECT OF CONVERSATION: Wm Nelson -4- 009379

INCOMING CALL		
PERSON CALLING	ADDRESS	PHONE NUMBER AND EXTENSION
PERSON CALLED	OFFICE	PHONE NUMBER AND EXTENSION

OUTGOING CALL		
PERSON CALLING: Robert Martin	OFFICE: OD-RA	PHONE NUMBER AND EXTENSION: 3495
PERSON CALLED: William Nelson	ADDRESS: Fla Hill	PHONE NUMBER AND EXTENSION: 443-8152

SUMMARY OF CONVERSATION

I called concerning inspection of the file removal. Mr. Nelson said to call his home + speak to Mrs. Nelson or his farm manager, Mr. Tom [illegible], to arrange my visit. Home phone 868-8989.

Robert Martin
Proj. Mgr.

16 October 1986:
Spoke to Mrs. Nelson - arranged for 10 AM 17 October 1986.

DA FORM 1 APR 86 751 REPLACES EDITION OF 1 FEB 80 WHICH WILL BE USED.

TELEPHONE OR VERBAL CONVERSATION RECORD

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

DATE: 4 April 1986

SUBJECT OF CONVERSATION: 071-OYB-4-009379 Wm Nelson

INCOMING CALL

PERSON CALLING	ADDRESS	PHONE NUMBER AND EXTENSION
William Nelson		(206) 443-2300
PERSON CALLED	**OFFICE**	**PHONE NUMBER AND EXTENSION**
Robert Martin	OP-RF	3495

OUTGOING CALL

PERSON CALLING	OFFICE	PHONE NUMBER AND EXTENSION
PERSON CALLED	**ADDRESS**	**PHONE NUMBER AND EXTENSION**

SUMMARY OF CONVERSATION

Mr. Nelson called in response to our letter of 28 March 1986 suggesting a target date for removal of 30 May. Mr. Nelson said he is going to remove under direction of King County. Because of wet soil, he expects to complete removal in August or September. I said this is acceptable to us. He said he would send a letter to us confirming this.

Robert Martin
Project Mgr.

DA FORM APR 66 751 REPLACES EDITION OF 1 FEB 58 WHICH WILL BE USED.

648—16—88331p-1 GPO

TELEPHONE OR VERBAL CONVERSATION RECORD

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

DATE: 10 Oct 86

SUBJECT OF CONVERSATION: Wm Nelson 009379

INCOMING CALL

PERSON CALLING	ADDRESS	PHONE NUMBER AND EXTENSION

PERSON CALLED	OFFICE	PHONE NUMBER AND EXTENSION

OUTGOING CALL

PERSON CALLING	OFFICE	PHONE NUMBER AND EXTENSION
Robert Martin	OP-RF	3495

PERSON CALLED	ADDRESS	PHONE NUMBER AND EXTENSION
Randy Sandon	King Co. Grading	344-7935

SUMMARY OF CONVERSATION

1. Mr. Sandon said that Mr. Nelson had completed the removal and done seeding with wetland plant species per King County's Diane Sheldon's recommendations.

2. I said I would provide a copy of our letter to Mr. Nelson after we inspect the removal.

Robert Martin

DA FORM 1 APR 66 751 REPLACES EDITION OF 1 FEB 50 WHICH WILL BE USED.

☆ GPO: 1970 431-060/1007

King County
Building & Land Development Division
Department of Planning
and Community Development
450 King County Administration Bldg.
500 Fourth Avenue
Seattle, Washington 98104

DETERMINATION OF NON-SIGNIFICANCE

Effective Determination Date: 06-17-86
File: 2767-17
Proponent: William C. Nelson
Description: A grading permit to move about 2800 cubic yards of fill on a 27 acres site (work to be done on about 1.3 acres) in the SE (Suburban Estates) zone.
Location: 7414 - 196th Avenue NE. STR: NE 8-25-6

The Building and Land Development Division has determined that the above proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file at the Division's office.

Agencies, affected tribes and other interested parties may submit written comments on this proposal for fifteen (15) days from the above determination date. Written comments will be accepted until July 1, 1986.

This determination may be appealed within the 15 day comment period. Any appeal shall state with specificity the reasons why the determination should be reversed.

Comments and/or appeal arguments should be addressed to:

Building and Land Development Division
431 King County Administration Building
Seattle, WA 98104
ATTN: SEPA Information Center
Telephone: 206-344-5299

PLEASE REFERENCE FILE NUMBERS WHEN CORRESPONDING.

Signature of Responsible
Official or Designee:

David Feltman

King County Executive
Randy Revelle

ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

2767 17

RECEIVED
MAY 7 1986
K.C. BLDG. & LAND DEV.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant: William C. Nelson

3. Address and phone number of applicant and contact person: Mr. William C. Nelson
20031 N.E. 80th / Redmond, WA 98053 / 868-8989 (Residence)
(Office) 443-8152 or 443-2300

4. Date checklist prepared: 4/30/86

5. Agency requesting checklist: Building & Land Development/Dept. of Planning & Community Development

6. Proposed timing or schedule (including phasing, if applicable):
We plan to do this in August and September of this year. If we get good hot weather in July, we might start in July.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. No.

. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. None

. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the roperty covered by your proposal? If yes, explain. No.

0. List any government approvals or permits that will be needed for your proposal, if known.

None

1. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. here are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not eed to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) We are to remove fill material on 1-1/3 acres, which approximates 2,800 cubic yards. The material will be pushed up on adjacent high ground and contoured to the existing slope.

2. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur ver a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, nd topographic map, if reasonably available. While you should submit any plans required by the agency, you are not equired to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

20031 N. E. 80th, Redmond, WA
Lot 3-25-6 Block 9055 S. W. 1/4 of NW 1/4 less 5 acs & less N 1/2 of S 1/2 of S 1/2 thereof and less W 35 ft of N 300 ft & less County Rd.
King County, Washington

Site plan attached.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth flat

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____ Flat

b. What is the steepest slope on the site (approximate percent slope)? Flat

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Clay and Sand

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Please see #11 on page 2

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

A berm will be placed on the Sly edge of the property until grading is completed.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

The material is damp and therefore there will be no dust or other type of emission to the air.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Evans Creek is 400 ft. to 500 ft. away.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Please see #11 on page 2.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Yes. Please see Assessor's map, attached where it is deliniated

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. No

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. No

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A

2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A

4. Plants

a. Check or circle types of vegetation found on the site:

__ deciduous tree: alder, maple, aspen, other
__ evergreen tree: fir, cedar, pine, other
__ shrubs
__ grass
_X_ pasture
__ crop or grain
__ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
__ water plants: water lily, eelgrass, milfoil, other
__ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

1-1/3 acres of pasture

c. List threatened or endangered species known to be on or near the site.

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Replant to pasture.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: None

birds: hawk, heron, eagle, songbirds, other: None
mammals: deer, bear, elk, beaver, other: None
fish: bass, salmon, trout, herring, shellfish, other: None

b. List any threatened or endangered species known to be on or near the site.

None

c. Is the site part of a migration route? If so, explain. No

d. Proposed measures to preserve or enhance wildlife, if any:

None

6. **Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A

7. **Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. None

1) Describe special emergency services that might be required.

N/A

2) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. None

3) Proposed measures to reduce or control noise impacts, if any:

N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Pasture

b. Has the site been used for agriculture? If so, describe. Yes. Pasture

c. Describe any structures on the site. None

d. Will any structures be demolished? If so, what? No.

e. What is the current zoning classification of the site? SE

f. What is the current comprehensive plan designation of the site? SE

g. If applicable, what is the current shoreline master program designation of the site? N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. Yes, "environmentally sensitive " wetlands.

i. Approximately how many people would reside or work in the completed project?

None

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: N/A

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A

c. Proposed measures to reduce or control housing impacts, if any:

N/A

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A

b. What views in the immediate vicinity would be altered or obstructed?

None

c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light and glare impacts, if any:

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A

13. **Historic and Cultural Preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. N/A

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. N/A

c. Proposed measures to reduce or control impacts, if any: N/A

14. **Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. N/A

196th Street, Redmond, Wa

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? No. ~~Nearest street is 196th Street, Redmond~~

c. How many parking spaces would the completed project have? How many would the project eliminate? None

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. N/A

g. Proposed measures to reduce or control transportation impacts, if any: N/A

15. **Public Services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None N/A

16. **Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. None

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. None

C. SIGNATURE

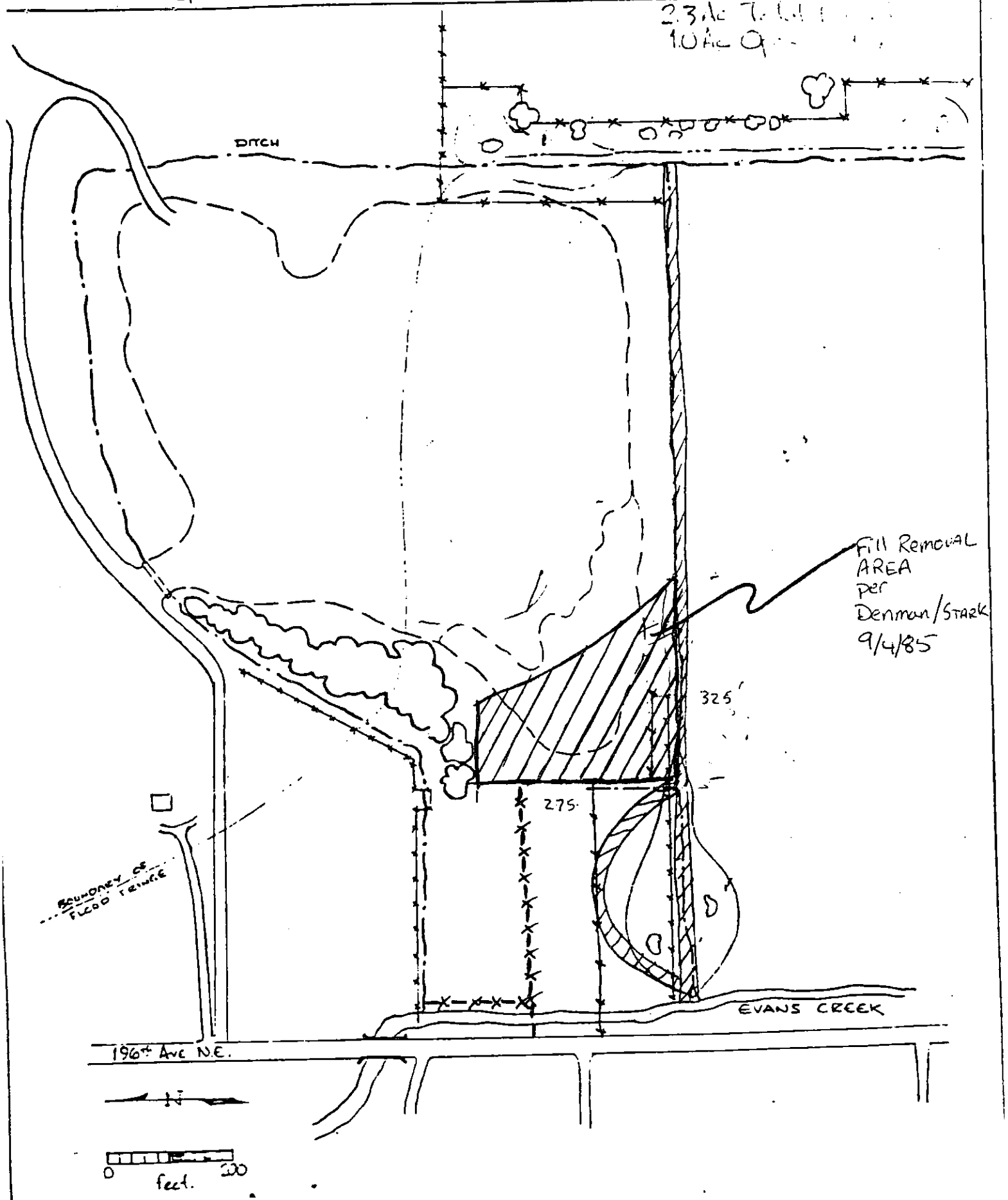
The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Emery C. Nilson

Date Submitted: 5/1/86

GUNSHY MANOR - SITE PLAN

4/9/85



ROUTING AND TRANSMITTAL SLIP

Date April 8, 1986

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Bob Denmon		
2.		
3.		
4.		
5.		

	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

Bob - I advised Mr. Nelson that the August-September removal target is O.K. He had concerns about getting directions from 2 agencies. As the local agency, you are appropriate to take the lead. If you foresee any change in the area or volume to be removed, please call.

Please send a copy of future correspondence with Mr. Nelson to me.

Thanks

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Bob Martin

Room No.—Bldg.

Phone No. 764-3495

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

★U.S.GPO:1985-0-461-274/20015

Sa4

GUNSHY RANCH
W.C. NELSON
20031 N.E. 80th - REDMOND, WASHINGTON 98052

April 4, 1986

Roger F. Yankoupe
Colonel, Corps of Engineers
District Engineer
Department of the Army
P. O. Box C-3755
Seattle, WA 98124-2255

Your Reference: 071-0YB-4-009379
William C. Nelson

Dear Colonel Yankoupe:

In reference to your March 28, 1986 letter, I talked to Mr. Robert Martin today to advise that I am working with the County and plan to remove the dirt under the direction of the County at the driest time of the year, which will be in August or September. I further advised that I wanted to respond to just one authority and Mr. Martin agreed with this.

Very truly yours,

Bill Nelson

William C. Nelson

WCN/rmb

MARTIN/ag/3495
24 March 1986
Wang #9843r
Disc #715

MAR 28 1986

Regulatory Branch

Mr. William C. Nelson
20011 Northeast 80th
Redmond, Washington 98052

Reference: 071-OYR-4-009370
Nelson, William C.

Dear Mr. Nelson:

We have reviewed all available information concerning your placement of fill in wetlands adjacent to Evans Creek. King County has made the decision to have the unauthorized fill removed. Since our site visit on January 3, 1986, to inspect the removal alignment, King County's Plan Implementation Office has notified us that they are in agreement with the line staked on your property by the Grading Office.

I have made the decision that removal of the fill is in the public interest. Accordingly, we recommend removal of the unauthorized fill along the alignment determined by King County. We have enclosed a drawing showing the fill to be removed.

The final elevation of the land should be as close to the original elevation as possible. Our enclosed drawing shows an unauthorized fill depth of 4 feet at the toe of the fill. King County has requested a three horizontal to one vertical (3:1) slope along the western boundary of the fill to be retained.

We understand that removal of the fill may not be possible at this time because of the wet ground conditions. We suggest a target date for removal of May 30, 1986. Please notify us if this removal deadline is acceptable by contacting Mr. Robert Martin, telephone (206) 764-3495. When you have completed the removal, please notify Mr. Martin so that we may inspect the removal work.

Thank you for your cooperation. If you have any questions, please call Mr. Martin.

Sincerely,

Roger T. Venhoupe LTC

for Roger T. Venhoupe
Colonel, Corps of Engineers
District Engineer

Enclosure

cc w/Encl:
Mr. Bob Denmon
Ms. Dyanne Sheldon
King County Department of Planning
and Community Development

WRIGHT/OP-RF
BAXTER/OP-RF
COOK/OP
FERRENA/OC
~~PEDERSEN/EA~~
ROUNTREE/DD
~~YANKOUPE/DE~~/s/
~~MAILROOM~~
Reg Br File

NPSOP-RF

21 March 1986

MEMORANDUM FOR RECORD

TO: Executive Office

FROM: Enforcement Section, Regulatory Branch

SUBJECT: William C. Nelson, 071-OYB-4-009379

Request signature on the attached.

WHAT: Unauthorized fill for the purpose of increasing the area of upland grazing land.

WHERE: The fill was placed in wetlands adjacent to Evans Creek near Redmond, King County, Washington.

WHO: Mr. William C. Nelson

WHEN: We directed Mr. Nelson to stop work in April 1984. King County determined that the fill was placed within the 100-year flood plain, and then continued coordination with Mr. Nelson on a restoration plan through 1985.

OTHER CONCERNS: Mr. Nelson has volunteered to remove the unauthorized fill. We have coordinated the removal area with King County.

RECOMMENDATION/ACTION: This letter will inform Mr. Nelson that we and King County are in agreement on the fill removal area.

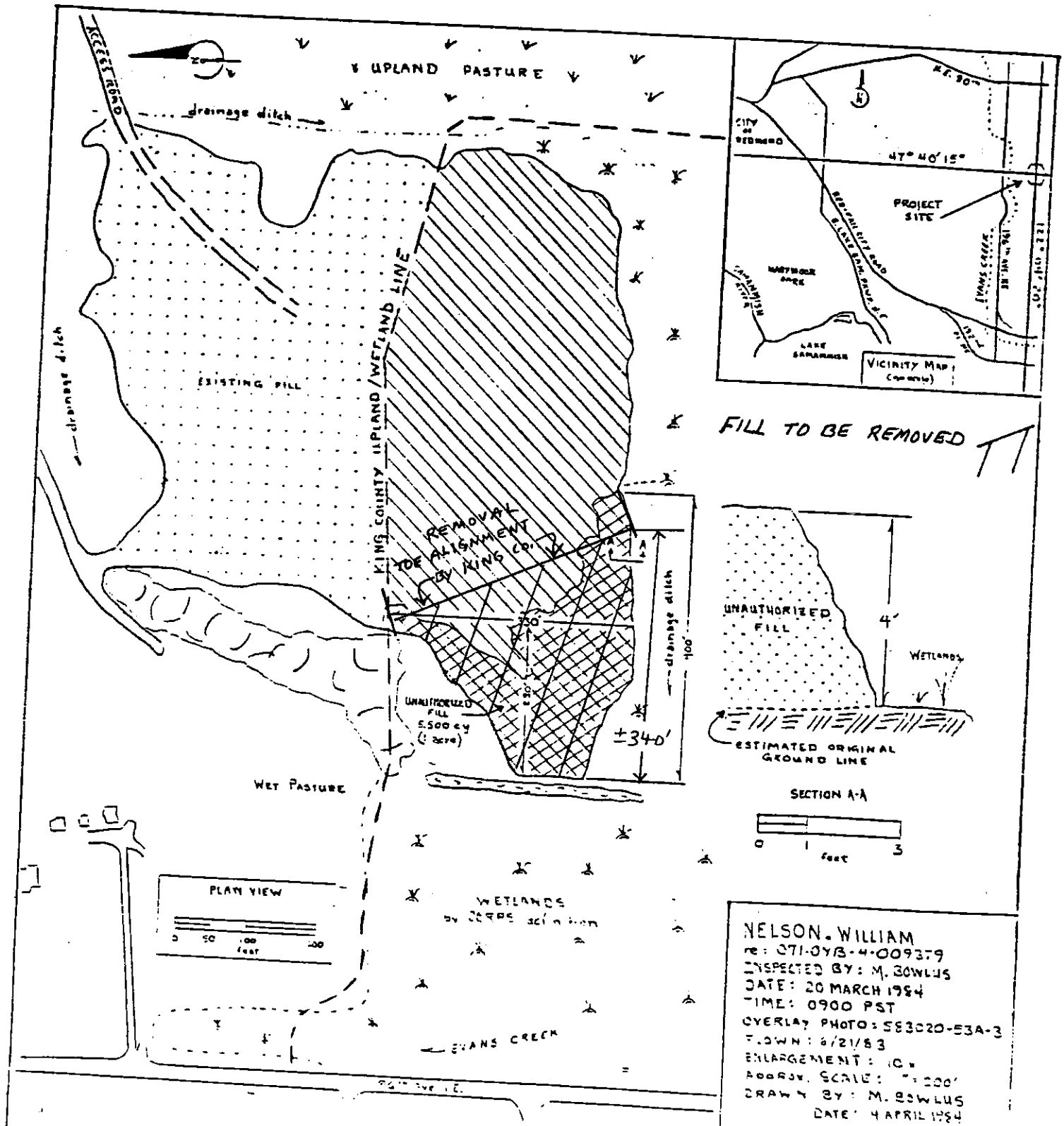
Robert Martin
Project Manager

ARMY ENGINEER DISTRICT, SEATTLE

PROJECT NELSON, WILLIAM re: 071-0YB-4-009379

SUBJECT Alleged unauthorized filling of wetlands adjacent to Evans Creek

BY M. Bowlus DATE 4 APR 84 CHECKED PART PAGE OF



NPSOP-RF 21 March 1986

MEMORANDUM FOR RECORD

TO: Executive Office

FROM: Enforcement Section, Regulatory Branch

SUBJECT: William C. Nelson, 071-OYB-4-009379

Request signature on the attached.

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RECOMMENDATION/ACTION: This letter will inform Mr. Nelson that we and King County are in agreement on the fill removal area.

Robert Martin
Project Manager

TELEPHONE OR VERBAL CONVERSATION RECORD

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

DATE: 28 January 1986

SUBJECT OF CONVERSATION: 071-0XB-4-009377 Wm Nelson

INCOMING CALL

PERSON CALLING	ADDRESS	PHONE NUMBER AND EXTENSION
Dyanne Sheldon	King Co. Planning + Com. Dev.	344-5287
PERSON CALLED	**OFFICE**	**PHONE NUMBER AND EXTENSION**
Robert Martin	OP-RF	3495

OUTGOING CALL

PERSON CALLING	OFFICE	PHONE NUMBER AND EXTENSION
PERSON CALLED	**ADDRESS**	**PHONE NUMBER AND EXTENSION**

SUMMARY OF CONVERSATION

Dyanne returned my call of a few days ago, after I explained what Bob Denmon told me (TCR 27 January), she said she had not spoken to him about this case since August. She said she would get back to me after discussing with Denmon and visiting the site.

Robert Martin
Proj. Mgr

DA FORM APR 66 751 REPLACES EDITION OF 1 FEB 58 WHICH WILL BE USED.

048—16—82831p-1 GPO

TELEPHONE OR VERBAL CONVERSATION RECORD

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

DATE: 27 January 86

SUBJECT OF CONVERSATION: 071-CYB-4-00 9379 Wm Nelson

INCOMING CALL		
PERSON CALLING	ADDRESS	PHONE NUMBER AND EXTENSION
PERSON CALLED	OFFICE	PHONE NUMBER AND EXTENSION

OUTGOING CALL		
PERSON CALLING	OFFICE	PHONE NUMBER AND EXTENSION
Robert Martin	OP-RF	3495
PERSON CALLED	ADDRESS	PHONE NUMBER AND EXTENSION
Bob Denmon	King County Shading	344-7935

SUMMARY OF CONVERSATION

1. I called to advise him that we had visited the site and would agree to the removal line he had established.

2. He said he had discussed it with Dyanne Sheldon who agreed to the alignment.

Robert Martin
Proj. Mgr.

DA FORM APR 66 751 REPLACES EDITION OF 1 FEB 58 WHICH WILL BE USED.

048—16—83831p-1 GPO

5 AUW -

10 Jan 86

If we require Nelson to remove down to grade of the toe of the fill, the area should eventually return to wetland vegetation.

I recommend our accepting the line determined by King Co.'s Bob Dennison (Grading).

However, I'll check with Dyanne Sheldon of King Co. first as Mike B. said there seems to be some in house politics between departments to be sure we don't get in the middle of it ourselves.

Ms Nelson seemed agreeable to the removal line. This should resolve the violation.

Bob

FIELD INVESTIGATION REPORT

WILLIAM NELSON

Reference No. 021-0/8-4-009379 Investigation 3 JAN. 1986 0930
(Date, Time)

1. Investigator: ROBERT MARTIN/ MIKE BOWLUS CE
(Name) (Agency)

2. Work Reported by: ——
(Name) (Date)

(Address) (Phone)

3. Owner's Name, Mailing Address and Phone:

4. Location of Work: Waterway EVANS CREEK

Latitude 47° 40' 15" Longitude 122° 04' 20"

Address

County KING In/(Near) REDMOND, WA
(City or Town & State)

5. Method of Inspection:

[X] On-Site [ ] From Adjacent Property [ ] Boat [ ] Aircraft

6. Weather Condition and Wave Height: NA

7. MHHW or Ordinary HW and Datum: NA

8. Observed W. S. El.: NA Time of Observation:

9. Description of Work (Describe each separate work item, pier, bulkhead, floats, etc.; percent complete; and date each was commenced)

Completed fill was examined by Mr. Nelson, Tony —— (employed by Nelson), Mike, and me to determine whether the proposed removal of the unauthorized fill will satisfy our requirements. The area to be removed was determined by King Co. Grading (Bob Denmon, Phone 344-7935).

10. Owner's Statement _____

11. Name, Mailing Address and Phone of Persons and/or Contractor Doing Work _____

12. Witness, Name, Mailing Address and Phone: _____

13. Witness, Statement: _____

14. Directives Given to Owner and/or Contractor Doing the Work in Water Area:

15. Other Pertinent Remarks of Investigator As can be seen on the sketch, some unauthorized fill would remain but additional area outside the unauthorized area will be removed and ultimately compensate for the difference.

16. Attachments: Sketch, X sheet(s); Photos X (to be added); Calculations, _____ sheet(s)

List other _____

3 January 1986
Date

Signature of Investigator

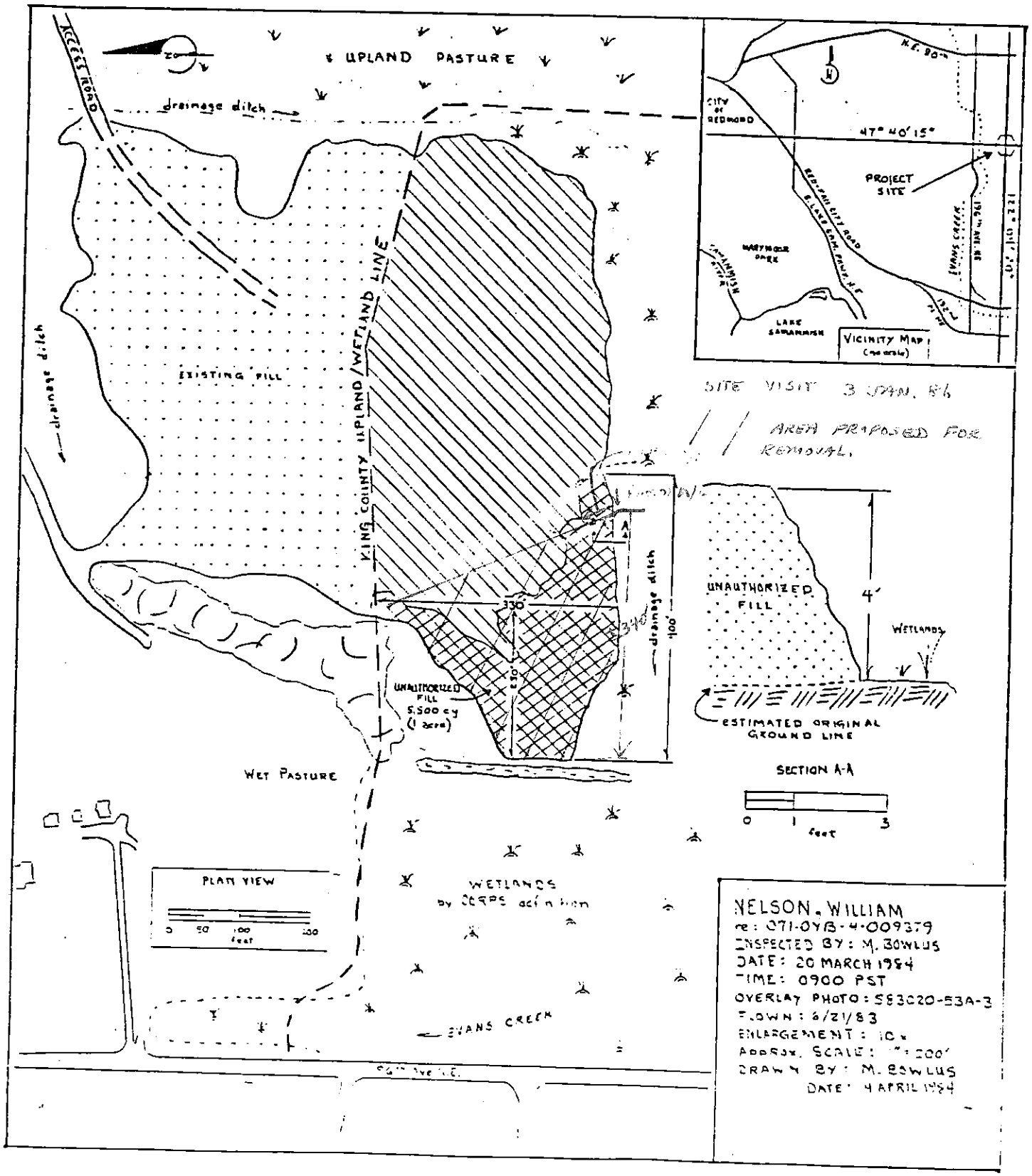
NOTE: Sketch & photos of work are required attachments with this report.

ARMY ENGINEER DISTRICT, SEATTLE

PROJECT NELSON, WILLIAM re: 071-OYB-4-009379

SUBJECT Alleged unauthorized filling of wetlands adjacent to Evans Creek

BY M. Bowlus DATE 4 APR 84 CHECKED PART PAGE OF



/

071-0YB-4-009379
WILLIAM NELSON
3 JAN 86

PHOTO A

B

C

D

TO STAKE IN PHOTO A

KING CO. PROPOSED REMOVAL

3 Jan. 86 Wm McLean

Grading Dept. has staked & required
Wilson apply for a permit,
Bob Dennon - 344-7935 (Grading)


FIOWN 6/21/83
DOES NOT REFLECT
CURRENT CONDITIONS
MB

[illegible]

[illegible] Mr. Nelson.

[illegible]

August 19, 1985

Mr. Bryan Glynn
Manager
Department of Planning & Community Development
Building & Land Development - King County
450 King County Administration
500 4th Avenue
Seattle, Washington 98104

Dear Mr. Glynn:

This is to confirm that you were unable to meet last week and that our meeting is set for 11:00 a.m., Thursday, August 22 at your office.

Sincerely,

William C. Nelson

WCN/acw

For your info

CORROON & BLACK, INC.

2911 Second Avenue
P.O. Box C-34201
Seattle, Washington 98124
206-443-2300
Telex: (71) 160565 CB SEA

July 26, 1985

Department of the Army
Seattle District, Corps of Engineers
P. O. Box C-3755
Seattle, WA 98124-2255

Attention: Regulatory Branch
Mr. William Bleggi, Acting Chief

Re: 071-OYB-4-009379
William C. Nelson

Gentlemen:

As I advised Mike Bowlus, on receipt of your July 22, 1985 letter, I immediatedly contacted Bryan Glynn by telephone. On May 29th I met with Bryan Glynn and Irv Berteig, Assistant Manager, in Bryan Glynn's office. At that time we discussed the progress we have made thusfar and I asked Mr. Glynn for his assistance in working out the entire matter. He assured me he would do so and that he would get back to me at an early date.

For your information I have expended more than $3,000 in engineering, and biologists fees, as well as survey fees, plus many hundreds of hours on this matter. I am very anxious to get it concluded.

Bryan Glynn told me to ask you to telephone him at 344-2590, and he would confirm what I have stated above. At the present time, the matter is in "his court." As soon as we have our meeting, I will get to you. I would prefer as few people in the meeting as possible and will then run it by you for your approval.

If the above does not correctly state what has been done with Mr. Glynn, please give me a call right away. I will be in Alaska the week of July 29th but returning the following week.

Sincerely,

Bill Nelson

William C. Nelson

WCN/rmb
cc: Bryan Glynn
Mike Bolus

JUL 22 1985

Regulatory Branch

Mr. William C. Nelson
20031 Northeast 80th
Redmond, Washington 98052

Reference: 071-OYB-4-009379
Nelson, William C.

Dear Mr. Nelson:

Reference the January 18, 1985 letter from Seattle District concerning the unauthorized filling of wetlands adjacent to Evans Creek near Redmond, King County, Washington.

You were advised that we would defer violation procedures so you could develop, with King County, a plan to voluntarily restore the wetlands. No correspondence regarding a restoration plan has been received by this office since an April 10, 1985 letter copied to us from King County Department of Planning and Community Development. Sufficient time has passed to develop a wetland restoration plan, and it appears that there is an impasse to a voluntary resolution of this violation.

You are directed to present within 30 days from the date of this letter either a restoration plan satisfactory to the local agency, King County, or an application for after-the-fact permit to retain the unauthorized fill.

If you decide to pursue an after-the-fact permit, application must be made in accordance with the format outlined in the enclosed pamphlet. Your application to retain the unauthorized fill will be subject to a public interest review. You are cautioned that if the the work is found to be contrary to the public interest, you will be directed to remove the unauthorized fill.

Any proposal to retain the fill must also be evaluated through application of criteria set forth in guidelines published by the U.S. Environmental Protection Agency under the authority of Section 404(b) of the Clean Water Act. This review necessitates development of the project's water dependency (Why does the project have to fill wetlands?) and practicable alternatives (Are uplands or less sensitive lands available?). You should be aware that the filling of wetlands for the purpose of creating pasture will probably have a difficult time under a 404(b)(1) evaluation.

BOWLUS/cl/3495
19 July 1985
D1, #44

If you have any questions concerning this matter, please contact Mr. Michael Bowlus, telephone (206) 764-3495.

Sincerely,

William Bleggi
Acting Chief, Regulatory Branch

Enclosure

CF: King County Dept. of Planning and Community Development
ATTN: Bryan Glynn, Manager
Building and Land Development Division
450 King County Administration Building
Seattle, Washington 98104

WRIGHT/OP-RF
BLEGGI/OP-RF/s
Reg Br File

RKM

King County Executive
Randy Revelle

Department of Planning and Community Development
Holly Miller, *Director*

April 10, 1985

Mr. William Nelson
2911 Second Avenue
Seattle, WA 98124

RE: Illegal Fill

Dear Mr. Nelson:

This is to summarize your April 9, 1985 meeting with Jerry Rasmussen of Shapiro and Associates and Dyanne Sheldon of our office.

Mr. Rasmussen presented a conceptual sketch for two fenced ponds to be created as compensation for the wetland area eliminated by the illegal fill on your property. The total acreage proposed to be protected in this plan is 4.3 acres; however only 2.3 acres of this is new wetland area created from uplands. The other two acres consist of one acre of created openwater pond and the placement of a fence to protect an additional acre of existing wetland from cattle grazing.

The July 27, 1984 report done by Shapiro and Associates for your property indicates that 8.1 acres of wet forest, wet scrub/shrub, and wet pasture were lost under the fill. King County's original assessment, dated April 12, 1984, approximates the fill at nine acres. The Corps of Engineers assessment addressed the area that was filled after their original field check, at approximately 1.5 acres and approximately 5,500 cubic yards of fill. Apparently this assessment was based on the amount of fill they could document placed on wetlands from one field inspection to the next.

The estimate of eight acres of wetlands lost based on these reports and the aerial photograph of the site from May of 1980 seems reasonably accurate.

The creation of 2.3 acres of new wetlands to compensate for that loss does not seem adequate. The newly created one acre pond in the south of the property is perhaps an enhancement; however, that has not been verified by our office, nor has it as yet been signed off by Marc Boule, the Principal Biologist of your consultant firm.

A much more valuable enhancement would result from using the wet pasture wetland immediately to the north of the scrub/shrub area. To create an openwater/island mosaic within this pasture area would be a far greater enhancement; in addition it would address the issue of just compensation for the acreage of lost wetlands.

According to our records you have not, at this point, applied for the Filling and Grading Permit necessary for this work as you were notified to do in the March 21, 1984 meeting with Code Enforcement.

Application for this permit is still required, and review of the permit will determine what course of action will be required. The two alternatives are to 1) deny the permit, in which case the fill will have to be removed from the property and the wetlands restored; or 2) the permit could be approved with the condition of compensation of lost wetland habitat and flood storage.

It has also come to our attention in researching our files that you were issued a Notice and Order in March of 1982 for illegal filling on the east side of this same exact location. This would establish the fact you were aware of the seriousness of filling on this site and you were directed to conduct no further filling.

If you have questions on this matter, please contact Dyanne Sheldon at 344-5286.

Sincerely,

BRYAN GLYNN
Manager

BG:DS:klm

cc: Norm Peterson, Supervisor, Code Enforcement
ATTN: Ken Dinsmore, Inspector
David F. Peterson, Supervisor, Building Inspections
ATTN: Randy Sandin, Grading Inspector
Marc Boule, Shapiro and Associates
Jerry Rasmussen, Shapiro and Associates
Mike Bowlus, U.S. Army Corps of Engineers

SHAPIRO & ASSOCIATES INC

The Smith Tower
Suite 1812
506 Second Avenue

Seattle
Washington 98104

206/624 · 9190

February 25, 1985

Ms. Dyanne Sheldon
Room 450
King County Administration Bldg.
500 Fourth Avenue
Seattle, WA 98104

Subject: Case 84-23/20031 N.E. 80th, Redmond, WA

Dear Dyanne:

The purpose of this letter is to confirm the agreement and schedule we arrived at last week regarding completion of the mitigation plan and work for the subject case.

It is my understanding that Shapiro and Associates, Inc. is to submit a plan for mitigation of wetland destruction and floodplain fill to King County on or before March 15, 1985. Subsequent to your review of the plan, your office will set a schedule for implementation and completion of the mitigation action.

Please contact me immediately if the above is not your understanding.

Sincerely,

SHAPIRO AND ASSOCIATES, INC.

Gerald P. Rasmussen

Gerald P. Rasmussen, P.E.
Executive Vice President

not before March 15
meeting week of 18th

GPR:ble

Mike—
I thought you might be interested in this.
G. Rasmussen

-2255

18 JAN 1985

Regulatory Functions Branch

Mr. William C. Nelson
20031 Northeast 80th
Redmond, Washington 98052

Reference: 071-OYB-4-009379-C
Nelson, William

Dear Mr. Nelson:

Reference the April 27, 1984 letter from Seattle District advising you of unauthorized work in wetlands adjacent to Evans Creek near Redmond, King County, Washington. You were informed that the unauthorized placement of fill in the wetlands was in violation of Section 404 of the Clean Water Act.

In response to the referenced letter, you indicated that you would voluntarily work to resolve the violation. We appreciate your willingness to cooperate with our program; accordingly, you should complete your restoration plan so that it can be considered in determining what action is appropriate concerning the violation. If you do not take positive action toward resolution of this matter within the next 30 days, the Seattle District will review the information available to develop a course of action.

If you have any questions concerning our position on this matter, please contact Mr. Michael Bowlus, telephone (206) 764-3495.

Sincerely,

Gerald A. Keller
Chief, Regulatory Functions Branch

CF: Ms. Dyanne Sheldon
Building and Land Development Division
King County Department of Planning
and Community Development
450 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104

FOR WRIGHT/OP-RF
KELLER/OP-RF
Reg Func Fil

King County Executive
Randy Revelle

Department of Planning and Community I
Holly Miller, *Director*

12/10

MCR -
here is copy of the letter
letter to Mr Nelson that
says contains the hydrology
study criteria
Call the back on Tuesday

Dyanne Sheldon

October 29, 1984

Mr. William C. Nelson
Corroon and Black, Inc.
2911 Second Avenue
Post Office Box C-34201
Seattle, WA 98124

RE: Loss of Flood Storage on Evans Creek and Wetlands Restoration

Dear Mr. Nelson:

This letter is in response to your October 17, 1984 phone conversation with Dyanne Sheldon of this office and is an attempt to clarify the concerns of the County and the course of action that the County has requested you follow.

As Ms. Sheldon explained during the discussion, the fill activity at the north end of the Evans Creek Wetland #15 has created two areas of concern: 1) the loss of available flood water storage for Evans Creek; and 2) the elimination of wetland habitat.

It has been determined by Surface Water Management that the west edge of the placed fill lies very close to the east limits of the 25 year flood plain of Evans Creek. The 100 year flood plain limit lies further to the east. The placement of the fill material within that 100 year floodplain has displaced the potential storage area or floodwaters of Evans Creek. It is illegal to place fill within the 100 year flood plain because of the subsequent problems of increased runoff rates and altered floodplain patterns.

In the King County letter of August 31, 1984 to you, the question of loss of flood storage was addressed, and it was recommended that you seek the services of a qualified hydraulics engineer to complete a hydraulic study of this problem.

The report completed by Marc Boule of Shapiro and Associates dated July 27, 1984, suggests the construction of an open-water pond at the toe of the slope to the east of the wetlands "as a means of recreating that storage" lost from Evans Creek. Mr. Boule suggests the figure of 24 acre/feet of storage could be created in such a pond, however he also states the "further hydrologic study of the side creek will be necessary to confirm that it would in fact contribute 24 acre/feet of runoff to Evans Creek during a major storm event."

The questions which need to be addressed in a hydrological study are:

1. What amount of flood storage potential was lost from the flood plain of Evans Creek due to the filling activity;

2. What is the amount of runoff from the side tributary into Evans Creek; and

3. Would control of that side tributary flow with a detention system compensate for the amount of flood storage that was lost from Evans Creek?

Enclosed in the County's August 31, 1984 letter was a list of six specific items required by Surface Water Management for a complete hydrologic study of the impact of this fill on the floodplain of Evans Creek. Another copy is enclosed with this letter for your use.

A complete hydrologic study of the loss of the flood storage potential for Evans Creek is required by the County. The study should also contain a discussion on how you propose to replace or compensate for the lost flood storage area.

The second area of concern surrounding this fill activity is the loss of wetlands habitat. As stated in the Sensitive Areas Ordinance No. 4365, wetlands shall not be altered through excavation, filling, etc. unless:

1. the wetland does not serve any of the valuable functions of a wetland; or

2. the proposed development would preserve or enhance the wildlife habitat, natural drainage, and/or other vauable functions of the wetland.

The wetland inventory conducted by King County in 1981 indicates the area under the fill was wetland. Mr. Boule's report of July 27, 1984 summarizes that "most of the adjacent fill area on your parcel was probably also wetland prior to fill activities. Inspection of the aerial photograph used in the King County Wetland Inventory indicates that the fill eliminated approximately 2.3 acres of forested wetland, 2.3 acres of shrub wetland, and 3.5 acres of wet pasture."

The report of April 27, 1984 from the Army Corps of Engineers to you also indicates that according to their definition of wetlands the fill was placed over wetlands, though a smaller area than that described by Mr. Boule or King County.

There is no question that fill was placed on wetlands in this area. The issue that needs to be specifically addressed is the restoration of those wetland areas that have been altered. It is the recommendation of the County that a complete restoration or compensation plan for this wetland area be submitted, along with a thorough hydrologic study of the flood storage question within four weeks of the date of this letter.

As the winter season approaches with the typical increase in rainfall, the issues of floodstorage and sedimentation/erosion problems become critical.

Please feel free to contact Ms. Sheldon at 344-5286 if you have any further questions regarding this issue. We look forward to receiving your reports within the next month.

Sincerely,

RALPH C. COLBY
Supervisor
Plan Implementation

RC:DS:klm

cc: Holly Miller, Director, Department of Planning and Community Development
ATTN: Bryan Glynn, Manager, Building and Land Development
Norm Peterson, Supervisor, Code Enforcement
Ken Dinsmore, Inspector
Dyanne Sheldon, Planner
Wilsey Hamilton, Acting Section Manager, Development Review Section, Surface Water Management
ATTN: Steve Kohn, Engineer
Rella Foley, Director, Office of Citizen Complaints/ Ombudsman

DATA REQUIRED FOR A HYDROLOGIC STUDY OF EVANS CREEK NO. 15 FILL

1. Determine the Q100 for Evans Creek.

2. Determine the floodplain for Evans Creek to include a mapping of both the channel and the fringe.

3. Determine Q25 for tributaries of Evans Creek.

4. Determine wetland floodplain analysis - Q25.

5. Determine interactions of the above: provide basin maps, detailed topography prepared by a professional engineer (Civil/Hydraulics).

6. Recommend Soil Conservation Service routing and live storage.

CORROON & BLACK, INC.

2911 Second Avenue
P.O. Box C-34201
Seattle, Washington 98124
206-583-2300 Telex: 32-0215

August 6, 1984

Mr. Michael L. Bowlus
U. S. Army Corps of Engineers
Seattle District
P. O. Box C-3755
Seattle, WA 98124

Re: 20031 N.E. 80th / Redmond, WA

Dear Mr. Bowlus:

In accordance with our previous discussions, enclosed is a report, dated July 27, 1984 from Marc E. Boule', of Shapiro and Associates, Inc. together with the enclosure (map). After you have had an opportunity to review the report, I will be pleased to further discuss this with you.

Very truly yours,

William C. Nelson

WCN/rmb
Enclosures

SHAPIRO AND ASSOCIATES, INC.

The Smith Tower
Suite 1812
506 Second Avenue

Seattle,
Washington 98104
(206) 624-9190

447 Sutter Street
Suite 811

San Francisco,
California 94108
(415) 788-4801

July 27, 1984

Mr. William Nelson
Corroon & Black
2911 Second Avenue
P.O. Box C-34201
Seattle, Washington 98124

Dear Mr. Nelson:

At your request, we have investigated the wetland area at Gunshy Manor and on the adjacent property to the south. The wetland has been designated as Evans Creek 15 by King County in their Wetland Inventory. As we discussed, we have prepared a map of habitats on the site and developed some recommendations for possible mitigation of the fill activities. As part of this investigation, we have had conversations with Dyanne Sheldon of the King County Planning Department, as well as Mike Bowlus and Sam Casne of the U.S. Army Corps of Engineers.

The wetland areas on and adjacent to the Gunshy Manor property have been identified as palustrine, forested/broad-leaved/deciduous (Oregon Ash), and needle-leaved evergreen (Western red cedar); and emergent, narrow-leaved persistent (reed canarygrass) wetlands in the King County Wetland Inventory using U.S. Fish and Wildlife Services' "Classification of Wetlands and Deepwater Habitats of the United States" (1979).

As part of our report, we have prepared a map indicating the various vegetative communities present on the site. That map is included with this letter. The following discussion summarizes our observations in those communities.

The pasture area (Agw) located west of the fill is dominated by reed canarygrass (Phalaris arundinacea). There are small patches of hardhack (Spiraea douglasii), willow (Salix spp.), and, in slight depressions, rushes (Juncus effusus). The soil in this area is saturated but there is no indication of regular inundation.

Most of the area south of the fill is densely forested.

In order to determine the character of the forest communities, two transects were established running several hundred feet from the pasture west into the forest. The first transect was run on a straight line (210°) from the property fence line and extended 500 feet into the forest. Five sample plots were conducted at 100-foot intervals. The dominant tree canopy cover of the first 100 feet was Western red cedar (Thuja plicata); the understory consisted of vine maple (Acer circinatum), and salmonberry (Rubus spectabilis). The dominant ground cover was wild lily-of-the-valley (Maianthemum

dilatatum). Other species found include lady fern (Athyrium filix-femina), bedstraw (Galium sp.), stinging nettle (Urtica holosericea), foam flower (Tiarella trifoliara), and skunk cabbage (Lysichitum americanum). The soil was relatively dry with a 1- to 2-inch duff layer.
A few old snags were observed.

After the first 100 feet, the major difference in the community was the absence of wild lily-of-the-valley, which was replaced with lady fern and skunk cabbage as the dominant ground cover species. The tree canopy changes to western red cedar, red alder (Alnus rubra) and Oregon ash (Fraximus latifolia). The dominant shrubs remain the same; however, a few scattered red elderberry (Sambucus racemosa), cascara (Rhamus purshiana), and devil's club (Oplopamax horridum) are present.

Between 100 and 200 feet, there are small patches of saturated soils. Between 200 and 300 feet, the soil is saturated in approximately 50% of the area. Beyond 300 feet, the soil is consistently wet except for patches of high ground. The tree and shrub cover remains the same from 100 to 500 feet. After 400 feet along the transect, the dominant ground cover is skunk cabbage, large plants with 2.5-foot leaves.

A second transect was located approximately 300 feet north of the first, along the same compass bearing, it extended 300 feet into the forest and consisted of three sample plots. The vegetation was very similar to that observed beyond the first 100 feet of the first transect. Along the total length of the second transect, the soil, where visible, was saturated or inundated; most of the vegetation was rooted in downed logs. The major difference in vegetation between the two transects is that most of the trees and shrubs along the second transect were rooted in the elevated areas created by downed logs or root wads.

There are 22 trees with dead leaders along the north edge of the forested wetland, adjacent to the fill area. There are also numerous older snags throughout the forested wetlands. There are signs of woodpeckers feeding and nesting on these snags.

Water is draining into the forest community from the eastern slope. The water is flowing along in a small creek 1 to 2 feet wide, and up to 1 foot deep at the corner fence line. The water flows in a northern direction along the forest edge. At 350 feet north of the corner fence post, the water velocity is slowed and many fingers of standing water are present. The stream increases to almost 18 feet wide and at least 2 feet deep at this point. At approximately 500 feet (from the fence corner) and continuing north, the creek is contained in a drainage ditch. Water continues either north or west until it joins Evans Creek, in a drainage ditch about 10 feet east or south of the filled area. Evans Creek runs near the western wetland boundary close to 196th Avenue S.E.

Based on our observations, the saturated soils indicate that all of the forested area immediately south of the fill is a forested wetland. This would suggest that most of the adjacent fill area on your parcel was probably also a wetland prior to fill activities. Inspection of the aerial photograph used in the King County Wetland Inventory indicates that the fill eliminated approximately 2.3 acres of forested wetland, 2.3 acres of shrub wetland, and 3.5 acres of wet pasture.

In addition to the forest community map, we have prepared a cross-section of the valley through the fill area. The purpose of the cross-section is to estimate approximately how much of the Evans Creek floodplain has been filled. Based on the flood insurance rate map developed for the City of Redmond, the elevation for the 100-year flood at this site appears to be between 60 and 64 feet. About 8 acre-feet of storage was removed from the floodplain for each foot of flood elevation above 60 feet (e.g., if the flood elevation at this site is 61 feet, then 8 acre-feet was removed).

Based on our observations and conversations with Dyanne Sheldon, the principal concern is the loss of water storage within the floodplain of Evans Creek. As a means of recreating that storage, we would suggest creating a detention facility in the lower pasture immediately east of the forested wetland. Properly designed, such a facility could function as open water pond year-round and also provide an extra 24 acre-feet of storage during a major storm event. The pond would be fed by the small creek which flows off the hillslope from the east. Some hydrologic calculations of that creek will be necessary to confirm that it would, in fact, contribute 24 acre-feet of runoff to Evans Creek during major storm events. Some engineering calculations would also be necessary to decide the exact size of the pond.

King County has also expressed concern for the habitat lost due to the fill activity. The suggested storage pond could be revegetated with cattails, willows, and other wetland vegetation; this enhancement would offset the losses associated with the fill. We have enclosed a sketch of the pond to indicate how it would serve both as habitat and as storm water detention.

We have enjoyed the opportunity to work on this site. If you have any questions concerning our observations or recommendations, please do not hesitate to call.

Sincerely,

SHAPIRO AND ASSOCIATES, INC.

Marc E. Boule'

Marc E. Boule', Vice President
Biological/Physical Resources

MEB:pg
Enclosures

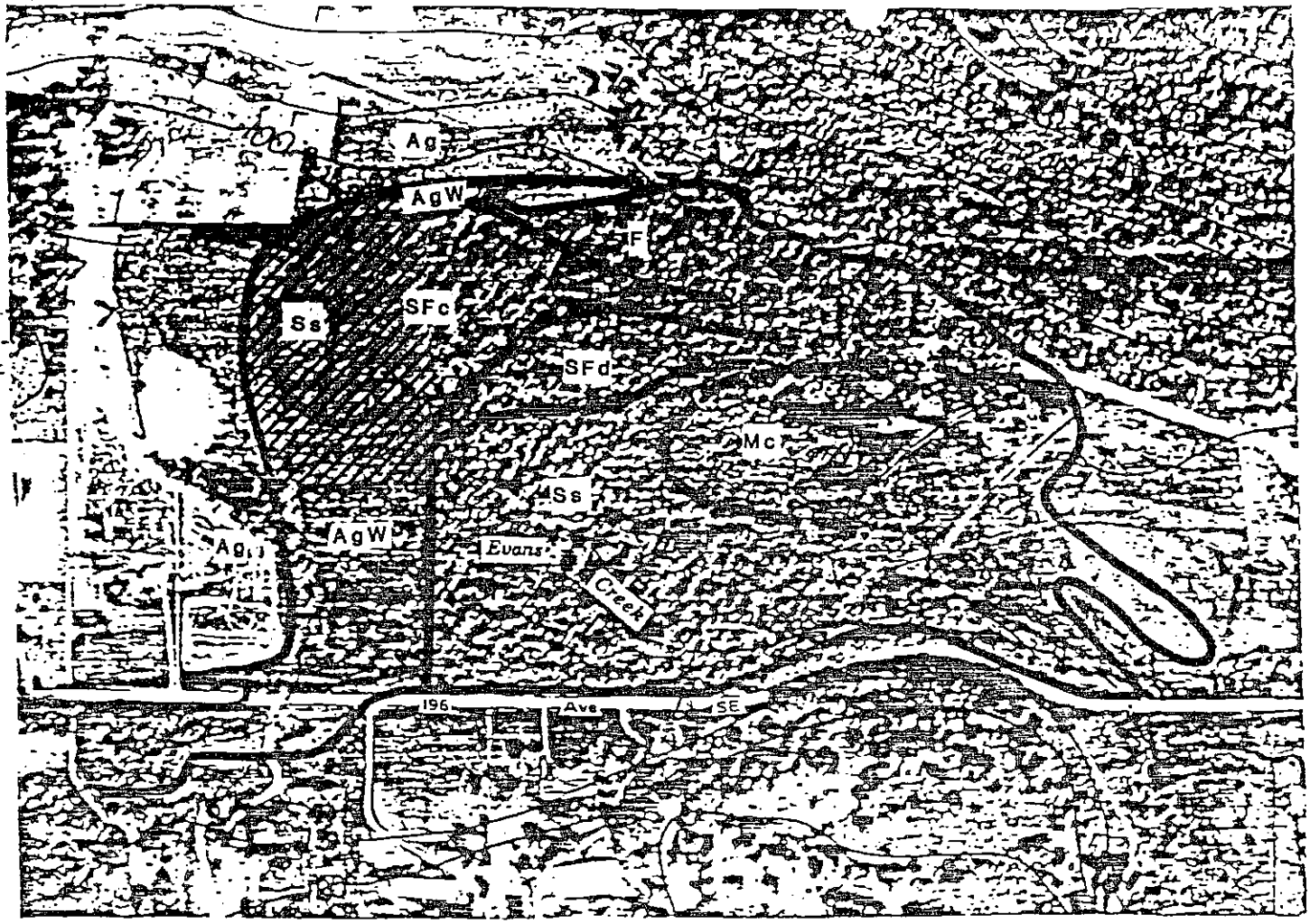


Photo Date: 5-80 North Approx. Scale: 1" = 500'

WETLAND: *Evans Creek 15*

COMMUNITY PLAN AREA: *Bear Creek*

LOCATION: *W 8-25-6, SE NE 7-25-6*

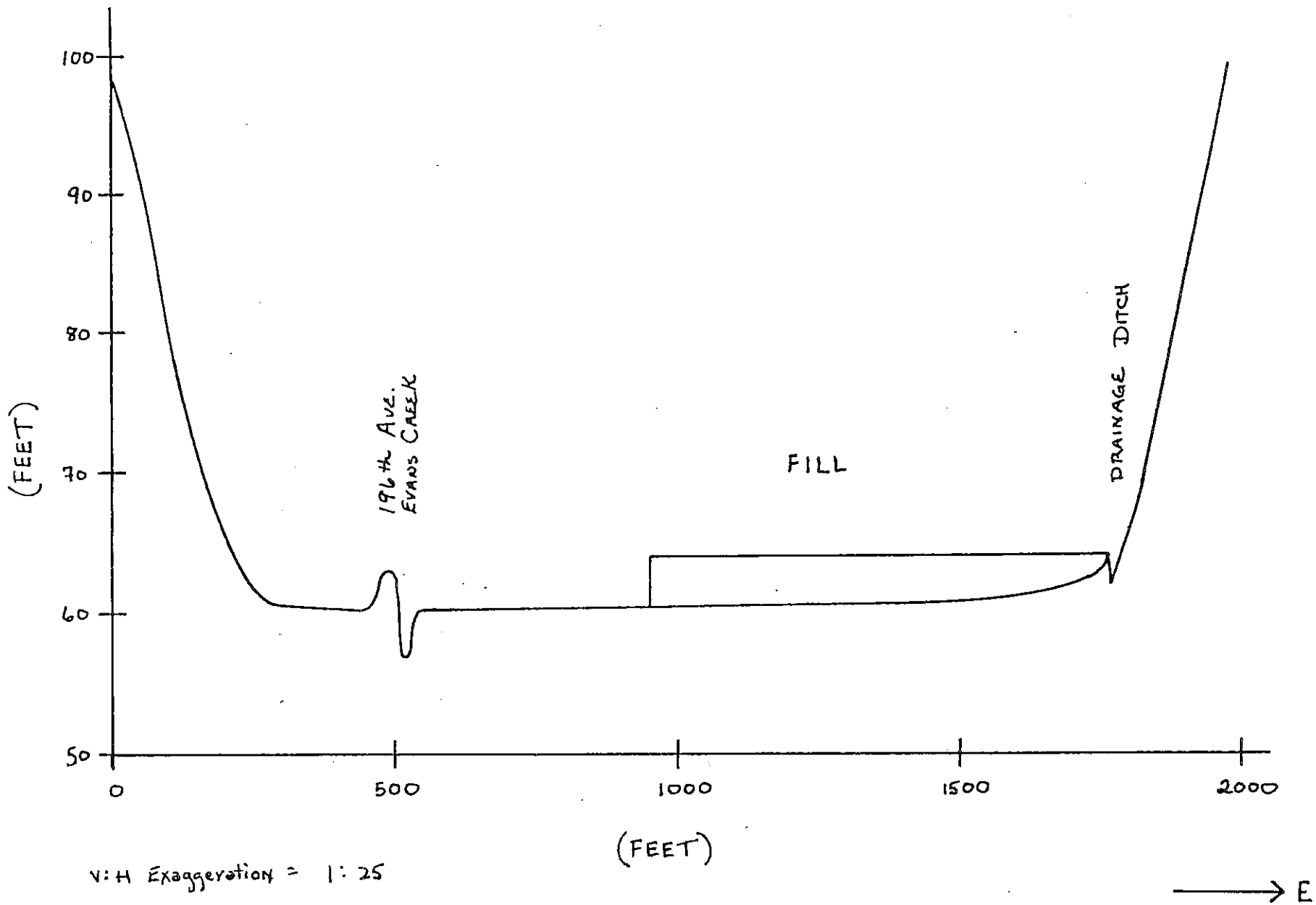
BASIN OR DRAINAGE: *Cedar River*

INVENTORY DATE: *6-30-81*

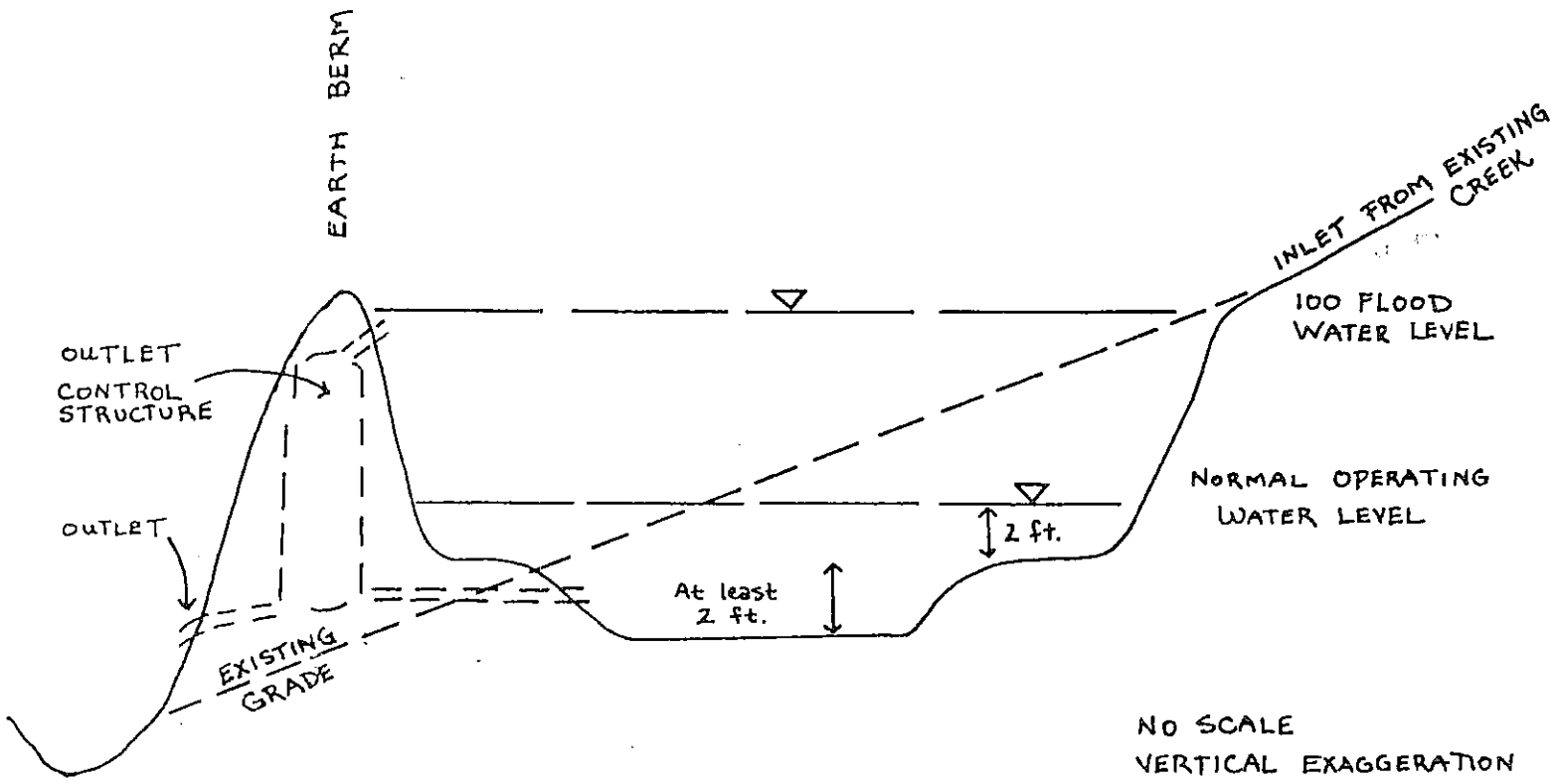
ACREAGE: *65.1*

LEGEND

Ag – Pasture
AgW – Wet Pasture (Marsh)
F – Coniferous Forest
Mc – Canarygrass Marsh
SFc – Forested Swamp, Conifer
SFd – Forested Swamp, Deciduous
Ss – Shrub Swamp
▨ – Approximate Fill Area



East-West Cross Section of Evans Creek Valley at Gunshy Manor



CROSS-SECTION of PROPOSED DETENTION FACILITY

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX C-3755
SEATTLE, WASHINGTON 98124-2255

REPLY TO
ATTENTION OF

August 9, 1984

Regulatory Functions Branch

Reference: 071-OYB-4-009379-C
Nelson, William

Gentlemen:

This letter is for your information and requires no reply. The Seattle District is investigating the unauthorized filling of wetlands adjacent to Evans Creek near Redmond, King County, Washington. The work is in apparent violation of the Corps permit authority under Section 404 of the Clean Water Act.

The investigation has disclosed the property owner, and responsible party, to be Mr. William Nelson of Redmond, Washington. Seattle District has directed Mr. Nelson to do no further filling in wetlands adjacent to Evans Creek at this site. Enclosed are copies of our Stop Work Letter, Field Investigation Report, and the owner's comments. Mr. Nelson has commissioned the firm, Shapiro and Associates, to prepare an environmental report on the impact of the unauthorized fill and possible mitigation measures.

This information is meant to be advisory only. If appropriate, we will solicit comments from concerned agencies at a later date. For additional information, please contact Mr. Michael Bowlus, telephone (206) 764-3495.

Sincerely,

Stephen A. Wright
for Warren E. Baxter
Chief, Regulatory Functions Branch

Enclosures

CERTIFIED MAIL

APR 27 1984

Regulatory Functions Branch

Mr. William Nelson
20031 Northeast 80th
Redmond, Washington 98052

Reference: 071-OYB-4-009379-C
Nelson, William

Dear Mr. Nelson:

A recent inspection of activities along Evans Creek on your property near Redmond, King County, Washington, has disclosed that you have placed fill on wetlands adjacent to waters of the United States without a Department of the Army permit. This work is considered to be in violation of Federal law.

The following laws, extracts enclosed, apply to the unauthorized work:

Clean Water Act.

a. Section 404 prohibits the placement of any fill or dredged material in waters of the United States and adjacent wetlands not authorized by Department of the Army permit.

The term "wetlands" means those areas that are inundated or saturated by surface 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. The Corps of Engineers has the responsibility for determining whether a specific wetland area is within Section 404 jurisdiction.

b. Section 309 cites penalties for violation of Section 404.

You are directed to do no further filling on wetlands adjacent to Evans Creek at this site. To assist in the evaluation of this violation, the following information is requested:

a. As-built sketch of the work within Corps jurisdiction.

b. Who did the work? If a contractor, please furnish name, address, and telephone number.

c. Date when the work started.

d. Reasons why the work was started before obtaining a Department of the Army permit.

e. Property ownership at time of construction.

f. Primary purpose of the fill.

g. Practicable alternatives available that would not involve filling of wetlands.

Your sketch should be drawn to scale and include plan, elevation and section views of the work. The location of the fill in relation to your property lines and the original landward limits of the adjacent wetlands should be shown on the plan view. This information must be furnished within 30 days from the date of this letter.

Your comments will be beneficial in resolving this matter. If you have any questions concerning your reply, please contact Mr. Michael Bowlus, telephone (206) 764-3495.

Sincerely,

for LTC REA /s/

Norman C. Hintz
Colonel, Corps of Engineers
District Engineer

Enclosure

CERTIFIED MAIL
No. 907-
RETURN RECEIPT REQUESTED

KV

FIELD INVESTIGATION REPORT

Reference No. 071-OYB-4-009379 Investigation 20 MAR 84 0915 PST
(Date, Time)

1. Investigator: M. Bowlus (Name) COE - NPSOP-RF (Agency)

2. Work Reported by: Investigator (Name) (Date)

(Address) (Phone)

3. Owner's Name, Mailing Address and Phone: William C. Nelson

20031 N.E. 80th Redmond, WA 98121 home: (206) 885-2009 work: (206) 583-2300

4. Location of Work: Waterway Evans Creek, Sammamish River

Latitude 47° 40' 15" Longitude 122° 04' 20"

Address SW ¼ of NW ¼ of Sec 8, T25N, R6E

County King ~~In~~/Near Redmond, Washington
(City or Town & State)

5. Method of Inspection:

[✓] On-Site [ ] From Adjacent Property [ ] Boat [ ] Aircraft

6. Weather Condition and Wave Height: Cool & cloudy

7. MHHW or Ordinary HW and Datum: N/A - wetlands

8. Observed W. S. El.: N/A Time of Observation: N/A

9. Description of Work (Describe each separate work item, pier, bulkhead, floats, etc.; percent complete; and date each was commenced)

Approximately 5,500 cubic yards of earthen fill material has been placed in wetlands adjacent to Evans Creek (trib. to Samammish River) without benefit of a Department of the Army permit. The work is only partially completed.

10. Owner's Statement Mr. & Mrs. Nelson both stated that they were importing fill to create pasture for their ranch.

11. Name, Mailing Address and Phone of Persons and/or Contractor Doing Work

Unknown

12. Witness, Name, Mailing Address and Phone:

13. Witness, Statement:

14. Directives Given to Owner and/or Contractor Doing the Work in Water Area:

I informed them of the Corps responsibilities under Section 404 of the Clean Water Act. and supplied them with a copy of current regulations

15. Other Pertinent Remarks of Investigator

16. Attachments: Sketch, 1 sheet(s); Photos 1 ; Calculations, 1 sheet(s)

List other Aerial enlargements, Wetland Determination, King Co wetland info., Soils info.

3 April 1984
Date

Michael C. Fowler
Signature of Investigator

NOTE: Sketch & photos of work are required attachments with this report.

B - WETLAND CHECKLIST

Reference No.: 071-0YB-4-009379 **Investigation:** 20 MAR 84, 0915 PST (date, time)

1. **Site Description:** Mr. & Mrs. Nelson run a thoroughbred breeding ranch. The work is taking place in lowlands at the toe of a hill. These lowlands appear to be the flood plain of Evans Creek.

2. **Significant Resources in Area:** Anadromous fish in Evans Creek (Salmonids)

3. **Physical/Chemical Characteristics:**

   a. Streamflow >5 c.f.s.

   b. Salinity N/A

   c. Acreage of ~~lake and~~ adjacent wetland ____

   d. Soils hydric - series Seattle Muck

   e. Hydrology - seasonally to permanently flooded

   f. Separated by dikes, railways, tidegates, other n/a

4. **Biological Characteristics:**

   a. Vegetation.

   - ~95 percent wetland vegetation species

   - Predominant associations/communities (indicate on drawings)

Alder / Salmonberry ; Spruce / Cedar ; Reed Canarygrass / Soft rush

   - Species list: Location Key: east drainage (1); south drainage (2); west drainage (3)

Rubus spectabilis (1)	Alnus rubra (1)	Phalaris arundinacea (2),(3)
Thuja plicata (1),(2)	Cornus sp. (1)	Veronica sp. (3)
Oenanthe sarmentosa (1),(2)	Juncus effusus (1),(3)	Spiraea douglasii (1) (3)
Ranunculus sp. (1),(2)	Gaultheria shallon (1),(2)	Salix sp. (3)
Rumex sp. (1)	Pseudotsuga menziesii (2)	Picea sitkensis (1)
Lysichitum americanum (1)(2)	Athyrium filix-femina (2)	

2990D

b. Fauna.

- Species list:

(2) buteos | numerous crows | numerous passerines

(1) accipiter | (3) Killdeer | deer track

numerous waterfowl

5. Classification System, per USFWS: Palustrine complex from emergent wet meadow to forested swamp

6. Is the project area considered an adjacent wetland? Yes Why? The wetland is contiguous with Evans Creek, a water of the United States.

7. Conclusions, Corps Jurisdiction: The wetland is within the regulatory jurisdiction of the Corps of Engineers under Section 404 of the Clean Water Act.

4 April 1984
Date

Michael P. Bowlus
Signature of Investigator

4 April 1984
Date

Samuel R. Cunn
Signature of Environmental Specialist

Comments: I have not yet seen the site. JJC

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U. S. ARMY ENGINEER DISTRICT, SEATTLE

PROJECT NELSON, WILLIAM re: 071-OYB-4-009379

SUBJECT Alleged unauthorized filling of wetlands adjacent to Evans Creek

BY M. Bowlus DATE 4 APR 84 CHECKED . PART PAGE OF