

STORMWATER DETENTION FACILITY

SOUTH FORK MCCORKLE CREEK

MITIGATION AGREEMENT

This agreement is made between Cowlitz County, Washington (county), Lexington Flood Control Zone District (district) and the Washington State Department of Wildlife (state).

WHEREAS, Cowlitz County is desirous of protecting the health, safety and welfare of the public from the threat of flooding and, wherever possible without loss of flood control/prevention, to protect habitat for the benefit of fish and wildlife.

WHEREAS, Washington State Dept of Wildlife has the responsibility to preserve, protect and perpetuate wildlife and fisheries resources within the State of Washington.

WHEREAS, the Lexington Flood Control Zone District will take over operation and maintenance of the completed flood control facilities and will assume sole responsibility for compliance with the requirements of this mitigation agreement.

WHEREAS, the project is to construct and operate a stormwater detention facility on South Fork McCorkle Creek to provide protection from flooding to residential areas within Lexington Flood Control Zone District. Structures to be built include an earth embankment approximately 685 feet long and 18 feet high with a controlled outlet and emergency overflow spillway across South Fork McCorkle Creek. Operation of the structure will be to retain stormwater runoff of South Fork McCorkle Creek in a detention basin and regulate stormwater outflow to remain within downstream pumping station capacities.

WHEREAS, the project cannot be designed to eliminate all potential adverse impacts to fish and still function as a flood control facility. Therefore, the state contends that the project will severely impact the trout habitat and population in South Fork McCorkle

Creek and that mitigation measures are required.

THEREFORE THE PARTIES to this mitigation plan agree to the following actions as providing adequate mitigation for all impacts resulting from construction and operation of the project.

- 1) The state agrees that construction and operation of this project is solely for prevention of flooding in the Lexington community. Any fish or wildlife values created by the project are secondary and shall not interfere with flood prevention operations.

- 2) Two ponding areas and the associated wetlands immediately adjacent thereto and within fifty feet will be expanded to provide wetland habitat behind the detention berm for wildlife species in lieu of efforts to maintain fish populations. The legal description of the two ponding areas is as shown in Exhibit "A". Construction of the ponding areas shall be as shown in Exhibit "B", location and construction plans. Within ponding area #1 excavation shall be conducted to form an island. Excess material excavated from both ponding areas shall be spread over the adjacent field or used to fill in low spots on the existing berm so as to not increase its overall height. Proposed island elevation will not exceed two feet above existing grade. During excavation of ponding areas, efforts will be taken to save existing wetland vegetation. The Department of Wildlife will provide guidance to the County's Project Engineer for transplanting vegetation within the ponding sites. Construction of the ponding areas shall be completed by October 1, 1990 unless otherwise mutually agreed upon by all parties to this agreement.

- 3) The two ponding areas shall be maintained as wetland habitat as

constructed above. Every five years a joint inspection and review will be conducted to determine any necessary maintenance activities. The costs to County for those necessary maintenance activities shall be limited to \$3,500.00 per occurrence.

- 4) Impoundment area includes all lands behind the detention structure below elevation 50.0 feet MSL. The existing natural vegetation, including trees, located on those lands controlled by the county through ownership or easements and within the flood control project boundaries shown on Exhibit "C", will be retained in a natural condition around the impoundment area as a buffer strip.
- 5) The county dedicates the entire project to flood prevention. In addition, the county dedicates the two ponding areas and associated wetlands as described above to fish and wildlife and related recreation for the life of the project. Provided that this dedication shall in no way interfere with the management or operation of the project for flood prevention nor any other easements of record existing on October 1, 1990.
- 6) A hydraulics project application has been submitted to the state for all construction related to the project within the ordinary high waterline of South Fork McCorkle Creek. This mitigation plan fulfills a requirement of the Hydraulic Project Approval issued April 10, 1989.
- 7) This agreement shall be effective as of the date of execution by all parties and shall continue in full force and effect until all

parties mutually agree to discontinue it and shall be binding on the parties,
their successors, assignees or purchasers.

BOARD OF SUPERVISORS OF LEXINGTON
FLOOD CONTROL ZONE DISTRICT

Chairman

Joan L. Lemieux

Supervisor

R. L. Maruhn
Supervisor

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

Van A. Youngquist, Chairman

Joan L. Lemieux

Joan L. Lemieux, Commissioner

R. L. Maruhn
R. L. Maruhn, Commissioner

ATTEST:

Hettie Herron

7-17-89

Hettie Herron, Clerk of the Board

WASHINGTON STATE
DEPARTMENT OF WILDLIFE

Gene Tillett 7/17/89
Gene Tillett, Regional Manager

APPROVED AS TO FORM:

David R. Koss
David R. Koss, Chief Civil Deputy
Prosecuting Attorney

EXHIBIT "A"
STORMWATER DETENTION FACILITY
SOUTH FORK MCCORKLE CREEK

MITIGATION AGREEMENT

LEGAL DESCRIPTION
POND No. 1

A tract of land in the L.P Smith D.L.C., being a part of the Northeast Quarter of the Northwest Quarter of Section 15, Township 8 North, Range 2 West of the Willamette Meridian, being more particularly described as follows:

Beginning at the Street Monument at the West end of Sparks Drive, as shown on the recorded plat of Aloha Park West No. 4, recorded in Volume 12 of plats on page 1, records of Cowlitz County, Washington; thence South 76 degrees 02 minutes and 04 seconds West a distance of 960.36 feet to the True Point of Beginning; thence South 63 degrees 38 minutes 52 seconds West a distance of 230.00 feet to a point on the Westerly line of the B.P.A. North Corridor; thence South 45 degrees 25 minutes 58 seconds East along the Westerly line of said B.P.A. North Corridor a distance of 160.00 feet; thence North 47 degrees 34 minutes 18 seconds East a distance of 184.93 feet; thence North 26 degrees 21 minutes 08 seconds West a distance of 100.00 feet to the Point of Beginning.

Containing 0.60 acres.

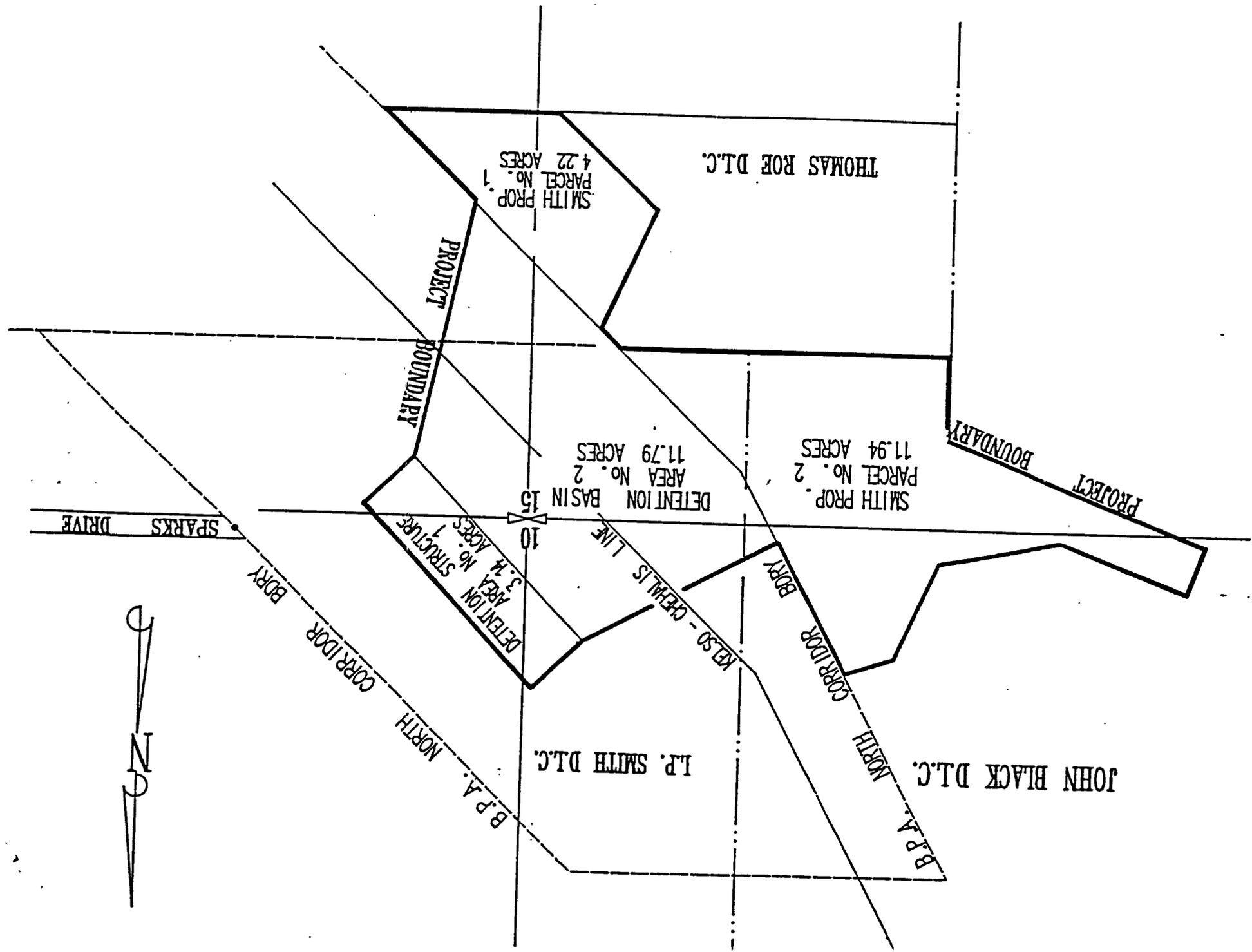
LEGAL DESCRIPTION
POND No. 2

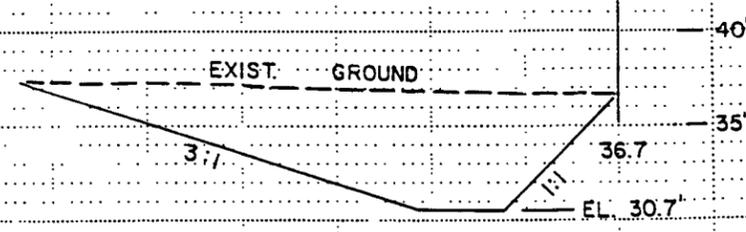
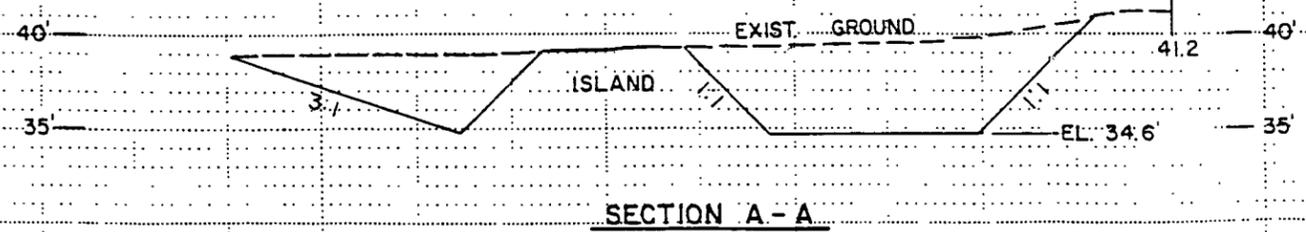
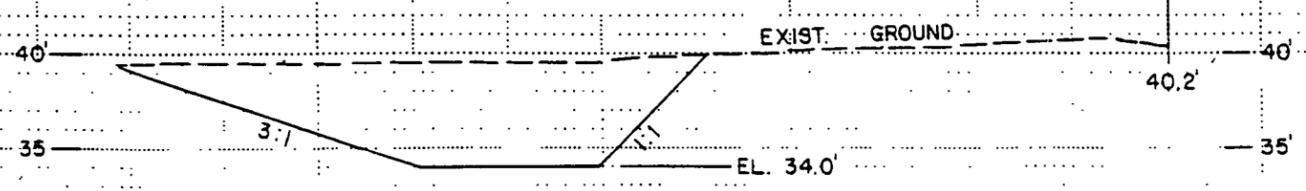
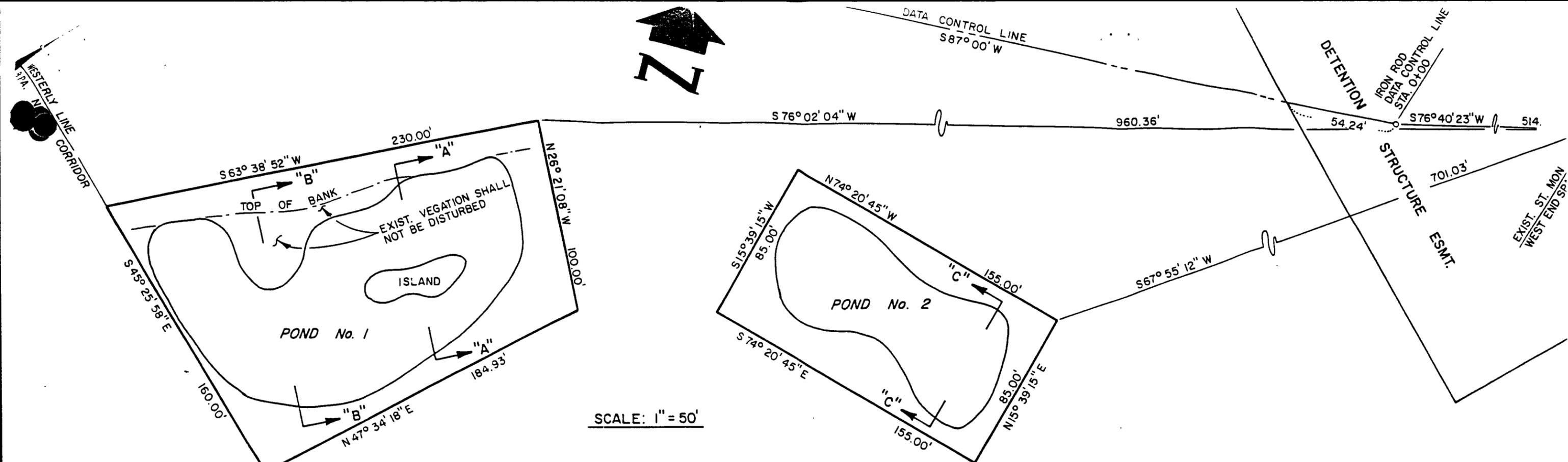
A tract of land in the L.P Smith D.L.C., being a part of the Northeast Quarter of the Northwest Quarter of Section 15, Township 8 North, Range 2 West of the Willamette Meridian, being more particularly described as follows:

Beginning at the Street Monument at the West end of Sparks Drive, as shown on the recorded plat of Aloha Park West No. 4, recorded in Volume 12 of plats on page 1, records of Cowlitz County, Washington; thence South 67 degrees 55 minutes 12 seconds West a distance of 701.03 feet to the True Point of Beginning; thence North 74 degrees 20 minutes 45 seconds West a distance of 155.00 feet; thence South 15 degrees 39 minutes 15 seconds West a distance of 85.00 feet; thence South 74 degrees 20 minutes 45 seconds East a distance of 155.00; thence North 15 degrees 39 minutes 15 seconds East a distance of 85.00 feet to the Point of Beginning.

Containing 0.30 acres.

MITIGATION STUDY
EXHIBIT "C"





HORIZ: 1" = 20'
 VERT: 1" = 10'

EXHIBIT "B"

REVISIONS				
DATE	BY	DESCRIPTION	CHK	DATE

DESIGNED BY
 B.V.
 DATE
 5/89
 DRAWN BY
 WIL
 DATE
 5/89
 CHECKED BY
 B.V./A.B.
 DATE
 5/89

HORIZ. SCALE AS SHOWN
 VERT. SCALE U.S.G.S.
 DATUM U.S.G.S.
 FIELD BK. 5-89



DEPARTMENT OF PUBLIC WORKS
 207 4th AV. NORTH
 KELSO, WASHINGTON
 98626
 APPROVED BY:
 COWLITZ COUNTY ENGINEER
 DATE:

STORMWATER DETENTION FACILITY
 SOUTH FORK McCORKLE CREEK
 MITIGATION AGREEMENT

CURT SMITCH
Director



STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

5405 N.E. Hazel Dell Ave., Vancouver, WA 98663 Tel. (206) 696-6211

November 1, 1992

Mr. Bob Vaught
Cowlitz County Diking District
207 Fourth Avenue North
Kelso, WA 98626

Subject: Off-road Vehicle Access, McCorkle Creek Detention
Structure.

Dear Mr. Vaught:

Thank you for meeting with me on September 11, 1992 to discuss the recent ditching project located behind the McCorkle Creek flood detention structure. As we discussed in the field, the Department of Wildlife is concerned that the recently constructed ditch may result in a dewatering effect on the adjoining emergent wetland. I am pleased that we were able to arrive at a mutually agreeable solution to address our concerns.

Based on our discussions, I understand that the Diking District will partially backfill the ditch during 1993 maintenance operations at the site. The ditch bottom will backfilled to form a series of undulating swales, thereby maintaining both areas of standing water and an elevated water table adjacent to the wetland. This should minimize the potential for wetland dewatering, and still serve the intended purpose of deterring off-road vehicle (ORV) access.

The Department of Wildlife greatly appreciates the Diking District's efforts to reduce ORV use behind the McCorkle Creek detention structure. As noted during our recent inspections, ORV use has resulted in damage to both riparian and wetland habitat. The Diking District's fence installation and ditching project should substantially reduce damage to fish and wildlife resources from unauthorized ORV use at the site.

Mr. Bob Vaught
November 1, 1992
Page 2

We thank you for your efforts to protect fish and wildlife resources in Cowlitz County. Please contact me at (206) 944-1484 if you have any questions.

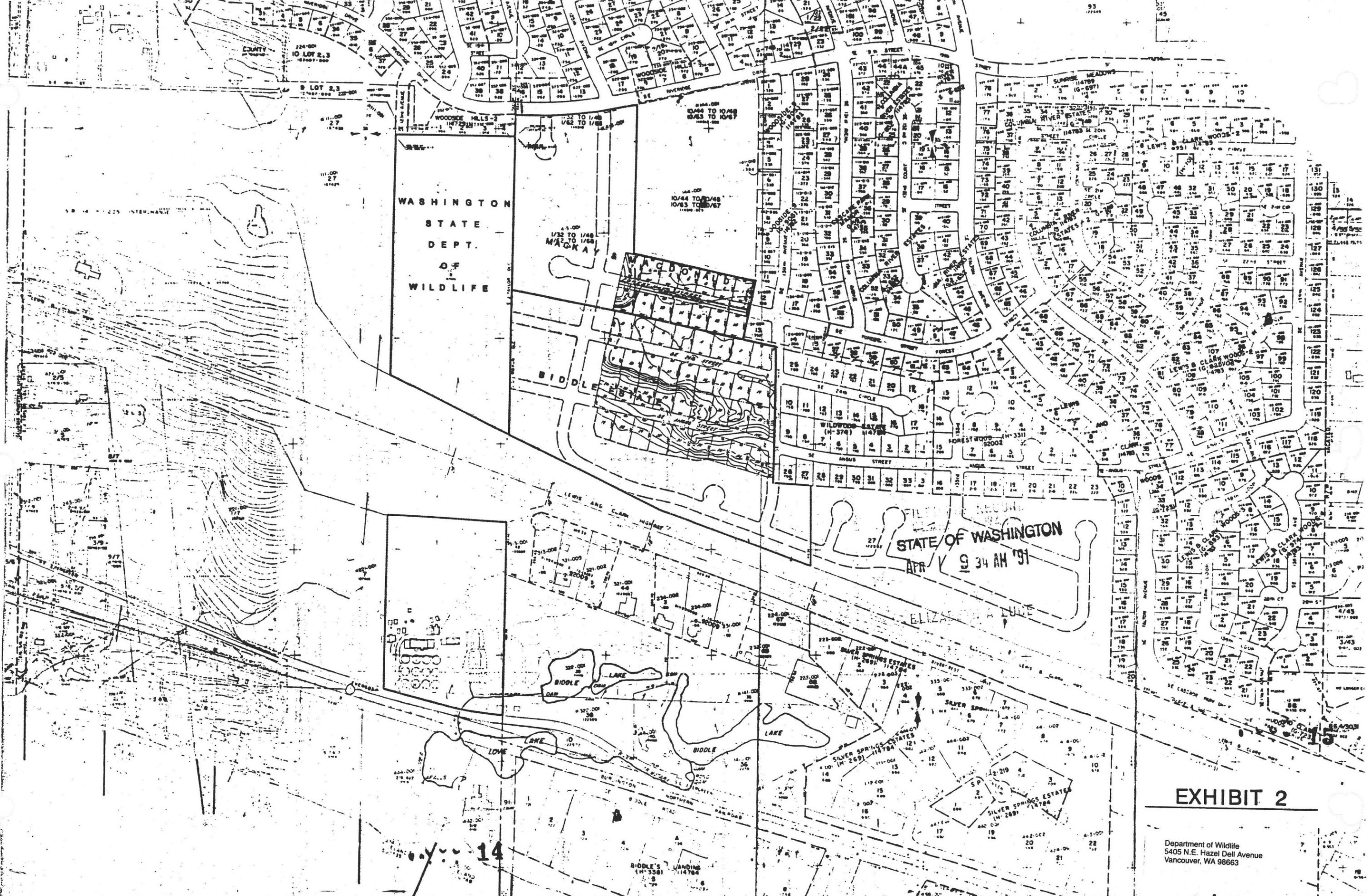
Sincerely,



Steve Manlow
Area Habitat Biologist

cc: Bryan Cowan
Rocky Beach
Bob Johnson, DNR

file: mitigation\cowl



WASHINGTON
STATE
DEPT.
OF
WILDLIFE

MAGDONALD
1/32 TO 1/68
10/44 TO 10/48
10/63 TO 10/67

BIDDLE ESTATE

STATE OF WASHINGTON
APR 19 34 AM '91

SILVER SPRINGS ESTATES

SILVER SPRINGS ESTATES

SILVER SPRINGS ESTATES

EXHIBIT 2

Department of Wildlife
5405 N.E. Hazel Dell Avenue
Vancouver, WA 98663