

Energizing Life in Our Communities

June 23, 2023

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary Federal Energy Regulatory Commission (FERC) 888 First Street NE Washington, DC 20426

Re: Jackson Hydroelectric Project, FERC No. 2157 Fish Habitat Enhancement Plan 2022 Annual Report License Appendix G A-LA 12

Dear Secretary Bose:

Enclosed is Public Utility District No. 1 of Snohomish County's Fish Habitat Enhancement Plan 2022 Annual Report pursuant to the Jackson Hydroelectric Project's License Appendix G A-LA12. The draft report was provided to the Aquatic Resource Committee for review and comment. Consultation documentation is included in the report's Appendix 3.

If you have any questions on the Fish Habitat Enhancement Plan 2022 Annual Report, please contact Dawn Presler, Sr. Environmental Coordinator, at (425) 783-1709 or DJPresler@snopud.com.

Sincerely,

/s/ Keith Binkley

Keith Binkley Manager, Natural Resources (425) 783-1769 KMBinkley@snopud.com

Enclosed: Fish Habitat Enhancement Plan 2022 Annual Report

cc: Aquatic Resource Committee

Henry M. Jackson Hydroelectric Project (FERC No. 2157)



Fish Habitat Enhancement Plan: 2022 Annual Report (A-LA 12)



Everett, WA

June 2023

Final – this report can be cited as:

Public Utility District No. 1 of Snohomish County. 2023. Fish Habitat Enhancement Plan: 2022 Annual Report (A-LA 12) for the Henry M. Jackson Hydroelectric Project, FERC No. 2157. June 2023.

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1.0 INTRODUCTION

Public Utility District No. 1 of Snohomish County (the District) received a license on September 2, 2011 (License), from the Federal Energy Regulatory Commission (FERC) for the Henry M. Jackson Hydroelectric Project (Project). License Ordering Paragraphs D (Washington Department of Ecology 401 Water Quality Certification conditions) and E (U.S. Forest Service section 4(e) conditions) require the District to implement Aquatic License Article 12: Fish Habitat Enhancement Plan (A-LA 12) as detailed in License Appendix G. The District filed the Fish Habitat Enhancement Plan (FHE Plan) with the FERC on November 19, 2010.

As indicated in the FHE Plan, funded projects will be designed to provide additional Project-related enhancements to aquatic resources and hydrologic processes focused in the Sultan River basin; thereby, providing considerable benefits to aquatic habitat and anadromous and resident fish populations throughout the License term. These additional habitat enhancement projects, working in conjunction with other protection, mitigation, and enhancement measures, such as improved side channel connectivity, increased instream flows, and implementation of fish passage at the Diversion Dam, will likely substantially increase the quantity and quality of aquatic habitat and performance of anadromous and resident fish populations in the lower Sultan River. Establishment of the ongoing FHE Plan and Habitat Enhancement Account (HEA) will also allow for adaptive management as conditions in the basin change. The mitigation provided through the fund will best be able to address long-term habitat enhancement and restoration needs by allowing flexibility to ensure that projects are developed and implemented during the License term.

Pursuant to Section 6.2 of the FHE Plan, the District is to prepare a report by June 30 of each year detailing activities that occurred the previous year and activities planned for the present year as they relate to implementation of FHE Plan-approved projects. This FHE Plan Annual Report, covering activities conducted in 2022 and planned for 2023. Appendices 1 and 2 contains the new proposed projects for land conservation easement acquisition.

This draft report was provided to the Aquatic Resources Committee (ARC) for a 30-day review and comment period; no comments were received. The ARC consists of the City of Everett, City of Sultan, Snohomish County, Washington Department of Ecology, Washington Department of Fish and Wildlife (WDFW), Tulalip Tribes, U.S. Forest Service, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and American Whitewater. Documentation of consultation with the ARC regarding the report is included in Appendix 3.

2.0 ACTIVITIES FOR YEAR 2022

2.1 Project Selection

On December 2, 2022, the ARC approved the pursuit of a land conservation easement acquisition with the Knowltons to support the side channel extension project pursuant to the WA Department of Ecology grant.

2.2 Project Implementation

2.2.1 Conservation Easement - Oster Property

In October 2021, the ARC approved \$207,500 for the acquisition and ongoing maintenance of a 1.24-acre parcel along the Sultan River with 600 feet of shoreline that was heavily disturbed with development. This project was referred to as the "Oster Property". Ultimately, the property was purchased by another buyer for above market value. Snohomish PUD informed the new owners of our interest in the property for long-term conservation if they were interested in selling it in the future. The FHE project is now considered closed with no money expended.

2.2.2 RCO Grant Match

To capitalize on a grant opportunity, Snohomish PUD requested a 20% match to the WA Recreation and Conservation Office grant for construction related work associated with the extension and expansion of a side channel network along the Sultan River. That project was listed as a priority project on the ARC's Priority Project List developed by Herrera Environmental in 2019. The ARC approved a grant match of \$153,000 for a the side channel extension project with the Washington Recreation and Conservation Office on May 16, 2022. Snohomish PUD received a no match grant from the WA Department of Ecology instead for the same project. Therefore, this FHE project is now considered closed with no money expended.

2.3 Project Monitoring

No monitoring of FHE Plan habitat projects was conducted beyond that already described above.

3.0 ACTIVITIES FOR YEAR 2023

3.1 Project Selection

On May 16, 2023, the ARC approved the pursuit of a land conservation easement acquisition with the Volunteers of America to support the side channel extension project pursuant to the WA Department of Ecology grant.

New projects can be proposed as part of the ARC meeting in October 2023. Projects needing immediate attention can be brought before the ARC at any time.

3.2 Project Implementation

3.2.1 Land Conservation Easements - Knowlton and VOA Properties

Snohomish PUD secured the land conservation easement with the Knowltons and are in active discussions with the Volunteers of America.

3.3 Project Monitoring

Staff will conduct an annual inspection of the Hochfeld property to assess for trespass or vandalism.

4.0 FUND BALANCE

The fund was seeded with \$2.5 million upon License issuance. Starting the tenth anniversary after issuance of the License (Year 11) and annually thereafter for the term of the License, Snohomish PUD deposits \$200,000 (based on 2011 dollars) into the fund account per Section 5.1 of the FHE Plan.

As of December 31, 2022, the fund's account balance was \$2,548,755.20. However, this balance does not reflect amounts not yet spent towards approved projects and reserves for potential slides. The balance of unallocated funds for use on future projects is approximately \$1.84 million, as follows:

Fund Start September 2021 Annual Payment September 2022 Annual Payment Interest to-date (12/31/22) Subtotal	\$ 2,500,000.00 \$ 256,365.42 \$ 279,539.79 +\$ 228,927.88 \$ 3,264,833.09 (deposits)
Confluence property acquisition	-\$ 4,861.38 (closed)
Lower Skykomish River restoration	-\$ 157,955.98 (closed)
Riparian restoration Sultan River	-\$ 219,491.25 (closed)
Riparian restoration Sultan River (2-yr extension)	-\$ 0 (closed)
Habitat Projects Prioritization	-\$ 48,493.80 (closed)
LWD in Reaches 2 & 3	-\$ 100,000.00 (closed)
Conservation Easement - Oster	-\$ 0 (closed)
Sonar Device (ARIS)	-\$ 149,684.81 (closed)
RCO Grant Match - 2022	-\$ 0 (closed)
Conservation Easement – Knowlton*	-\$ 45,000.00 (allocated)
Conservation Easement – VOA	-\$ 27,000.00 (allocated)
Future slides reserve	-\$ 500,000.00 (allocated)
Hochfeld property acquisition	-\$ 173,300.00 (allocated)
Subtotal	-\$1,425,787.22 (spent or allocated)

Total \$1,839,045.87 (unallocated balance to-date)

*The ARC approved \$288,201 for the potential purchase of a larger portion of the property; however, the owner decided to keep ownership but grant a conservation easement for the portion strictly along the side channel alignment. As such, the necessary funds for purchase of the easement and ongoing land management are reduced to \$45,000. If the owner decides to sell in the future, Snohomish PUD will re-engage with the ARC on the potential acquisition.

5.0 FHE PLAN RECOMMENDATIONS

No recommendations for changes to the FHE Plan are being made at this time.

Appendix 1

Land Conservation Easement - Knowlton

Jackson Hydroelectric Project (FERC No. 2157)

Fish Habitat Enhancement Project Proposal

Applicant Contact Information/						
ARC Applicant Name	Keith Binkley Date 11/21/2022					
Organization	Snohomish County PUD #1					
Address	PO Box 1107					
City, State and Zip	Everett, WA 98206-1107					
Contact Info	425-783-1769	KMBink	cley@snopud.com			

Project Type						
Project Type	Enhancement/Restoration Project X Land/Water Right Acquisition					
	Grant Matching/Leveraging Extra Water					
Funding Amount	□\$25,000 and under □ \$25,001 to \$200,000 ⊠ \$200,001 and over					
Location	⊠Lower Sultan River basin					
	□Upper Sultan River(including Spada and its tribs) □Sultan/Skykomish Rivers Confluence					
	□Skykomish River □ Snohomish River □ Estuary					

Project Information	on
Name	Expansion of lands set aside for preservation of the riparian forest community along the lower Sultan River.

Location

Along the left bank of the lower 2 miles of the Sultan River floodplain, adjacent to the City of Sultan's Osprey Park. Access to 11.76 acres on two adjacent parcels will be impacted by creation of the new channel.

Please attach a map and photos of the project area. List GPS coordinates, if possible.



Project Information 213,521,42 sq ft 4,90 acres 146,895,92 sq ft 3,37 acres

Objective

The primary objective of the proposed project is to acquire floodplain property that supports salmonid habitat in this important reach of the lower Sultan River near the confluence with the Skykomish River. Acquisition and subsequent restoration will achieve a key recovery goal in Snohomish Basin Salmon Conservation Plan (2005) by improving habitat quality and quantity in the mainstem and by providing an opportunity to expand the largest side channel network on the Sultan River and help restore hydrologic and riparian processes critical to salmon recovery efforts. The project is situated in the Mainstem-primary sub-basin strategy group, which supports core Chinook spawning, rearing and refugia habitat in the basin and is a priority for achieving reach-scale recovery. Acquisition is timely and necessary to prevent future degradation and ensure long-term stewardship.

The project:

- Eliminate need to establish formal roaded access to islanded parcels.
- Acquire key holdings for conversion of agricultural lands to riparian forest consistent with that present on adjacent holdings.
- Preserve lands for potential future restoration projects.
- Eliminate potential for development.

Project Information

Description

The Snohomish County PUD is requesting funds to secure and expand protection of critical salmon habitat. The project area includes 13.82 acres of agricultural land, riparian forest and side-channel habitat on the east bank of the Sultan River approximately 0.7 miles upstream from the confluence confluence with the Skykomish River. Acquisition and subsequent restoration will achieve a key recovery goal in Snohomish Basin Salmon Conservation Plan (2005) by improving habitat quality and quantity in the mainstem. The project is situated in the Mainstem-primary sub-basin strategy group which supports core Chinook spawning, rearing and refugia habitat in the basin and is a priority for achieving reach-scale recovery. The project provides habitat for a suite of salmonid species including Chinook and coho salmon. This project will help meet recovery goals for protection and restoration of edge, side channel and riparian habitat.

Acquisition of 8.39 acres of Parcel 28083100400800 (area in blue) that is to be "islanded" by the expansion of the Side Channel 1 network restoration project as funded by the Department of Ecology Streamflow Restoration grant awarded to the PUD in 2022. Establishment of a 100' wide conservation easement along 808' linear of the new channel located on private property (Parcels 28083100400800 and 28083100402300). Administrative settlement for altered access to 3.37 acres of Parcel 28083100402300 (area in red, west of easement), islanded by the proposed project.

Benefits

Conversion of lands used for cattle grazing to native riparian consistent with existing management of neighboring park lands owned by the City of Sultan.

Methods

Establishment of conversation easement to support project development. Acquisition of properties where access will be impacted by the project thereby eliminating the need for formal water crossings to maintain landowner access.

Monitoring	/Land	l Mana	gement
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None.

Project Schedule							
Time Frame	Late 2022,	early 2023					
Detail							
Activity	Quarter, Year						

Project Schedule			

		Detail of Amount Requested from District						
	Staff Time (with benefits)	Travel	Supplies	Permits	Contractor/ Consultant	Monitoring/Land Mgmt (10% min.)	Misc.	TOTAL
Amount	\$5,000	\$	\$	\$	\$	\$25,000	\$258,201	\$286,585
Explain Misc. Costs	c. Land purchase, easements, administrative settlement: Maximum of \$258,201 – but purchase price of land must be consistent with laws and regulations applicable to the PUD, internal guidelines and procedures, real estate appraisal, fair market value, and any other applicable requirements. \$25,000 is held in reserve to address any illegal dumping, vandalism, and high priority noxious weed removal that may occur over the term of the license.							

Fund Matching/Leveraging, if applicable					
Name of Match Organization, if any					
Match type	Pending Match Confirmed Match				
Is this project contingent on receiving matching/leveraged funds?	⊠ No ☐ Yes				
Amount of Match	\$				

Instructions

Please provide the following information for the Project Proposal Form:

- **Applicant Contact Information** add content for the primary ARC member responsible for introducing and coordinating the project proposal. If there is an ARC co-sponsor, please indicate his/her name in the ARC Applicant Name field as a "co-sponsor" after the primary sponsor.
- **Project Type** you may make multiple selections if needed for each field.
- **Name** name of the project. If this is a fund matching/leveraging request, use the same name as the primary grant application.
- **Objective (max 1/4 page)** identify overall objective of the proposed FHE project.
- **Description (max 1-5 pages)** amount of information should be commensurate with the amount of funds being requested (1 page max. for \$25,000 and under; 3 page max for \$25,001 to \$200,000; 5 pages max for \$200,001 and over). Provide a description of the problem, impacts to resources, what is anticipated to be done, scope of work, work products, reporting, ongoing monitoring, etc. If this project is identified in a Recovery Plan or similar, state which one.

Please provide the additional information for the project type for which you are applying:

- For Grant Matching/Leveraging (non-District project):
 - Description: Clearly state for what project this is a grant match, requesting organization and from what funding board/council, percent match requested compared to full project cost. Attach grant information. Additionally, state how the project will benefit the fishery of the Sultan River.
 - **Time frame:** State the timeframe to complete the project and also the timeframe on when the funds would be allocated.
- For Land Acquisition:
 - Description: Clearly state the details of the land/easement, by what mechanism (fee simple, easement, agreement, etc.) would it be owned, what the land will be used for, and length of commitment.
- For Enhancement Project:
 - **Description:** Clearly state if the project is to be completed with oversight by the District in whole, in conjunction with another party or exclusively by another party.
- **Benefits (max 1/2 page)** what aquatic benefits are anticipated by the action; articulate multiple resource benefits if appropriate.
- Methods (max 1 page) description of proposed method. Use this method for budgeting.
- Monitoring/Land Management (max. 1 page) The short-term and long-term monitoring, maintenance, and management requirements and costs of each proposal will be considered. Most projects should have a monitoring component, but that should be specifically targeted and concise. Monitoring should answer one of two questions: 1) does the project function as designed and/or 2) does this project produce benefits that we would want to duplicate by funding similar projects? Ongoing land management must also be taken into account and indicated in the proposal.
- **Proposed Schedule Time Frame and Detail** identify the month and year for when the project is anticipated to begin and when the project would be completed. Identify the major tasks and relative timeframe to accomplish each task. Schedule must identify time needed for permitting and monitoring of the proposed FHE project.

Appendix 2

Land Conservation Easement – Volunteers of America

Jackson Hydroelectric Project (FERC No. 2157)

Fish Habitat Enhancement Project Proposal

Applicant Contact Information/						
ARC Applicant Name	Keith Binkley Date 5/2/2023					
Organization	Snohomish County PUD #1					
Address	PO Box 1107					
City, State and Zip	Everett, WA 98206-1107					
Contact Info	425-783-1769	KMBink	cley@snopud.com			

Project Type	
Project Type	☐ Enhancement/Restoration Project ☐ Land/Water Right Acquisition
	Grant Matching/Leveraging Extra Water
Funding Amount	□\$25,000 and under □ \$25,001 to \$200,000 □ \$200,001 and over
Location	⊠Lower Sultan River basin
	□Upper Sultan River(including Spada and its tribs) □Sultan/Skykomish Rivers Confluence
	□Skykomish River □ Snohomish River □ Estuary

Project Informati	on
Name	Expansion of lands set aside for preservation of the riparian forest community along the lower Sultan River.

Project Information

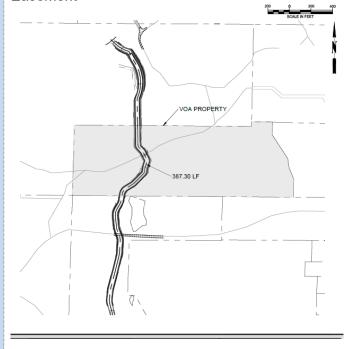
Location

Along the left bank of the lower 2 miles of the Sultan River floodplain, adjacent to the City of Sultan's Osprey Park, on Volunteers of America parcel 28083100400400.

Parcel -



Easement -



Project Information

Objective

The primary objective of the proposed project is to acquire floodplain property that supports salmonid habitat in this important reach of the lower Sultan River near the confluence with the Skykomish River. Acquisition (through purchase or easement) and subsequent restoration will achieve a key recovery goal in Snohomish Basin Salmon Conservation Plan (2005) by improving habitat quality and quantity in the mainstem and by providing an opportunity to expand the largest side channel network on the Sultan River and help restore hydrologic and riparian processes critical to salmon recovery efforts. The project is situated in the Mainstem-primary sub-basin strategy group, which supports core Chinook spawning, rearing and refugia habitat in the basin and is a priority for achieving reach-scale recovery. Acquisition is timely and necessary to prevent future degradation and ensure long-term stewardship.

The project:

- Acquire key holdings for conversion of agricultural lands to riparian forest consistent with that present on adjacent holdings.
- Preserve lands for potential future restoration projects.
- Eliminate potential for development.

Description

The Snohomish County PUD is requesting funds to secure and expand protection of critical salmon habitat. The project area of the side channel extension includes agricultural land, riparian forest and side-channel habitat on the east bank of the Sultan River approximately 0.7 miles upstream from the confluence confluence with the Skykomish River. Acquisition and subsequent restoration will achieve a key recovery goal in Snohomish Basin Salmon Conservation Plan (2005) by improving habitat quality and quantity in the mainstem. The project is situated in the Mainstem-primary sub-basin strategy group which supports core Chinook spawning, rearing and refugia habitat in the basin and is a priority for achieving reach-scale recovery. The project provides habitat for a suite of salmonid species including Chinook and coho salmon. This project will help meet recovery goals for protection and restoration of edge, side channel and riparian habitat.

Acquisition of an easement to support the expansion of the Side Channel 1 network restoration project as funded by the Department of Ecology Streamflow Restoration grant awarded to the PUD in 2022, for long-term preservation. Establishment of a 100-foot wide conservation easement within Parcel along ~387 feet of the new channel located on private property (Parcel 28083100400400).

Benefits

Conversion of lands to native riparian buffer consistent with existing management of neighboring park lands owned by the City of Sultan, and desired outcome of side channel expansion. Removal of noxious/invasive weeds.

Project Information
Methods
Acquisition of conversation easement to support project development.
Monitoring/Land Management
None identified here. Monitoring for this property will be detailed for the full side channel extension monitoring as required by the grant.

Project Schedule						
Time Frame	Q2 – Q3					
Detail						
Activity	Quarter, Year					
Acquire land easement	Q2, 2023	Q3, 2023				

		Detail of Amount Requested from District						
	Staff Time (with benefits)	Travel	Supplies	Permits	Contractor/ Consultant	Monitoring/Land Mgmt (10% min.)	Misc.	TOTAL
Amount	\$5,000	\$	\$	\$	\$	\$10,000*	\$12,000	\$27,000
Explain Misc. Costs Land purchase easement: \$12,000 (2023 dollars) – but purchase price of land must be consistent with laws and regulations applicable to the PUD, internal guidelines and procedures, real estate appraisal, fair market value, and any other applicable requirements. \$10,000 (2023 dollars) is held in reserve to address any illegal dumping, vandalism, and high priority noxious weed removal that may occur over the term of the license. Given proximity to VOA land uses, and City of Sultan's trail going over the property, more than 10% minimum is reserved to accommodate likely need for ongoing maintenance.								

Fund Matching/Leveraging, if applicable			
Name of Match Organization, if any			
Match type	Pending Match Confirmed Match		

Is this project contingent on receiving matching/leveraged funds?	⊠ No ☐ Yes
Amount of Match	\$

Instructions

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- **Name** name of the project. If this is a fund matching/leveraging request, use the same name as the primary grant application.
- **Objective (max 1/4 page)** identify overall objective of the proposed FHE project.
- **Description (max 1-5 pages)** amount of information should be commensurate with the amount of funds being requested (1 page max. for \$25,000 and under; 3 page max for \$25,001 to \$200,000; 5 pages max for \$200,001 and over). Provide a description of the problem, impacts to resources, what is anticipated to be done, scope of work, work products, reporting, ongoing monitoring, etc. If this project is identified in a Recovery Plan or similar, state which one.

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 - Description: Clearly state for what project this is a grant match, requesting organization and from what funding board/council, percent match requested compared to full project cost. Attach grant information. Additionally, state how the project will benefit the fishery of the Sultan River.
 - **Time frame:** State the timeframe to complete the project and also the timeframe on when the funds would be allocated.
- For Land Acquisition:
 - Description: Clearly state the details of the land/easement, by what mechanism (fee simple, easement, agreement, etc.) would it be owned, what the land will be used for, and length of commitment.
- For Enhancement Project:
 - **Description:** Clearly state if the project is to be completed with oversight by the District in whole, in conjunction with another party or exclusively by another party.
- **Benefits (max 1/2 page)** what aquatic benefits are anticipated by the action; articulate multiple resource benefits if appropriate.
- Methods (max 1 page) description of proposed method. Use this method for budgeting.
- Monitoring/Land Management (max. 1 page) The short-term and long-term monitoring, maintenance, and management requirements and costs of each proposal will be considered. Most projects should have a monitoring component, but that should be specifically targeted and concise. Monitoring should answer one of two questions: 1) does the project function as designed and/or 2) does this project produce benefits that we would want to duplicate by funding similar projects? Ongoing land management must also be taken into account and indicated in the proposal.
- **Proposed Schedule Time Frame and Detail** identify the month and year for when the project is anticipated to begin and when the project would be completed. Identify the major tasks and relative timeframe to accomplish each task. Schedule must identify time needed for permitting and monitoring of the proposed FHE project.

Appendix 3

Consultation Documentation Regarding Draft Report

Presler, Dawn

From: Presler, Dawn

Sent: Monday, May 22, 2023 11:18 AM

To: Anne Savery; Brock Applegate; Jeff Garnett; Jennifer Bailey; Mike Rustay; Monica Kannadaguli; Nate

Morgan; Richard Vacirca; Tom O'Keefe; elizabeth.babcock@noaa.gov; Anna Thelen

Cc: Brown, Chad (ECY); Andrew McDonnell; Keith Binkley

Subject: JHP (FERC No. 2157) - draft FHE Plan Annual Rpt for 30d review and comment

Attachments: 2022 FHEP Annual Report.docx

Dear ARC,

Attached is the Fish Habitat Enhancement Plan DRAFT 2022 Annual Report for your 30-day review and comment period. Comments, if any, can be emailed back to me <u>by June 21, 2023</u>; comments of concurrence by then is also appreciated! As you will see, we have ~\$1.84M for allocating to FHE projects.

Have a wonderful week.

Cheers,
Dawn Presler
(she, her, hers)
Sr. Environmental Coordinator
Generation – Natural Resources
Snohomish County PUD No. 1
Everett, WA

(425) 783-1709 (work)