STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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September 23, 2011

Mr. Skip Sahlin
Pacific International Terminals, Inc
1131 Southwest Klickitat Way
Seattle, WA 98134

Dear Mr. Sahlin:

Re: Clearing of wetlands for geotechnical investigations on the Gateway Pacific Terminals project property – Corps Reference No.200800260.

The Department of Ecology (Ecology) was notified of unauthorized clearing of vegetation, including trees and other woody vegetation in wetlands and buffers on the Gateway Pacific Terminal site in July 2011. This work is considered to be in violation of state law. RCW 90.48.080 prohibits the discharge of pollutants into any of the waters of the state (including wetlands). Ecology is currently investigating this violation and reviewing Pacific International Terminal's (PIT) proposed mitigation for impacts to the wetlands.

On August 24, 2011, Ecology received the *Critical Areas Study and Mitigation Plan* (mitigation plan) dated August 19, 2011, prepared for PIT by AMEC Earth & Environmental, Inc. Ecology has now reviewed the mitigation plan and has the following concerns:

- The mitigation plan provides a description of how wetlands and buffers impacted by the clearing activities will be restored. However, the mitigation plan only addresses the replanting of those areas directly impacted by construction of the access roads and the side-cast material on the sides of the roads.

- Several large, older cottonwoods were cleared and at least one large cedar was cut in addition to the numerous small to moderate-sized alders and dense shrub understory. It will take many years, if not decades for these forest and shrub wetlands to re-establish into a multi-storied canopy and function as they did prior to the clearing activity.

To address these concerns, Ecology recommends the following changes/additions to the mitigation plan:

- Wetland mitigation should exceed the 1:1 restoration ratio for cleared wetlands and buffers to offset the temporal loss of wetland functions, primarily the habitat function. The requirements for temporal loss mitigation for this project are as follows:
  - A minimum of 2.9 acres of existing wetlands must be enhanced with trees and shrubs or 1.4 acres of wetland must be created from existing upland and planted with trees and shrubs;
  - The temporal loss mitigation area must be in a location that is proximate to the areas of impact, but well outside of the proposed project footprint, so that it will not be subject to future disturbance by the proposed project, should it proceed as planned.
  - The temporal loss mitigation area must be monitored for 10 years to determine whether the plan is successful.
- Access roads and other disturbed areas that already have small plants re-emerging from the soil should not be scarified.
- Trifolium hybridum, Agrostis stolonifera and Alopecurus pratensis are introduced species according to the PLANTS Database. Native species should be used for seeding in wetlands and their buffers to the extent possible. Trifolium wormskjolii is native, if you wish for a legume in the seed mix, and Festuca rubra and a native agrostis work well in a forest understory until trees become established, because they are low growing and don't compete for light and space as much as taller grasses .
- The monitoring program for restored wetlands and buffers must be 10 years. Monitoring activities must be conducted for years 1, 2, 3, 5, 7, and 10 and reports summarizing the mitigation activities must be submitted to Ecology in each of those years.

Based on the concerns and recommendations above Ecology is requesting that you prepare and submit a new mitigation plan that addresses the temporal loss to the wetlands and include the above requirements. Please contact Susan Meyer at 425/649-7168 or myself at 360/407-6068 if you have any questions and/or would like to setup a meeting to discuss this matter.

Sincerely,

Loree' Randall

Loree' Randall
401/ORA Unit Supervisor
Shorelands and Environmental Assistance Program

ecc: GPT MAP Team Members