



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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December 15, 2014

Kurt Siegfried  
CEMEX  
20700 44th Avenue W, Suite 240  
Lynnwood, WA 98036

RE: U.S. Army Corps of Engineers Reference #NWS-1994-729  
Administrative Order #10961 to permanently impact 6.35 acres of isolated wetlands to enable the construction and expansion of a gravel mine located at 22022 Mountain Loop Highway, Granite Falls, in Snohomish County, Washington.

Dear Mr. Siegfried:

The Department of Ecology (Ecology) received your Isolated Wetlands Information Sheet on January 2, 2014 requesting an Administrative Order for proposed work in isolated wetlands. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Doug Gresham at (425) 649-7199. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Paul Anderson, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

PA:mrw  
Enclosure

By certified mail: 7013 2250 0000 1369 9475

cc: Erin Legge, U.S. Army Corps of Engineers  
Kurt Siegfried, Cemex  
Lisa Palazzi, SCJ Alliance

e-cc: Loree' Randall, Ecology  
Raman Iyer, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)



STATE OF WASHINGTON  
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IN THE MATTER OF THE REQUEST ) ORDER #10961  
BY CEMEX FOR AN ) U.S. Army Corps of Engineers #NWS-1994-729  
ADMINISTRATIVE ORDER TO ) Granite Falls Aggregate Facility Project;  
CONDUCT WORK IN ISOLATED ) Granite Falls, Snohomish County, Washington.  
WETLANDS )

TO: CEMEX  
Attn: Kurt Siegfried  
20700 44<sup>th</sup> Avenue W., Suite 240  
Lynnwood, WA 98036

This is an Administrative Order requiring CEMEX, to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions that are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On January 2, 2014, CEMEX submitted a request to Ecology to impact 6.35 acres of isolated wetlands to enable the construction and expansion of a gravel mine located at 22022 Mountain Loop Highway, Granite Falls, in Snohomish County, Washington.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that CEMEX shall comply with the following:

1. Wetland compensatory mitigation and monitoring for the wetland fill shall be performed as described in the *Construction-Level Design Report Wetland Mitigation Area #1, CEMEX Granite Falls Mine Granite Falls, Washington* dated September 20, 2013, by Landau Associates, Inc. and *Wetland Mitigation Plan Addendum* dated November 11, 2014 prepared by SCJ Alliance except as modified in this Order.
  - a) Timing: The wetland mitigation plan shall be implemented prior to site construction for the development.
  - b) Construction Monitoring: The wetland mitigation grading activity and plant installation shall be monitored during construction by a qualified wetland ecologist to ensure proper elevations are achieved and plants are appropriately placed.

- c) Performance Standards: The performance of the wetland mitigation shall be measured by the standards listed under the Performance Standards section of the *Wetland Mitigation Plan Addendum*.
- d) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as specified in the Monitoring Plan section of the *Wetland Mitigation Plan Addendum*. Two copies of all monitoring reports shall be submitted to Ecology's Northwest Regional Office, Attn: Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 – 160<sup>th</sup> Avenue SE, Bellevue, WA, 98008-5452, identified with Order #10961.
- e) Maintenance: The Applicant is responsible for maintenance of the wetland mitigation site such that the required performance standards are met. Maintenance shall be performed as listed under the Maintenance section in the *Construction-Level Design Report Wetland Mitigation Area #1, CEMEX Granite Falls Mine Granite Falls, Washington*.
- f) Contingency Plan: The Applicant shall be responsible for preparing a contingency plan if performance standards and plan objectives have not been met. A contingency plan may include the items described under the Contingency Plan section in the *Wetland Mitigation Plan Addendum*.
- g) As-built Report: Submit a final as-built report with drawings for the wetland mitigation project, within 60 days of completing construction and planting. Send this report to Ecology's Northwest Regional Office, Attn: Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452.
- i. Provide one (1) electronic copy on compact disc and one (1) hard copy. Always prominently display the Corps Reference Number, Ecology Docket Number, or both.
  - ii. Include the following information in the as-built report:
    - a. Final site topography.
    - b. Photographs taken from permanent reference points.
    - c. Installed planting scheme with quantities, densities, sizes and approximate locations.
    - d. Types of habitat features and their locations.
    - e. Important dates including:
      - When the development project's construction began.
      - Starting and completion dates of the construction of the compensatory mitigation project including grading and planting of the site.
    - f. Name and contact information for the parties responsible for the mitigation site including the applicant, landowner, and wetland professional on site during construction.

- g. Description of and reasons for any changes to the plan.
  - h. Description of any problems that occurred during construction.
  - i. List of any follow-up actions needed with a schedule.
  - j. Copy of the deed notification.
- iii. If the mitigation project is not completed within 13 months of the date of this certification Corps Reference #NWS-1994-729, Order #10961, submit a written status report on the mitigation construction. Continue to submit status reports every 12 months until the construction (including planting) of the mitigation is complete and the final as-built report is submitted.
2. CEMEX shall provide access to the project site upon request by Ecology.
  3. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
  4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
  5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p><b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903</p>



Paul Anderson, Unit Supervisor  
Wetlands/401 Unit  
Shorelands and Environmental Assistance Program  
Northwest Regional Office



December 15, 2014