



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 15, 2011

Port of Vancouver USA
ATTN: Ms. Patty Boyden
3103 Lower River Road
Vancouver, WA 98660

RE: Amendment to Administrative Order No. 6902 to permanently fill 0.17 acres of isolated wetlands to construct the West Vancouver Freight Access Project at the Port of Vancouver, Clark County, Washington

Dear Ms. Boyden:

Enclosed is the first Amendment to the Administrative Order issued on July 14, 2009, for the above-referenced project site.

The purpose of this Amendment is to respond to the August 27, 2010, request and May 5, 2011, notification from the Port of Vancouver to change the wetland mitigation proposal. The original compensatory mitigation proposal consisted of 0.38 acres of wetland creation and 2.2 acres of wetland buffer enhancement on Port of Vancouver property at Terminal 5 West. The revised mitigation proposal mitigates for project impacts through the purchase of credits from the Columbia River Wetland Mitigation Bank. This Amendment authorizes the purchase of 0.17 credits to compensate for the project impacts.

If you have any questions, please contact Brad Murphy at (360) 407-6861. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

Enclosure

By certified mail 7010 0780 0002 3400 4619

e-cc: Loree Randall - Ecology, HQ
Lori Ochoa - Ecology, SWRO
Brad Murphy - Ecology, HQ
Kate Thompson - Ecology, HQ
ecyrefedpermits@ecy.wa.gov



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

**IN THE MATTER OF GRANTING)
A WATER QUALITY)
CERTIFICATION TO)
Port of Vancouver USA)
RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)**

**ORDER No. 6902, First Amendment
West Vancouver Freight Access Project
Clark County, Washington**

TO: Port of Vancouver USA
ATTN: Ms. Patty Boyden
3103 Lower River Road
Vancouver, WA 98660

As requested in the letter to Brad Murphy on August 27, 2010, and by subsequent e-mail dated May 5, 2011, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order No. 6902.

Order No. 6902 dated July 14, 2009, is hereby amended as follows:

Conditions C.1. through C.18. that read:

C. Wetland Compensatory Mitigation Conditions

1. The Applicant shall mitigate wetland impacts off-site at Terminal 5, as described in the report entitled *Wetland Mitigation Plan, Port of Vancouver, West Vancouver Freight Access Project*, dated April 2009, except as modified in this Order or revised and approved by Ecology.
2. The Applicant shall submit any changes to the mitigation plan in writing to Ecology (per condition A.2. above) for review and approval before work begins or when problems occur during construction requiring plan changes.
3. To ensure proper installation, the Applicant's wetland professional must supervise and inspect all mitigation site construction and planting.

Implementation

4. The Applicant shall begin the compensatory mitigation project before or concurrent with impacting wetlands. Ecology may require additional compensation to account for additional temporal loss if the mitigation is not completed in a timely manner.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and above the 100-year floodplain.

6. If seeding is used as a temporary erosion control BMP, it must be a wetland mix consisting of native, annual, non-invasive plant species.
7. The Applicant shall place signs at the mitigation area's boundaries, including buffers, to clearly mark the area as wetland mitigation.
8. Upon completion of site-grading and prior to planting, the Applicant shall submit to Ecology written confirmation that the finished grades are consistent with the approved mitigation plan or subsequent Ecology-approved plan changes. Written confirmation can be a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether they are consistent with the plan.
9. Within ninety (90) days of completing site construction and planting, the Applicant shall submit a final as-built report with maps to Ecology. The As-Built report must:
 - a. Document site conditions at Year Zero;
 - b. Be submitted to Ecology per Condition A.2. of this Order as one hard copy and one electronic file;
 - c. Include the information listed in Attachment B;
 - d. Include documentation of a Recorded Wetlands Notice.
10. If the mitigation project is not completed within 13 months of this Order's date, the Applicant shall submit a written construction status report and submit status reports every 12 months until construction and planting are complete and the final as-built report is submitted.
11. Within ninety (90) days of completing construction and planting, the Applicant shall record a Wetlands Notice (see Attachment C), a copy of Ecology's Order, and the as-built report. These documents must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.

Monitoring and Maintenance:

12. The Applicant shall water and maintain all plantings at the mitigation site to meet the mitigation plan's performance standards.
13. The Applicant shall monitor the mitigation site for a minimum of ten (10) years as described in the mitigation plan. Additional monitoring of the mitigation area may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
14. The Applicant shall submit monitoring reports (one hard copy file and one electronic file per Condition A.2. of this Order) to Ecology documenting site conditions at the mitigation site for the years listed in the mitigation plan, and the reports must contain, at a minimum, the information listed in Attachment D.
15. The Applicant shall implement the mitigation plan's contingency measures if goals, objectives, and performance standards are not being met.

16. Prior to implementing any unidentified contingency measures, the Applicant shall consult with Ecology.
17. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or a native plant alternative appropriate for the location, during the first available planting season and note the species, numbers, and approximate locations of all replanted materials in the subsequent monitoring report.
18. The property owner shall grant Ecology access to the mitigation area for inspection during the 10 year monitoring period or until mitigation success has been achieved.

Are Replaced With:

C. Wetland Compensatory Mitigation Conditions

1. Impacts to aquatic resources shall be mitigated through the use of the Columbia River Wetland Mitigation Bank. Credits to be withdrawn from the bank will be a total of 0.17 credits in accordance with the Columbia River Wetland Mitigation Bank Instrument. The Sponsor for this bank is:

Clark County Mitigation Partners, LLC
15600 NE 173rd Street
Woodinville, WA 98072

2. Proof of Mitigation Bank Credit Purchase: The Applicant shall submit the following to Ecology per Condition A.2 of the original Order:
 - a. The Applicant shall obtain and submit to Ecology registered documentation from the bank sponsor identifying the purchase of 0.17 credits for the project.
 - b. This documentation must be submitted to Ecology within 60 days of the issuance of this amendment.
 - c. This document must be registered at the Clark County Auditor's office and must include the Administrative Order number, Amendment issuance date, and the number of credits required by the Order.
3. The Applicant shall notify Ecology (per condition A.2) of any changes to the amount of wetland impacts, revision of the mitigation proposal, and submittal of new information being registered at the Clark County Auditor's office.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

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

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

CONTACT INFORMATION

Please direct all questions about this Order to:

Lori Ochoa
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775
loch461@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173.204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

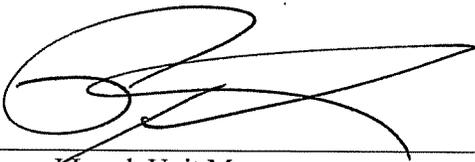
Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

7-15-2011

Date

