



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 14, 2012

Port of Vancouver
Attn: Lisa Willis
3103 NW Lower River Road
Vancouver, WA 98660

Re: First Amendment to Administrative Order #5091, to impact 1.03 acres of an isolated wetland to develop a new 7-lot light industrial park on a 58-acre site referred to as Parcel 8 located in west Vancouver, south of Vancouver Lake, at 3210 Northwest Lower River Road, Clark County, Washington

Dear Ms. Willis:

On September 20, 2007, the Washington State Department of Ecology (Ecology) issued an Administrative Order to the Port of Vancouver (Port) to fill a 1.03-acre isolated wetland in order to develop a new seven-lot light industrial park on a 58-acre site referred to as Parcel 8, located in west Vancouver, south of Vancouver Lake, at 3210 Northwest Lower River Road, in Clark County, Washington. To offset these impacts, a total of 1.60 acres of Category II emergent and forested wetlands were required to be created. The mitigation site is on Port property known as Parcel 6, off Northwest Lower River Road in Vancouver.

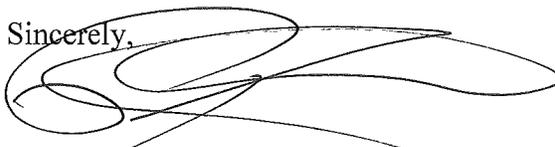
Ecology is amending the above-referenced Order to reflect the change in the mitigation requirements for the project. The Parcel 6 mitigation site has met its requirements for water quality and hydrologic functions. However, because of repeated flooding, the habitat function requirements are not being met. The Port shall therefore purchase 0.29 credits at the Columbia River Wetland Mitigation Bank to compensate for habitat functions as outlined in the "Mitigation Bank Use Plan and Wetland Mitigation Site Closeout Report," dated July 2012, and revised on December 12, 2012. Once the bank credits have been purchased, the Parcel 6 mitigation site will be released from further monitoring and maintenance requirements.



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The enclosed amendment may be appealed by following the procedures described in the amendment. If you have any questions, please contact Rebecca Schroeder at (360) 407-7273.

Sincerely,



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

BY CERTIFIED MAIL: 7011 1150 0000 7881 7261

e-cc: Steve Manlow - Corps of Engineers
Loree' Randall - Ecology, HQ
Lori Ochoa - Ecology, SWRO
Rebecca Schroeder - Ecology, SWRO
ecyrefedpermits@ecy.wa.gov

STATE OF WASHINGTON)	ORDER No. 5091
DEPARTMENT OF ECOLOGY)	First Amendment
IN THE MATTER OF GRANTING)	Parcel 8 Development
AN ADMINISTRATIVE ORDER TO)	Vancouver, Clark County, Washington
Port of Vancouver, WA)	
RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

To: Port of Vancouver USA
 Attn: Ms. Lisa Willis
 3103 Lower River Road
 Vancouver, WA 98660

On September 20, 2007, the Washington State Department of Ecology (Ecology) issued an Administrative Order to the Port of Vancouver (Port) to fill a 1.03-acre isolated wetland in order to develop a new seven-lot light industrial park on a 58-acre site referred to as Parcel 8, located in west Vancouver, south of Vancouver Lake, at 3210 Northwest Lower River Road, in Clark County, Washington. To offset these impacts, a total of 1.60 acres of Category II emergent and forested wetlands were required to be created. The mitigation site is on Port property known as Parcel 6, off Northwest Lower River Road in Vancouver.

Ecology is amending the above-referenced Order to reflect the change in the mitigation requirements for the project. The site has met its requirements for water quality and hydrologic functions. However, because of repeated flooding, the habitat function requirements are not being met. On July 3, 2012, the Port submitted to Ecology its "Mitigation Bank Use Plan and Wetland Mitigation Site Closeout Report," dated July 2012, and revised December 12, 2012. This report requests the use of wetland mitigation bank credits compensate for the habitat functions not provided by the existing mitigation site. Ecology approved this request in an email from Rebecca Schroeder, of Ecology, to Lisa Willis, of the Port, on September 10, 2012. The Port shall therefore purchase 0.29 credits at the Columbia River Wetland Mitigation Bank to compensate for habitat functions. Once this is done per Condition 2c below, the Parcel 6 mitigation site will be released from further monitoring and maintenance requirements.

Order No. **5091**, dated September 20, 2007, is hereby amended as follows:

Condition 2, which reads:

2. Project mitigation shall be constructed and maintained as described in the Wetland Mitigation Plan, dated November 2006.

Is replaced as follows:

2. Project mitigation shall be implemented as described in the Wetland Mitigation Plan, dated November 2006, and as revised in the "Mitigation Bank Use Plan and Wetland Mitigation

Site Closeout Report” dated July 2012 and revised on December 12, 2012, and the e-mail from Rebecca Schroeder to Lisa Willis dated September 10, 2012.

- a. Mitigation requirements for habitat functions shall be mitigated by the purchase of credits at the Columbia River Wetland Mitigation Bank.
- b. Credits to be withdrawn from the bank will be a total of 0.29 credits in accordance with the Columbia River Wetland Mitigation Bank Instrument. The Sponsor for this bank is:

Clark County Mitigation Partners, LLC
P.O. Box 354
Kirkland, WA 98083

- c. Proof of Mitigation Bank Credit Purchase: The Applicant shall submit to Ecology registered documentation from the bank sponsor identifying the purchase of 0.29 credits for the project.
 1. This document must be registered at the Clark County Auditor's office and must include a copy of Administrative Order #5091, a copy of this Amendment, and the number of credits required by the Amendment.
 2. This documentation must be submitted to Ecology within 60 days of the issuance of this amendment.
 3. Submit this document to the Department of Ecology, attn: Rebecca Schroeder, Southwest Regional Office, P.O. Box 47660, Olympia, WA 98504-7600.
- d. Once proof of mitigation bank credit purchase has been completed per condition 2c above, the Parcel 8 mitigation area shall be released from further monitoring and maintenance requirements.

Condition 6, which reads:

6. All mitigation sites shall be monitored for a 10-year period following project construction. Ecology may require additional monitoring of the mitigation area if wetland monitoring reveals that performance measures are not being met.

Is replaced as follows:

6. The existing mitigation site has been monitored for two years and has met performance standards for water quality and hydrologic functions. No further monitoring is required.

Conditions 7, 8, 9, 12, and 13, which read:

7. Wetland mitigation monitoring and maintenance shall be implemented as described in the *Wetland Mitigation Plan*, dated November 2006.
8. The Applicant is responsible for achieving the mitigation "Performance Standards" outlined in the *Wetland Mitigation Plan*. These performance standards shall be met over the 10-year monitoring period. The final mitigated wetlands shall meet the Category II characteristics as described in the *Washington State Wetlands Rating System for Western Washington*, revised August 2004.
9. Contingency measures shall be implemented as identified in the Contingency Plan section of the *Wetland Mitigation Plan*, dated November 2006. Prior to implementing any contingency measures, the applicant will consult with permitting agencies.
12. Two copies of the mitigation monitoring reports shall be submitted to Ecology's Southwest Regional Office Project Manager by December 31 of each monitoring year for years 1, 2, 3, 5, 7, and 10 and as further described in the *Wetland Mitigation Plan*, dated November 2006.
13. The remaining portion of Parcel 6 is currently proposed for use as a mitigation bank. Once the mitigation bank becomes authorized, the *Wetland Mitigation Plan*, dated November 2006, shall be revised as appropriate to ensure that it is consistent with the final Parcel 6 Mitigation Bank Instrument's goals and performance standards.

Are hereby removed.

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 both 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Rebecca Schroeder
Department of Ecology
Southwest Regional Office
P.O. Box 47600
Olympia, WA 98504-7600
360-407-7273
rebecca.schroeder@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use 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 34.05 RCW – Administrative Procedure Act

<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

Chapter 90.48 RCW – Water Pollution Control

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

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

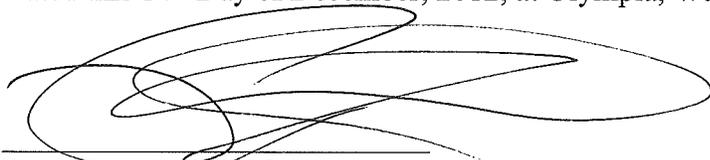
www.ecy.wa.gov/biblio/wac173200.html

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

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

SIGNATURE

Dated this 14th Day of December, 2012, at Olympia, Washington



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

