



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 10, 2012

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

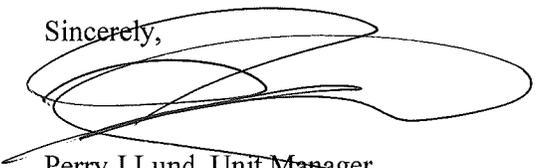
RE: Administrative Order #9343 to impact 1.76 acres of isolated wetlands to develop an area for receiving, storing, and transferring cargo on Parcel 1A at Northwest Lower River Road, Vancouver, Clark County, Washington; NE ¼ Section 20, Township 2 North, Range 1 East, WRIA 28, Salmon-Washougal Watershed.

Dear Ms. Willis:

On April 4, 2012, you submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) to request an Administrative Order for proposed work in isolated wetlands. The State of Washington 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 Rebecca Schroeder at 360-407-7273. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



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

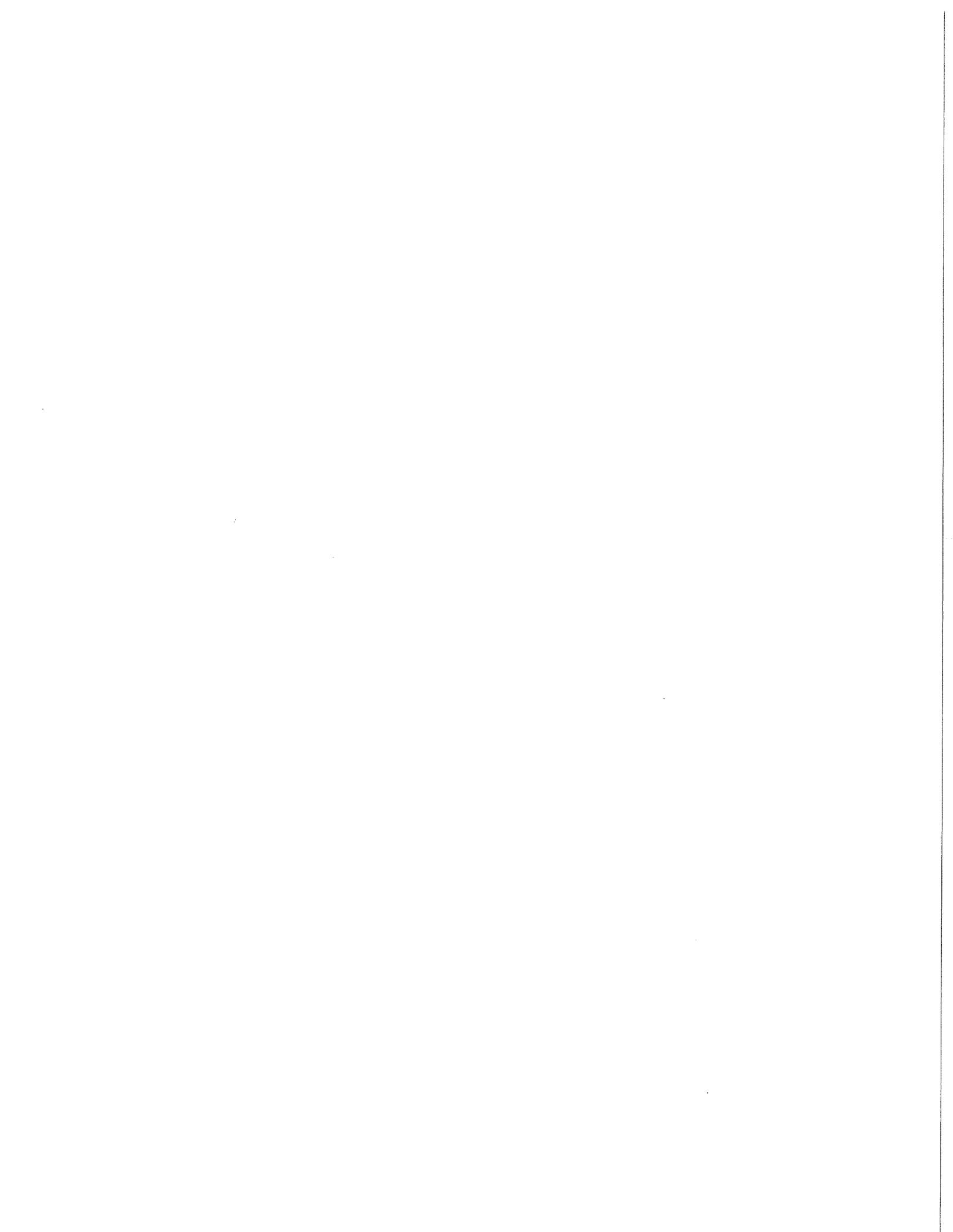
Enclosure

By certified mail 7011 1150 0000 7881 8626

cc: Tom Taylor, U.S. Army Corps of Engineers
Jon Wagner, City of Vancouver

e-cc: Loree' Randall, Ecology/Headquarters
Rebecca Schroeder, SWRO
ecyrefedpermits@ecy.wa.gov
Deb Cornett, SWRO
Lori Ochoa, SWRO





DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
THE PORT OF VANCOUVER)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 9343
CONDUCT WORK IN AN ISOLATED WETLAND)

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

This is an Administrative Order requiring the Port of Vancouver 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 may create a substantial potential to violate any provision of Chapter 90.48 RCW.

On April 4, 2012, the Port of Vancouver submitted a request to fill 1.76 acres of an isolated wetland to develop an area for receiving, storing, and transferring cargo or other similar permitted heavy industrial uses on a 22-acre site referred to as Parcel 1A. The site is located in West Vancouver, south of Vancouver Lake, at Northwest Lower River Road, Vancouver, Clark County, Washington; NE ¼ Section 20, Township 2 North, Range 1 East, WRIA 28, Salmon-Washougal Watershed.

This Administrative Order authorizes 1.76 acres of Category IV isolated wetland impacts at the Port of Vancouver Parcel 1A development site. To offset these impacts, the applicant will purchase 1.496 credits at the Columbia River Mitigation Bank, as described in further detail below.

For purposes of this Order, the term "Applicant" shall mean the Port of Vancouver and its agents, assigns, and contractors.

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

IT IS ORDERED that the Applicant shall comply with the following:

A. General Conditions:

1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the Joint Aquatic Resources Permit Application (JARPA) received by Ecology on April 4, 2012.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O.

Box 47775, Olympia, WA 98504-7775. All submittals shall reference Order No. 9343 and Corps Reference No. NWP-2012-135.

3. The Applicant shall provide access to the project site upon request by Ecology.
4. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
5. 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 workers, and state and local government inspectors.
6. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that 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.

B. Notification Requirements:

1. The Applicant shall provide written notification (FAX, e-mail, or mail) to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to a pre-construction meeting
 - b. At least ten (10) days prior to the onset of any work on site
 - c. At least ten (10) days prior to the onset of in-water work, including wetlands
 - d. At least ten (10) days prior to the onset of work at the wetland mitigation site
 - e. Immediately following a violation of the state water quality standards or any condition of this Order
 - f. Within fourteen (14) days after completion of construction.

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 1.496 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

CONTACT INFORMATION

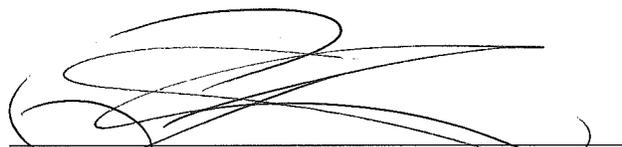
Please direct all questions about this Order to:

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 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 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE



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

Date

10 July 2012

2. Proof of Mitigation Bank Credit Purchase: The Applicant shall submit the following to Ecology per Condition A.2:
 - a. The Applicant shall obtain and submit to Ecology registered documentation from the bank sponsor identifying the purchase of 1.496 credits for the project.
 - b. This documentation must be submitted to Ecology within 60 days of the issuance of this Order.
 - c. This document must be registered at the Clark County Auditor's office and must include the Administrative Order number, Order 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.

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 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 Rd SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903