



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 11, 2013

Ritchie Bros. Properties Inc.
Attn: Mr. Ben Swanson
9500 Glenyon Parkway
Burnaby, BC Canada V5J0C6

Re: Administrative Order No. 9772 to permanently fill 0.99 acres of isolated wetlands to construct the Ritchie Bros. Properties Auction Facility – Exit 68 in Lewis County, Washington

Dear Mr. Swanson:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application on January 2, 2013, 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 Alex Callender at (360) 407-6167. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



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

PJL:AC:th
Enclosure

cc: Jerry Gregory, U.S. Army Corps of Engineers
Ed Sewall, of Sewall Wetland Consulting, Inc.
Lynn Deitrick, of Lewis County

BY CERTIFIED MAIL: 7010 2780 0000 2503 9961



e-cc: ECY RE FED PERMITS
Lori Ochoa, Ecology/SWRO
Loree' Randall, Ecology/Headquarters
Alex Callender, Ecology /SWRO
Deborah Cornett, Ecology/SWRO

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER No. 9772
Ritchie Bros. Properties Inc.)
FOR AN ADMINISTRATIVE ORDER TO) Corps No. NWS-2010-1130
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Ritchie Bros. Properties Inc.
Attn: Ben Swanson
9500 Glenyon Parkway
Burnaby, BC Canada V5J0C6

This is an Administrative Order requiring Ritchie Bros. Properties Inc. 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.

Ecology received the Ritchie Bros. Properties Inc. Joint Aquatic Resources Permit Application (JARPA) on January 2, 2013, requesting an Administrative Order to impact 0.99 acres (43,035 sq. feet) of isolated Category III and IV wetlands to construct the Ritchie Bros. Properties Auction Facility--Exit 68 on a 203-acre site in Lewis County. The site is located west of I-5 at exit 68 in Lewis County, WA; Section 1, Township 12N, Range 2W, W.M., WRIA 27, Lewis Watershed.

This Administrative Order authorizes .99 acres (43,035 sq. feet) of isolated Category III and IV wetland impacts at the project location. On-site mitigation for this proposal will consist of 1.98 acres (86,248.8 square feet) of new wetland creation area, with a 100-foot-wide buffer, to compensate for filling of the 0.495 acre (21,562 sq. feet) Category III and the .496 acre (21,605 sq. feet) Category IV wetlands. The mitigation also includes 4.68 acres (203,860 square feet) of isolated wetland preservation and enhancement, and 18.03 acres (785,387 sq. feet) of buffer enhancement as proposed in the *Preliminary Wetland Mitigation Plan for Ritchie Bros. Properties Auction Facility – Exit 68*, dated January 9, 2010. The project and mitigation will occur in the approximate location of Section 1, Township 12N, Range 2W, W.M., in Lewis County, WA.

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 JARPA received by Ecology on January 2, 2013, or as otherwise approved by Ecology.
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. Any submittals shall reference Order No. 9772 and Corps No. NWS-2010-1130
3. The Applicant shall provide access to the project site and mitigation site upon request by Ecology.

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 a 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 interests.
6. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.

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 project 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. The Applicant shall mitigate wetland impacts as described in the plan entitled *Preliminary Wetland Mitigation Plan for Ritchie Bros. Properties Auction Facility* prepared by Ecological Land Services dated June 9, 2010 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. The Applicant shall not use polyacrylamide on exposed or disturbed soil at the mitigation site(s). The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
7. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
8. If seeding is used as a temporary erosion control BMP, it must be a wetland mix consisting of native, annual, non-invasive plant species.
9. The Applicant shall place signs every 50 feet at the landward edge of the mitigation area's buffers, which mark the area as a wetland mitigation area.
10. 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 approving final elevations and noting whether they are consistent with the plan.
11. 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;
12. Include documentation of a Recorded Wetlands Notice. 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.
13. 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:

14. The Applicant shall water and maintain all plantings at the mitigation site to meet the mitigation plan's performance standards.
15. 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.
16. 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. The monitoring reports must:
 - a. Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
 - b. Include the information listed in Attachment D (Information Required for Monitoring Reports).
17. The Applicant shall implement the mitigation plan's contingency measures if goals, objectives, and performance standards are not being met.
18. Prior to implementing any unidentified contingency measures, the Applicant shall consult with Ecology.
19. 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.
20. 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.
21. For monitoring years five (5) and ten (10) the Applicant shall use the currently approved federal wetland delineation manual and appropriate regional supplement to delineate all compensatory wetlands and include delineation information (e.g. data sheets, maps, etc.) in the monitoring reports.

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

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

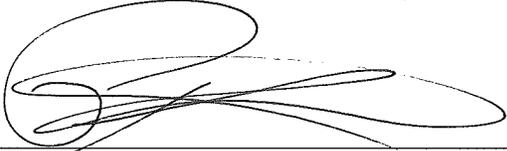
MORE INFORMATION

- **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

4/12/2013
Date

Attachment A
Statement of Understanding

Ritchie Bros. Properties Inc.
Ritchie Bros. Auction Facility–Exit 68
Administrative Order No. 9772
and
Corps No. NWS-2010-1130

I, _____, state that I will be involved as an agent or contractor for Ritchie Bros. Properties Inc., in the site preparation and/or construction of the Ritchie Bros. Properties Inc. project located on a 203+-acre site at exit 68 in Lewis County, WA; on a portion of Section 1, Township 12N, Range 2W, W.M., WRIA 27, Lewis Watershed. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Administrative Order No. 9772 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company



Attachment B

Information Required for As-built Reports

Ritchie Bros. Properties Auction Facility –Wetland Mitigation
Or
Administrative Order No. 9772
And
Corps Reference No. NWS-2010-1130

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) Wetland professional on site during construction of the mitigation sites.
- 4) Date the report was produced.

Mitigation Project Information

- 5) Brief description of the **final** mitigation project with any changes from the approved plan made during construction. Include:
 - a) **Actual** acreage of Cowardin classes and mitigation types (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
 - b) Important dates, including:
 - i. Start of project construction.
 - ii. When work on the mitigation site began and ended.
 - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
- 6) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the mitigation sites.
- 7) List of any follow-up actions needed, with a schedule.
- 8) Vicinity map showing the geographic location of the sites with landmarks.
- 9) Mitigation site maps, 8-1/2" x 11" or larger, showing the following:
 - a) Boundary of the site(s).
 - b) Topography (with a description of how elevations were determined).
 - c) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
 - d) Location of habitat features.
 - e) Location of permanent photo stations and any other photos taken.

Include the month and year when each map was produced or revised. The site maps should reflect on-the-ground conditions after the site work is completed.

- 10) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
- 11) A copy of any deed notifications, conservation easements, or other approved site protection mechanism.

Attachment C
Wetland Notice for Deed Notification

Ritchie Bros. Properties Auction Facility - Wetland Mitigation
Or
Administrative Order No. 9772
Corps Reference No. NWS-2010-1130

Tax Parcel Number:

Legal Description:

Legal Owner:

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(21) RCW, Chapter 90.58.030 (2)(h) RCW and WAC 173-201A-020. The property was the subject of an Ecology action under Chapter 90.48.260 RCW or Chapter 90.48.120(1) RCW.

_____, issued on

_____, 20__

(Corps federal reference #)

(Ecology Docket #)

to _____

for _____.

(Applicant Name)

(Project Name)

Restrictions on use or alteration of the wetlands may exist due to natural conditions of the property and resulting regulations. A copy of Ecology's Order and the site map from the final wetland mitigation plan indicating the location of wetlands and their buffers is attached hereto.

EXECUTED this _____ day of _____, 20 ____.

State of Washington)

County of _____)

I certify that I know or have satisfactory evidence that _____
signed this instrument and acknowledged it to be his/her free and voluntary act for the
uses and purposes mentioned in this instrument.

GIVEN under my hand an official seal this _____ day of _____, 20 ____.

Washington, NOTARY PUBLIC in and for the state of
residing at
_____. (Amended by Ord. 11200 § 50 (part), 1996)

Attachment D

Information Required for Monitoring Reports

Ritchie Bros Properties Auction Facility – Wetland Mitigation

Administrative Order No. 9772

And

Corps Reference No. NWS-2010-1130

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) The party responsible for the monitoring activities.
- 4) Dates the monitoring data were collected.
- 5) Date the report was produced.

Mitigation Project Information

- 6) Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
- 7) Description of the monitoring approach and methods.
- 8) Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
- 9) Discussion of how the monitoring data were used to determine whether the sites are meeting performance standards.
- 10) Goals and objectives and a discussion of whether the project is progressing toward achieving them.
- 11) Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
- 12) Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
- 13) Specific recommendations for additional maintenance or corrective actions with a timetable.
- 14) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
- 15) Vicinity map showing the geographic location of the site(s) with landmarks.
- 16) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:

- a) Boundary of the site(s).
- b) Location of permanent photo stations and any other photos taken.
- c) Data sampling locations, such as points, plots, or transects.
- d) Approximate locations of any replanted vegetation.
- e) Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.