



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 6, 2007

REGISTERED MAIL
RB 252 944 916 US

Lewis County Public Works
ATTN: Craig Swanson
350 N. Market Blvd.
Chehalis, WA 98532

RE: **Administrative Order No. 4206:** Administrative Order for placement of 0.46 acre of fill in wetlands on prior converted cropland (PCC) to extend Rush Road north from Bishop Road through the Port of Chehalis Industrial Park, Lewis County, Washington

Dear Mr. Swanson:

The request for an administrative order for proposed work in wetlands on prior converted croplands to construct the extension of Rush Road north from Bishop Road through the Port of Chehalis Industrial Park to connect to Maurin Road, Lewis County, has been reviewed. 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 appropriate requirements of State law. This order does not authorize the placement of fill in wetlands determined to be regulated by the U.S. Army Corps of Engineers under Corps Reference No. 200601009. Those activities are covered under a separate authorization from Ecology.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Mark Cline at (360) 407-7273. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Paula Ehlers
Section Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program

LO:th
Enclosure

cc: Sandra Manning, U.S. Army Corps of Engineers
Kernan Lien, Lewis County
Scott Brummer, WDFW



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
Lewis County Public Works,)
ATTN: Craig Swanson)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. **4206**
CONDUCT WORK IN A)
PRIOR CONVERTED CROPLAND WETLAND)

To: Lewis County Public Works
ATTN: Craig Swanson
350 N. Market Blvd.
Chehalis, WA 98532

This is an Administrative Order requiring Lewis County Public Works to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which 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 November 7th, 2006, Lewis County Public Works submitted a request to Ecology to impact 0.46 of an acre of wetlands on prior converted croplands to extend Rush Road north from Bishop Road through to Maurin Road and on to Jackson Highway within the Port of Chehalis Industrial Park area. In addition to the road extension, the project will include the construction of associated utilities, culverts, storm water drainage systems, and the wetland mitigation area. Impacts will be compensated for through wetland enhancement and preservation on parcels of land contiguous with the project site. The project is located approximately 1.5 miles southeast of the City of Chehalis at the southwest stub of Maurin Road, Lewis County, NE Section 15, Township 15 North, Range 2 West, WRIA No. 23, Lower Chehalis Watershed

For purposes of this Order, the term "Applicant" shall mean Lewis County Public Works and its agents, assignees, and contractors.

For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Coordinator, P.O. Box 47775, Olympia, WA 98504-7775. Any submittals shall reference Order No. **4206**.

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

IT IS ORDERED that Lewis County Public Works shall comply with the following:

- 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 November 7th, 2006 and in the

Wetland Mitigation Plan for Rush Road Extension, Chehalis, Washington dated April 10, 2006, and as revised April 2007 or as otherwise approved by Ecology.

2. Project mitigation shall be constructed and maintained as described in the Joint Aquatic Resource Permit Application (JARPA) received by Ecology on November 7th, 2006 and in the Wetland Mitigation Plan for Rush Road Extension, Chehalis, Washington dated April 10, 2006, and as revised April 2007 or as otherwise approved by Ecology.
3. Compensatory mitigation construction and installation shall occur prior to or concurrently with, project impacts to wetlands.
4. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
5. An "as built" report shall be prepared after construction showing any variances from the final mitigation plan. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:
 - comments from a wetland specialist present on site during mitigation construction;
 - final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
 - photographs of the area taken from permanent photo points which will be designated on the site plan; and,
 - the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting
 - an analysis of any changes to the mitigation plan that occurred during construction.
 - documentation that the wetland mitigation area and buffers have been recorded on the property deed for the Wetland Mitigation Site.

A copy of the "as-built" report and drawings shall be sent to Ecology's Southwest Regional Office Attn: Federal Permit Coordinator at P.O. Box 47775, Olympia, WA 98504-7775, within 60 days of completing construction and planting, and in no case later than December 31 of the year that construction is completed.

6. Monitoring and Contingency Plan: Mitigation efforts shall be monitored for compliance with the performance standards referenced in the Wetland Mitigation Plan for Rush Road Extension, Chehalis, Washington dated April 10, 2006 and as revised April 2007.
 - A.) All mitigation sites will be monitored for a ten year period. A written report describing the monitoring results will be submitted to the Department of Ecology's Southwest Regional Office Attn: Federal Permit Manager, by December 31 of years one, two, three, five, seven, and ten after completion of the mitigation installation.

- B.) Prior to implementing any contingency measures, applicant will consult with permitting agencies.
 - C.) Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met
 - D.) Any changes to the mitigation plan or monitoring requirements must be approved by Ecology before they are incorporated into the plan or implemented on the ground.
7. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
8. 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.
9. 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.

Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608

In addition, please send a copy of your appeal to:
Loree' Randall

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Department of Ecology
P O. Box 47600
Olympia, Washington 98504-7600

For additional information Environmental Hearings Office Website: <http://www.eho.wa.gov>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 6 day of April, 2007, at Olympia, Washington



Paula Ehlers
Section Manager
Southwest Regional Office
Shorelands and Environmental Assistance Program