



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

November 5, 2004

REGISTERED MAIL
RB 252 878 390 US

Mr. Mark Giffey
Port of Chehalis
222A Downie Road
Chehalis, WA 98532

RE: **Order No. 1775:** Administrative Order for placement of fill in 23.22 acres of wetlands on Prior Converted Croplands to expand the Fred Meyer Regional Distribution Center near the intersection of Maurin Road and Rush Road North in Lewis County, Washington

Dear Mr. Giffey:

Your request to impact 23.22 acres of wetlands on prior converted croplands to expand the regional distribution center for Fred Meyer in Lewis County, Washington 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 approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Brad Murphy at (360) 407-7273. Written comments can be sent to him at the Department of Ecology, Southwest Regional Office, SEA Program, P.O. Box 47775, Olympia, Washington 98504-7775 or at e-mail bmur461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

JS:PE:dn
Enclosure

cc: B-Twelve Associates
Penny Keys, Ecology HQ/SEA

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
The Port Of Chehalis)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 1775
CONDUCT WORK IN A WETLAND ON)
PRIOR CONVERTED CROPLANDS)

To: Mr. Mark Giffey
Port of Chehalis
222A Downie Road
Chehalis, WA 98532

This is an Administrative Order requiring the Port of Chehalis (the Port) 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 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 October 18, 2004, The Port submitted a request that impacts 23.22 acres of wetlands on prior converted croplands (PCC) to expand the regional distribution center for Fred Meyer in Lewis County, Washington.

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

IT IS ORDERED that The Port shall comply with the following:

1. The Port shall construct and operate the project in a manner consistent with the project description contained in the JARPA submitted by B-12 Associates on October 18, 2004 and as otherwise approved by Ecology.
2. The applicant shall comply with the construction stormwater permit issued for this project.
3. Stormwater management for the operation of the project shall comply with Ecology's Stormwater Management Manual for Western Washington.
4. Project mitigation shall be constructed and maintained as described in the letter from the Port addressed to Paula Ehlers dated November 4, 2004.
 - 4.1. The City of Chehalis will record a conservation easement on 13 acres owned by the City in Section 20, Township 14 North, Range 2 West, Willamette Meridian, Lewis County. This property is located south of the Southwest Washington Fairgrounds. If an agreement is not reached on a programmatic mitigation plan before December 31, 2009, a deed restriction shall be filed on this piece of property.
 - 4.2. A copy of the conservation easement shall be sent to Jo Sohneronne, Federal Permit Coordinator, Department of Ecology SWRO, PO Box 47775, Olympia, WA 98504-7775 no later than December 6, 2004.

- 4.3. Ecology and the Port shall initiate discussions for developing a programmatic mitigation plan for future development in wetlands on prior converted croplands owned by the Port on or before May 27, 2005.
- 4.4. The conservation easement described in 3.1 above shall remain in effect until a programmatic mitigation plan has been agreed to.
5. The Port shall provide access to the project site and all mitigation sites upon request by Ecology.
6. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. 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.
8. 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.

Any person aggrieved by Order No. 1775 may obtain review thereof by appeal. Pursuant to Ch. 43.21B. RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, PO Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

DATED this 5th day of November 2004, at Lacey, Washington.



Paula Ehlers
Section Manager
Shorelands and Environmental Assistance Program