



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 25, 2021

Benaroya Capital Company
Attn: Joe Alhadeff
3600 136th Place SE, Suite 250
Bellevue, WA 98006

Re: Administrative Order No. 19625 to permanently fill/impact 1.28 acres of non-federally regulated wetlands to construct the Winlock Industrial Park in Lewis County, Washington

Dear Joe Alhadeff:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on January 6, 2021, requesting an Administrative Order for proposed work in non-federally regulated 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. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Zach Meyer, Ecology Wetland/Shoreland Specialist at 360-407-6167 or zachary.meyer@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", is written over a blue circular stamp or seal.

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

Enclosure

e-cc: Evan Carnes, U.S. Army Corps of Engineers
ECYREFEDPERMITS@ECY.WA.GOV

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER No. 19625
BENAROYA CAPITAL COMPANY)
FOR AN ADMINISTRATIVE ORDER TO) Corps Ref. No. #NWS-2020-697
CONDUCT WORK IN NON-FEDERALLY)
REGULATED WETLANDS)

TO: Benaroya Capital Company
Attn: Joe Alhadeff
3600 136th Place SE, Suite 250
Bellevue, WA 98006

This is an Administrative Order requiring Benaroya Capital Company 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.

Ecology received the Benaroya Capital Company Joint Aquatic Resources Permit Application (JARPA) on January 6, 2021, requesting an Administrative Order to impact 1.28 acres of non-federally regulated wetlands to construct the Winlock Industrial Park in Lewis County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on September, 17, 2020. The site is located at 268 N Military Road, Winlock, WA 98596; Section, Township, Range, (NW 36 12N 02W, SW 25 12N 02W, SE 26 12N 02W, and NE 35 12N 02W); Lewis County; WRIA 26 Cowlitz.

This Administrative Order authorizes 1.28 acres of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of purchase of 1.089 mitigation credits from the Coweeman River Wetland and Conservation Bank and all other actions as proposed in the *Soundview Consultant's Wetland Bank Use Plan* dated January 2021.

For purposes of this Order, the term "Applicant" shall mean Benaroya Capital Company 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 JARPA received by Ecology on January 6, 2021, 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: Zach Meyer, SEA Program, PO Box 47775, Olympia, WA, 98504 or via email to fednotification@ecy.wa.gov and a cc to zachary.meyer@ecy.wa.gov. Any submittals shall reference Order No. 19625.
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 forepersons, 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 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.
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.
7. Remaining onsite wetlands are still considered waters of the state. Any future impacts to these areas shall be subject to state permitting.
8. Remaining onsite wetlands shall be protected with undisturbed buffers as depicted on Sheet 3 of 3 within the WETLAND AND STREAM ASSESSMENT REPORT, by Soundview Consultants, dated July 2020, revised January 2021.

B. Notification Requirements:

1. The Applicant shall provide written notification to Ecology in accordance with condition A.2. at least three (3) days prior to the start of construction at the project site.
2. The Applicant shall provide written notification to Ecology in accordance with condition A.2. within fourteen (14) days after completion of construction.

NOTE: These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

C. Wetland Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the *Wetland Bank Use Plan* (hereafter called the “Mitigation Plan”) prepared by Soundview Consultants and dated January 6, 2021, or as modified by this Order or revised and approved by Ecology.
2. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 1.089 wetland mitigation bank credits (credits) from the Coweeman River Wetland and Conservation Bank. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.
3. The Applicant shall notify Ecology of any changes to the amount of wetland impacts, or revisions to the mitigation plan.
4. The Applicant shall complete the purchase of credits before the impacts to wetlands occur or Ecology may require additional compensation to account for temporal loss of wetland functions.
5. If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
 - a) Winlock Industrial Park
 - b) When bank credits will be purchasedWith the:
 - c) Reason for the delay
 - d) Expected date of completion.

The Applicant shall submit an updated written notification every 12 months thereafter until Winlock Industrial Park is complete and the required credits are purchased.

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 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:

Zach Meyer, Wetland/Shoreland Specialist
Department of Ecology
Southwest Regional Office
PO Box 47775, Olympia, WA 98504
360-407-6167
zachary.meyer@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

DATED February 25, 2021, at Olympia, Washington.



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