



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) AMENDED AGREED
THE PORT OF LONGVIEW TO) ORDER
IMPLEMENT AN ADVANCE WETLAND) DOCKET #15815
MITIGATION SITE

To: Port of Longview
Attn: Lisa Hendriksen
10 International Way
Longview, WA 98632

Site Name	Willow Grove Advance Wetland Mitigation Site
Location	Parcel numbers WL1512002 , WL1516001, 608640100, WL2201001, 60864, 60865, 608650100, and 608650200, in Sections 15, 22, and 23, Township 8N, Range 3W WM, Cowlitz County, WA
Description	Enhance and preserve existing onsite wetlands to establish an advance mitigation site.

I. INTRODUCTION

The Port of Longview (Port) entered into an Agreed Order 158515 (AFN 3614768) with the Department of Ecology for the implementation of the Willow Grove Advance Wetland Mitigation Site (Mitigation Site). Columbia Land Trust, a nonprofit conservation organization, purchased the Mitigation Site for the perpetual protection and conservation of its wetland functions and values. The Port, to obtain mitigation credit, reserved the right to perform restoration work on the Mitigation Site. The Department of Army (the Corps) accepted the Willow Grove Advance Wetland Mitigation plan for the Mitigation site under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act under NWP 2016-597/I.

The Agreed Order incorporated the *Willow Grove Advance Wetland Mitigation Plan* dated December 18, 2018 (Mitigation Plan). The Port seeks this Amended Agreed Order to update Section XII of the Mitigation Plan that provides the Corps with certain rights thereunder.

II. RECOGNITION OF ECOLOGY'S JURISDICTION

This Amended Order is issued pursuant to the authority vested in Ecology by the Federal Water Pollution Control Act (FWPCA), 33 USC sec 1311, et seq.; and by chapter 90.48 RCW.

III. COMPLIANCE WITH APPLICABLE LAWS

This Order does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal, state, and local agencies.

IV. SCOPE OF WORK

In accordance with RCW 90.48, IT IS AGREED that the *Willow Grove Advance Wetland Mitigation Plan* dated December 18, 2018 has been amended to revise Section XII, as set forth in **Attachment A** to this Amended Agreed Order, which gives the Corps authority to enforce the terms of the Mitigation Plan. The amended Mitigation Plan has been executed by the Port, Ecology, the Corps and Columbia Land Trust and is incorporated into the Agreed Order through this amendment.

V. AMENDATORY

All other terms and conditions of the Agreed Order, except as modified by this Amended Agreed Order remain in full force and effect.

VI. CONTACT INFORMATION

Please direct all questions and submittals regarding this Order to:

Patricia Johnson
Department of Ecology
Headquarters
PO Box 47600
Olympia, WA 98504-7600
360-407-6140
patricia.johnson@ecy.wa.gov

All submittals shall reference Order No. 15815.

Notices to be sent to the Port as required by this Order shall be sent to the following:

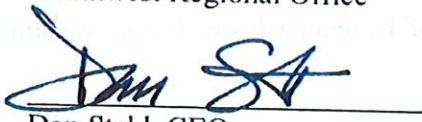
Lisa Hendriksen
Port of Longview
10 International Way
Longview, WA 98632
360-425-3305
lhendriksen@PortofLongview.com

VII. SIGNATURE



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

September 23, 2021
Date



Dan Stahl, CEO
Port of Longview

25 Sep 2021
Date

ATTACHMENT A

Amendment to the Willow Grove Advance Wetland Mitigation Plan

Dated December 18, 2018

Section XII. Long-Term Management Plan

Trash Removal

Trash found during installation and monitoring site visits will be removed; any damage resulting from trespassing and/or vandalism will be corrected.

Maintenance

Following achievement of Year 10 Performance Standards, maintenance will consist of removing Class A noxious weeds and mowing invasive species up to every other year as needed to maintain Year 10 Performance Standards until all mitigation value is used. This is anticipated to cost up to \$5,000 annually and will be paid through the Port's General fund, reimbursable to CLT (or property steward), or payable to a contractor hired by the Port.

Monitoring

Monitoring will occur as stated in Section X and corrective action will be funded by the Port until all mitigation value is used. Any issues that negatively affect the project during that time will be investigated, recommendations for rectifying the problem will be submitted to Ecology and the Corps, and appropriate management actions will be taken. Following use of all earned mitigation value and completion of monitoring requirements, maintenance and monitoring on CLT-owned land will be at the discretion and expense of CLT.

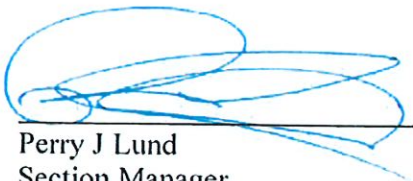
The Port will coordinate expenses for maintenance of Parcels A and B or will transfer ownership of these Parcels to a third-party land steward for preservation in perpetuity.

Third-Party Rights of Enforcement

USACE is a third-party beneficiary of this Long-Term Management Plan (LTMP). With respect to that portion of the mitigation site on CLT property, CLT hereby grants third-party rights of enforcement to the United States of America, acting by and through USACE, and CLT hereby consents to the creation of said third-party rights. USACE, and its respective designees, shall have the right to access (with prior notification) the Protected Property in order to monitor and ensure compliance with the terms of this LTMP. Additionally, USACE shall be notified in writing sixty (60) days before any action is taken to void, modify, transfer, amend, or terminate this Long-Term Management Plan, and any such action shall be taken only with the express written consent of USACE.

USACE shall have the right, but not the obligation, to enforce any and all of the terms of this LTMP, including, but not limited to, the right to:

- a) bring or intervene in an action at law or in equity in a court of competent jurisdiction to enforce the terms of this LTMP;
- b) enjoin a violation of any term(s) of this LTMP by temporary or permanent injunction;
- c) recover any damages to which it may be entitled for a violation of any term(s) of this LTMP; and
- d) require the restoration of the Property to the condition that existed prior to any such violation.



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

September 23, 2021
Date



Dan Stahl, CEO
Port of Longview

25 Sep 2021
Date

Brad Johnson

Brad Johnson
Regulatory Project Manager
United States Department of Army
Corps of Engineers Division

27 September 2021
Date



Ian Sinks
Stewardship Director
Columbia Land Trust

7 October 2021
Date

