



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

April 24, 2024

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

Re: Administrative Order No. **22614** to permanently fill/impact 0.274 acres of non-federally regulated wetlands, which are waters of the state, to construct Port of Longview Industrial Rail Corridor Expansion (IRCE) Project in Cowlitz County, Washington

Dear Lisa Hendriksen:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on August 2, 2023, requesting authorization for proposed work in non-federally regulated wetlands, which are waters of the state. 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 Meghan Tait at [Meghan.Tait@ecy.wa.gov](mailto:Meghan.Tait@ecy.wa.gov) or 360-210-2783. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Maria Sandercock, Region Manager  
Southwest Region  
Shorelands and Environmental Assistance Program

Enclosure (1)

Port of Longview  
Administrative Order No. 22614  
April 24, 2024  
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By certified mail: 9489 0090 0027 6094 0259 63

Sent via email to: [lhendriksen@portoflongview.com](mailto:lhendriksen@portoflongview.com)

e-cc: Kinsey Friesen, U.S. Army Corps of Engineers  
Matt Kuziinsky, Achor QEA  
McAllister Kosar, City of Longview  
Wayne Nelson, Cowlitz County  
Meghan Tait, Department of Ecology  
ECYREFEDPERMITS@ECY.WA.GOV

In The Matter of Issuing an Administrative Order  
to Port of Longview  
pursuant to RCW 90.48.120 and WAC 173-201A

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

<b>Order No.</b>	22614
<b>Corps Reference No.</b>	NWP-2017-349
<b>Site Location</b>	Port of Longview Industrial Rail Corridor Expansion (IRCE) Project, located within Wetlands C and D, Longview, Cowlitz County, Washington.

This is an Administrative Order requiring Port of Longview 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(2) 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.

The U.S. Army Corps of Engineers (Corps) issued a jurisdictional determination on June 5, 2018, concluding that Wetland C and D are not waters of the U.S. On August 2, 2023, Ecology received a request to impact 0.274 acres of non-federally regulated wetlands, which are waters of the state, to construct Port of Longview Industrial Rail Corridor Expansion (IRCE) Project in Cowlitz County. The project is located near 467 Fibre Way in Longview, Section 9, 10, and 11, Township 7N, Range 2W, and WRIA 25 Grays-Elochoman.

NOTE: Ecology has also issued a Section 401 Water Quality Certification No. 22603 for this project.

This Administrative Order authorizes 0.274 acres of Category 3 wetland impacts at the project location. Offsite Mitigation for this proposal will consist of 2.74 acres of wetland preservation and all other actions as proposed in the *Mitigation Plan*, prepared by Ecological Land Services, dated December 6, 2023. The mitigation will occur at Willow Grove Advance Wetland Mitigation Site on parcels WLI512002, WL1516001, 608640100, WL2201001, 60864, 60865, 608650100, and 608650200.

For purposes of this Order, the term "Project Proponent" shall mean Port of Longview and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the Project Proponent shall comply with the following:

**A. General Conditions:**

1. The Project Proponent shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on August 2, 2023, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and a cc to [Meghan.Tait@ecy.wa.gov](mailto:Meghan.Tait@ecy.wa.gov). Any submittals shall reference Order No. 22614.
3. The Project Proponent 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 Project Proponent 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 Project Proponent shall provide Ecology a signed statement (see Attachment A for an example) before construction begins at the project.
7. To transfer this Order to a new owner or operator the Project Proponent shall:
  - a. Complete a Request for Transfer of Order with a specific transfer date of the Order's obligations, coverage, and liability and submit it to Ecology per condition A.2. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
  - b. Provide a copy of this Order to the new owner or operator; and
  - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.

8. The Project Proponent is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

**B. Notification Requirements:**

1. The Project Proponent shall provide written notification to Ecology in accordance with condition A.2 above for the following activities:
  - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any condition of this Order
  - b. At least ten (10) days prior to pre-construction meetings
  - c. At least ten (10) days prior to conducting work activities in wetlands
  - d. Within seven (7) days of completing work activities in wetlands.

**C. Wetland Mitigation Conditions:**

1. The Project Proponent shall mitigate wetland impacts as described in the *Mitigation Plan* (hereafter called the "Mitigation Plan") prepared by Ecological Land Services, Inc., dated December 6, 2023, or as revised and approved by Ecology.
2. The Project Proponent shall notify and submit in writing to Ecology (see A.2) any proposed changes to the amount of wetland impacts or revision to the Mitigation Plan for review and approval before implementing the changes.
3. Prior to impacting wetlands, the Project Proponent shall submit to Ecology the following as proof of advance mitigation area withdrawal:
  - a. A ledger showing that the required amount of area has been deducted from the advance wetland mitigation site.
  - b. The ledger must include the Order number, Order issuance date, impact acreage, the amount of area required by the Order, and the date the area was deducted.
4. If the Project Proponent has not submitted the proof of advance mitigation withdrawal or completed Port of Longview Industrial Rail Corridor Expansion (IRCE) Project within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of:
  - a. Port of Longview Industrial Rail Corridor Expansion (IRCE) Project
  - b. When the advance mitigation ledger will be submitted

With the:

- a. Reason for delay
- b. Expected date of completion

The Project Proponent shall submit an updated written notification every 12 months thereafter until Port of Longview Industrial Rail Corridor Expansion (IRCE) Project is complete and the required ledger has been submitted.

5. Until the Project Proponent has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Project Proponent's obligation under Condition C.1 to mitigate for wetland impacts is not met.

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 Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in RCW 43.21B and WAC 371-08.

## **Filing an appeal**

### **Filing with the PCHB**

For the most current information regarding filing with the PCHB, visit <https://eluh.wa.gov/> or call: 360-664-9160.

## Service on Ecology

### Street Addresses:

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

### Mailing Addresses:

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

### E-Mail Address:

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

## Contact information

Please direct all questions about this Order to:

Meghan Tait  
Department of Ecology  
Vancouver Field Office  
12121 NE 99<sup>th</sup> Street, Ste. 2100  
360-210-2783  
[Meghan.Tait@ecy.wa.gov](mailto:Meghan.Tait@ecy.wa.gov)

## More information

- **Pollution Control Hearings Board Website**  
<https://elaho.wa.gov/>
- **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>

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

## Signature

Dated this 24<sup>th</sup> day of April, 2024 at the Department of Ecology, Lacey, Washington



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Maria Sandercock, Region Manager  
Southwest Region  
Shorelands and Environmental Assistance Program



**Attachment A**

**Statement of Understanding  
Administrative Order Conditions**

Port of Longview Industrial Rail Corridor Expansion (IRCE) Project

Administrative Order No. 22614

As the Project Proponent for Port of Longview Industrial Rail Corridor Expansion (IRCE) Project, I have read and understand the conditions of Washington State Department of Ecology Order No. 22614, and any permits, plans, documents, and approvals referenced in the Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

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Signature

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Date

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Title

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Phone

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Company