



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**  
Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

June 3, 2025

BNSF Railway Co. (BNSF)  
Attn: Stephen Semenick  
2900 Bond St.  
Everett, WA 98201

**Re: Administrative Order No. 23586 to permanently fill/impact 0.051 acres of wetlands, which are waters of the state, to construct BNSF Connell Interchange Track Project in Franklin County, Washington**

Dear Stephen Semenick:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on September 5, 2024, requesting authorization for proposed work in 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 Mindi Sheer at (509)-601-9546 and [Mindi.Sheer@ecy.wa.gov](mailto:Mindi.Sheer@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeremy Sikes, Section Manager  
Eastern Region Office  
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: [9214 8901 9403 8317 5212 45]

Sent via email to: [Stephen.Semenick@BNSF.com](mailto:Stephen.Semenick@BNSF.com)

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Ecc: David Moore, U.S. Army Corps of Engineers  
[Planninginquiry@franklincountywa.gov](mailto:Planninginquiry@franklincountywa.gov), Franklin County  
[Ckoch@Connellwa.org](mailto:Ckoch@Connellwa.org), City of Connell  
Sue PaDelford, Jacobs Engineering  
Erin Hanlon Brown, Ecology  
[ECYREFEDPERMITS@ECY.WA.GOV](mailto:ECYREFEDPERMITS@ECY.WA.GOV)

In The Matter of Issuing an Administrative Order  
to BNSF Railway Co. (BNSF)  
pursuant to RCW 90.48.120 and WAC 173-201A

BNSF Railway Co. (BNSF)  
Attn: Stephen Semenick  
2900 Bond St., Everett WA 98201

<b>Order No.</b>	23586
<b>Corps Reference No.</b>	NWS-2021-171
<b>Site Location</b>	BNSF Connell Interchange Track Project, located within wetlands of Esquatzel Coulee, near Connell, Franklin County, Washington.

This is an Administrative Order requiring BNSF Railway Co. (BNSF) 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 April 22<sup>nd</sup>, 2021, concluding that the 5.75-mile reach of the Providence/Esquatzel Coulee is not waters of the U.S. On September 5<sup>th</sup>, 2024, Ecology received a request to impact 0.051 acres of wetlands (Wetland B) within this reach of the Coulee, which are waters of the state, to construct BNSF Connell Interchange Track Project in Franklin County. The project is located in portions of Sections 35 and 36, Township 14 North, Range 31 East; and portions of Sections 1 and 2, Township 13 North, Range 31 East; WRIA 36 – Esquatzel Coulee Watershed, part of the Upper Columbia-Priest Rapids watershed (Hydrologic Unit Code 17020016).

This Administrative Order authorizes 0.051 acres of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of the purchase of 0.051 wetland mitigation bank credits from the Moses Lake Mitigation Bank and all other actions as proposed in the WETLAND MITIGATION BANK USE PLAN BNSF Connell Interchange Track Project dated February 2025.

For purposes of this Order, the term “Project Proponent” shall mean BNSF Railway Co. (BNSF) 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 September 5, 2024, 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 cc to [Mindi.Sheer@ecy.wa.gov](mailto:Mindi.Sheer@ecy.wa.gov). Any submittals shall reference Order No. 23586.
3. The Project Proponent shall provide access to the project 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.
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. 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.
2. If U.S. Army Corps of Engineers (Corps) determines the proposed project requires a Federal permit, the Project Proponent shall inform Ecology immediately in order to receive the appropriate authorization.

**C. Wetland Mitigation Conditions:**

1. The Project Proponent shall mitigate wetland impacts as described in the WETLAND MITIGATION BANK USE PLAN BNSF Connell Interchange Track Project by Sue PaDelford, and dated February 2025 (Mitigation Plan), or as required by this Order or revised and approved by Ecology.
2. The Project Proponent shall submit to Ecology (per Condition A.2) documentation from the bank sponsor verifying the purchase of credits as specified in the Mitigation Plan. This documentation must include the Ecology Order number, Order issuance date, impact acreage, the amount of credits required by the Order, and date of credit purchase.
3. Unless otherwise authorized by this Order, the Project Proponent shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require the Project Proponent to provide additional compensation to account for additional temporal loss of wetland functions.

**D. Timing**

1. This Order expires 5 years from the date of this Order, unless otherwise approved by Ecology.

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 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 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

#### **Address and Location Information**

##### **Filing with the PCHB**

For the most current information regarding filing with the PCHB, visit: <https://elaho.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:

Mindi Sheer

Department of Ecology  
(509) 601-9546  
[Mindi.Sheer@ecy.wa.gov](mailto:Mindi.Sheer@ecy.wa.gov)

#### More information

- **Pollution Control Hearings Board Website**  
[https:// elaho.wa.gov/](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>
- **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 3rd day of June 2025 at the Department of Ecology, Spokane, Washington.



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Jeremy Sikes, Section Manager  
Eastern Region Office  
Shorelands and Environmental Assistance Program