



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 18, 2021

Jeff Nelson  
NorthPoint Development, LLC  
2265 E. Murray Holladay Rd.  
Holladay, UT 84117

Re: Administrative Order No. 19764 to permanently fill/impact 14.76 acres of non-federally regulated wetlands and 0.25 acres of non-federally regulated ditches to construct Phase 2 of the Mint Farm Industrial Park in Cowlitz County, Washington

Dear Jeff Nelson:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on February 25, 2021, requesting an Administrative Order for proposed work in non-federally regulated wetlands and ditches. 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 Miranda Adams at (360) 210-2783. 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 circular blue ink stamp. The stamp is partially obscured by the signature.

Perry J Lund, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

Enclosure

e-cc: Project Manager, U.S. Army Corps of Engineers  
ECY RE FED PERMITS

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY	)	Corps Ref # NWS-2020-364
Jeff Nelson, NorthPoint Development, LLC	)	
FOR AN ADMINISTRATIVE ORDER TO	)	ORDER #19764
CONDUCT WORK IN NON-FEDERALLY	)	
REGULATED WETLANDS	)	

TO: NorthPoint Development, LLC  
Jeff Nelson  
2265 E. Murray Holladay Rd.  
Holladay, UT 84117

This is an Administrative Order requiring Jeff Nelson, NorthPoint Development, LLC, 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 Mint Farm Industrial Park Phase 2 Joint Aquatic Resources Permit Application (JARPA) on February 25, 2021, requesting an Administrative Order to impact 14.94 acres of non-federally regulated wetlands and 0.25 acres of non-federally regulated ditches to construct Phase 2 of the Mint Farm Industrial Park in Cowlitz County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on February 12, 2021. The site is located at Cowlitz County Parcel No. 101930300, Crocker Ave. in Longview.

This Administrative Order authorizes 14.76 acres of non-federally regulated Category 4 wetlands and 0.25 acres of non-federally regulated ditches. Compensatory mitigation for the wetland fill has been provided through the previously approved advance wetland mitigation site (NWS-1998-4-00832) which is located east-adjacent to the subject property.

For purposes of this Order, the term "Applicant" shall mean Jeff Nelson, NorthPoint Development, LLC, 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 February 25, 2021.

2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Vancouver Field Office, Attn: Miranda Adams, SEA Program, 12121 NE 99th St. Suite 2100, Vancouver, WA 98682 or via email to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and a cc to [miranda.adams@ecy.wa.gov](mailto:miranda.adams@ecy.wa.gov). Any submittals shall reference Order No. **19764** and Corps No. **NWS-2020-364**.
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 foremen, 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.

**B. Notification Requirements:**

1. The Applicant shall provide written notification via email to Ecology's Regional Wetlands Specialist, Miranda Adams, [miranda.adams@ecy.wa.gov](mailto:miranda.adams@ecy.wa.gov), at least three (3) days prior to the start of construction at the project site.
2. The Applicant shall provide written notification via email to Ecology's Regional Wetlands Specialist, Miranda Adams, [miranda.adams@ecy.wa.gov](mailto:miranda.adams@ecy.wa.gov), 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. Prior to earth disturbing activities, the Applicant must install appropriate erosion controls around the perimeter of the construction site to ensure unpermitted impacts do not occur and that the mitigation site is protected from construction activities.
2. Permanent fencing and signage shall be installed between the mitigation site and the development to protect the wetlands and wetland buffer area; split rail fencing is allowed to provide for wildlife movement.
3. This Administrative Order is contingent upon final inspection, approval, and close out of the advanced mitigation site adjacent to the subject parcel.

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.) Email 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**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503  <b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608  <b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

#### **CONTACT INFORMATION**

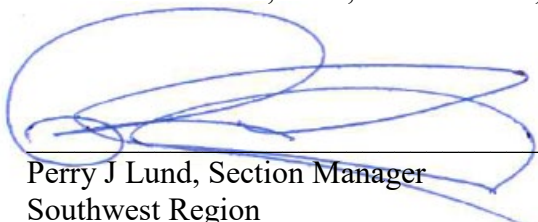
Please direct all questions about this Order to:

Miranda Adams  
Department of Ecology  
Vancouver Field Office  
12121 NE 99<sup>th</sup> St. Suite 2100  
Vancouver, WA 98682  
360-210-2783  
[miranda.adams@ecy.wa.gov](mailto:miranda.adams@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 March 18, 2021, at Vancouver, Washington.



Perry J Lund, Section Manager  
Southwest Region  
Shorelands and Environmental Assistance Program