



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000

February 5, 2012

Mr. Mike York
Cornwall Church
4518 Northwest Drive
Bellingham, WA 98226-9056

RE: Ecology Denial for Section 401 Water Quality Certification for the Cornwall Church Parking Expansion Project, Whatcom County, Washington for U.S. Army Corps of Engineers (Corps) Reference #NWS-2011-1107

Dear Mr. York:

On August 24, 2012, the Washington State Department of Ecology (Ecology) received the Joint Aquatic Resources Permit Application (JARPA) and U.S. Army Corps of Engineers (Corps) letter approving coverage under Nationwide Permit #39, Commercial Developments, for the above project. Ecology has 180 days from this date to make a decision regarding the 401 Water Quality Certification. On January 14, 2013, Ecology sent you a certified mail letter explaining that an individual Section 401 Water Quality Certification (WQC) and Coastal Zone Management (CZM) consistency determination would be required and requesting additional information. We followed up by telephone on January 17, 2013, to explain that a completed State Environmental Policy Act (SEPA) determination also was required prior to issuance. Ecology issued a public notice regarding the project on January 17, 2013.

While a conceptual mitigation plan was submitted and is approvable, there is insufficient time to obtain the SEPA determination from Whatcom County. Therefore, pursuant to Section 401 of the Clean Water Act, ch. 90.48 RCW and ch. 173-201A WAC, the Cornwall Church Parking Expansion Project Water Quality Certification is denied without prejudice.

Receipt of a denial without prejudice does not preclude Cornwall Church from resubmitting a request for 401 Certification at a later date.

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 all 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.

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

SIGNATURE



2-5-2013

Erik Stockdale, Unit Supervisor
Wetlands/401 Unit
Shorelands and Environmental Assistance Program
Northwest Regional Office

February 5, 2013

ES:prm:cja

By certified mail: 7012 1640 0000 6245 9849

cc: Randel Perry, U.S. Army Corps of Engineers
Katrina Jackson, Northwest Wetlands Consulting, LLC
Lyn Morgan-Hill, Whatcom County Planning and Development Services
Walter and Roselene Riddle Trust

e-cc: Patrick McGraner – NWRO
Susan Meyer – NWRO
Loree' Randall – HQ
Wendy Steffensen, ReSources for Sustainable Communities
ecyrefedpermits@ecy.wa.gov