STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (For the Speech or Hearing Impaired)

REGISTERED MAIL

February 14, 2005

Mountain West Investment Corporation
c/o Jones Engineers, Attn: Mr. John Cox
4164 Meridian Street, Suite 200
Bellingham, Washington 98226

Dear Mr. Cox:

RE: **Order No. 1981:** Administrative Order for placement of fill in 5,116 square feet (0.12 of an acre) of an isolated wetland for construction of a senior citizen assisted living facility within the City of Bellingham, Whatcom County.

The request for an administrative order for proposed work in wetlands in Whatcom County has been reviewed. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Lori Ochoa at (360) 407-7391. Written comments can be sent to her at the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, WA 98504-7775 or at e-mail loch461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brenden McFarland, Manager
Environmental Review and Transportation Section

cc: Penny Keys, Ecology/HQ
Lori Ochoa, Ecology/SWRO

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY	)	
Mountain West Investment Corporation	)	
c/o Jones Engineers, Attn: Mr. John Cox	)	
FOR AN ADMINISTRATIVE ORDER TO	)	ORDER NO. 1981
CONDUCT WORK IN AN ISOLATED WETLAND	)	

To: Mountain West Investment Corporation
c/o Jones Engineering, Attn: Mr. John Cox
4164 Meridian Street, Suite 200
Bellingham, Washington 98226

This is an Administrative Order requiring Mr. John Cox with Jones Engineering (on behalf of Mountain West Investment Corporation) 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.

On December 28, 2004, Mr. John Cox with Jones Engineering (on behalf of Mountain West Investment Corporation) submitted a request to impact 0.12 acres of an isolated wetland to construct a 140-150,000 square foot senior citizen assisted living facility comprised of 162 units and associated parking, driveways, pedestrian corridors, and open space within the City of Bellingham, Whatcom County.

For purposes of this Order, the term "Applicant" shall mean Mr. John Cox with Jones Engineering (on behalf of Mountain West Investment Corporation) and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that Mr. John Cox with Jones Engineering on the behalf of Mountain West Investment Corporation shall comply with the following:

1. Mr. John Cox with Jones Engineering on the behalf of Mountain West Investment Corporation shall construct and operate the project in a manner consistent with the project description contained in the Joint Aquatic Resources Permit Application (JARPA) signed and dated December 21, 2004 or as otherwise approved by Ecology.

2. Mr. John Cox with Jones Engineering on the behalf of Mountain West Investment Corporation shall provide access to the project site and all mitigation sites upon request by Ecology.

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

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.

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.

Any person aggrieved by Order NO. 1981 may obtain review thereof by appeal. Pursuant to CH. 43.21B. RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, PO Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted there under.

DATED this 14th day of Feb, 2005, at Olympia, Washington.

Brenden McFarland
Manager
Environmental Review and Transportation Section