



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

June 14, 2022

Santé Partners, LLC  
ATTN: Brad Hankins  
1220 20th Street SE, Suite 310  
Salem, OR 97302

Re: Water Quality Certification Order No. 21183 for Corps Reference No. NWS-2021-527,  
Salmon Creek Memory Care, Vancouver, Clark County, Washington

Dear Brad Hankins:

On September 14, 2021, Santé Partners, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Salmon Creek Memory Care Project in Vancouver, Clark County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Lori Kingsbury at [Lori.kingsbury@ecy.wa.gov](mailto:Lori.kingsbury@ecy.wa.gov). The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Maria Sandercock, Acting Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

Enclosure

Salmon Creek Memory Care  
Aquatics No. 140589  
Corps No. NWS- 2021-527  
June 14, 2022  
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ec: Jim Carsner, U.S. Army Corps of Engineers  
Megan Mill, Ecological Land Services, Inc.  
Jim Gossett, Legacy Health System  
Loree' Randall, Ecology  
Lori Kingsbury, Ecology  
Lori White, Ecology  
ECYREFEDPERMITS@ecy.wa.gov – Aquatics No. 140589

**IN THE MATTER OF GRANTING A ) ORDER No. 21183**  
**WATER QUALITY CERTIFICATION TO ) Corps Reference No. NWS-2021-527**  
Santé Partners LLC ) Salmon Creek Memory Care, within Wetlands,  
pursuant to 33 U.S.C. 1341 (FWPCA § ) Vancouver, Clark County, Washington  
401), RCW 90.48.120, RCW 90.48.260 and )  
Chapter 173-201A WAC )

Santé Partners, LLC  
Attn: Brad Hankins  
1220 20th street SE, Suite 310  
Salem, Oregon 97302

On September 14, 2021, Santé Partners, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Salmon Creek Memory Care project in Vancouver, Clark County, Washington. The following required processing dates are referenced below:

- On May 19, 2021, Santé Partners, LLC submitted a pre-filing meeting request.
- On September 15, 2021, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 39 and requires an individual Section 401.
- On December 21, 2021, Ecology issued a public notice for the project.
- On February 14, 2022, the Corps also provided the “Reasonable Period of Time” (deadline) for the WQC of September 14, 2022.

This project proposes to construct a memory care facility with associated amenities and infrastructure on an approximately 4.62-acre site.

The project will have direct impacts to 0.425 acres of Category III and IV wetlands and indirect impacts to 0.081 acres of Category III and IV wetlands. Mitigation to compensate for wetland impacts will be through the purchase of 0.431 credits from Terrace Mitigation Bank.

The project site is located at 14709 NE 20th Avenue, Vancouver, Clark County, Washington, 98686; SE Quarter of Section 23, Township 3 North, and Range 1 East; within Water Resource Inventory Area (WRIA) 28, Salmon-Washougal.

With this Order, Ecology is granting Santé Partners, LLC’s request for a Section 401 Water Quality Certification for the Salmon Creek Memory Care project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on September 14, 2021, and the following supporting documentation:

1. *Bank Use Plan, September 2021, Salmon Creek Memory Care, Clark County, Washington* Prepared for Santé Partners, LLC by Ecological Land Services.
2. Best Management Practices Memo dated March 22, 2022.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Santé Partners, LLC must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Santé Partners, LLC to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves Santé Partners, LLC from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

#### **Special Conditions: Wetland Compensatory Mitigation**

1. Santé Partners, LLC shall mitigate wetland impacts as described in *Bank Use Plan, September 2021, Salmon Creek Memory Care, Clark County Washington* (hereafter called the "Mitigation Plan") as identified in Table 1 or as required by this Order.
  - *Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.*
  - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*
2. Santé Partners, LLC shall submit any proposed changes to the Mitigation Plan in writing to Ecology for review before implementing the changes.
  - *Justification –When mitigation is provided, the water quality impacts are offset and not considered significant, at least in the long-term. Changes to impacts or mitigation must be considered when evaluating mitigation adequacy.*
  - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter WAC 173-201A-300 WAC, and Chapter 173-225-010 WAC.*

3. Prior to impacting wetlands, Santé Partners, LLC shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.431 wetland mitigation bank credits (credits) from the Terrace Mitigation Bank. 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.
  - *Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the bank.*
  - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*
4. Unless otherwise authorized by this WQC Order, Santé Partners, LLC shall complete the purchase of credits before impacting wetlands or Ecology could use its discretionary authority to require Santé Partners, LLC to provide additional compensation to account for additional temporal loss of wetland functions.
  - *Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action through temporal loss of functions.*
  - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*
5. If Santé Partners, LLC has not purchased credits within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of:
  - a. Salmon Creek Memory Care
  - b. When bank credits will be purchasedWith the:
  - c. Reason for the delay
  - d. Expected date of completion

Santé Partners, LLC shall submit an updated written notification every 12 months thereafter until the Salmon Creek Memory Care project is complete and the required credits are purchased.

- *Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action through temporal loss of functions.*

- *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii), Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*

6. Santé Partners, LLC's obligation to compensate for wetland impacts under Condition 1 is not met until Santé Partners, LLC has received written notice from Ecology that the obligation is met.

- *Justification - If the mitigation site is not meeting all compensatory mitigation conditions then the water quality impacts will not be offset by the mitigation.*
- *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the Santé Partners, LLC for the Salmon Creek Memory Care project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. 21183 will remain valid for the duration of the associated DA permit. Santé Partners, LLC should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) within two weeks of receiving it.

## **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 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.

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

#### Address and location information

##### **Filing an appeal with the PCHB:**

**Mailing Address:**

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

**Street Address:**

Pollution Control Hearings Board  
1111 Israel RD SW, Suite 301  
Tumwater, WA 98501

##### **Serving a copy of the appeal on Ecology:**

**Mailing Address:**

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

**Street Address:**

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

##### **CONTACT INFORMATION**

Please direct all questions about this Order to:

Lori Kingsbury  
Department of Ecology  
PO Box 47775  
Olympia, WA 98504-47775  
Lori.kingsbury@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>

**SIGNATURE**



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Maria Sandercock, Acting Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office  
Department of Ecology

June 14, 2022  
Date