



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

July 8, 2022

Bakerview Investment Group, LLC
Attn: Brent Cowden
3463 Cedarville Road
Bellingham, WA 98226

RE: Coastal Zone Consistency Conditional Concurrence for Corps Reference
No. NWS-2021-1148, City Townhomes Project, Whatcom County, Washington

Dear Brent Cowden:

The Department of Ecology (Ecology) is issuing a Conditional Concurrence to Bakerview Investment Group, LLC for the above-mentioned project. This decision is for the six-building residential complex, located at 350 and 360 East Bakerview Road, Bellingham, Washington in Whatcom County.

On January 10, 2022, Bakerview Investment Group, LLC submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). However, at this time, Bakerview Investment Group, LLC has not satisfied all of the enforceable policies as it has not obtained a Construction Stormwater General Permit.

In order to demonstrate good faith and cooperation, Ecology decided to issue a Conditional Concurrence for the above project, including the condition that Bakerview Investment Group, LLC obtain the Construction Stormwater General Permit prior to any activities (upland or in-water) on site. Thus, the following condition is necessary in order for Bakerview Investment Group, LLC to demonstrate that the project is consistent with the Washington State Water Pollution Control Act, its regulations and water quality standards. Receipt of the Construction Stormwater General Permit ensures that the project meets the requirements of the law, regulations, and standards.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology conditionally concurs with Bakerview Investment Group, LLC's determination that the proposed work is consistent with Washington's CZMP.

This concurrence is conditioned that Bakerview Investment Group, LLC obtain a Construction Stormwater General Permit prior to any activities (upland or in-water) on site.

Pursuant to 15 CFR §930.4, Ecology is informing Bakerview Investment Group, LLC that if it fails to meet the above condition, then Ecology and Bakerview Investment Group, LLC will treat this Conditional Concurrence letter as an Objection. Bakerview Investment Group, LLC shall immediately notify Ecology if the condition is not acceptable. Bakerview Investment Group, LLC has the opportunity to appeal Ecology's Conditional Concurrence/Objection to the Secretary of Commerce within 30 days from receipt of Ecology's Conditional Concurrence/Objection.

Bakerview Investment Group, LLC must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations. If, prior to construction, the project should change significantly and any of the enforceable policies of the Washington's CZM Program would be affected, pursuant to 15 CFR §930.66, the applicant must submit supplemental information to Ecology for review and approval.

If you have any questions regarding Ecology's consistency decision please contact Rebekah Padgett at (425) 365-6571 or by email at Rebekah.Padgett@ecy.wa.gov.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 decision:

- File your appeal and a copy of this decision 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 decision 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.

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 STE 301
Tumwater, WA 98501

Serving a copy of the appeal on Ecology:

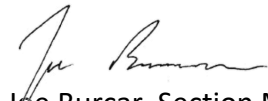
Mailing Address:

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 98

Sincerely,



Joe Burcar, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

Sent by electronic mail: brent@cowdeninc.com

e-cc: Randel Perry, U.S. Army Corps of Engineers
Collin Van Slyke, Northwest Ecological Services, LLC
Kim Weil, City of Bellingham
Chris Luerkens, Ecology
Rebekah Padgett, Ecology
Loree' Randall, Ecology
ecyrefedpermits@ecy.wa.gov – ID #139715