



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

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

September 4, 2024

DL Skagit Properties
Attn: Tom Lane
10515 Evergreen Way
Everett, WA 98204

Re: Coastal Zone Management Federal Consistency Decision for Shannon Property (**Corps No. NWS-2022-678**), within wetlands, Ferndale, Whatcom County, Washington

Dear Tom Lane:

On December 12, 2022, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with DL Skagit Properties' determination that the proposed work is consistent with Washington's CZMP.

On June 9, 2023, DL Skagit Properties and Ecology agreed to stay the CZM until December 12, 2023 in order for DL Skagit Properties to obtain Section 401 Water Quality Certification. A second stay was agreed to on November 22, 2023, extending the review period until April 14, 2024 in order for DL Skagit Properties to obtain Section 401 Water Quality Certification. On April 9, 2024, a third stay was agreed to, extending the review period until September 8, 2024 in order for DL Skagit Properties to obtain Section 401 Water Quality Certification.

The proposed work includes construction of a multifamily community development which will include parking, installation of utility and stormwater infrastructure, and road improvements. The proposal will result in fill of two wetlands totaling approximately 0.13 acres of wetland. Compensatory mitigation for wetland impacts will occur offsite at the Tenmile Creek Combined Mitigation site. The Shannon Property project site is located at 5701 and 5725 Shannon Avenue, Ferndale, within wetlands, Whatcom County, Washington, within Water Resource Inventory Area (WRIA) 1 Nooksack.

If you have any questions regarding Ecology's decision, please contact Chris Luerkens at 360-410-4807.

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:


ecologyappeals@ecy.wa.gov

Corps No. NWS-2022-678, Aquatics ID No. 141993

September 4, 2024

Page 3 of 3

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar". The signature is fluid and cursive, with a large initial "J" and "B".

Joe Burcar, Section Manager

Northwest Regional Office

Shorelands and Environmental Assistance Program

Sent via e-mail: tlane@dwaynelane.com

E-cc: Kristin Murray, U.S. Army Corps of Engineers

Jon Pickett, Soundview Consultants

Eric Weden, Weden Engineering

Chris Luerkens, Ecology

fedconsistency@ecy.wa.gov