



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 18, 2025

Cool Runnings Construction, LLC
Attn: David Campbell
1139 Nevada Street
Bellingham, WA 98229

Re: Administrative Order No. **24163** to impact non-federally regulated wetlands, which are waters of the state, to construct the Lindshier Avenue Project in Whatcom County, Washington

Dear David Campbell:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on August 12, 2025, requesting authorization for proposed work in non-federally regulated wetlands, which are waters of the state. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Chris Luerkens at (360) 410-4807. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Chad Yunge on behalf of Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1819 79

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Sent via e-mail: Coolrc4@gmail.com

E-cc: Lydia Baldwin, U.S. Army Corps of Engineers
Ed Miller, Miller Environmental Services, LLC
Kurt Nabbefeld, City of Bellingham
ecyrefedpermits@ecy.wa.gov – Aquatics ID No. 145679

In The Matter of Issuing an Administrative Order to
Cool Runnings Construction, LLC (David Campbell)
pursuant to RCW 90.48.120 and WAC 173-201A

Cool Runnings Construction, LLC
Attn: David Campbell
1139 Nevada Steet
Bellingham, WA 98229

Order No.	24163
Corps Reference No.	NWS-2025-072
Site Location	Lindshier Avenue Project, located within wetlands, Bellingham, Whatcom County, Washington.

This is an Administrative Order requiring Cool Runnings Construction, LLC (David Campbell) 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(2) 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.

The U.S. Army Corps of Engineers (Corps) issued a jurisdictional determination on July 10, 2025, concluding that Wetlands G, H, I, J, L, and M, and Ditch 1 are not waters of the U.S. On August 12, 2025, Ecology received a request to fill 0.068 acres and indirectly impact 0.194 acres of non-federally regulated wetlands, which are waters of the state, to construct Lindshier Avenue Project in Whatcom County. The project is located at 2825 Lindshier Avenue, Bellingham Washington, Section 16, Township 38 N, Range 03 E, Whatcom County, and Water Resource Inventory Area (WRIA) 1 - Nooksack.

This Administrative Order authorizes fill of 0.068 acres of Category III wetland and indirect impact to 0.194 acres of Category III and IV wetlands at the project location. Mitigation for this proposal will consist of purchase of 0.165 credits from the Lummi Nation Wetland and Habitat Mitigation Bank.

For purposes of this Order, the term “Project Proponent” shall mean Cool Runnings Construction, LLC (David Campbell) and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the Project Proponent shall comply with the following:

A. General Conditions:

1. The Project Proponent shall construct and operate the project in a manner consistent with the request (JARPA and attachments) received by Ecology on August 12, 2025, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to fednotification@ecy.wa.gov and cc to chris.luerkens@ecy.wa.gov. Any submittals shall reference Order No. 24163.
3. The Project Proponent shall provide access to the project site upon request by Ecology.
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 forepersons, 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.
6. The Project Proponent shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.
7. To transfer this Order to a new owner or operator the Project Proponent shall:
 - a. Complete a Request for Transfer of Order with a specific transfer date of the Order's obligations, coverage, and liability and submit it to Ecology per condition A.2. Link to form:
<https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
 - b. Provide a copy of this Order to the new owner or operator; and
 - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.

8. The Project Proponent is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

B. Notification Requirements:

1. The Project Proponent shall provide written notification to Ecology in accordance with condition A.2. for the following activities:
 - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any condition of this Order.
2. If U.S. Army Corps of Engineers (Corps) determines the proposed project requires a Federal permit, the Project Proponent shall inform Ecology immediately in order to receive the appropriate authorization.

C. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in the *Critical Areas Mitigation Bank Use Plan For Lindshier Avenue Property* by Miller Environmental Services, LLC, and dated March 3, 2025, or as required by this Order or revised and approved by Ecology.
2. The Project Proponent shall submit to Ecology documentation from the bank sponsor verifying the purchase of credits as specified in the Mitigation Plan. 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.
3. Unless otherwise authorized by this Order, the Project Proponent shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require the Project Proponent to provide additional compensation to account for additional temporal loss of wetland functions.

D. Timing

1. This Order expires 5 years from the date of this Order.

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.

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. 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 notice of appeal and a copy of this Order 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 Order on the Department of Ecology by, 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.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit: <https://eluh0.wa.gov> or call: 360-664-9160.

Address and Location Information

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

Contact information

Please direct all questions about this Order to:

Chris Luerkens
Department of Ecology
(360) 410-4807
Chris.luerkens@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
[https:// elaho.wa.gov/](https://elaho.wa.gov/)
- **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 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature

Dated this 18 day of September 2025 at the Department of Ecology, Shoreline, Washington.

A handwritten signature in black ink, appearing to read 'Chad Yunge', written over a horizontal line.

Chad Yunge on behalf of Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program