



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 5, 2021

Bella Vista Vancouver, LLC  
Attn: James Buell  
2000 NE 112th Avenue  
Vancouver, WA 98684

Re: Administrative Order No. 19597 to permanently fill/impact 430 sq. ft. (<0.01 acre) of non-federally regulated wetlands to construct apartments in Clark County, Washington

Dear James Buell:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on December 4, 2020, requesting an Administrative Order for proposed work in non-federally regulated wetlands. 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 Miranda Adams at (360) 210-2783. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", written over a blue circular stamp.

Perry J Lund  
Section Manager, Southwest Regional Office  
Shorelands and Environmental Assistance Program

Enclosure

By certified mail 9489 0090 0027 6094 0257 27

e-cc: Jim Carsner, U.S. Army Corps of Engineers  
ECYREFEDPERMITS@ecy.wa.gov

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY	)	Corps Ref # NWS-2020-1019
James Buell, Bella Vista Vancouver, LLC	)	
FOR AN ADMINISTRATIVE ORDER TO	)	ORDER #19597
CONDUCT WORK IN NON-FEDERALLY	)	
REGULATED WETLANDS	)	

TO: Bella Vista Vancouver, LLC  
Attn: James Buell  
2000 NE 112th Avenue  
Vancouver, WA 98684

This is an Administrative Order requiring James Buell, Bella Vista Vancouver, LLC, 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.

Ecology received the James Buell, Bella Vista Vancouver, LLC Joint Aquatic Resources Permit Application (JARPA) on December 4, 2020, requesting an Administrative Order to impact 430 sq. ft. (<0.01 acres) of non-federally regulated wetlands to construct Bella Vista Apartments in Clark County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination on November 16, 2020. The site is located at 8515 NE St. Johns Road in Vancouver, SE ¼ of S01, T2N, R1E, W.M., Clark County and Salmon-Washougal (28) WRIA.

This Administrative Order authorizes 430 sq. ft. (<0.01 acres) of Category IV wetland impacts at the project location. Mitigation for this proposal will consist of the purchase of 0.0085 credit from the Terrace Wetland Mitigation Bank and all other actions as proposed in the *Bella Vista Apartments Wetland Mitigation Plan* dated December 3, 2020, at the location of 8515 NE St. Johns Road.

For purposes of this Order, the term “Applicant” shall mean James Buell, Bella Vista Vancouver, LLC, and its agents, assigns, and contractors.

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

IT IS ORDERED that the Applicant shall comply with the following:

**A. General Conditions:**

1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on December 4, 2020, or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology’s Southwest Regional Office, Vancouver Field Office, Attn: Miranda

Adams, SEA Program, 12121 NE 99th St. Suite 2100, Vancouver, WA 98682 or via email to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and a cc to [miranda.adams@ecy.wa.gov](mailto:miranda.adams@ecy.wa.gov). Any submittals shall reference Order No. 19597 and Corps No. **NWS-2020-1019**.

3. The Applicant 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 Applicant 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.

**B. Notification Requirements:**

1. The Applicant shall provide written notification via email to Miranda Adams at [miranda.adams@ecy.wa.gov](mailto:miranda.adams@ecy.wa.gov) at least three (3) days prior to the start of construction at the project and mitigation site.
2. The Applicant shall provide written notification via email to Miranda Adams at [miranda.adams@ecy.wa.gov](mailto:miranda.adams@ecy.wa.gov) within fourteen (14) days after completion of construction.

**NOTE:** These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

**C. Wetland Compensatory Mitigation Conditions:**

1. The Applicant shall mitigate wetland impacts as described in the *Bella Vista Apartments Wetland Mitigation Plan* prepared by Olson Environmental, LLC, and dated December 3, 2020.
2. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.0085 wetland mitigation bank credit from the Terrace Wetland Mitigation Bank. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.

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 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 both 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.) Email 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

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## CONTACT INFORMATION

Please direct all questions about this Order to:

Miranda Adams  
Department of Ecology  
Vancouver Field Office  
12121 NE 99th St. Suite 2100  
Vancouver, WA 98682  
360-210-2783  
[miranda.adams@ecy.wa.gov](mailto:miranda.adams@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>

DATED February 5, 2021, at Olympia, Washington.



---

Perry J Lund, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office