



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

March 9, 2023

Port of Bellingham
Attn: Brian Gouran
1801 Roeder Avenue
Bellingham, WA 98225

Re: Coastal Zone Management Federal Consistency Decision for Shipping Terminal
Maintenance Dredging – Berths 1 and 2 (Corps No. NWS-2022-141), Bellingham,
Whatcom County, Washington

Dear Brian Gouran:

On March 15, 2022, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project.

On August 26, 2022, the Port of Bellingham and Ecology agreed to stay the CZM until March 11, 2023, in order for the Applicant to obtain their Section 401 Water Quality Certification.

This determination is for maintenance dredging of Berths 1 and 2 and the Bellingham Shipping Terminal. Work would involve removal of up to 19,000 cubic yards of accumulated sediments from an area of 3.1 acres. The proposed dredge prism would have a finished dredge elevation of -35.5 feet MLLW (+1 foot allowable over dredge) to accommodate the placement of the 6-inch residual management cover (RMC) layer and allow for a final design elevation of -35 feet MLLW for safe vessel access. The dredging would extend up the slope under the wharf to minimize sloughing from future erosion of that slope. Approximately 4,000 cubic yards (cy) would be removed from beneath the wharf. RMC material would not be placed beneath the wharf. A minimum 6-inch layer (approximately 2,000 cy) of clean sand RMC material would be placed in an area of 2.45 acres after dredging to address the potential presence of residual contaminated sediment left behind after dredging is completed in accordance with the existing Whatcom Waterway MTCA Consent Decree. The RMC layer would be placed using clamshell equipment. Dredging would be accomplished using mechanical (e.g., clamshell) dredging equipment operated from a barge. Dredged material would be disposed of at an upland landfill site.

The project site is located at Whatcom Waterway, Bellingham Bay, Whatcom County, Washington, Section NE 1/4, Section 36, Township 38 N, Range 2 E, within Water Resource Inventory Area (WRIA) 1 - Nooksack.

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

If you have any questions regarding Ecology's consistency determination, please contact Laura Inouye at (360) 515-8213.

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. The appeal process is governed RCW 43.21B and WAC 371-08.

"Date of receipt" is defined in RCW 43.21B.001(2). More information is available at <https://eluhwa.gov/content/11>.

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 Order with the PCHB (see filing options 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, 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://eluhwa.gov/content/11>

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

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

Filing electronically

E-mail Address:

Pchb-shbappeals@eluhwa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

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

Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Sent via e-mail: briang@portofbellingham.com

E-cc: Kelly Werdick, U.S. Army Corps of Engineers
Matthew Bennett, U.S. Army Corps of Engineers
Loree' Randall, Ecology
Laura Inouye, Ecology
Lucy McNerny, Ecology
fedconsistency@ecy.wa.gov

