



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 2, 2023

Department of the Army
United States Corps of Engineers, Seattle District
ATTN: Laura A. Boerner
4735 East Marginal Way South
Building 1202
Seattle, WA 98134-2388

Re: Coastal Zone Management Federal Consistency Decision for Activity Undertaken by a
Federal Agency
Ferndale Levee Repair
Ferndale, Whatcom County, Washington

Dear Laura A. Boerner:

On April 7, 2023, the Seattle District, U. S. Army Corps of Engineers (Corps) submitted a Consistency Determination with the Washington State Coastal Zone Management Program (CZMP). Ecology issued a 21-day public notice on April 17, 2023 and received no comments. At Ecology's request, the Corps supplied additional information on May 27, 2023. On June 2, 2023, Ecology requested a 15-day extension pursuant to 15 CFR Part 930.41(b), extending the CZM decision deadline to June 21, 2023.

The proposed federal activity includes repairs to the Ferndale Levee in the City of Ferndale, Whatcom County, Washington. The levee system is approximately 5.43 miles long, of which the Ferndale Levee segment is approximately 3,300 feet long and ties into the Main Street Bridge at the upstream end and the Rayhorst Levee segment at the downstream end.

A November 2021 flood event damaged 250 linear feet (LF) of the Ferndale Levee and the purpose of the project is to repair the levee to its pre-damage level of flood protection. The damaged portion of the levee is located south of downtown Ferndale. Repairs to the Ferndale levee will occur within the horizontal and vertical profile and within the original levee footprint with no modifications to the original design based on best professional engineer judgment. The repair is expected to take from 4 to 6 weeks and any in-water work for the repairs will occur within the in-water work window (June 15 to August 31).

The proposed action includes repair of a total of 300 LF of levee, including 250 LF of the original scour location, 25 LF of transition at both upstream and downstream ends of the repair, embankment, and toe at one continuous site between Stations 7+00 to 9+50. The repair will regrade the slope to approximately 1.5H:1V on the downstream end of the levee segment and will gradually transition the slope to a 2H:1V on the upstream end of the levee. A 12-inch layer of bedding spalls (4-8 inches) and filter spalls (2-4 inches) will be placed over the existing riverward embankment soils, and the slope will be re-armored with a 4-foot-thick blanket of Class V riprap. Some excavation and placement of repair materials will take place below the ordinary high water mark (OHWM). The repair site will transition to match the existing riverward slope alignment and elevation at the upstream and downstream ends. Topsoil will be placed as shown on the plans and hydroseeded. Additionally, concrete jersey barriers will be placed on the landward side of the levee along the shoulder line of Ferndale Road. The landward side of the levee will slope down at approximately 4H:1V to meet the top of the concrete jersey barriers which will serve as a permanent retaining wall.

Large rock will be placed and manipulated using the thumb attachment on the excavator. Small rock that is impracticable to manipulate with the thumb attachment, such as quarry spalls, will be transferred from the bucket to the levee slope using a pouring motion. To achieve good compaction and tight interlocking, an excavator will “plate” the slope. This action occurs after all the riprap has been placed on the slope.

Shoreline and river areas impacted by construction activities will be restricted to the access routes, staging areas (0.29 acres), damaged levee sections (250 LF), transitions to undamaged upstream and downstream sections of the levees (50 LF total), and mitigation areas (0.18 acres). Work will require removing vegetation, i.e., approximately 10 small willows from the Ferndale levee within the construction project footprint along the riverbank. No additional fill material volume will be added on the riverward levee slope below the or beyond the OHWM pre-flood levee footprint.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Corps’ determination that the proposed work is consistent with Washington’s CZMP. The proposed action was reviewed for consistency under the applicable enforceable policies found in the state Shoreline Management Act, the State Water Pollution Control Act, and the Washington Clean Air Act. The proposal did not trigger the enforceable policies of the Ocean Resources Management Act or the Marine Spatial Plan for Washington’s Pacific Coast.

If you have any questions regarding Ecology’s consistency determination, please contact Teresa Pucylowski at 360-764-0546.

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 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 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://elaho.wa.gov/content/11>

Address and Location Information

Street Address:

Department of Ecology

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

Pollution Control Hearings Board

1111 Israel RD SW
STE 301
Tumwater, WA 98501

Mailing Addresses:

Department of Ecology

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

Pollution Control Hearings Board

PO Box 40903

Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see WAC 371-08)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

Sincerely,



Loree' Randall, Section Manager
Federal Permitting Section
Shorelands and Environmental Assistance Program

Sent via e-mail: Laura.A.Boerner@usace.army.mil

E-cc: fedconsistency@ecy.wa.gov
Caren Crandall, Corps
Kylie Webb, Corps
Teresa Pucylowski, Ecology
Loree' Randall, Ecology
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