



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 28, 2023

Whatcom County
ATTN: Paula Harris
322 North Commercial Street, Suite 201
Bellingham, WA 98225

Re: Coastal Zone Management Federal Consistency Decision for Truck Road Bank
Stabilization Phase 2 (Corps No. NWS-2022-26), North Fork Nooksack River, Deming,
Whatcom County, Washington

Dear Paula Harris:

On December 28, 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 Whatcom County's determination that the proposed work is consistent with Washington's CZMP.

The proposed work includes the Phase 2 project limits, which will encompass approximately 6.5 acres, including the construction disturbance footprint, areas for construction equipment access, easements, construction staging, and areas to be protected in place. However, the construction disturbance footprint itself will be considerably less (165,724 square feet [3.8 acres]) and the in-water portion of the project represents 51,329 square feet (1.2 acres). Phase 2 project work to be implemented in summer 2023 will include approximately 870 linear feet of road realignment (20 feet paved width with 3 foot gravel shoulders on each side), road prism and damaged revetment repair, removal of 397 cubic yards of excess rock revetment placed along 110 linear feet of river bank in Phase 1 (173 cubic yards to be removed below the ordinary high water mark [OHWM]), in-water large wood and engineered log structures (ELs) installations, and native riparian vegetation planting. The project site is located at the 5800 and 5900 blocks of Truck Road in the City of Deming, North Fork Nooksack River, Whatcom County, Washington, Section 33, Township 39 N., Range 05 E., within Water Resource Inventory Area (WRIA) 1 - Nooksack.

If you have any questions regarding Ecology's decision, please contact Sonia Mendoza at (360) 918-1342 or at Sonia.mendoza@ecy.wa.gov.

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 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 decision 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>

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

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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,

A handwritten signature in black ink that reads "Loree' Randall". The signature is written in a cursive, flowing style.

Loree' Randall, Section Manager

Federal Permitting Section

Shorelands and Environmental Assistance Program

Sent via e-mail: PHarris@co.whatcom.wa.us

E-cc: Matthew Bennett, U.S. Army Corps of Engineers
Christina Schoenfelder, Whatcom County Public Works
Sonia Mendoza, Ecology
fedconsistency@ecy.wa.gov