



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

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

June 29, 2023

Department of the Army  
U.S. Army Corps of Engineers  
Walla Walla District  
ATTN: Michael Erickson  
201 North 3rd Avenue  
Walla Walla, WA 99362-1876

Re: Coastal Zone Management Federal Consistency Decision for Timon and Upper Hampton  
Levee Repair, Nooksack River, Lynden, Whatcom County, Washington

Dear Michael Erickson:

On May 26, 2023, the 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 May 31, 2023, and received no comments. At Ecology's request, the Corps supplied additional information on June 6, 2023, and June 26, 2023.

The Upper Hampton Levee was damaged during a flood event in November 2021, creating an emergency or exigent circumstance due to the threat of flooding. It is important to complete the levee repairs before the next flood season starting in October; an assessment of the levees confirmed that there is an increased likelihood of damages or breaching of the levees in their current condition. Construction work is scheduled to begin in July 2023 to allow repair work to be completed prior to the flood season, which may also allow all in-water work to be completed during the preferred in-water work window ending August 31. The proposed repairs to the Upper Hampton and Timon levees are along the Nooksack River near the city of Lynden, Washington.

The Project includes removing vegetation from damaged sections of the Upper Hampton Levee to allow access to and facilitate the repairs; reestablishing riverside slopes where erosion or riprap revetment displacement has occurred by installing large rock at the toe of the levee to support the slopes; placing willow bundles above the toe; placing large, dense riprap revetment along the riverside slopes; and grading slopes with suitable fill material along the Nooksack

River. The proposed repair for the Upper Hampton Levee is approximately 230 linear feet (LF) and the proposed repair for the Timon Levee is approximately 1,950 LF.

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) 475-6654.

### **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  
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: michael.erickson@usace.army.mil

E-cc: Benjamin Tice, Corps  
Anneli Colter, Corps  
Karen Kelly, Corps  
fedconsistency@ecy.wa.gov  
Teresa Pucylowski, Ecology