



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

**Northwest Region Office**  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

February 12, 2025

Whatcom County Public Works  
ATTN: Christina Schoenfelder  
322 North Commercial Street, 2nd Floor  
Bellingham, WA 98225

Re: Coastal Zone Management Federal Consistency Decision for the Cougar Creek Habitat Improvement Project (Corps No. NWS-2024-0578), Cougar Creek (also known as Wisser Lake Creek) and the Nooksack River, near Ferndale, Whatcom County, Washington

Dear Christina:

On September 3, 2024, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project. Ecology issued a 21-day public notice on September 13, 2024. Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Whatcom County Public Works' determination that the proposed work is consistent with Washington's CZMP.

The project proposes to replace an existing 30-inch diameter concrete culvert and floodgate with a 6-foot by 6-foot concrete box culvert and Muted Tidal Regulator floodgate where Cougar Creek is conveyed through the Neevel Levee. The work includes realignment of the levee and Cougar Creek, riparian vegetation enhancement, and placement of Large Woody Material (LWM). Cougar creek will be realigned to address active erosion into the levee prism. The US Army Corps of Engineers identified deficiencies related to the existing Cougar Creek crossing through the Neevel levee including depressions, rutting, erosion, bank caving and unacceptable culvert conditions. Realignment and rock protection at the inlet and outlet will remove the levee deficiencies related to the culvert. The new alignment also allows for LWM placement within the channel near the inlet and outlet and creates a perpendicular culvert crossing through the levee prism. The proposal includes placement of LWM upstream of the culvert and downstream of the culvert to the confluence with the Nooksack River, including two large engineered log jams at the Creek mouth. Placement of LWM within the channel will enhance habitat diversity and complexity, and provide access to over 8 miles of stream channels and 50

acres of connected wetlands. The existing 100% fish barrier culvert and tidegate will be replaced with a culvert and tidegate that provides passage approximately 97% of the time. The realignment results in a net loss of approximately 120 linear feet of stream channel. The in-water work area will be isolated (methods may include cofferdams, sheet pile cofferdams, or other appropriate measures such as super sacks). The proposal also includes management of invasive Japanese Knotweed and Himalayan blackberry along the riparian buffer and replanting with native species. This activity would occur at the Neevel Levee, in Cougar Creek (also known as Wiser Lake Creek) and the Nooksack River, in Whatcom County, Washington.

If you have any questions regarding Ecology's decision, please contact Austin Schmalz at 425-301-6989.

## 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 information 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 by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## Address and Location Information

### Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

### Service on Ecology

#### Street Addresses:

Department of Ecology

Corps No. NWS-2024-0578, Aquatics ID No. 142748

February 12, 2025

Page 3 of 3

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

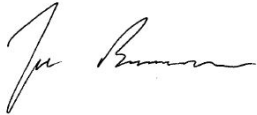
**Mailing Addresses:**

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

**E-Mail Address:**

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

Sincerely,



Joe Burcar, Section Manager  
Northwest Region Office  
Shorelands and Environmental Assistance Program

Sent via e-mail: [cschoenf@co.whatcom.wa.us](mailto:cschoenf@co.whatcom.wa.us)

E-cc: Lydia Baldwin, U.S. Army Corps of Engineers  
Austin Schmalz, Ecology  
[fedconsistency@ecy.wa.gov](mailto:fedconsistency@ecy.wa.gov)