



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

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

August 22, 2025

Whatcom County Public Works
ATTN: James Lee
322 N. Commercial, Suite 301
Bellingham, WA 98225

Re: Coastal Zone Management Federal Consistency Decision for the Swift Creek Sediment Management Action Plan, 5-year Maintenance project (Corps No. NWS-2020-0049), Swift Creek and Wetlands, near Everson, Whatcom County, Washington

Dear James Lee:

On March 25, 2025, 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 May 21, 2025. 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 remove no more than 18,000 cubic yards of bed material from the Swift Creek channel (below ordinary high water) annually for five years, and armor 1,000 lineal feet of stream bank with rip rap annually. Equipment staging and temporary material stockpiling will occur on the existing levees, and on County owned property at the corner of Oat Coles Rd and South Pass Road. Standard construction erosion and sediment control best management practices will be installed and maintained for the duration of the project to protect neighboring properties (e.g., silt fence, straw wattles, and rock check dams, and wood chip mulch). Construction equipment will include hydraulic excavators, water truck, dozer, and dump trucks. Excavated sediments will be placed in the Oat Coles North stockpile, temporarily stockpiled at the Canyon repository in 2025 and 2026 while advance wetland mitigation site credits mature, and in the Canyon repository 2027 to 2029. Fill placed in the stockpile and repository sites will be stabilized with lignin and straw until the final topsoil cap and planting is completed. The project actions are expected to take three weeks each year to complete.

The project is located within and adjacent to Swift Creek and within wetlands, from approximately 1,000 feet downstream of the Oates-Cole Road Crossing to the repository located approximately 500 feet due east of the southern extent of Liebrant Road near Everson, Whatcom County, Washington, Section 34, Township 40 North, Range 4 East, within Water Resource Inventory Area (WRIA) 01 - Nooksack.

If you have any questions regarding Ecology's decision, please contact Austin Schmalz at Austin.Schmalz@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 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
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

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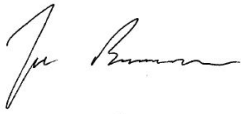
Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar".

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

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

E-cc: Lydia Baldwin, U.S. Army Corps of Engineers
Erin Page, Whatcom County Public Works
Austin Schmalz, Ecology
Chris Luerkens, Ecology
fedconsistency@ecy.wa.gov