



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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July 23, 2020

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

**RE: Coastal Zone Consistency for Corps Reference #NWS-2020-49,  
Swift Creek 5-Year Channel Maintenance and Stockpile Construction Project,  
Everson, Whatcom County, Washington**

Dear James Lee:

On January 14, 2020, Whatcom County Public Works submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). On July 9, 2020, Ecology and Whatcom County Public Works agreed to stay the CZM deadline until July 31, 2020, in order to allow time for Whatcom County Public Works to obtain a Section 401 Water Quality Certification.

This determination is for placement of riprap along an average of 638 lineal feet of stream banks per year for bank stabilization repair; annual excavation of approximately 10,000 cubic yards of sediments from the Swift Creek channel; placement of the excavated material on the existing levees, within the levee footprint or within the Oat-Coles Sediment Stockpile; and expansion of the Oat Coles Sediment Stockpile that will involve placement of excavated sediments in 0.68 acre of wetlands. To compensate for permanent wetland impacts, the project will provide 0.88 acre of wetland creation and 1.58 acres of wetland enhancement at the 2.46-acre mitigation site located adjacent to the impact area in the upper Breckenridge Creek watershed.

The project is located within Swift Creek from 5,000 feet upstream of the Goodwin Road Crossing to 1,000 feet downstream of the Oates-Cole Road Crossing and in wetlands adjacent to an unnamed tributary to Breckenridge Creek near Everson, Washington, in Whatcom County.

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 CZCMP.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

## 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 of this decision. 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 appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person (see addresses below). Email is not accepted.

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

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Sincerely,



Joe Burcar, Section Manager  
Shorelands and Environmental Assistance Program

Sent via email: [jlee@co.whatcom.wa.us](mailto:jlee@co.whatcom.wa.us)

E-cc: Randel Perry, U.S. Army Corps of Engineers  
Steve Fox, Whatcom County Public Works  
Wendy Cole, Washington Department of Fish and Wildlife  
Amy Jensen, U.S. Environmental Protection Agency  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

Loree' Randall, Ecology  
Lori Kingsbury, Ecology  
Chris Luerkens, Ecology  
Cris Matthews, Ecology  
Elizabeth Fint, Ecology