



DEPARTMENT OF  
**ECOLOGY**  
State of Washington



## **Public Participation Plan**

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### **Swift Creek Project Everson, WA**

December 2019

## Contact Information

For more information on the Swift Creek project, visit these websites:

- Department of Ecology website: [www.ecology.wa.gov/SwiftCreek](http://www.ecology.wa.gov/SwiftCreek)
- Whatcom County website: [www.whatcomcounty.us/513/Swift-Creek](http://www.whatcomcounty.us/513/Swift-Creek)

### En español

Si le gustaría recibir documentos en español, por favor llame a Tamara Cardona-Marek al 425-649-7058 o envíe un correo electrónico a [preguntas@ecy.wa.gov](mailto:preguntas@ecy.wa.gov)

### For more information contact:

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360-778-6212, [RMiddleton@co.whatcom.wa.us](mailto:RMiddleton@co.whatcom.wa.us)

Washington State Department of Ecology – [www.ecology.wa.gov](http://www.ecology.wa.gov)

- Bellingham Field Office, Bellingham 360-255-4400
- Northwest Regional Office, Bellevue 425-649-7000
- Headquarters, Olympia 360-407-6000

Whatcom County – [www.whatcomcounty.us](http://www.whatcomcounty.us)

- Whatcom County Public Works 360-778-6200

*To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-255-4400 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.*

# **Public Participation Plan**

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## **Swift Creek Project Everson, WA**

Washington State Department of Ecology

Bellingham Field Office

Bellingham, Washington

Whatcom County

Public Works Department

Bellingham, Washington

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## Introduction

The Washington State Department of Ecology (Ecology) and Whatcom County Public Works Department (Whatcom County) are collaborating on the Swift Creek flood control and sediment management project (project) located east of Everson near Sumas Mountain. The South Fork of Swift Creek originates from the toe (downslope end) of a 225 acre landslide on Sumas Mountain. The creek transports large amounts of sediment containing naturally-occurring asbestos (NOA) and metals from the landslide which continuously fills up the creek bed. The NOA and metals are present at potentially harmful levels. In order to reduce the risk to human health and the environment, the sediment will be managed.



Figure 1: Swift Creek facing east towards Sumas Mountain, April 2019

Ecology and Whatcom County developed this public participation plan (plan), to promote meaningful community involvement in the project. The plan first discusses the project process and then provides information about the project. Next it describes planned public involvement activities and then addresses plan updates and amendments.

## Project Management

### Agency Roles

Table 1: Swift Creek project management agency roles

Ecology	Whatcom County
<ul style="list-style-type: none"><li>Oversees the project.</li></ul>	<ul style="list-style-type: none"><li>Designs the project.</li></ul>
<ul style="list-style-type: none"><li>Enables Whatcom County with funding from the Washington State capital budget.</li></ul>	<ul style="list-style-type: none"><li>Constructs and operates the project.</li></ul>
<ul style="list-style-type: none"><li>Ensures compliance with the action plan and legal agreements.</li></ul>	<ul style="list-style-type: none"><li>Manages deposited sediment.</li></ul>
<ul style="list-style-type: none"><li>Coordinates outreach activities with Whatcom County.</li></ul>	<ul style="list-style-type: none"><li>Performs regular maintenance and monitoring.</li></ul>
	<ul style="list-style-type: none"><li>Controls future use and access.</li></ul>

## Capital Project Funding

Completion of the Swift Creek project is dependent on the Washington State Legislature's capital budget and is set on a biennium basis from July to June every two years. This capital project (an infrastructure project like a bridge or road) is estimated to cost approximately \$16 million to complete. Washington State Legislature budgeted \$4 million to Ecology to enable Whatcom County to begin the Swift Creek project in 2019.

## Project Process and Status

The Swift Creek project will be completed in steps over a variable timeline. The timeline for both Ecology and Whatcom County is dependent on Washington State's capital project budgeting. Figure 2 below shows the steps of the project process.

We will invite public review and comment on the legal agreement and Swift Creek Action Plan drafts. In 2019 Ecology and Whatcom County will select a project design team and begin project implementation with current funding. Ecology will seek additional funding from the Washington State Legislature during 2021-2023 biennium budget planning for project completion.

The project process generally includes five steps, with opportunities for the public to review and comment on project documents at key times.

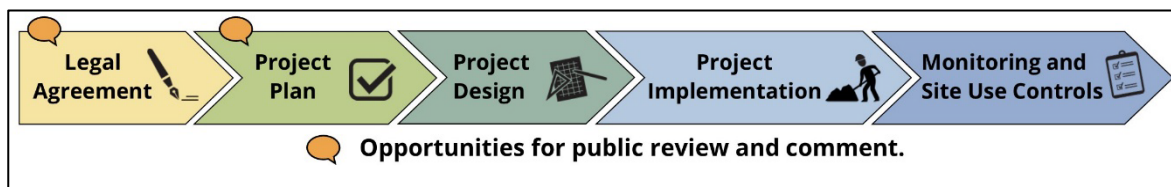


Figure 2: Steps in Swift Creek Project process

1. **Legal Agreement:** A Consent Decree between the State of Washington, Ecology, Whatcom County, and other parties that requires Whatcom County to:
  - Develop detailed design documents.
  - Construct and operate the project.
  - Manage deposited sediment.
  - Perform regular maintenance and monitoring.
  - Control future use and access.
  - Purchase additional property or easements, as may be required.
2. **Project Plan:** The Swift Creek Action Plan describes the flood control and sediment management actions to take place in the Swift Creek watershed.



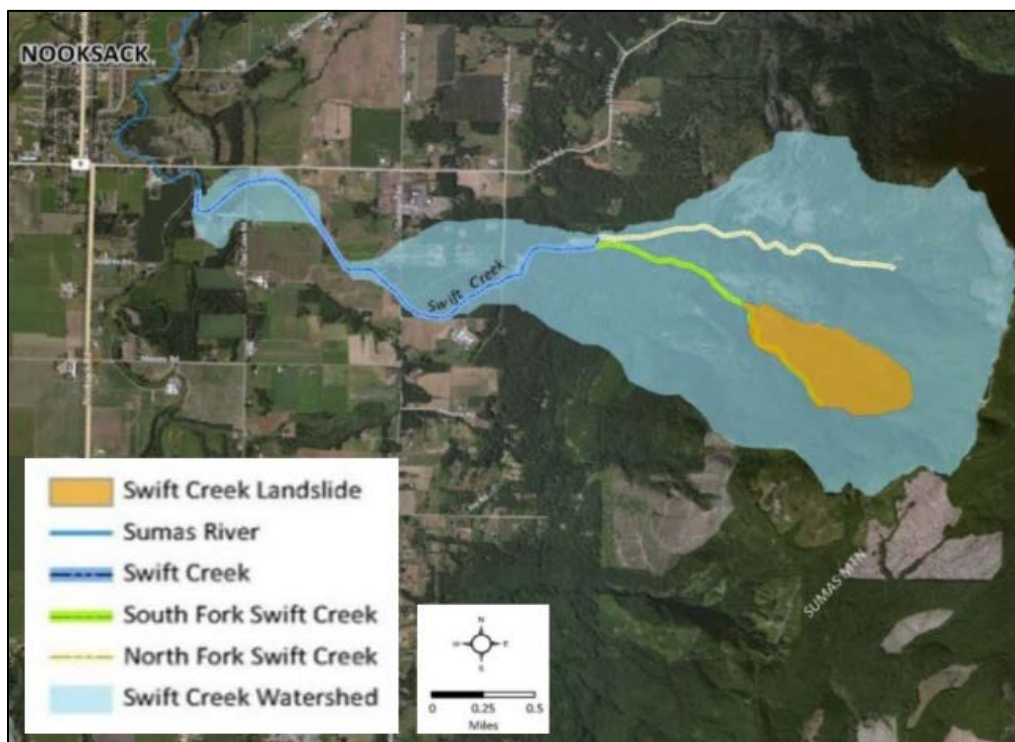
3. **Project Design:** Detailed engineering design documents outlining project construction.
4. **Project Implementation:** Construction actions outlined in the project plan and design.
5. **Monitoring and Site Use Controls:**
  - Monitor and do on-going operations and maintenance.
  - Restrict/prohibit certain activities.

Public participation is an important part of the project process. Participation needs are assessed within the project area according to the level of public interest and the degree of risk posed by the materials in the sediment. Individuals who live near the project area (site), community groups, businesses, government, other organizations, and interested parties have the opportunity to get involved by commenting during the project process.

## Project Information

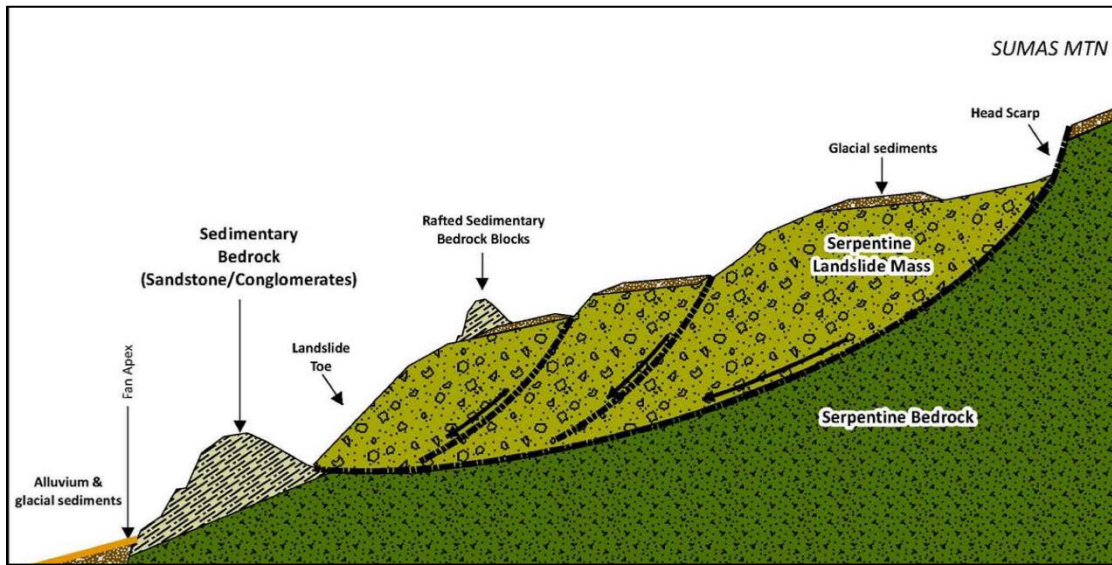
### Location

Swift Creek is located in the northeastern lowlands of Whatcom County. The South Fork of Swift Creek originates from the toe (downslope end) of an ongoing, slowly moving landslide on Sumas Mountain. Swift Creek flows generally westward before joining the Sumas River near the city of Nooksack.



**Figure 3: Swift Creek location and watershed map**

## Landslide



**Figure 4: Sumas Mountain landslide facing north (not to scale)**

The 225 acre landslide on Sumas Mountain has resulted in a large amount of sediment containing naturally-occurring asbestos (NOA) and metals continuously filling up the creek bed. The NOA is part of the mass of weak, unstable serpentine bedrock that makes up most of the landslide material moving down Sumas Mountain. See Figure 4 above for side view and Figure 5 below for landslide pictures.

## Flooding and sediment

As precipitation falls within the Sumas Mountain watershed, Swift Creek picks up large amounts of sediment containing naturally-occurring asbestos (NOA) and metals which continuously fills up the creek bed. For several decades, Swift Creek has been dredged to manage sediment and limit downstream flooding (See Figure 6). When the deposited sediment material dries, NOA in the sediment can become airborne and present a risk to human health and the environment. The main concern with the metals in the sediment is the impact to plants on land and aquatic life.



**Figure 5: Sumas Mountain landslide facing east**



**Figure 6: Swift Creek and dredged sediment pile**

## Area land use

The Swift Creek project area is located in rural Whatcom County in Township 40/41N, Range 4E (see Figure 7). Land within the Swift Creek watershed is zoned:

- AG: agriculture
- RF: rural forestry
- R5A: rural 1 Unit/5 acres

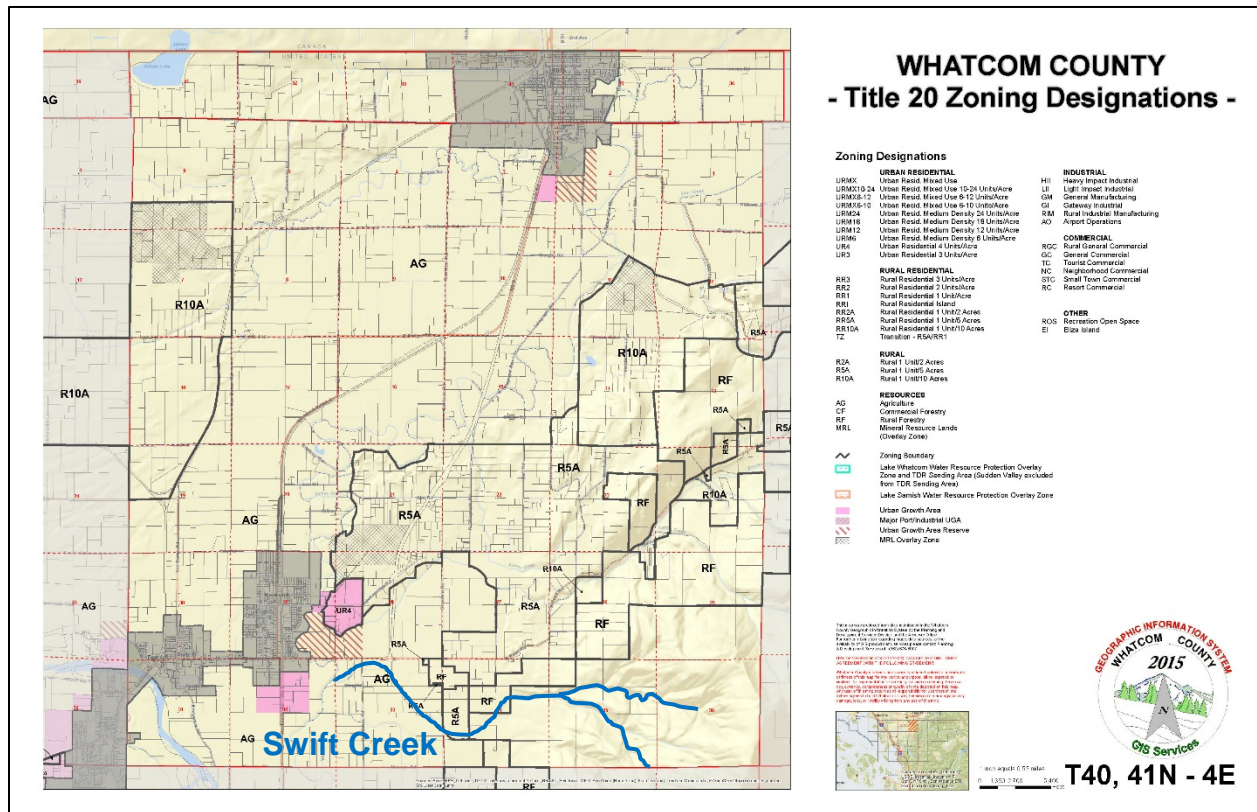


Figure 7: Whatcom County zoning map and Swift Creek location

## Community demographics

The [Environmental Protection Agency's Environmental Justice Screening and Mapping Tool](https://ejscreen.epa.gov/mapper/index.html?wherestr=47.505875%2C+-122.290814)<sup>1</sup> reports a significant “population with less than high school education” (82<sup>nd</sup> percentile for Washington State in the Swift Creek area census tract). “Population under 5 years of age” is also higher for the same census tract at 78<sup>th</sup> percentile.

<sup>1</sup> <https://ejscreen.epa.gov/mapper/index.html?wherestr=47.505875%2C+-122.290814>



The [United States Census Bureau's American Fact Finder](https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t)<sup>2</sup> census tract data reports a significant language population speaking English less than “very well.” The Spanish-speaking population reaching this threshold makes up 5.47% of the Swift Creek census tract.

Ecology and Whatcom County will reach out to cultural community organizations as part of our public involvement efforts and provide information in other languages as appropriate following federal guidance.<sup>3</sup> The non-English language most widely spoken in the project area is Spanish. When appropriate, Ecology will provide outreach in Spanish. We strive to involve the whole community in our public participation efforts and welcome your input on additional measures we can take to reach the nearby community.

The Lummi Nation and Nooksack Tribe are federally recognized tribes that own land and rely on resources within Whatcom County. Ecology and Whatcom County will reach out to these tribes throughout the cleanup process.

## **Public Involvement Activities**

This section describes how Ecology and Whatcom County will share information with the community and how you can share information with us.

### **How we share information with the community**

During specific steps of the project process, Ecology and Whatcom County will mail notices about upcoming public comment periods to residences and businesses near Swift Creek. At a minimum, the mailing list will include addresses within a one-mile buffer of Swift Creek and the Sumas River, and other interested organizations and individuals. The notices will provide general information about the project, contact information for submitting comments, and times and locations of public meetings or hearings, or how to request one if one is not yet scheduled.

Ecology and Whatcom County may also develop documents outside of comment periods to keep the community updated on the project's status. We will make these informational documents available online and, if warranted, by US mail.

Comment period notices and other project announcements may also be posted in various locations throughout the community (for example, local businesses, schools, libraries).

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<sup>2</sup> <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

<sup>3</sup> Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. § 35602 (June 15, 2004).

## **Notification lists**

Ecology and Whatcom County maintain an email list and a mailing list that includes: postal addresses within a one-mile buffer of Swift Creek and the Sumas River; relevant local, state, federal, and tribal government contacts; and, other interested parties.

We will use these lists to send notices when cleanup documents are available for public review and comment or for other project communications.

If you would like to be added to the email or mailing lists for this project, please contact Ian Fawley at 360-255-4382 or [ian.fawley@ecy.wa.gov](mailto:ian.fawley@ecy.wa.gov).

## **Newspaper display ads or legal notices**

We announce public comment periods and events in ads or notices published in the Bellingham Herald and the Lynden Tribune. We will also publish notice on Ecology's [Public Input & Events Listing](#).<sup>4</sup>

## **Ecology's website and social media platforms**

Ecology maintains a [website for the Swift Creek project](#).<sup>5</sup> The website provides project information, including current status, public comment period information and documents, and other project documents.

We may also share information about projects through [news releases, our ECOconnect blog, and social media](#).<sup>6</sup>

## **Whatcom County's website**

Whatcom County maintain a [website for the Swift Creek project](#).<sup>7</sup> The website provides project information and planning documents.

## **Document repositories**

During public comment periods, you can find print documents at the following locations:

### **Whatcom County Library**

104 Kirsch Drive  
Everson, WA 98247  
Phone: 360-966-5100

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<sup>4</sup> [ecology.wa.gov/Events/Search/Listing](http://ecology.wa.gov/Events/Search/Listing)

<sup>5</sup> <http://www.ecology.wa.gov/SwiftCreek>

<sup>6</sup> [ecology.wa.gov/About-us/Get-to-know-us/News](http://ecology.wa.gov/About-us/Get-to-know-us/News)

<sup>7</sup> <http://www.whatcomcounty.us/513/Swift-Creek>

## Washington Department of Ecology

Bellingham Field Office

913 Squalicum Way, Unit 101

Bellingham, WA 98225

To schedule an appointment, please contact the Bellingham Field Office Administration Staff at 360-255-4400 or [ECYDLBFOADMINSUPPORT@ecy.wa.gov](mailto:ECYDLBFOADMINSUPPORT@ecy.wa.gov).

## Signs at the Site

We may also install signs displaying information about cleanup status, traffic impacts, and health risks at sites in the Swift Creek Project area.

## How to share information with us

Interested persons may ask questions, submit informal comments, or share project information with Ecology and Whatcom County at any time. However, to be included in the formal project record, comments must be submitted in writing during designated comment periods. These written comments can be submitted via:

- Ecology's online comment form
- Email or mail to the Ecology Project Manager

Ecology's outreach staff are coordinating public participation activities and will communicate all public correspondence with Whatcom County.

We may also meet with interested community members and organizations to gather information and identify public concerns. To collaborate with us about this project, please contact Ian Fawley at 360-255-4382 or [ian.fawley@ecy.wa.gov](mailto:ian.fawley@ecy.wa.gov).

## Public comment periods

Ecology and Whatcom County will hold 30-day public comment periods for project documents. We may hold longer public comment periods based upon the complexity of the documents, level of public interest, or other compelling factors.

Following the comment period, we publish all the input we received and respond to significant comments and questions, as appropriate. We will place our responses on [Ecology's Swift Creek webpage](#)<sup>8</sup>. If the comments received result in significant changes to the project documents, then we will revise and re-issue the documents for public review. If the comments do not result in significant changes, then the documents are considered final.

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<sup>8</sup> <http://www.ecology.wa.gov/SwiftCreek>

## **Public events**

We hold public meetings, workshops, open houses, and public hearings based on community interest. If we have not scheduled a meeting, we will hold one if we receive 10 or more written requests.

Events are held at locations close to the project area that meet Americans with Disabilities Act standards. Public meetings, workshops, open houses, and hearings are always announced in advance using a variety of methods.

## **Americans with Disabilities Act**

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, contact the Ecology ADA Coordinator at 360-407-6831 or [ecyadacoordinator@ecy.wa.gov](mailto:ecyadacoordinator@ecy.wa.gov), or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## **Plan Amendments/Updates**

Ecology and Whatcom County will review this plan as the project progresses and amend/update it as necessary.

The public involvement activities presented herein describe Ecology and Whatcom County's current plans for keeping the public informed and for receiving information and comments from the public.

If you feel the public involvement activities described in this plan are insufficient, or need modification, please contact Ian Fawley at 360-255-4382 or [ian.fawley@ecy.wa.gov](mailto:ian.fawley@ecy.wa.gov).