



MEMORANDUM

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Elizabeth Kosa, Public Works Director *LBF*

FROM: Paula Harris, Flood Control Engineer *PH*
Gary Stoyka, Natural Resources Manager

RE: Flood Works Agreement with Diking District #3 and landowners for Neveel Levee and Cougar Creek Fish Passage Project (No. 720010)

DATE: January 29, 2025

Enclosed are two (2) originals of a Flood Works Agreement between the Whatcom County Flood Control District (FCZD), Diking District No. 3 (DD#3), and John and Rich Appel (landowners) for your review and signature.

Requested Action

Public Works respectfully requests that the County Executive and the County Council, acting as the FCZD Board of Supervisors, enter into the above referenced Flood Works Agreement for the Neveel Levee Cougar Creek Fish Passage Project.

Background and Purpose

A Floodplain Integrated Planning (FLIP) Reach 2 (Lynden to Ferndale) design charrette held in February 2020 identified Cougar Creek as a focus area for early action project development.

The proposed project includes replacement of an outdated fish blocking floodgate with a single self-regulating structure to improve fish passage, correction of levee deficiencies, and placement of instream wood structures to improve habitat. This project was also coordinated with landowners to improve agricultural drainage while better protecting water quality in Cougar Creek. The design was funded by a combination of grants from The Nature Conservancy and the Department of Ecology Floodplains by Design program, and the Flood fund.

Construction of the project is scheduled for the summer of 2025.

Funding Amount and Source

Funding for project construction is from the Flood fund and includes cost-shares from the landowners through a payment assignment of a Natural Resources Conservation Service (NRCS) grant and DD#3. The total project construction cost is estimated at \$2,250,000. The attached Flood Works Agreement provides for an in-kind project contribution from DD#3 valued at \$25,000 and \$350,927 from the landowners. The remainder of the project costs will be reimbursed at 80% by funding for early action projects included in our 2021-23 and 2023-25 Floodplains by Design grants, with 20%, or approximately \$379,800, from the Flood fund. The Agreement also identifies obligations for future project repairs and maintenance.

Because this project improves the flood control system over the condition prior to the damage, the project is considered a flood hazard reduction project for purposes of the Flood Control Construction Cost-Share Program (WCC 100.05). The cost-share program specifies a 30% cost-share for repair projects, but allows for the cost-share for flood hazard reduction projects to be determined by the Board of Supervisors on a case-by-case basis.

Please contact Christina Schoenfelder at extension 6274, if you have any questions or concerns regarding the terms of this agreement.

Encl.