



US Army Corps
of Engineers
Seattle District



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers

Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 764-3708
ATTN: Suzanne Anderson,
Project Manager

WA Department of Ecology

SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6068
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: August 26, 2013

Expiration Date: September 25, 2013

Reference No.: NWS-2013-484

**Name: Federal Highway
Administration (SE Middle Fork
Snoqualmie River Road)**

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated July 2013.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Federal Highway Administration
Western Federal Lands Highway Division
Attention: Ms. Michelle Eraut
610 East 5th Street
Vancouver, Washington 98661
Telephone: (360) 619-7573

LOCATION: In wetlands, ditches, and streams near the City of North Bend, Washington, along a 9.7 mile segment of Southeast Middle Fork Snoqualmie River Road (Forest Road 56).

WORK: Reconstruct and pave the existing Southeast Middle Fork Snoqualmie River Road beginning at milepost (MP) 2.7 and ending at MP 12.4 (just after the Middle Fork Campground turnoff), to create a uniform 20-foot-wide paved road with some 18-foot wide sections in areas with severe terrain constraints. The last 0.4 mile of the road (between the Middle Fork Trailhead and the Middle Fork Campground) would only be paved, not reconstructed. Construction is expected to last 2.5 years. The proposed work includes the following:

- Raise the grade in needed areas to ensure roadway stability and minimize flood damage to the roadway
- Construct minor alignment adjustments to soften sharp curves
- Replace three bridges
- Install and replace 116 culverts
- Improve drainage ditches
- Provide roadside parking areas
- Upgrade signage and other roadside safety features

NWS-2013-484, Federal Highway Administration (SE Middle Fork Snoqualmie River Road)

The proposed work would permanently impact a total of 1.28 acres in 66 wetlands, 0.23 acres in 38 streams, and 1,426 linear feet of ditch along the project corridor. Temporary impacts to wetlands total 0.91 acres, and temporary impacts to streams total 0.19 acres. The 71 wetlands that would be permanently or temporarily impacted provide forested, scrub-shrub, and emergent habitat, and include: 2 Category I wetlands, 47 Category II wetlands, 21 Category III wetlands, and 1 Category IV wetland. If issued, this permit would be valid for five years.

PURPOSE: The applicant's stated purpose is to improve access to recreational opportunities along the Southeast Middle Fork Snoqualmie River Road by addressing the operational safety needs and reducing maintenance costs and efforts.

The wetland boundaries and locations of the ordinary high water mark, shown on the enclosed project drawings, have not yet been verified by the Corps. A new public notice may be published if the Corps determines the boundaries of the wetland/waters are substantially inaccurate.

MITIGATION: In order to avoid and minimize impacts to wetlands and streams, the project chose the most narrow roadway width (20 feet) that was acceptable to the partner agencies (U.S. Forest Service and King County). As a result, the majority of the project would be constructed within the existing roadway.

Mitigation to compensate for the permanent loss of 1.28 acres of wetlands would be provided by the purchase of credits (amount to be determined) from the Snohomish Basin Mitigation Bank (SBMB). SBMB is located near Duvall, approximately 25 miles downstream from North Bend. No suitable area of adequate size is available on-site, and SBMB is the closest approved mitigation bank within the greater Snoqualmie River Basin watershed, which includes the Middle Fork Snoqualmie River. The Corps will conduct an indirect impact analysis for wetlands with forested buffer impacts and untreated stormwater discharges. Compensation for indirect wetland impacts has not yet been determined.

The proposed work would result in the permanent loss of 0.23 acres of stream, as well as 0.19 acres of temporary stream impacts. Work would also permanently and temporarily impact wetland and stream buffers with forested, shrub, and herbaceous vegetation. Compensation for impacts to streams and wetland and stream buffers has not yet been determined.

Temporary impacts to wetlands, buffers, and riparian areas would be rehabilitated and revegetated.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

The Federal Highway Administration (FHWA), as the lead agency for ESA consultation, has consulted with the USFWS as required under Section 7 of the ESA. They have determined that the project may affect, is not likely to adversely affect northern spotted owl and its designated critical habitat, and marbled murrelet and its designated habitat. Concurrence was issued by USFWS on March 9, 2012.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The FHWA, as the lead agency for a determination regarding EFH, will consult with the NMFS if necessary.

NWS-2013-484, Federal Highway Administration (SE Middle Fork Snoqualmie River Road)

CULTURAL RESOURCES: The FHWA, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Officer and Native American Tribes as appropriate.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

SOURCE OF FILL MATERIAL: The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

EVALUATION – ECOLOGY: The Washington State Department of Ecology (Ecology) is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: This proposal is the subject of Shorelines Substantial Development Permit No. L12SH002 which was issued by King County Department of Permitting and Environmental Review on March 29, 2013.

As a Federal agency, the FHWA will contact Ecology directly to ensure the work is consistent with the Coastal Zone Management Program.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account, and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentator's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

NWS-2013-484, Federal Highway Administration (SE Middle Fork Snoqualmie River Road)

CORPS COMMENTS: All e-mail comments should be sent to suzanne.l.anderson@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Suzanne Anderson, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Federal Highway Administration (SE Middle Fork Snoqualmie River Road); NWS-2013-484.