



US Army Corps  
of Engineers  
Seattle District



# 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 (360) 734-3156  
Attn: Randel Perry, 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 28, 2013  
Expiration Date: September 27, 2013

Reference No.: NWS-2007-167  
Name: Skagit Co. Drainage and  
Irrigation District No. 17

---

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 August 5, 2013.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. 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:** Skagit Co. Drainage and Irrigation District No. 17  
19486 East Johnson Road  
Mount Vernon, Washington 98274  
Attention: Mr. Keith Morrison  
Telephone: (360) 661-1568

**AGENT:** Western Washington Agricultural Association  
2017 Continental Place  
Mount Vernon, Washington 98273  
Attention: Mr. Brandon Roozen  
Telephone: (360) 424-7327

**LOCATION:** In Martha Washington Creek, Flowers Creek, Maddox Creek, Big Ditch Slough, and unnamed tributaries near Mount Vernon, Skagit County, Washington

**WORK:** Excavate and place fill to implement a 5-year maintenance plan for drainage and irrigation facilities.

**PURPOSE:** Maintain drainage and irrigation facilities for on-going agricultural operations.

**ADDITIONAL INFORMATION:** Work will involve removal of accumulated sediments from drainage and irrigation ditches and streams; removal of debris from channels, trash racks, culverts, etc.; repair and replacement of culverts, pumps, bridges, and floodgates; and minor repair, but not major repair or replacement, of tidegates. Work will not involve construction of new facilities. Work will be implemented per the provisions of the Drainage Maintenance Agreement between District #17 and the Washington Department of Fish and Wildlife (WDFW) and the resulting Drainage Maintenance Plan. NOTE: The work was previously authorized by a Department of the Army Individual Permit that expires on September 18, 2013.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at: <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

**MITIGATION:** Per the details of the Drainage Maintenance Plan, the District has agreed to provide support for a series of habitat enhancement projects. Projects are to be undertaken in conjunction with WDFW. Copies of the Drainage Maintenance Plan are available on request.

**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. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

**ESSENTIAL FISH HABITAT (EFH):** 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 EFH. The proposed action would impact EFH in the project area. If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS.

**CULTURAL RESOURCES:** The Corps has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Historic properties are recorded near the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, 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, navigation, 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. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

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.

EVALUATION – 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 SEPA Determination of Non-significance issued by Skagit County on August 22, 2005 (#05-079). Skagit County is reviewing the project under the requirements of their Shorelines 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.

CORPS COMMENTS: All e-mail comments should be sent to [randel.j.perry@usace.army.mil](mailto:randel.j.perry@usace.army.mil) Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Randel Perry, 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: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov).

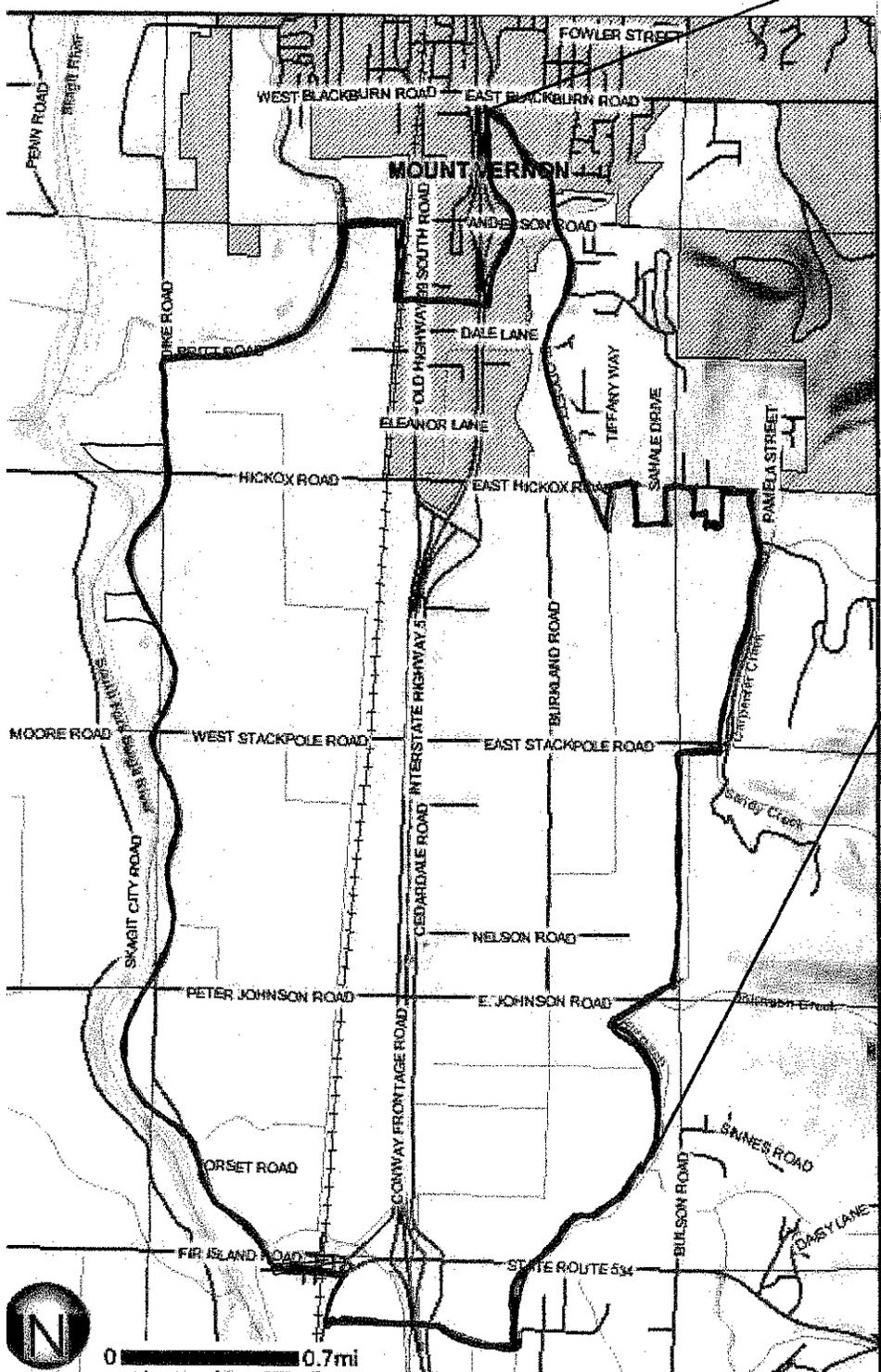
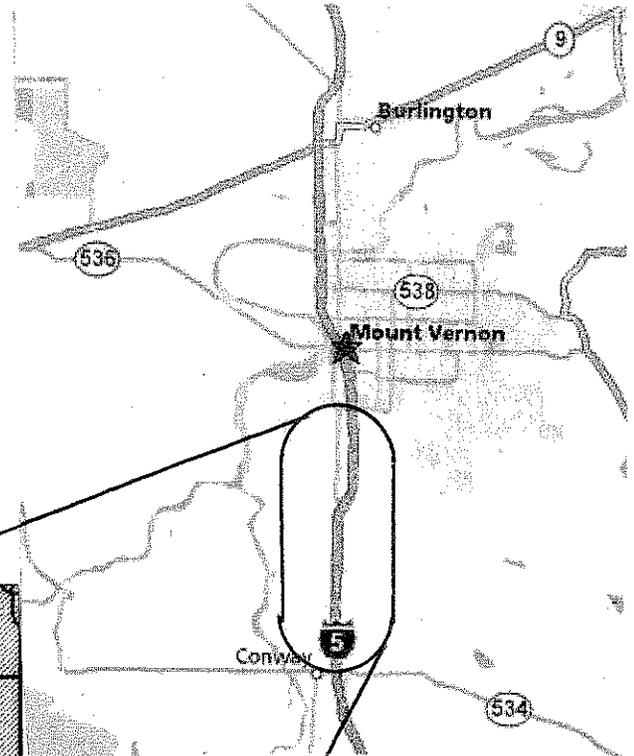
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Skagit Co. Drainage and Irrigation District No. 17, NWS-2007-167

Encl: Figures (7)

**Drainage & Irrigation  
District 17**

Skagit County  
Between Mt. Vernon  
And Conway

Lat: 48° 22' 13.32"  
Long: 122° 20' 08.97"



Corps Ref# NWS-2007-167

Date: 5 August 2013

Sheet 1 of 7.



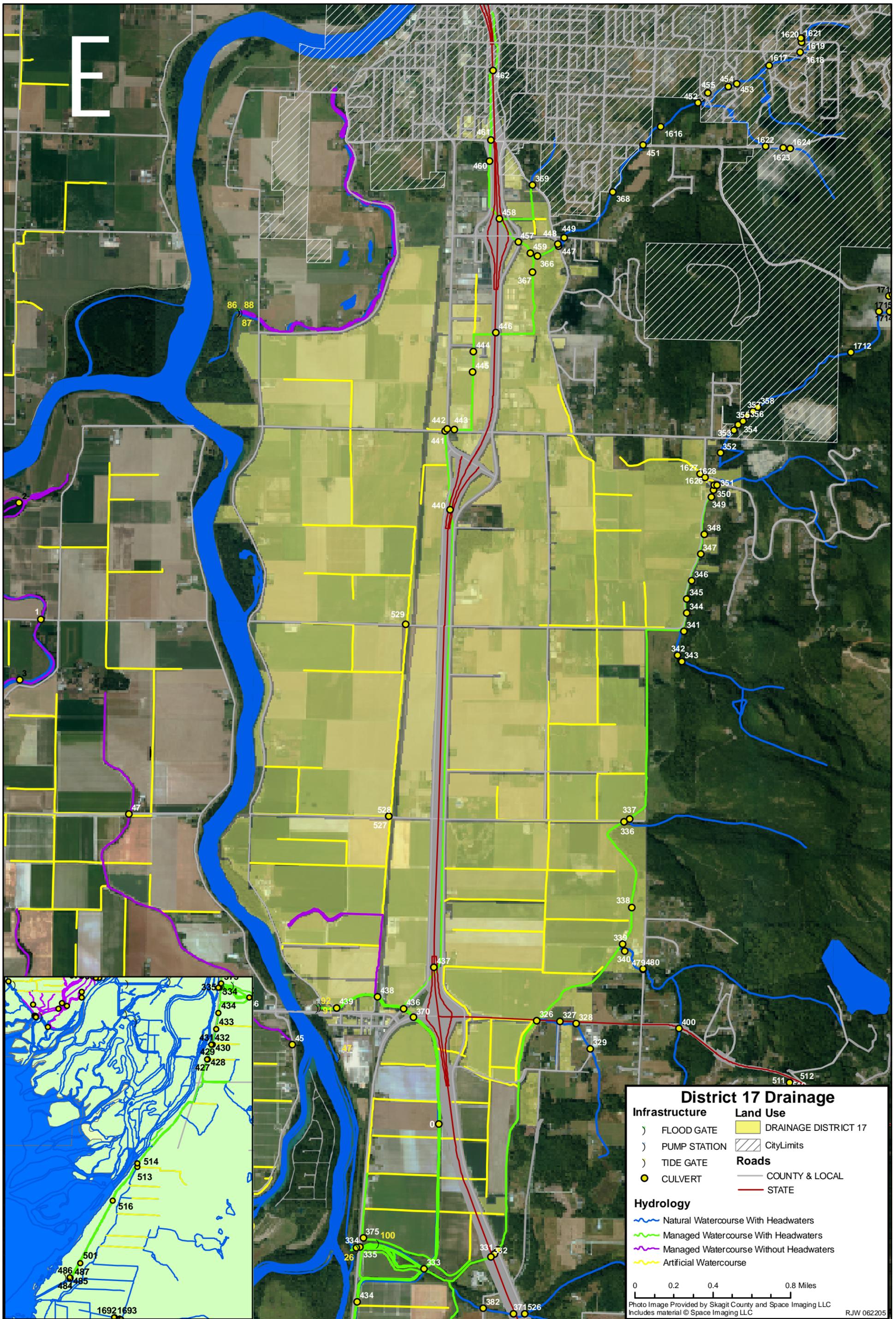


Figure 2: Skagit County Drainage and Irrigation Improvement District #17, watercourse classifications and drainage infrastructure. NWS-2007-167 5 August 2013

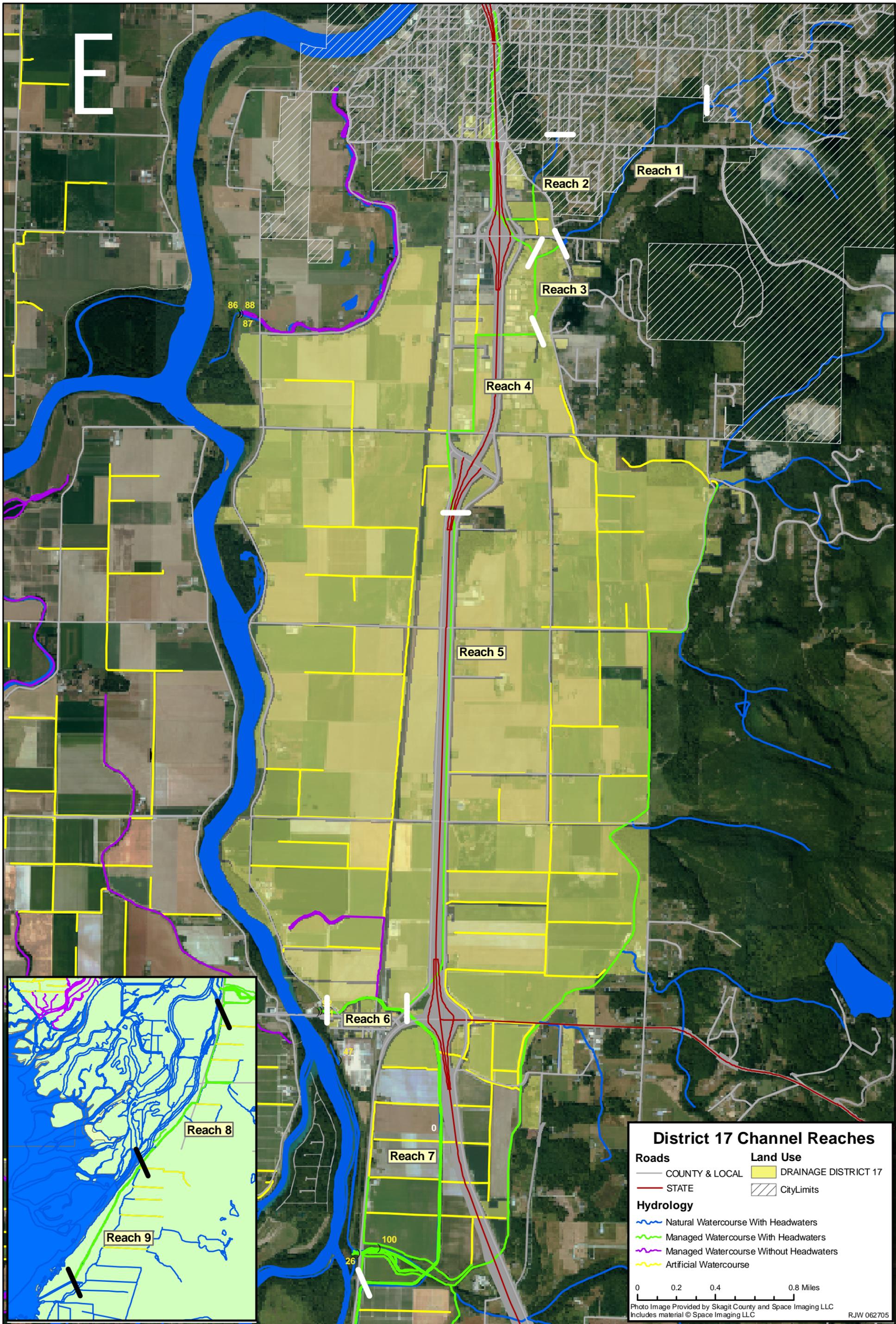
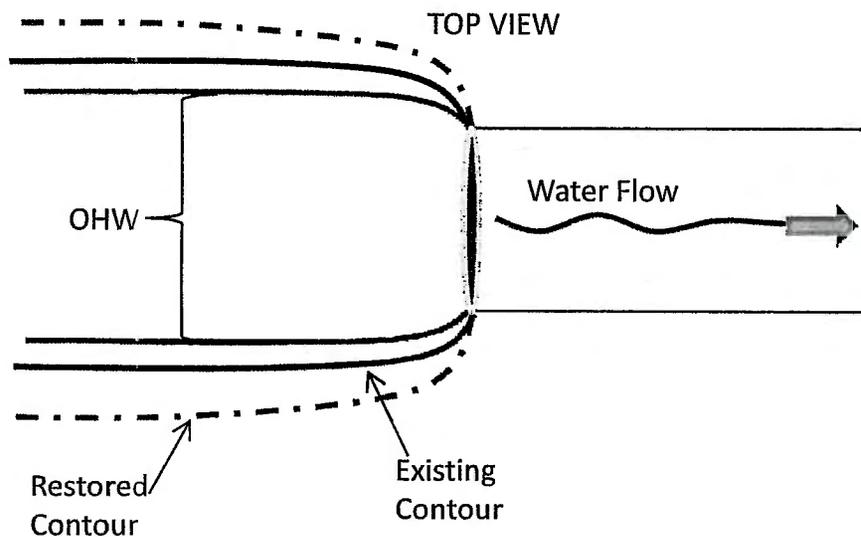
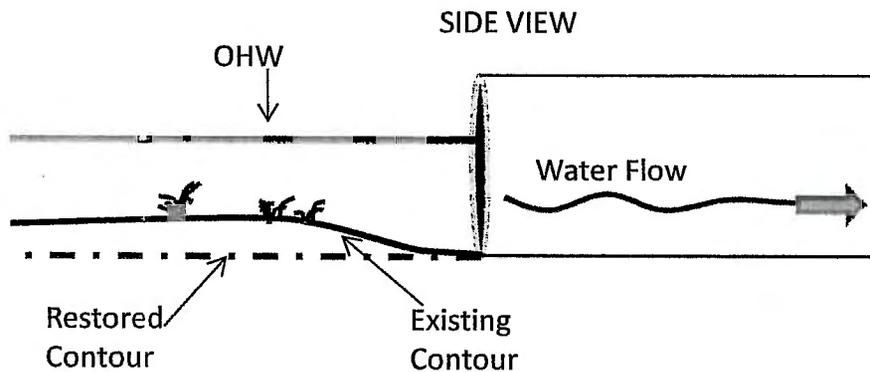


Figure 5: Skagit County Drainage and Irrigation Improvement District #17, Channel Reaches.

## Typical Maintenance Dredging

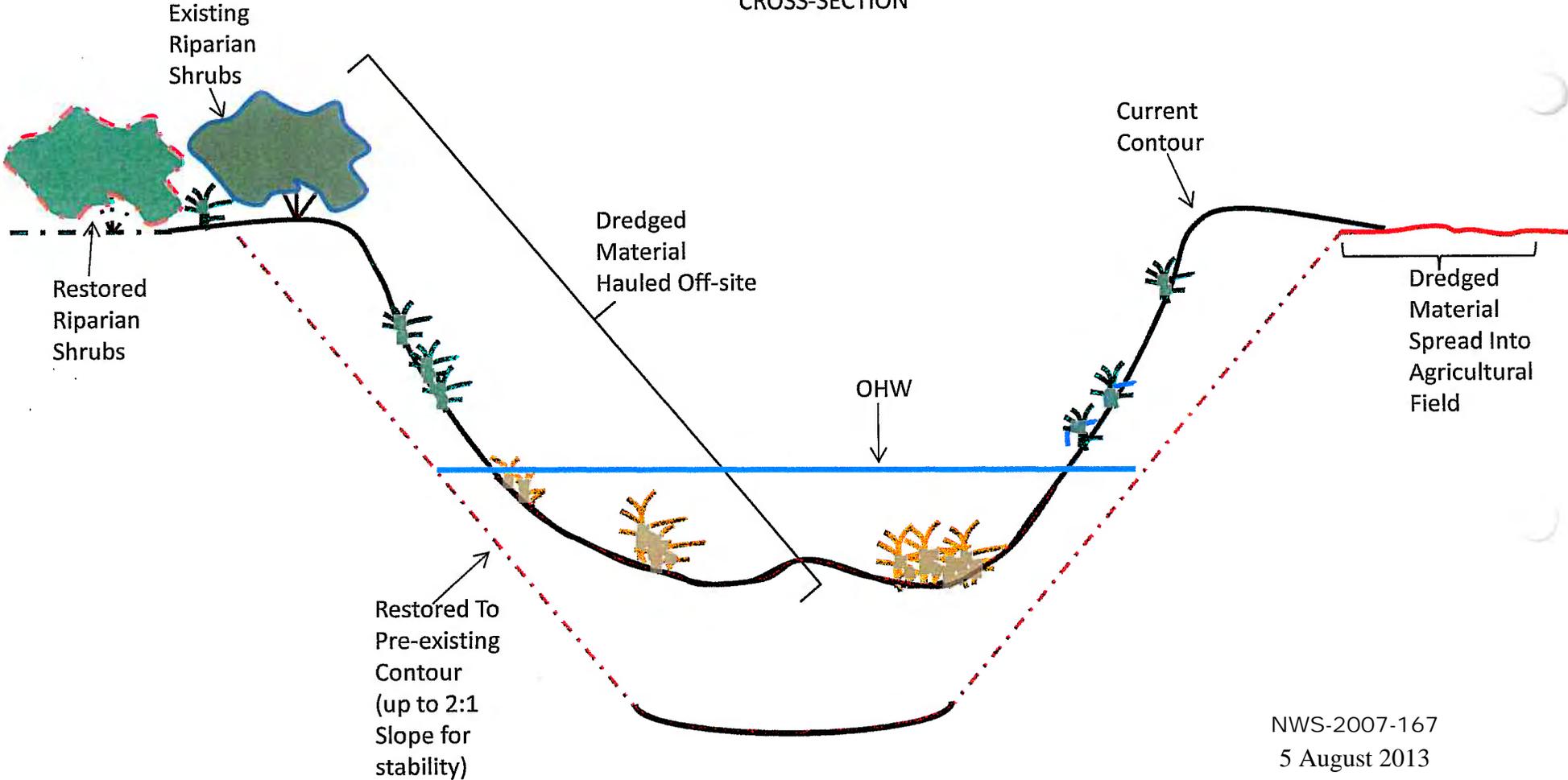


- Volume will vary depending on rate of sedimentation and from time of last cleaning
- Proposed restored contour represents the original/restored contour of ditch
- OHW will vary depending on location within ditch corridor
- Current ditch slope may be adjusted to a 2:1 slope to stabilize the slope and reduce sloughing and sedimentation in a ditch area where unstable material is encountered

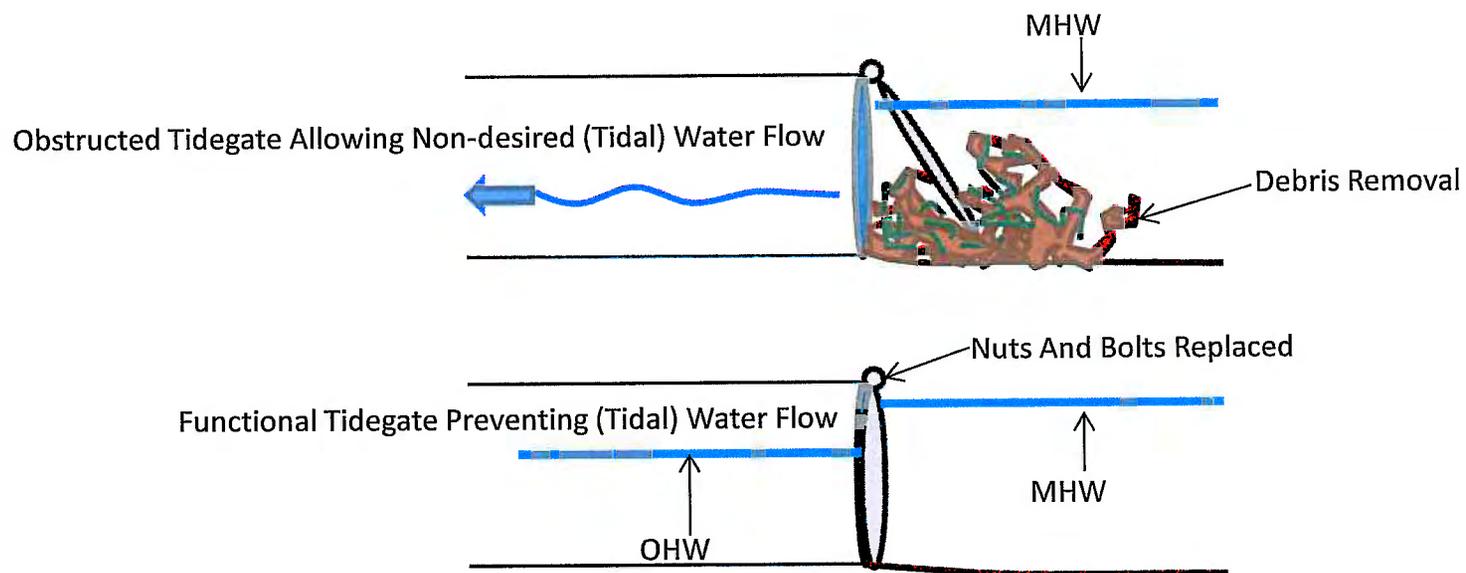
*(refer to diagrams)*

# Typical Maintenance Dredging

## CROSS-SECTION



## Typical Tidegate Maintenance



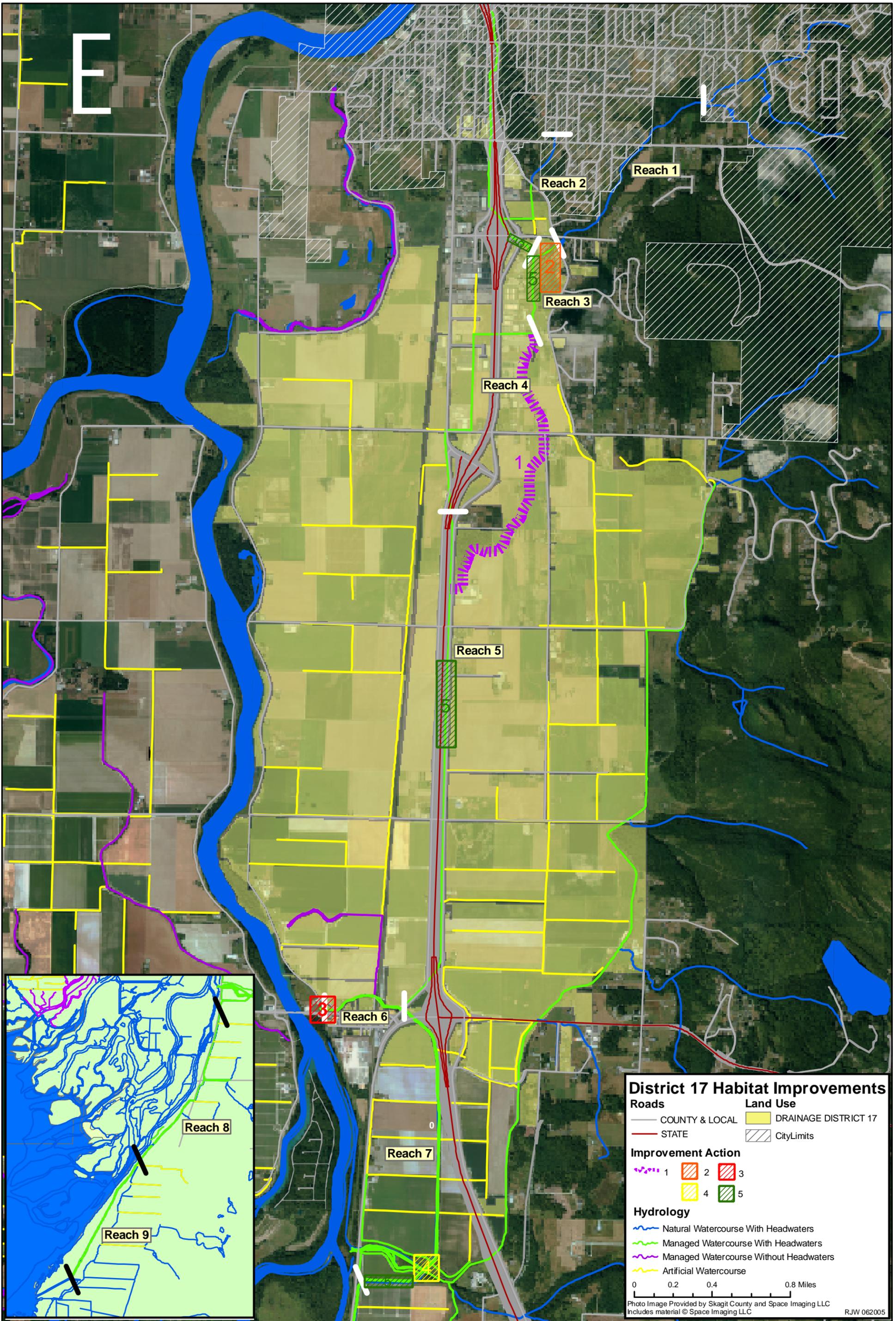


Figure 6: Skagit County Drainage and Irrigation Improvement District #17, Drainage and Habitat Improvements.