



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: Mr. 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: September 11, 2014**  
**Expiration Date: October 11, 2014**

Reference No.: NWS-2008-1382  
Name: Skagit Co. Drainage and Irrigation  
District No. 14

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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 September 2, 2014.

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 County Drainage and Irrigation District No. 14  
Mr. Roger Knutzen  
9255 Chuckanut Drive  
Burlington, Washington 98233  
Telephone: (360) 757-6771

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

**LOCATION:** In Joe Leary Slough, Thomas Creek, and unnamed tributaries near Burlington, 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 Skagit County Drainage and Irrigation District Number 14 (District) 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 21, 2014.

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 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 U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

**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 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. There are recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed 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 (Number 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.

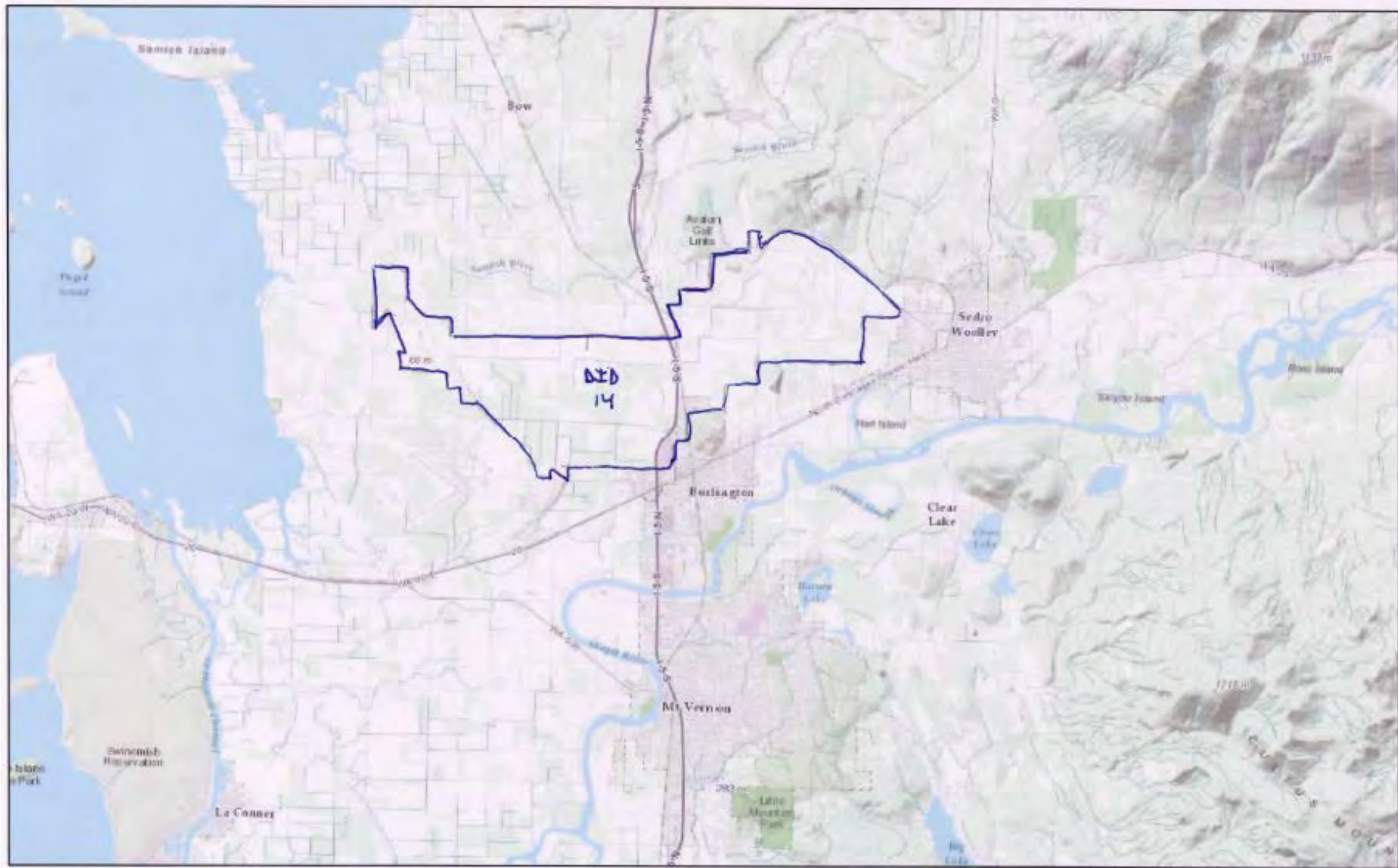
CORPS COMMENTS: All e-mail comments should be sent to [randel.j.perry@usace.army.mil](mailto:randel.j.perry@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Randel Perry, P.O. Box 3755, Seattle, Washington 98124-3755. All comments 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-2008-1382.

Encl: Figures (9)

## Skagit County Drainage and Irrigation District 14.



Reference: NWS-2008-1382

Purpose: Maintain drainage & irrigation

App. By: Skagit Drainage & Irr. Dist. 14

Sheet 1 of 9

Proposed: Excavate sediments & repair facilities

Waterway: Joe Leary Slough, Thomas & Wollard Creeks, & artificial tributaries

At: Bellingham, Washington

Date September 2, 2014

Lat: 48.273408

Long: -122.384469



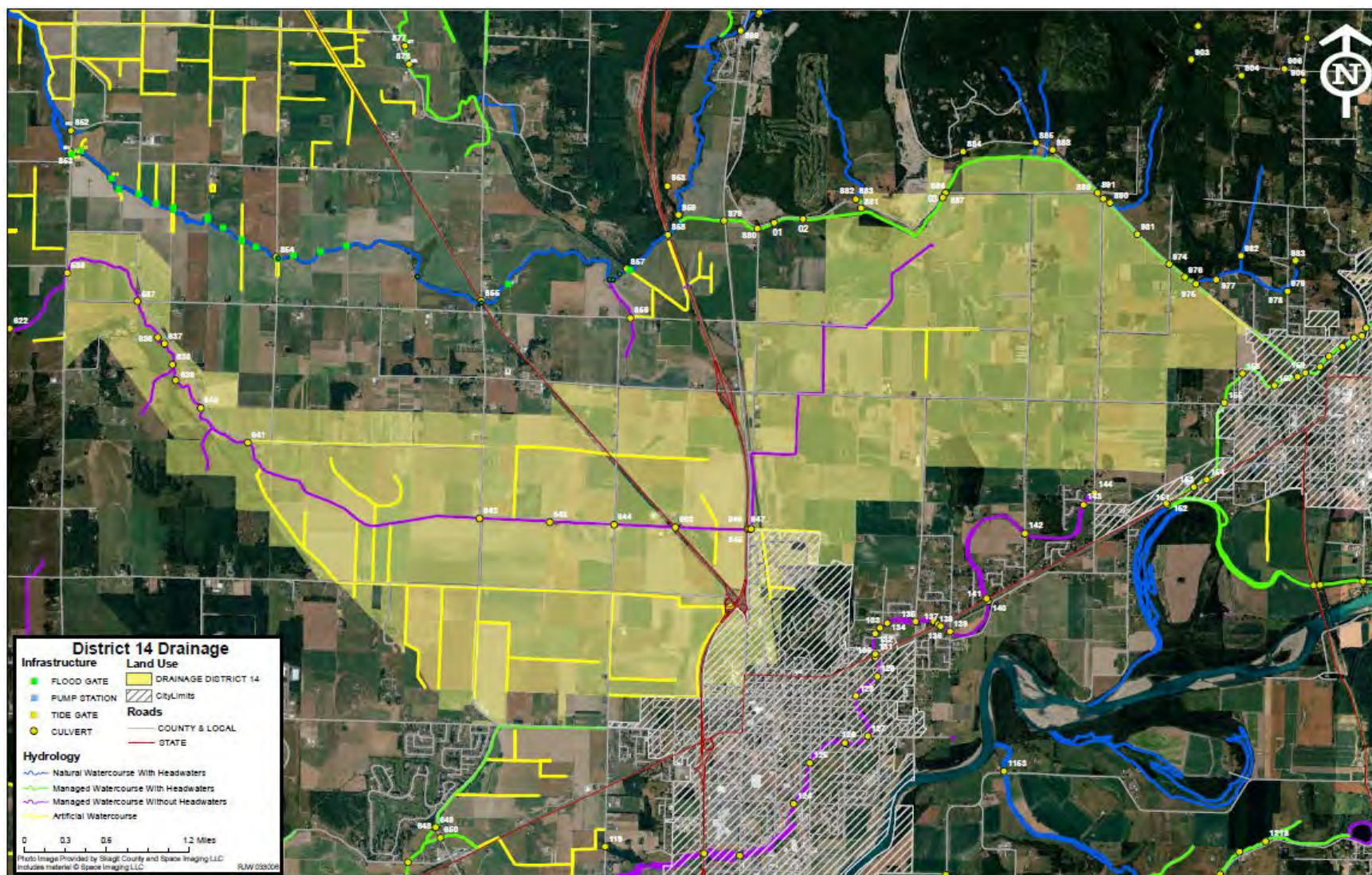


Figure 2: Skagit County Drainage and Irrigation District #14, watercourse classifications and drainage infrastructure.

Reference: NWS-2008-1382

Purpose: Maintain drainage & irrigation

App. By: Skagit Drainage & Irr. Dist. 14

Sheet 2 of 9

Proposed: Excavate sediments & repair facilities

Waterway: Joe Leary Slough, Thomas & Wollard Creeks, & artificial tributaries

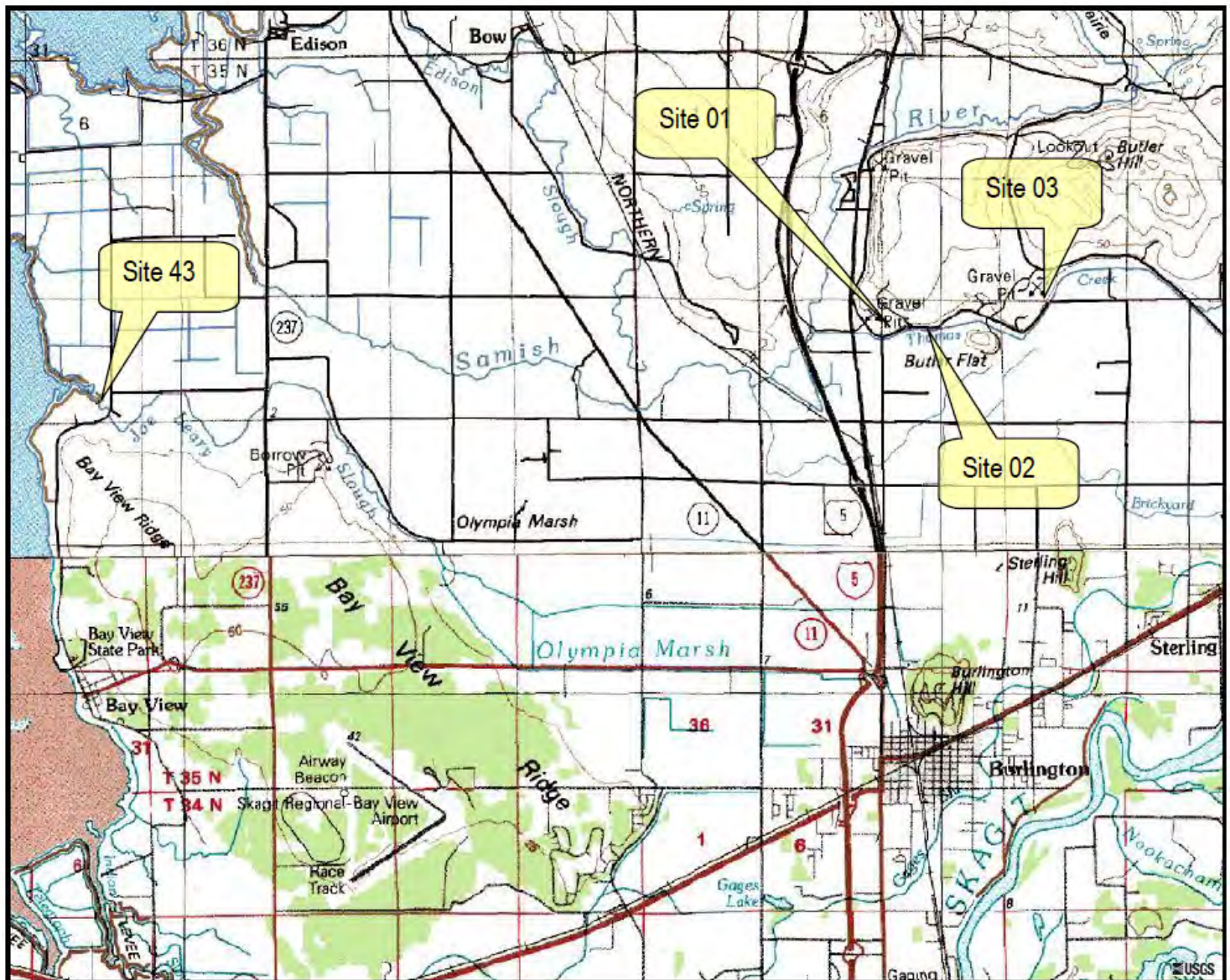
At: Bellingham, Washington

Date September 2, 2014



### Drainage Infrastructure Owned and Maintained By DID 14.

Number	Type	Location	Description	Coverage within DMP
43	Tidegates	Joe Leary Slough	12 - 48 inch gates	Yes
01	Floodgate	Thomas Creek		Yes
02	Floodgate	Thomas Creek		Yes
03	Floodgate	Thomas Creek		Yes



Reference: NWS-2008-1382

Purpose: Maintain drainage & irrigation

App. By: Skagit Drainage & Irr. Dist. 14

Sheet 3 of 9

Proposed: Excavate sediments & repair facilities

Waterway: Joe Leary Slough, Thomas & Wollard Creeks, & artificial tributaries

At: Bellingham, Washington

Date September 2, 2014

## **Typical Repair Activities and Construction Sequences**

### **Trash Racks**

Normal maintenance of trash racks includes removal of accumulated debris as necessary as follows: 1) small amounts are removed by hand labor with a long handled rake while standing on the walkway, raking the trash upward, collecting in trash containers and removing from site; 2) large amounts of debris may require the use of a small boat or raft to stand on while collecting the debris with pitch forks, carrying to shore and removing from site; 3) extremely large amounts of debris may require the use of a long reach excavator or drag line positioned on the dike top. Normal maintenance of trash racks also includes the replacement of worn or damaged trash rack components or replacement of structure as necessary. Worn or damaged trash racks are removed from the watercourse repaired or replaced and then re-installed.

### **Floodgates**

The maintenance of the floodgate includes removal of any lodged debris that may prevent the gate from closing properly and other normal maintenance necessary to insure the gates operate properly. Necessary repair is conducted as needed. Maintenance for floodgates is conducted once the drainage water has passed through the gate. Debris removal is performed as needed to ensure that the flow of water is not impeded and that blockages do not develop. Debris that collects in the gates and trash racks is typically composed of trash, leaves and branches, and is generally small and easily removed with hand tools. Occasionally, larger debris, such as logs, is removed using mechanical equipment, such as an excavator, which is positioned on the bank. Materials are deposited on the adjacent bank or disposed of as necessary. All debris removal with equipment staged on the bank is considered minor repair. Minor maintenance is the replacement of damaged or worn hinge pins, nuts and bolts necessary to keep the floodgate in good operating condition.

### **Tidegates**

Minor maintenance is the replacement of damaged or worn hinge pins, nuts and bolts necessary to keep the tidegate in good operating condition, and also includes removal of logs and debris to ensure gates are able to open and close properly. All debris removal with equipment staged on the bank is considered minor repair.

### **Channel In-Water Bucket Mowing**

In-water mowing is conducted with an excavator with an attached mowing bucket. Mowing of vegetative material occurs below the water line and the cut vegetation accumulates in the bucket. The material is then deposited on the ground away from the ditch and worked into the headland without disruption to crops. Equipment is operated within the ditch right-of-way, parallel to the ditch and up on the bank of the ditch.

### **Channel Out of Water Mowing**

This mowing activity is accomplished using various types of rotary or flail design mowers attached to booms mounted on tractors or excavators. The mower parallels the ditch and mows the ditch bank as it travels along the headland.

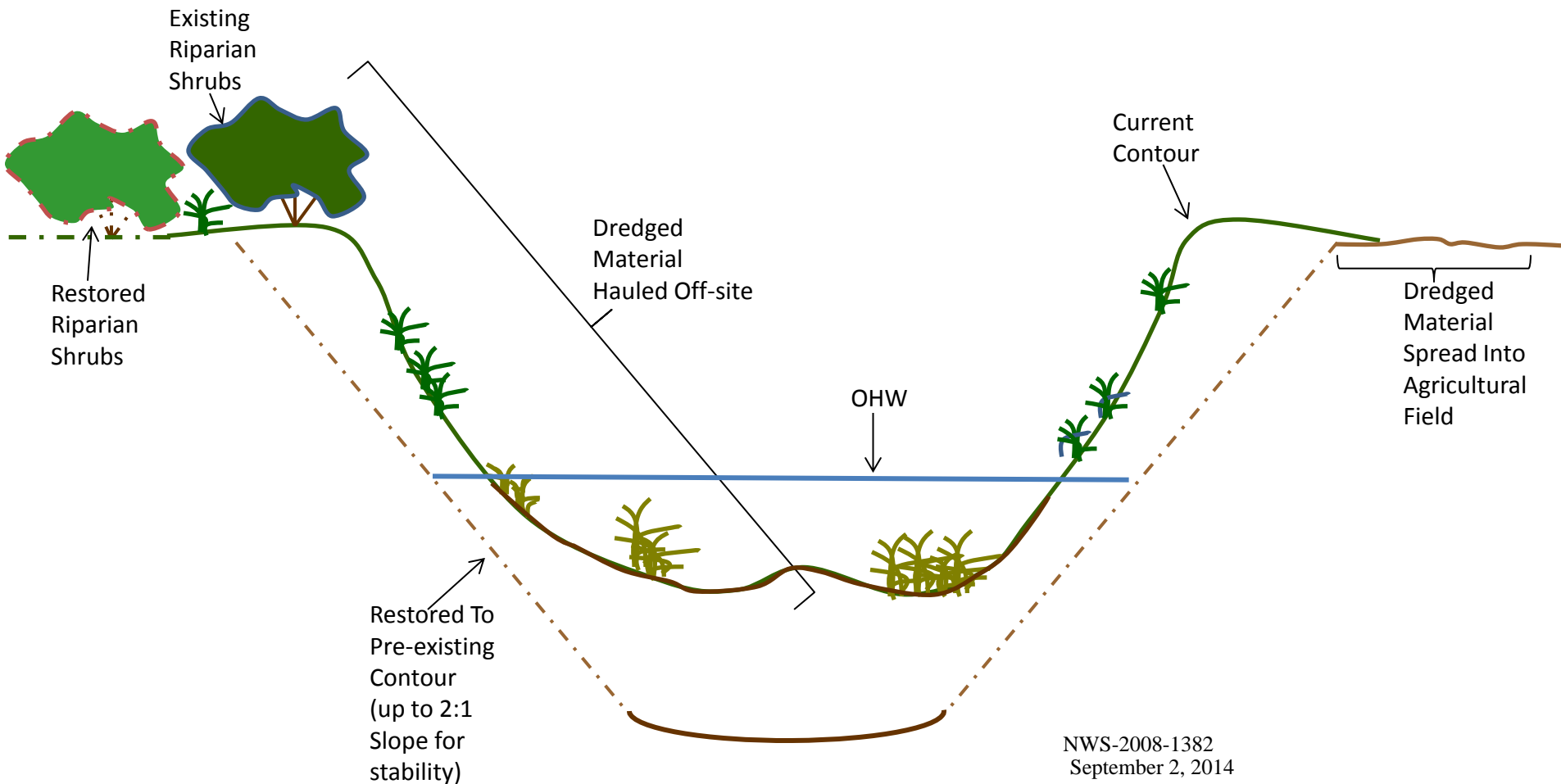
### **Dredging**

Dredging is accomplished utilizing an excavator. The equipment is operated within the ditch right-of-way, parallel to the ditch and up on the bank of the ditch. Dredged material is removed from the ditch and placed into the field to be incorporated into the farmed area. When minimal amounts of excavated material are dredged they are placed approximately 25 to 30 feet from the edge of the ditch as the excavator travels the length of the ditch. This material is then disked into the field, maintaining the existing contour of the field. If the quantity of material is larger than what can be tilled into the field with a disk it is placed in temporary windrows 25 to 30 feet from the edge of the ditch. The windrows are then bulldozed level and the material is disked into the field. The contours of the field are maintained such that a damming effect is not created with the relocated soils. When ditch banks slopes are modified (typically sloped back) excess soils are greater than what can be tilled into the margin of the field. For this action, the dredge material is brought to the center of the field and distributed into the field. The material is disked into the field, maintaining appropriate contours for operations and drainage. On occasion gravel and rock material is dredge from ditches. The source of this material is typically road spoils from county road maintenance. As this material is not compatible with farming requirements it is removed from the site by dump truck and taken to an upland disposal location.

<b>Reference:</b> NWS-2008-1382	<b>Proposed:</b> Excavate sediments & repair facilities
<b>Purpose:</b> Maintain drainage & irrigation	<b>Waterway:</b> Joe Leary Slough, Thomas & Wollard Creeks, & artificial tributaries
<b>App. By:</b> Skagit Drainage & Irr. Dist. 14	<b>At:</b> Bellingham, Washington
<b>Sheet</b> <u>4</u> <b>of</b> <u>9</u>	<b>Date</b> <u>September 2, 2014</u>

# Typical Maintenance Dredging

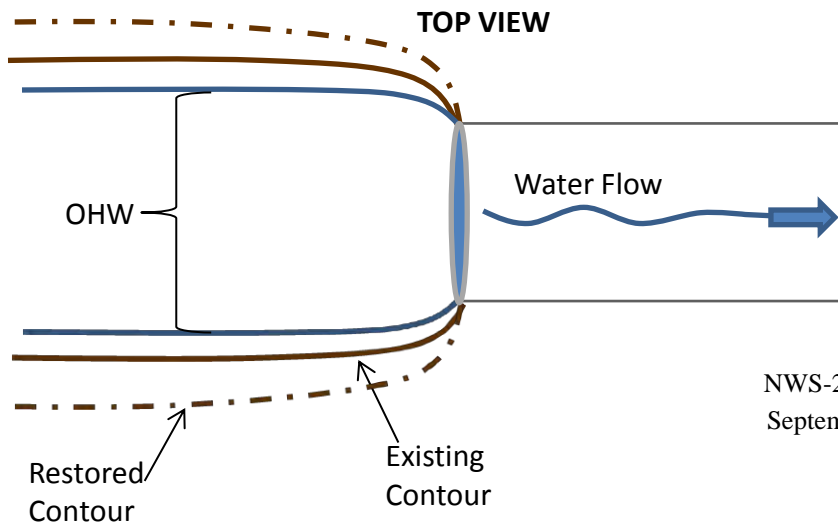
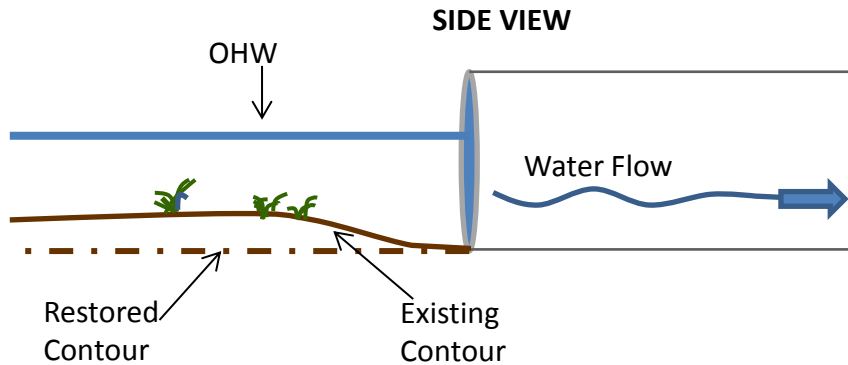
## CROSS-SECTION



NWS-2008-1382  
September 2, 2014



# Typical Maintenance Dredging

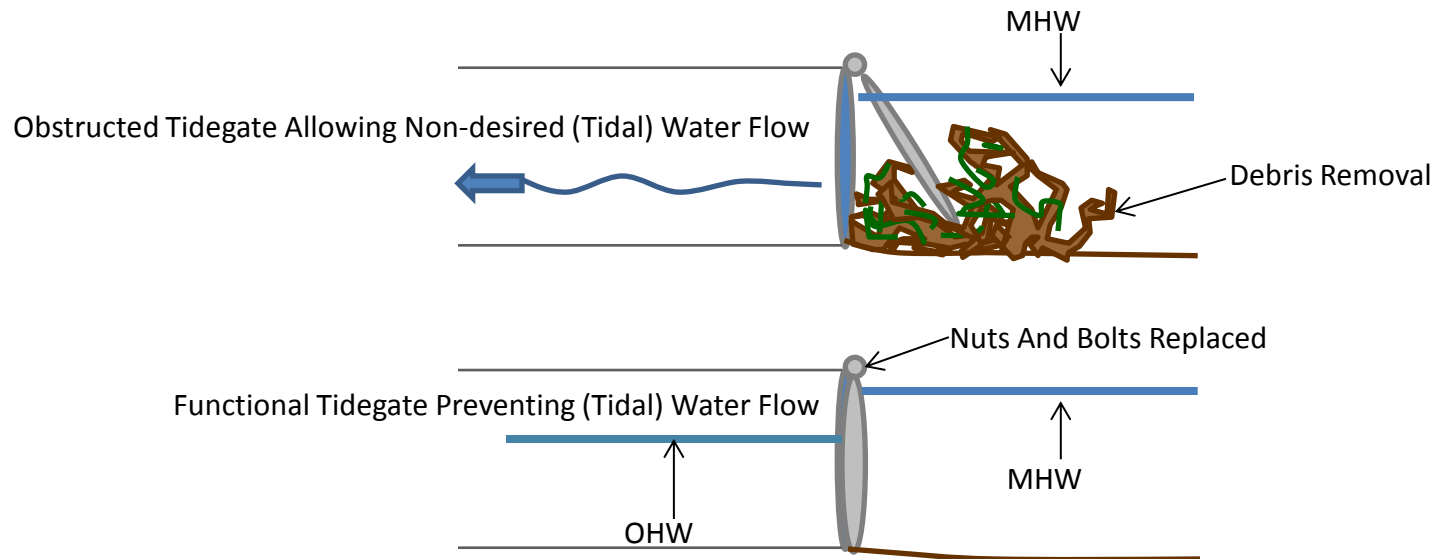


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September 2, 2014

- 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

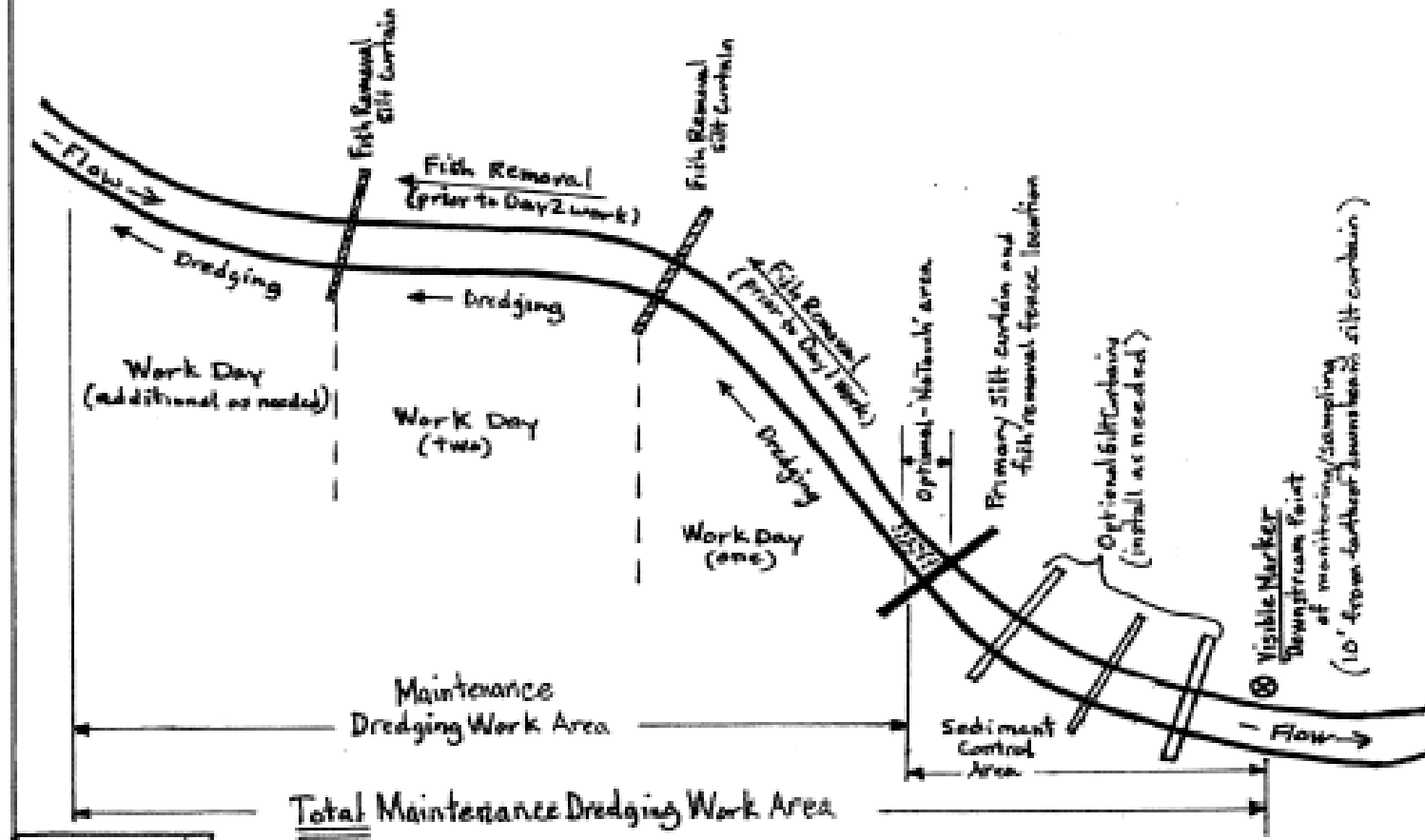
*(refer to diagrams)*

# Typical Tidegate Maintenance



NWS-2008-1382  
September 2, 2014

# TURBIDITY BEST MANAGEMENT PRACTICES



Reference: NWS-2008-1382

Purpose: Maintain drainage & irrigation

App. By: Skagit Drainage & Irr. Dist. 14

Sheet 8 of 9

Proposed: Excavate sediments & repair facilities

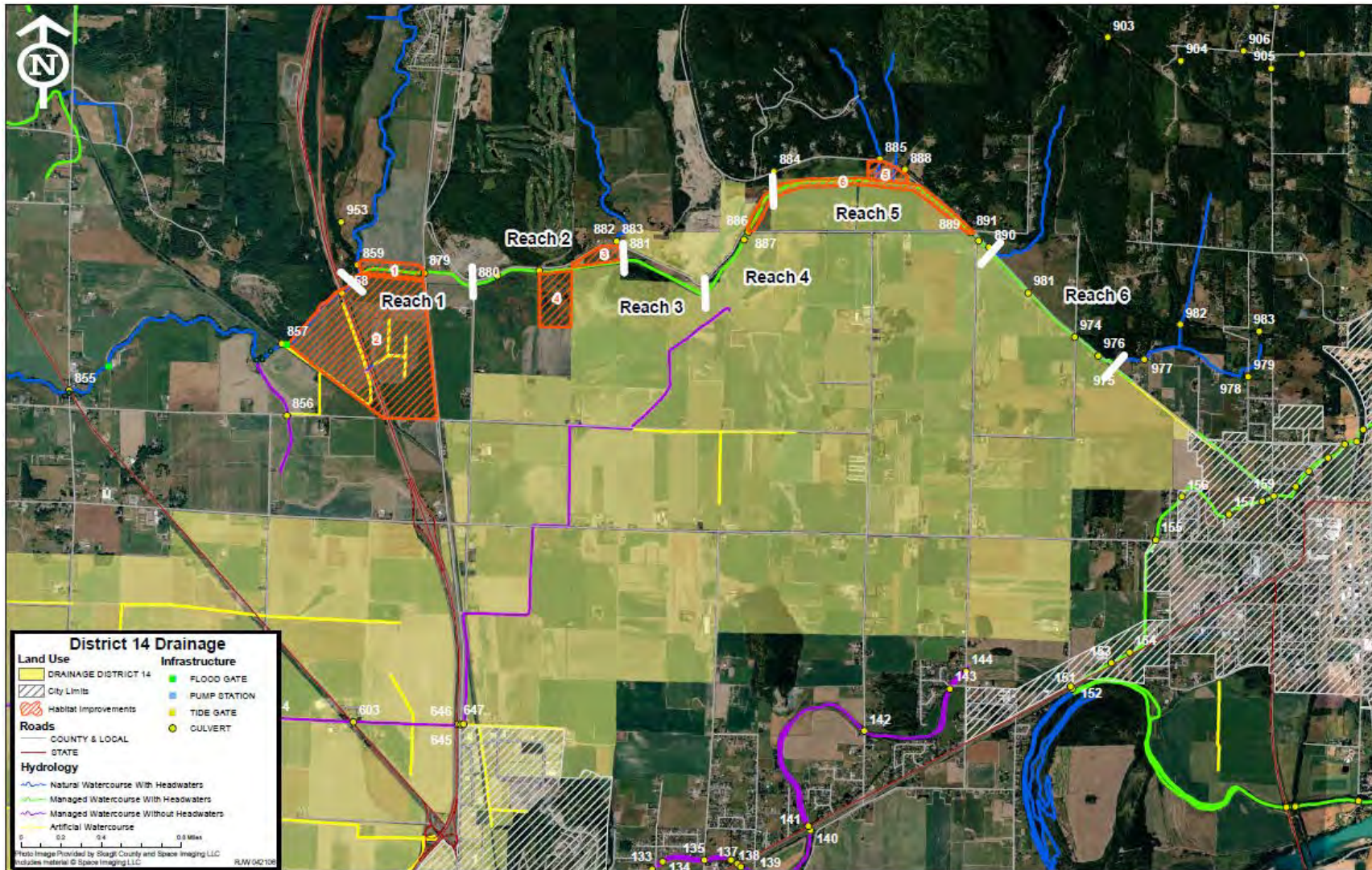
Waterway: Joe Leary Slough, Thomas & Wollard Creeks, & artificial tributaries

At: Bellingham, Washington

Date: September 2, 2014



## HABITAT IMPROVEMENT SITES



Reference: NWS-2008-1382

Purpose: Maintain drainage & irrigation

App. By: Skagit Drainage & Irr. Dist. 14

Sheet 9 of 9

Proposed: Excavate sediments & repair facilities

Waterway: Joe Leary Slough, Thomas & Wollard Creeks, & artificial tributaries

At: Bellingham, Washington

Date September 2, 2014