US Army Corps of Engineers
Seattle District

Joint Public Notice

Application for a Department of the Army Permit and an Environmental Protection Agency Water Quality Certification

U.S. Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (206) 764-6695
Attn: Ms. Erin Legge, Project Manager

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, ECO-083
Seattle, WA 98101
Telephone (206) 553-6686
Attn: Krista Rave-Perkins, Environmental Protection Specialist

Public Notice Date: November 17, 2014
Expiration Date: December 17, 2014

Reference No.: NWS-2014-00030
Name: Upper Skagit Indian Tribe

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated October 16, 2014. The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). The EPA will review the work pursuant to Section 401 of the CWA.

APPLICANT: Upper Skagit Indian Tribe
25944 Community Plaza Way
Sedro-Woolley, Washington 98284
Attention: Ms. Doreen Maloney
Telephone: (360) 854-7000

LOCATION: The proposed Skagit Resort Water Park would be constructed in wetlands on the east side of North Darrk Lane across from the existing resort and casino at Bow in Skagit County, Washington. This land is held in trust by the United States for the Upper Skagit Indian Tribe.

WORK: Place fill in 15.9 acres of wetland in order to construct a commercial water park, hotels, parking lots, stormwater management facilities, landscaping, and a separate parking garage facility. As proposed, the project would result in the permanent fill of 15 acres of palustrine emergent Category III and 0.90 acres of palustrine forested Category II wetlands. Construction activities would be performed by standard construction equipment and temporary sediment and erosion controls would be employed to protect downstream waters. Post-construction storm water would be treated on-site prior to discharge into a tributary of Bob Smith Creek.

PURPOSE: The purpose of the project is to provide the Upper Skagit Indian Tribe economic diversification by providing commercial recreational, lodging and conference facilities.

NOTE: The wetland boundaries and/or location of the ordinary high water mark shown on the project drawings have not been verified by Corps. If the Corps determines the boundaries of the wetland/waters are substantially inaccurate a new public notice may be published.

MITIGATION: As mitigation for the wetland loss described above, the applicant is proposing to preserve a 57.9-acre area at the project location and to create 17.6 acres of wetlands off-site on a parcel held in trust by the United States for the Upper Skagit Indian Tribe. The preservation area contains an estimated 40.4 acres of wetlands and 17.5 acres of uplands.

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 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. A preliminary determination indicates that the activity would not affect endangered or threatened species, or their critical habitat. Consultation under Section 7 of the ESA is not required.

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. The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

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. A historic properties investigation has been conducted within the permit area and proposed mitigation area. No historic properties determined eligible for or listed on the National Register of Historic Places were found to exist. 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 proposed project/mitigation areas. 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.

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 –EPA: The EPA 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. The EPA will be considering all comments to determine whether to certify or deny water quality certification for the proposed project.

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.

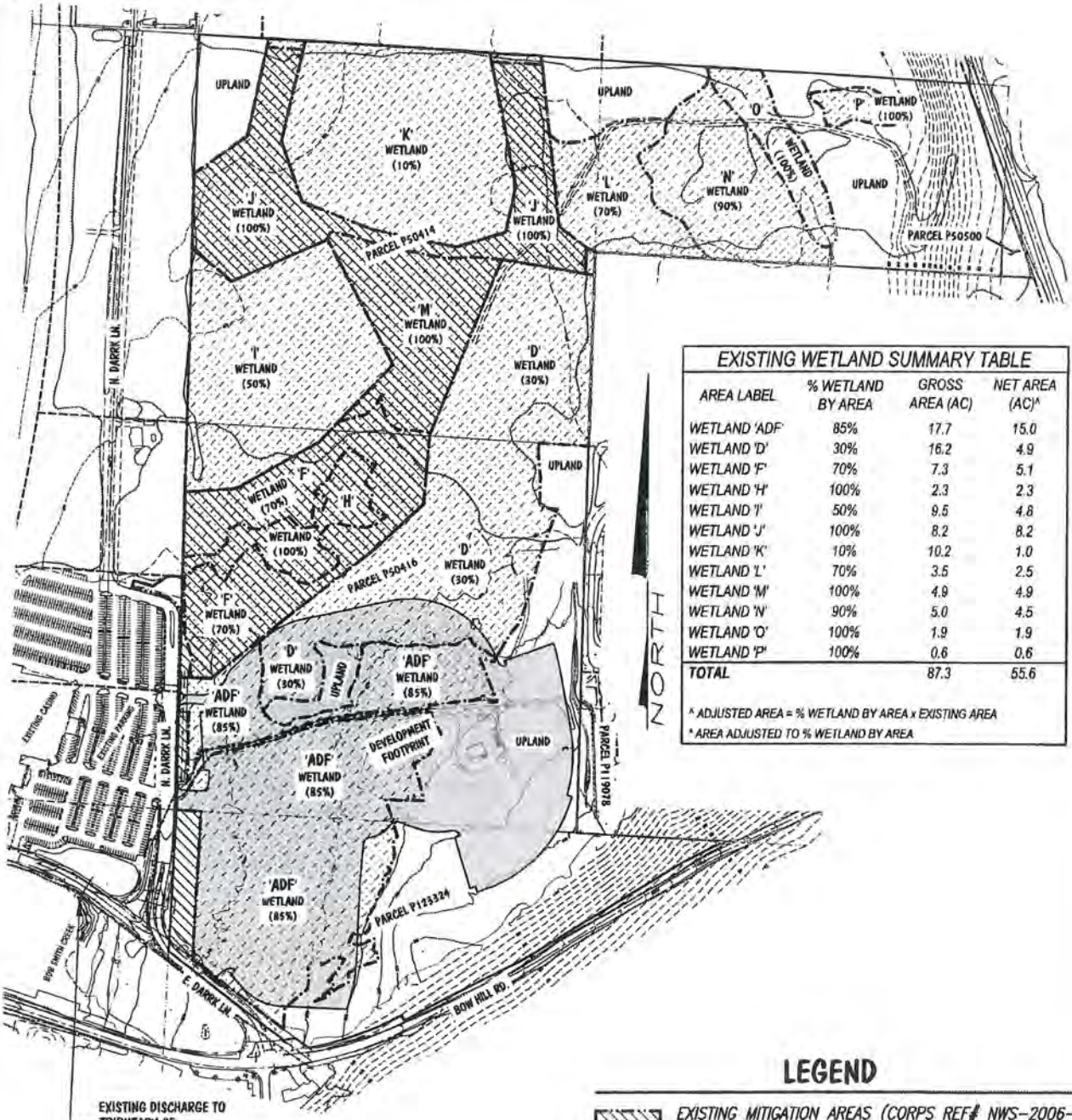
Corps comments: All e-mail comments should be sent to erin.l.legge@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Erin Legge, P.O. Box 3755, Seattle, Washington, 98124-3755. All comments received will become part of the administrative 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.

EPA Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA, may do so by submitting written comments to the following address: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, ECO-083, Seattle, Washington 98101.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Upper Skagit Indian Tribe; NWS-2014-00030

Encl: Figures (10)

NOTE: Existing topographic contour mapping prepared by Walker and Associates from aerial photography taken October 25, 2004, using procedures that have been demonstrated to yield mapping which complies with the National Standard for Spatial Data Accuracy (NSSDA) for a scale of 1"=100'. Walker aerial topography has been supplemented by topographic mapping prepared by Pacific Surveying and Engineering within the "Limits of Proposed Development" polygon, shown hereon, and yields accuracy for a scale of 1"=20'.



EXISTING WETLAND SUMMARY TABLE

AREA LABEL	% WETLAND BY AREA	GROSS AREA (AC)	NET AREA (AC)^
WETLAND 'ADF'	85%	17.7	15.0
WETLAND 'D'	30%	16.2	4.9
WETLAND 'F'	70%	7.3	5.1
WETLAND 'H'	100%	2.3	2.3
WETLAND 'I'	50%	9.5	4.8
WETLAND 'J'	100%	8.2	8.2
WETLAND 'K'	10%	10.2	1.0
WETLAND 'L'	70%	3.5	2.5
WETLAND 'M'	100%	4.9	4.9
WETLAND 'N'	90%	5.0	4.5
WETLAND 'O'	100%	1.9	1.9
WETLAND 'P'	100%	0.6	0.6
TOTAL		87.3	55.6

^ ADJUSTED AREA = % WETLAND BY AREA x EXISTING AREA

* AREA ADJUSTED TO % WETLAND BY AREA

LEGEND

- EXISTING MITIGATION AREAS (CORPS REF# NWS-2006-146) (23.7 AC)
- EXISTING WETLANDS (SEE TABLE) (% AS SPECIFIED)
- PROPOSED DEVELOPMENT AREA

GRAPHIC SCALE
(us survey feet)
0 500
250 1000

Date Drawings Received: October 16, 2014

PACIFIC SURVEY & ENGINEERING, INC.
1812 CORNWALL, BELLINGHAM, WA 98225
PHONE: 671.7387 FAX: 671.4685
www.PSESURVEY.COM

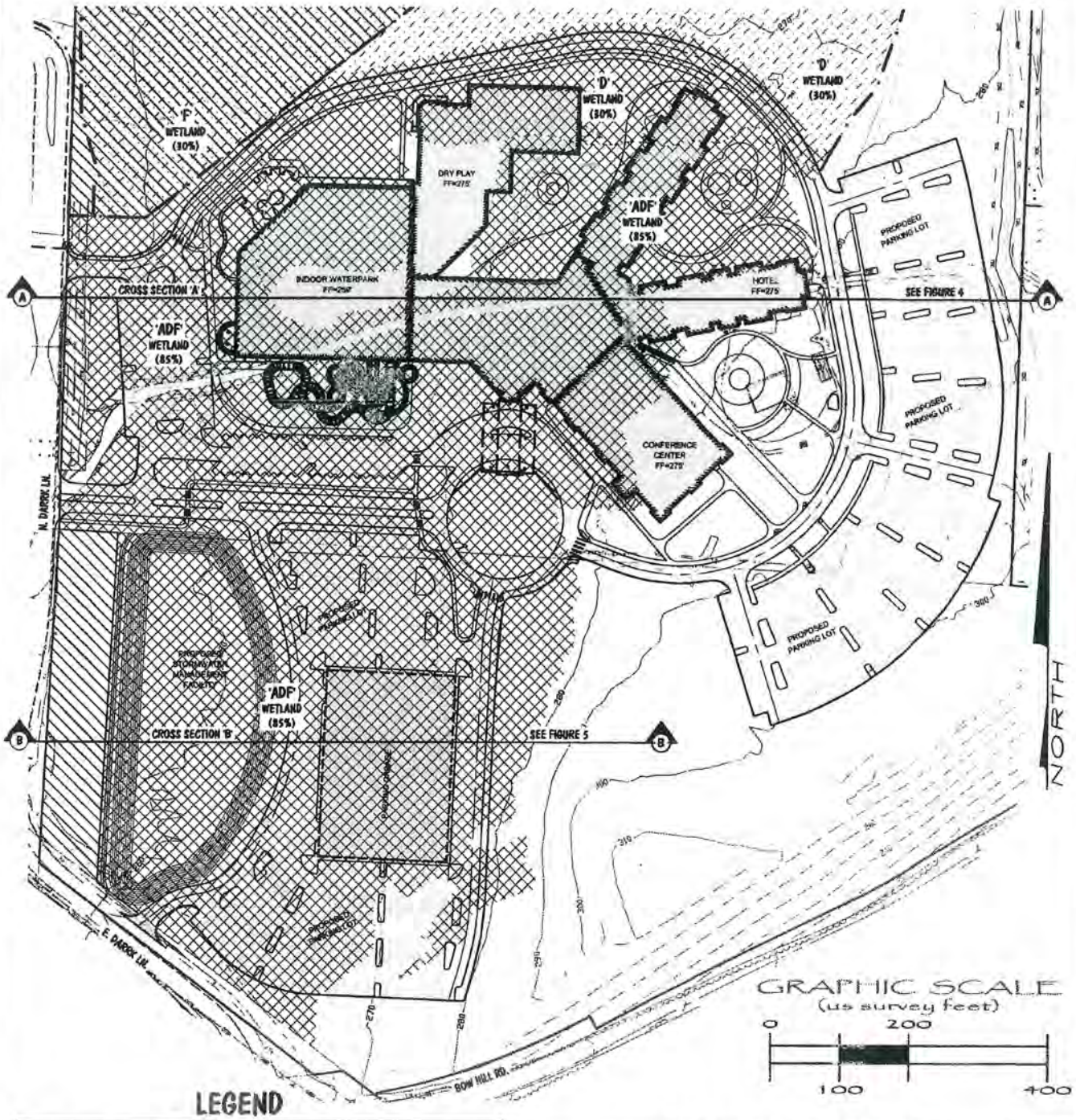
PROPOSED: WETLAND FILL FOR SITE DEVELOPMENT
PURPOSE: SKAGIT RESORT
LOCATION: BOW, WASHINGTON, SKAGIT COUNTY
VERTICAL DATUM: NAVD 88

APPLICANT: UPPER SKAGIT INDIAN TRIBE
CORPS REF#: NWS-2014-30

BOW HILL PARCELS EXISTING CONDITIONS/DEV. FOOTPRINT

FIGURE 2

SHEET: 2 OF 10



LEGEND

- EXISTING MITIGATION AREAS (CORPS REF# NWS-2006-146) (23.7 AC)
- EXISTING WETLANDS (UN-DISTURBED) (SEE TABLE % AS SPECIFIED)
- PROPOSED WETLAND FILL (SEE TABLE % AS SPECIFIED)

WETLAND FILL SUMMARY TABLE

AREA LABEL	% WETLAND BY AREA	GROSS AREA (AC)	NET AREA (AC)^	PROPOSED FILL (AC)*	UNDISTURBED WETLAND (AC)*
WETLAND 'ADF'	85%	17.7	15.0	15.0	0.0
WETLAND 'D'	30%	16.2	4.9	0.9	4.0
TOTAL		33.9	19.9	**15.9**	4.0

^ ADJUSTED AREA = % WETLAND BY AREA x EXISTING AREA

* AREA ADJUSTED TO % WETLAND BY AREA

Date Drawings Received: October 16, 2014

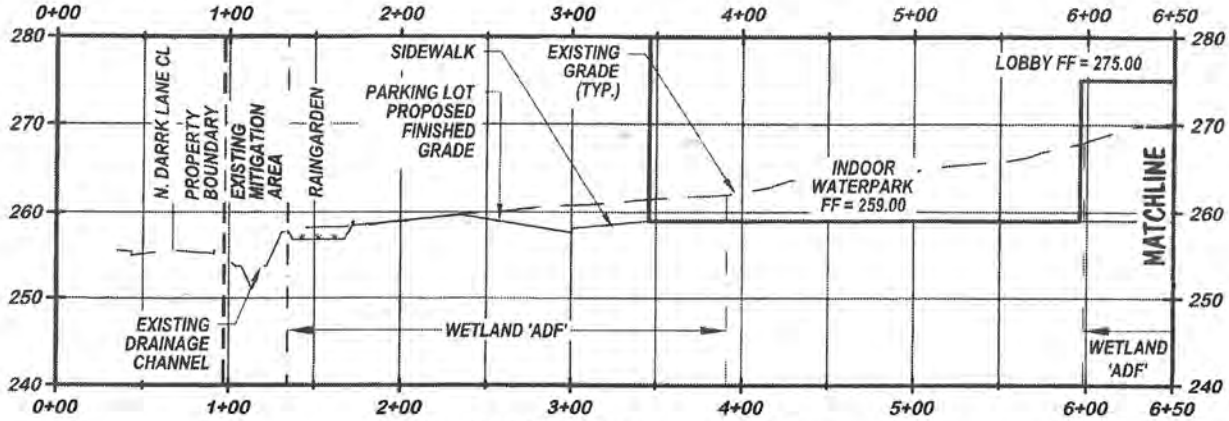
PACIFIC SURVEY & ENGINEERING, INC.
1012 CORNWALL, BELLINGHAM, WA 98225
PHONE: 671.7387 FAX: 671.4685
WWW.PSESURVEY.COM

PROPOSED: WETLAND FILL FOR SITE DEVELOPMENT
PURPOSE: SKAGIT RESORT
LOCATION: BOW, WASHINGTON, SKAGIT COUNTY
VERTICAL DATUM: NAVD 88

APPLICANT: UPPER SKAGIT INDIAN TRIBE
CORPS REF#: NWS-2014-30

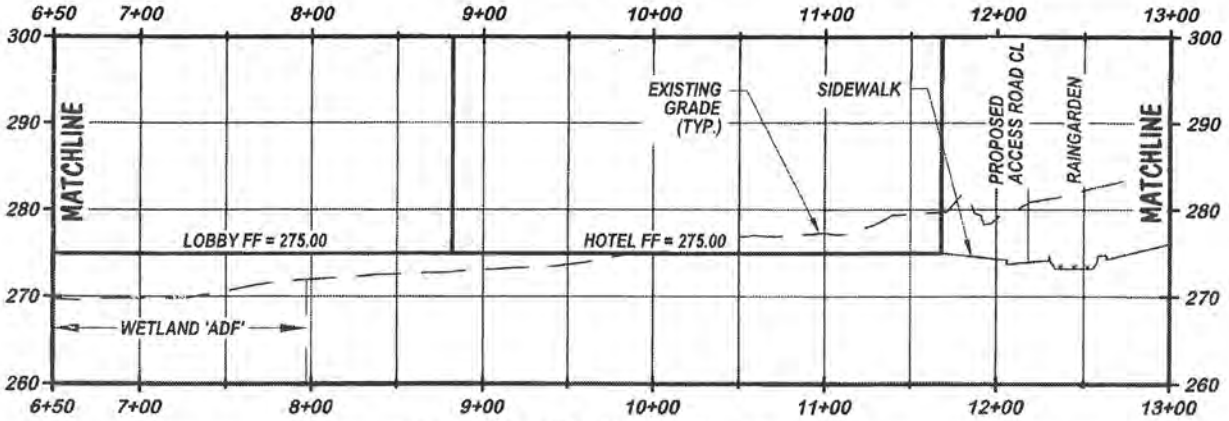
BOW HILL PARCELS PROPOSED PROJECT SITE MAP & WETLAND FILL AREAS

FIGURE 3



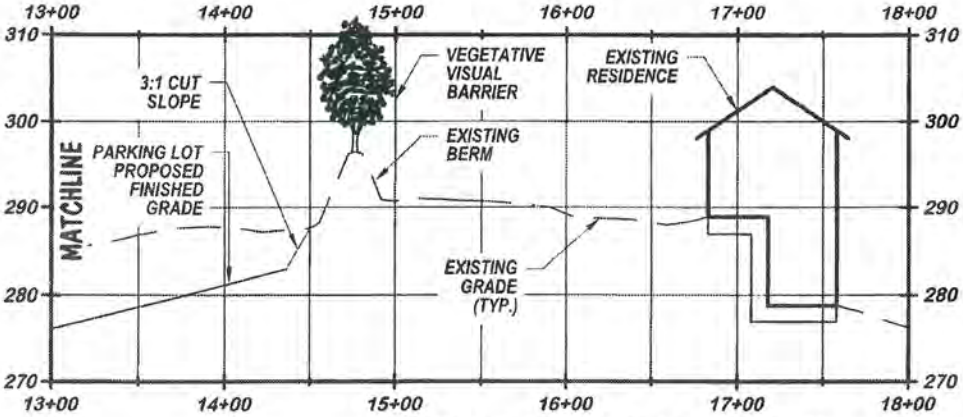
CROSS-SECTION A (STA. 0+00 - 6+50)

(REFERENCE FIGURE 3)
NTS



CROSS-SECTION A (STA. 6+50 - 13+00)

(REFERENCE FIGURE 3)
NTS



CROSS-SECTION A (STA. 13+00 - 18+00)

(REFERENCE FIGURE 3)
NTS

Date Drawings Received: October 16, 2014

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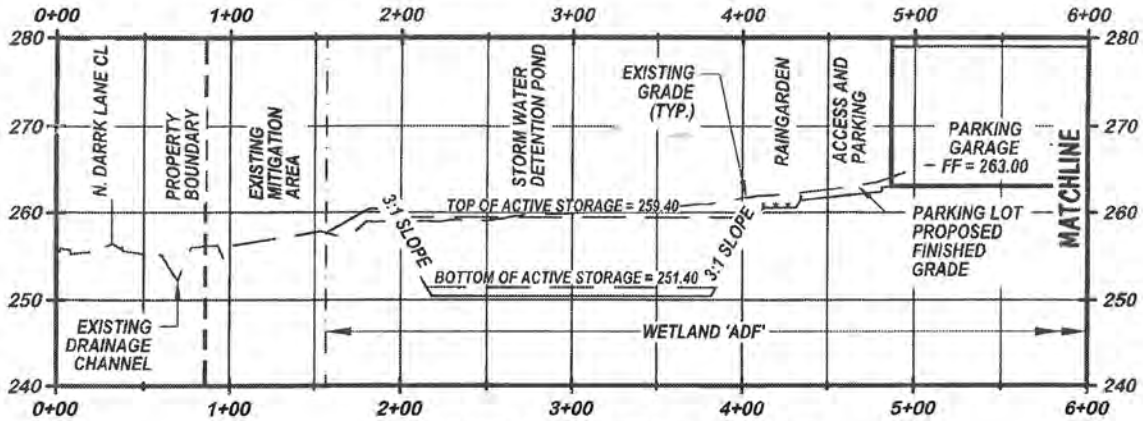
1612 COMMERCE, BELLINGHAM, WA 98225
PHONE: 671.7387 FAX: 671.4685
WWW.PSESURVEY.COM

PROPOSED:	WETLAND FILL FOR SITE DEVELOPMENT	APPLICANT:	UPPER SKAGIT INDIAN TRIBE
PURPOSE:	SKAGIT RESORT	CORPS REF#:	NWS-2014-30
LOCATION:	BOW, WASHINGTON, SKAGIT COUNTY		
VERTICAL DATUM:	NAVD 88		

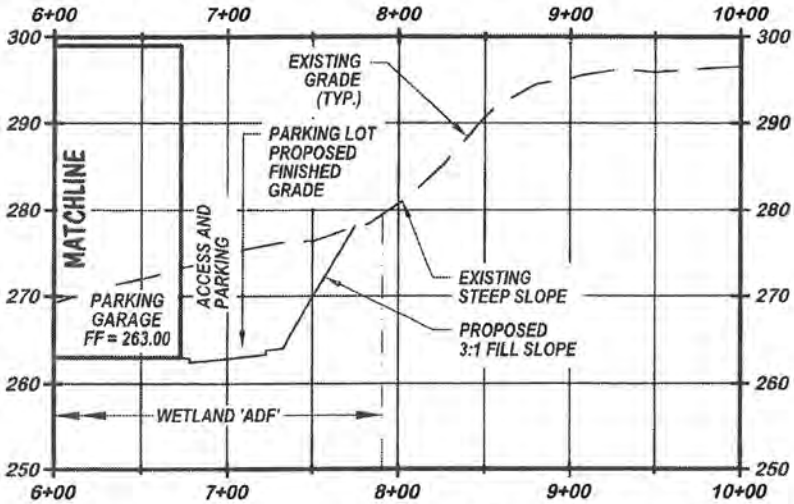
BOW HILL PARCELS
PROPOSED CROSS SECTION A

FIGURE 4



CROSS-SECTION B (STA. 0+00 - 6+00)

(REFERENCE FIGURE 3)
NTS



CROSS-SECTION B (STA. 6+00 - 10+00)

(REFERENCE FIGURE 3)
NTS

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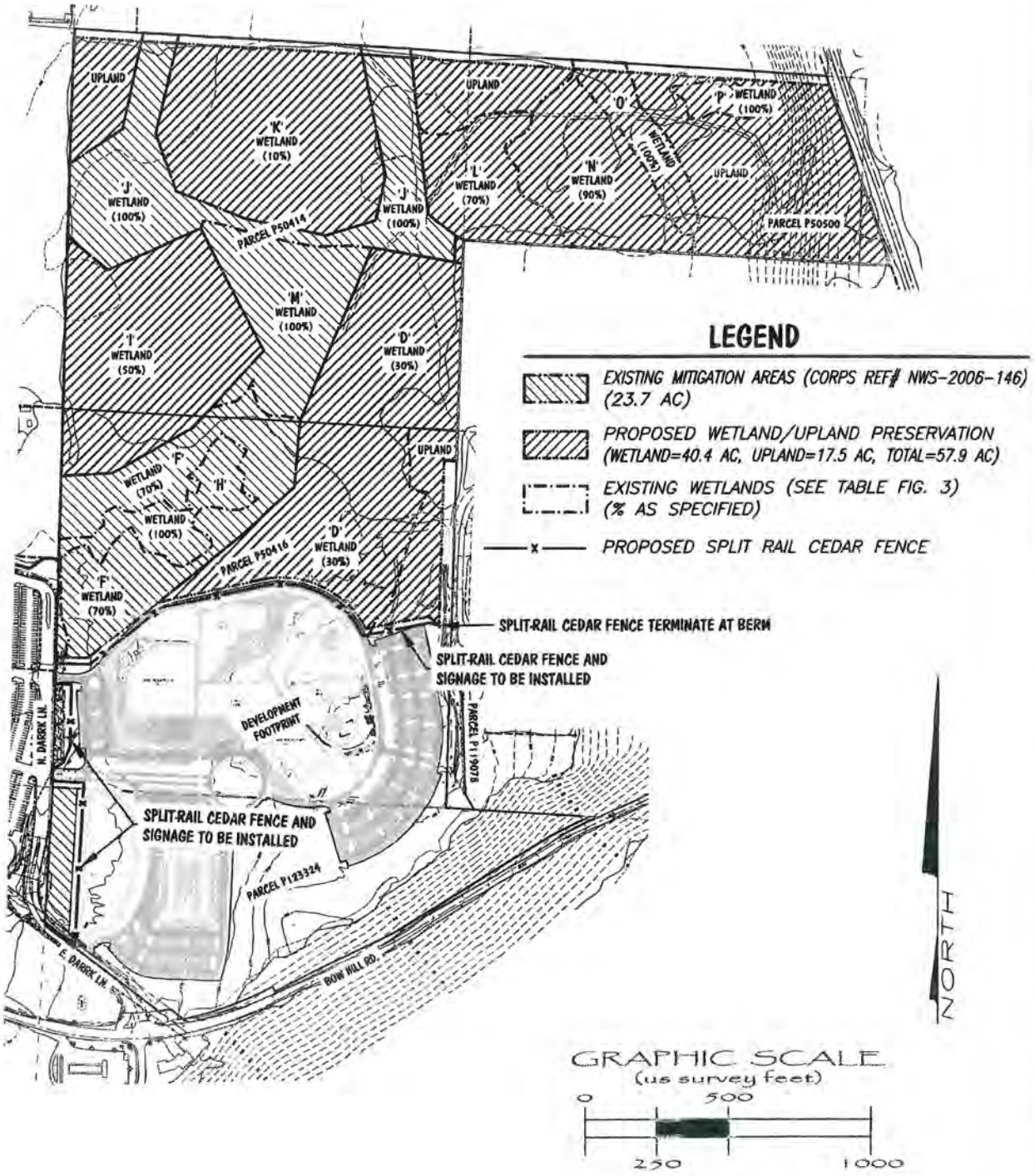
VERTICAL DATUM: NAVD 88

APPLICANT: UPPER SKAGIT INDIAN TRIBE
CORPS REF#: NWS-2014-30

BOW HILL PARCELS
PROPOSED CROSS SECTION B

FIGURE 5



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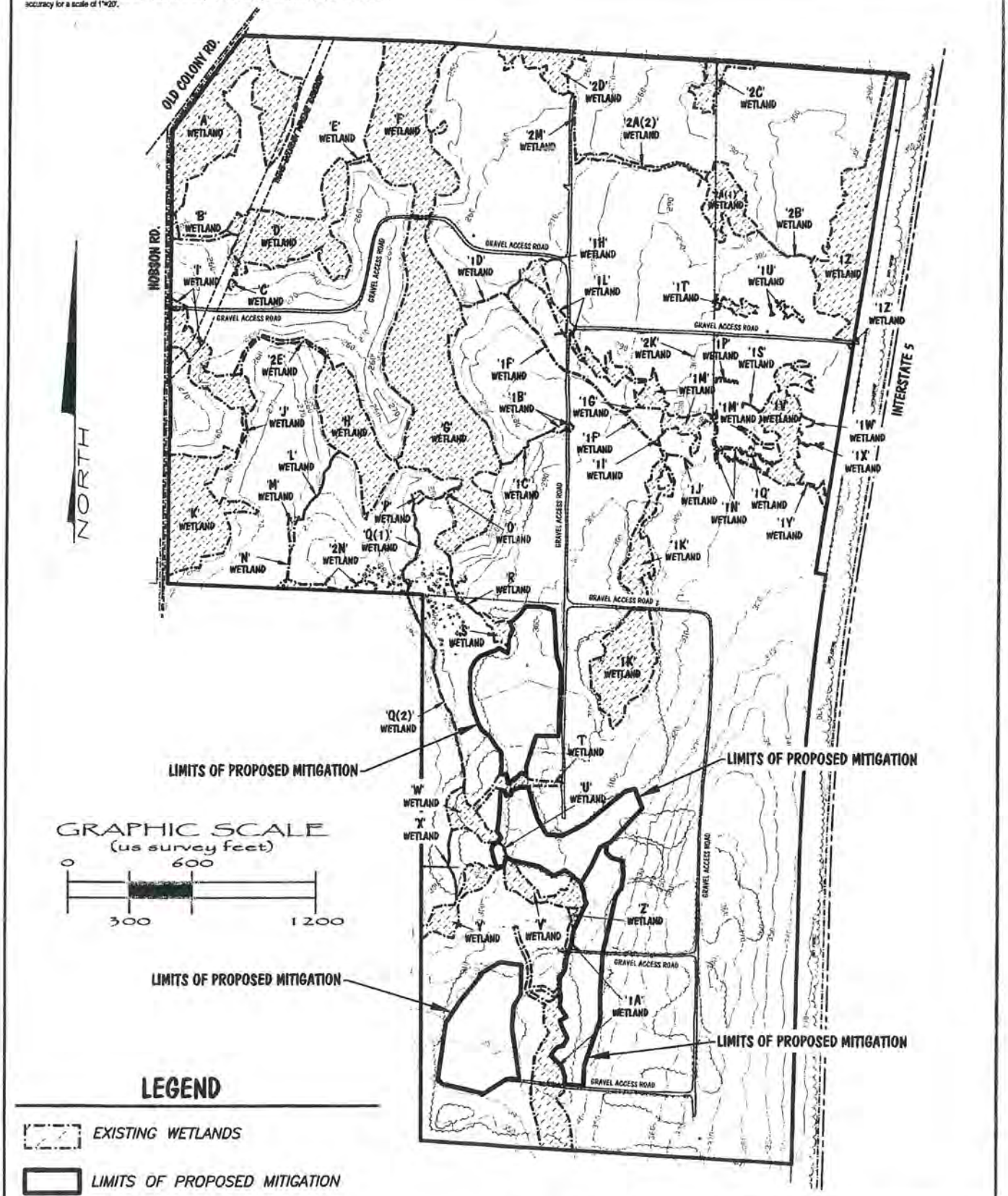
PURPOSE:	SKAGIT RESORT	CORPS REF#:	NWS-2014-30
LOCATION:	BOW, WASHINGTON, SKAGIT COUNTY		
VERTICAL DATUM:	NAVD 88		

BOW HILL PARCELS PROPOSED MITIGATION PLAN

FIGURE 6 SHEET: 6 OF 10

NOTE: Existing topographic contour mapping prepared by Pacific Surveying and Engineering in year 2000 and yields accuracy for a scale of 1"=20'.



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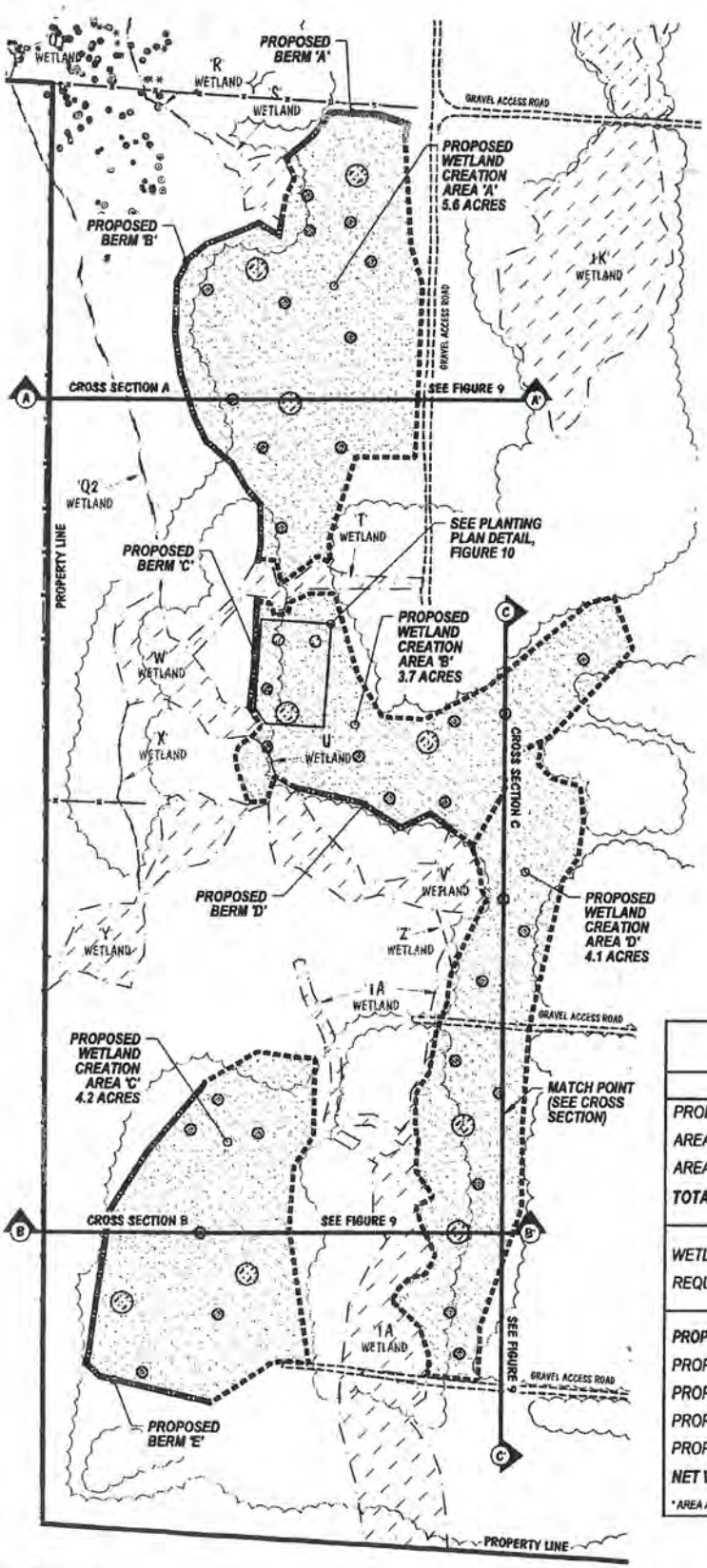
PROPOSED:	WETLAND FILL FOR SITE DEVELOPMENT	APPLICANT:	UPPER SKAGIT INDIAN TRIBE
PURPOSE:	SKAGIT RESORT	CORPS REF#:	NWS-2014-30
LOCATION:	BOW, WASHINGTON, SKAGIT COUNTY		
VERTICAL DATUM:	NAVD 88		

GOLF COURSE PARCELS
EXISTING CONDITIONS & MITIGATION LIMITS

FIGURE 7 SHEET: 7 OF 10



LEGEND

- EXISTING WETLANDS
- PROPOSED WETLAND CREATION
- PROPOSED AMPHIBIAN HABITAT DEPRESSIONS (40'x40'x2')
- PROPOSED AMPHIBIAN HABITAT DEPRESSIONS (20'x20'x2')
- PROPOSED BERM (8'x2')

GRAPHIC SCALE
(us survey feet)
0 300
150 600

PROPOSED MITIGATION AREAS SUMMARY

AREA DESCRIPTION	ACRES	
PROPOSED WETLAND FILL (BOW HILL SITE)	GROSS FILL	NET FILL
AREA 'ADF' (85%)	17.7	*15.0
AREA 'D' (30%)	3.1	*0.9
TOTAL WETLAND DISTURBANCE	20.8	*15.9
WETLAND CREATION RATIO	1:1	1 x *15.9
REQUIRED WETLAND CREATION		15.9
PROPOSED WETLAND CREATION (GOLF COURSE SITE)		
PROPOSED WETLAND CREATION (AREA 'A')	5.6	
PROPOSED WETLAND CREATION (AREA 'B')	3.7	
PROPOSED WETLAND CREATION (AREA 'C')	4.2	
PROPOSED WETLAND CREATION (AREA 'D')	4.1	
NET WETLAND CREATION (AREA'S A, B, C, D)	17.6	

* AREA ADJUSTED TO % WETLAND BY AREA

Date Drawings Received: October 16, 2014

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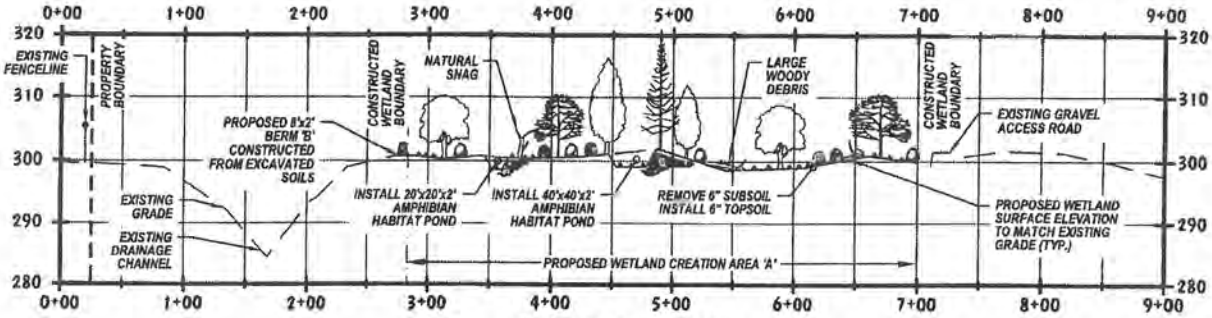
1812 CORNWALL, BELLINGHAM, WA 98225
PHONE: 671.7387 FAX: 671.4685
WWW.PSESURVEY.COM

PROPOSED: WETLAND FILL FOR SITE DEVELOPMENT
PURPOSE: SKAGIT RESORT
LOCATION: BOW, WASHINGTON, SKAGIT COUNTY
VERTICAL DATUM: NAVD 88

APPLICANT: UPPER SKAGIT INDIAN TRIBE
CORPS REF#: NWS-2014-30

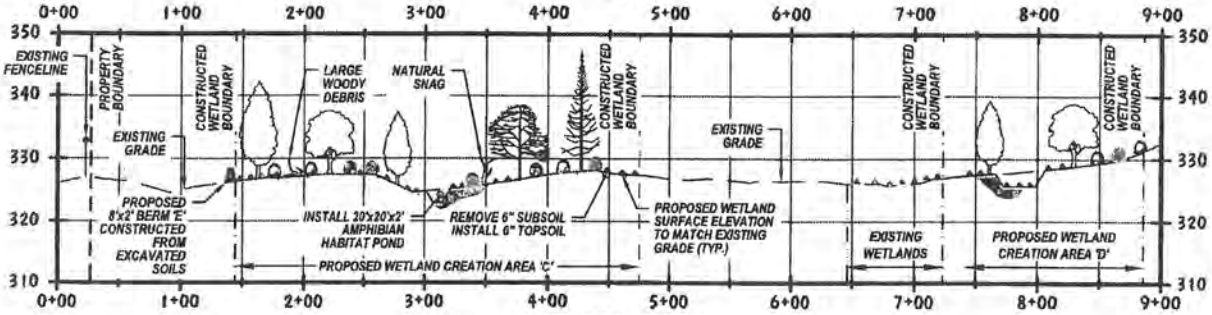
GOLF COURSE PARCELS PROPOSED MITIGATION PLAN

FIGURE 8 SHEET: 8 OF 10



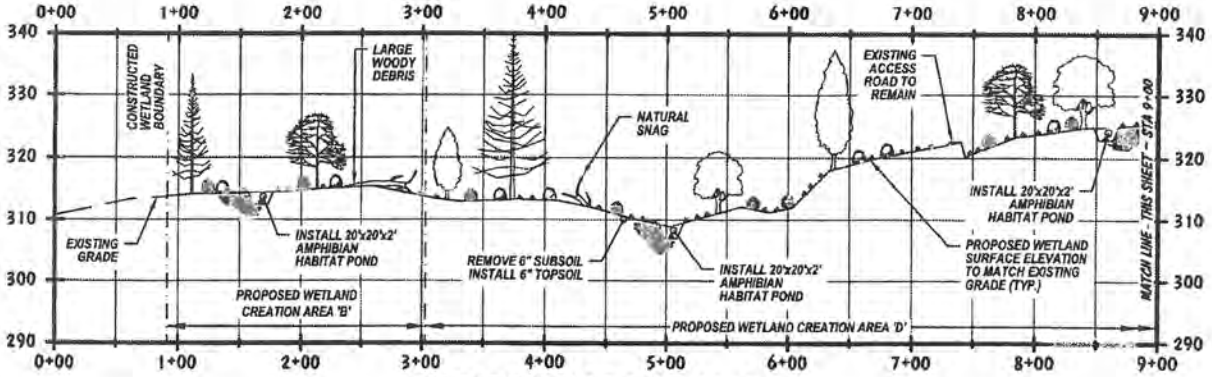
CROSS-SECTION A-A'

(REFERENCE FIGURE 8)
NTS



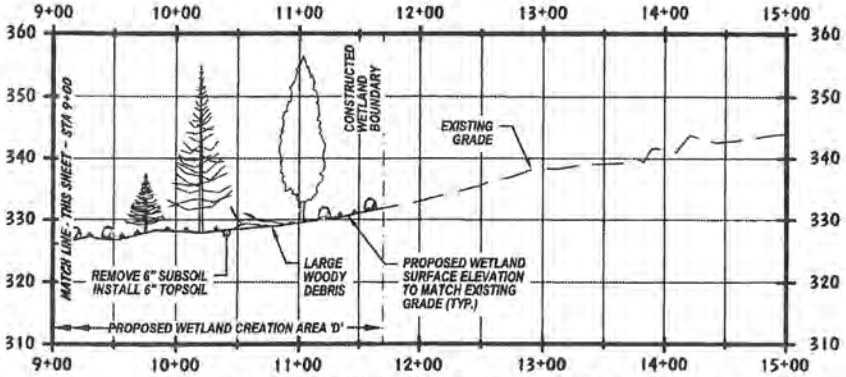
CROSS-SECTION B-B'

(REFERENCE FIGURE 8)
NTS



CROSS-SECTION C-C' STA 0+00 - 9+00

(REFERENCE FIGURE 8)
NTS



CROSS-SECTION C-C' STA 9+00 - 15+00

(REFERENCE FIGURE 8)
NTS

Date Drawings Received: October 16, 2014

PACIFIC SURVEY & ENGINEERING, INC.
1317 CORNWALL, BELLINGHAM, WA 98225
PHONE: 671.7387 FAX: 671.4685
WWW.PSESURVEY.COM

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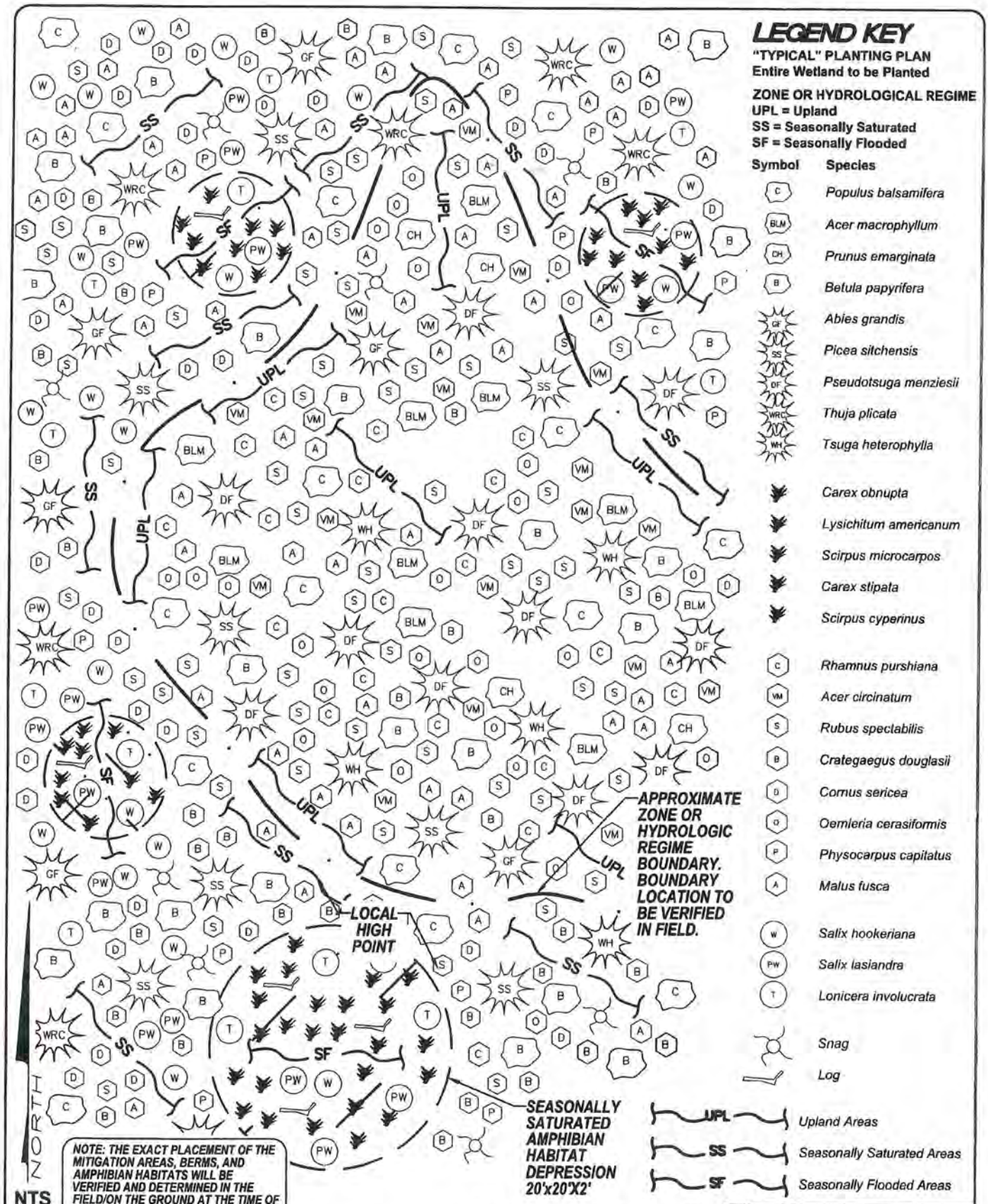
PURPOSE: SKAGIT RESORT
LOCATION: BOW, WASHINGTON, SKAGIT COUNTY
VERTICAL DATUM: NAVD 88

APPLICANT: UPPER SKAGIT INDIAN TRIBE
CORPS REF#: NWS-2014-30

GOLF COURSE PARCELS
PROPOSED MITIGATION CROSS SECTIONS

FIGURE 9 SHEET: 9 OF 10



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PHONE: 671.7387 FAX: 671.4685
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PROPOSED:	WETLAND FILL FOR SITE DEVELOPMENT	APPLICANT:	UPPER SKAGIT INDIAN TRIBE
PURPOSE:	SKAGIT RESORT	CORPS REF#:	NWS-2014-30
LOCATION:	BOW, WASHINGTON, SKAGIT COUNTY		
VERTICAL DATUM:	NAVD 88		

GOLF COURSE PARCELS PROPOSED PLANTING PLAN

FIGURE 10 SHEET: 10 OF 10