US Army Corps of Engineers
Seattle District

WASHINGTON STATE DEPARTMENT OF ECOLOGY

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: April 7, 2015
Expiration Date: May 7, 2015

Reference No.: NWS-2008-1559
Name: Skagit Co. Consolidated Diking Improvement District No.22

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 March 10, 2015.

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 Consolidated Diking Improvement District No. 22
Mr. Stanley Nelson
Post Office Box 535
Conway, Washington 98238
Telephone: (360) 202-7310

AGENT: Western WA Agricultural Association
2017 Continental Place, Suite #6
Mount Vernon, Washington 98273
Attention: Mr. Brandon Roozen
Telephone: (360) 424-7327

LOCATION: In unnamed tributaries of Hall Slough, Brown Slough, Dry Slough, Davis Slough, and Wiley Slough near Conway, Skagit County, Washington.

WORK: Excavate sediments and place fill and repair structures 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 of dikes; removal of beaver dams; repair and replacement of culverts, pumps, and floodgates; and minor repair of components of tidegates. Work details can be found on sheet 5 of 9 of the attached drawings. Work will not involve replacement of tidegates or construction of new facilities. Work will be implemented per the provisions of the Drainage Maintenance Agreement between Consolidated District #22 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 expired on November 11, 2014. On December 23, 2014, the Corps extended the previous permit expiration date to November 11, 2015, to maintain coverage while processing this permit request.

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 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 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. 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. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer 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 District Engineer invites responses to this public notice from Native American Nations or Tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

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 fill material that may be used for maintenance activities. The Corps will evaluate the fill material source prior to making a permit decision.

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 an application for a Shorelines Permit exemption being processed by Skagit County.

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 commentor'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.

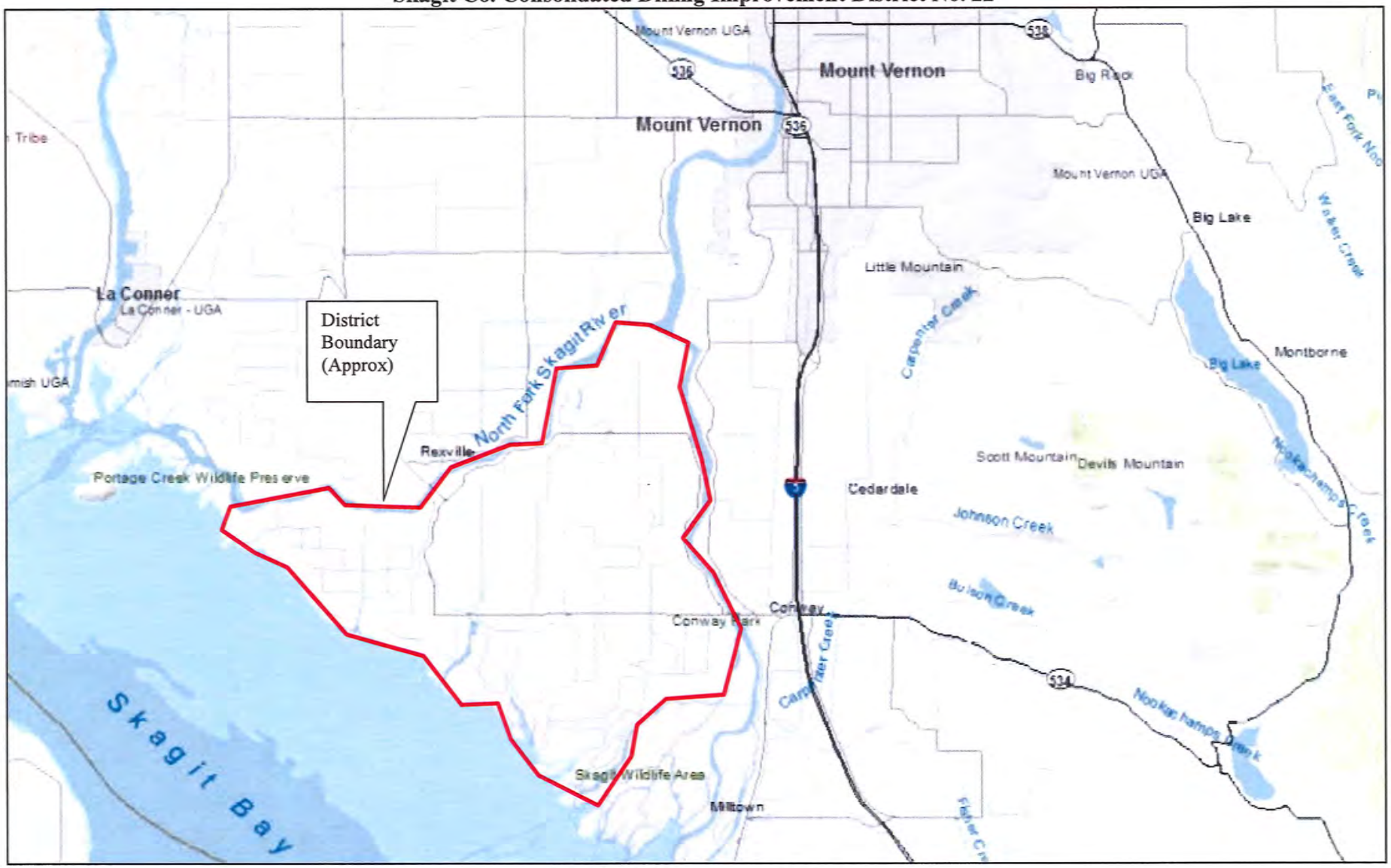
Corps comments: All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attention Mr. Randel Perry, P. O. Box 3755, Seattle, Washington 98124-3755.

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: Department of Ecology, Attn: SEA program – 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: Skagit County Consolidated Diking Improvement District No. 22, Reference number NWS-2008-1559.

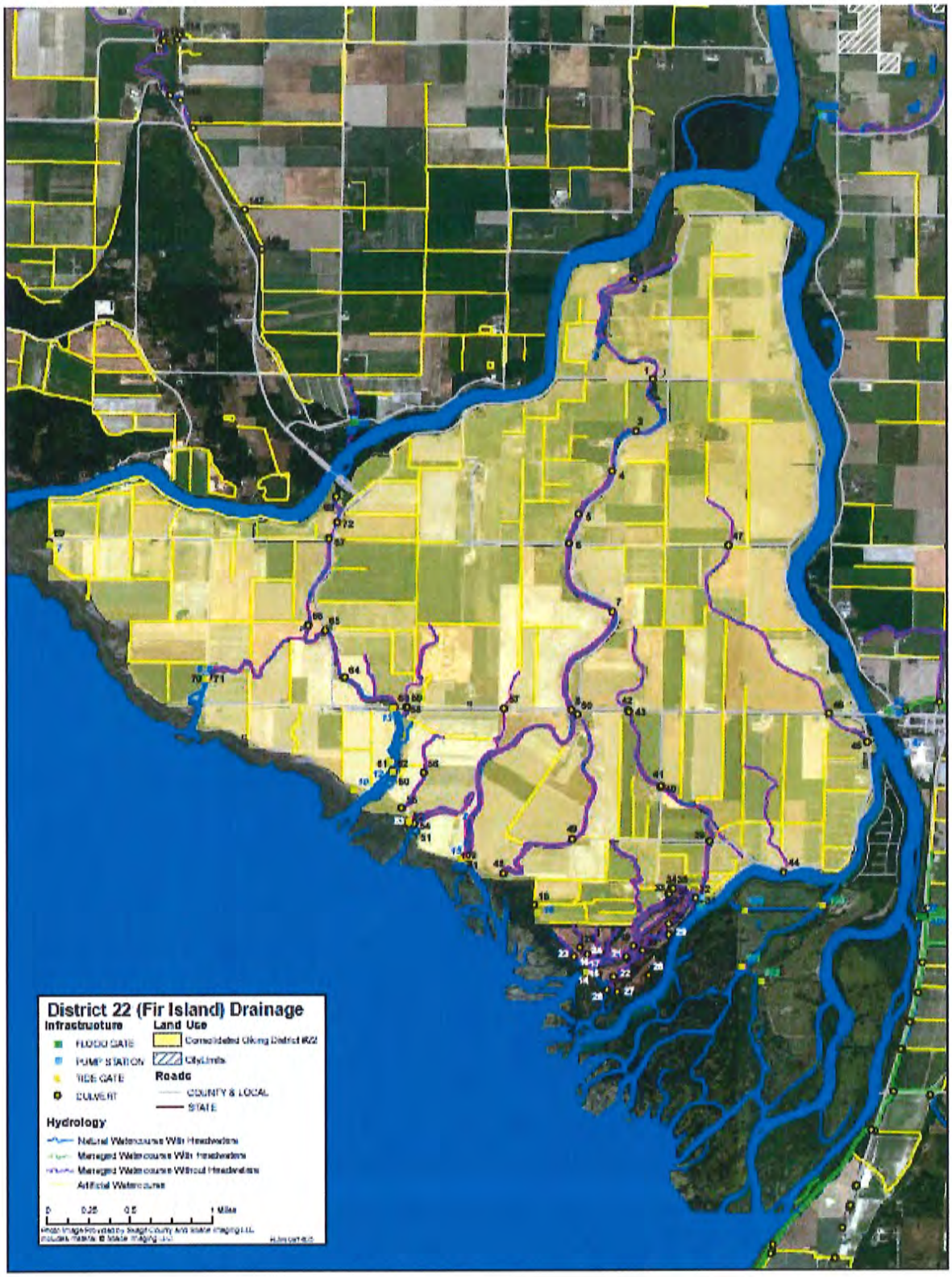
Encl: Figures (9)

Skagit Co. Consolidated Diking Improvement District No. 22



Lat: 48.35062 Long: -122.38337

Corps Reference: NWS-2008-1559	Proposed: Excavate Sediments & Repair Facilities
Purpose: Maintain Drainage & Irrigation	Waterway: In Hall Slough, Brown Slough, Dry Slough, Davis Slough, Wiley Slough, and unnamed tributaries
App. By: Skagit Co. Consolidated Diking Improvement District No. 22	Near Mt. Vernon, Skagit Co., Washington
Date March 10, 2015	Sheet 1 of 9



Corps Reference: NWS-2008-1559 | **Proposed: Excavate Sediments & Repair Facilities**
Purpose: Maintain Drainage & Irrigation | **Near Mt. Vernon, Skagit Co., Washington**
Waterway: In Hall Slough, Brown Slough, Dry Slough, Davis Slough, Wiley Slough, and unnamed tributaries
App. By: Skagit Co. Consolidated Diking Improvement District No. 22
Date March 10, 2015 | **Sheet 2 of 9**

Culverts and Bridges Maintained By Consolidated District 22

Culvert Number	Culvert Shape	Culvert Material	Culvert Coating	Culvert Span/Dia (M)	Culvert Rise	Culvert Length (M)	Stream Name
73	RND	CST	NON	0.9	0.9	27	unnamed
74	OTH						unnamed
552	OTH/RND	CPC/CST	GAL	12.5	3.5	0.7	
571	BOX	CPC	NON	1.2	1.5	9.8	unnamed
574	OTH	WOOD	NON				unnamed
578	RND	CST		1.22	1.22	4.5	unnamed
579	RND	CST		0.46	0.46	7.5	unnamed
582	RND	PCC	NON	1.22	1.22	24.2	unnamed
590	SQSH	CST	GAL	3.66	3	19	Indian Slough
602	SQSH	CST	GAL	5.2	2.9	29.7	Indian Slough
603	BOX	PCC	NON	1.52	1.22	0	Joe Leary Slough
605	OTH	WOOD	unknown	30	4	4	Indian Slough
651	RND	PCC	unknown	1.2	1.2	9	Indian Slough
652	RND	CST	GAL	0.8	0.8	18	unnamed
653	RND	CST	GAL	0.8	0.8	18	unnamed
657	SQSH	CST	BIT	1.4	1	30	unnamed
660	RND	CST	GAL	1	1	6	Indian Slough
661	RND	CST	GAL	1.3	1.3	6	Indian Slough
662	RND	PCC	NON	1.1	1.1	7	Indian Slough
663	RND	PCC	NON	0.9	1.1	6	Indian Slough
664	RND	CST	UNK	0.9	0.9	6	Indian Slough
665	RND	CST	UNK	1.2	1.2	6	Indian Slough
666	RND	CST	GAL	1.2	1.2	6	Indian Slough
667	RND	PCC	NON	1.2	1.2	5.5	Indian Slough
668	RND	PCC	NON	1.2	1.2	5.5	Indian Slough
669	RND	PCC	NON	0.45	0.45	25	unnamed
670	RND	PCC	NON	0.45	0.45	8	unnamed
671	RND	PCC	NON	0.45	0.45	12	unnamed
672	RND	CST	GAL	1.3	1.3	6	unnamed
673	RND	CST	GAL	0.9	0.9	9	unnamed
674	RND	PCC	NON	0.45	0.45	9	unnamed
675	RND	PCC	NON	0.45	0.45	9	unnamed
676	RND	CST	GAL	0.6	0.6	6	unnamed
677	RND	PCC	NON	0.8	0.8	165	unnamed
678	RND	CAT	unknown	0.9	0.9	6	unnamed
679	RND	CST	GAL	0.9	0.9	12	unnamed
680	RND	PCC	NON	0.45	0.45	8	unnamed
683	RND	PCC	NON	0.9	0.9	6	unnamed
684	RND	PCC	NON	0.9	0.9	6	unnamed
685	RND	CST	GAL	1.2	1.2	6	unnamed
692	RND	CST	BIT	1.5	1.5	30	Higgins Slough
693	RND	CST	BIT	1.5	1.5	30	Higgins Slough
694	RND	CST	BIT	1.5	1.5	30	Higgins Slough
695	OTH	WOOD	NON	20	4	1	Higgins Slough
696	OTH						unnamed
697	RND	SST	unknown	0.9	0.9	20	unnamed
698	OTH						unnamed
1671	RND	CST		1.22	1.22	4.5	unnamed

Corps Reference: NWS-2008-1559 **Proposed: Excavate Sediments & Repair Facilities**
Purpose: Maintain Drainage & Irrigation **Near Mt. Vernon, Skagit Co., Washington**
Waterway: In Hall Slough, Brown Slough, Dry Slough, Davis Slough, Wiley Slough, and unnamed tributaries
App. By: Skagit Co. Consolidated Diking Improvement District No. 22
Date March 10, 2015 **Sheet 3 of 9**

Tidegate & Pump Facilities Maintained By Consolidated District 22

Number	Type	Location	Description
7	Tide Gate	Rawlins Road	1-48"
8	Pump Station	Hall Slough	1-12" to Skagit Bay
9	Tide Gate	Hall Slough	1-36"
10	Tide Gate	Gene King/Skagit Bay	1-30"
11	Tide Gate	Gene King/Brown Slough	1-36"
12	Tide Gate	Brown Slough/Skagit Bay	2-48"/1-48"w/screw gate
13	Tide Gate	Brown Slough/ Fir Island	1-48"
14	Tide Gate	Davis Slough	2-48"
15	Tide Gate	Dry Slough	2-48"
16	Tide Gate	Wiley Slough	1-36"
17	Tide Gate	Wiley Slough	6-48"
18	Pump Station	Wiley Slough	1-18" to Skagit River

Typical Repair Activities Including Construction Sequences

Trash Racks: Normal maintenance of trash racks includes removal of accumulated debris as necessary, replacement of worn or damaged trash rack components or replacement of the structure. Typical design of a trash rack includes a constructed lumber unit with vertically spaced 2-inch dimensional boards spaced approximately 3-5 inches apart. The unit is usually set in the water at an incline down to or near the bottom of the drainage ditch. The incline allows for cleaning debris by raking it to the top and removing it from the ditch.

Pump Facilities: Pump facilities are typically electric pump installations. Pumps are mounted on permanent structures with a suction pipe extending into the drainage ditch. Pumps are typically set to function on a remotely activated basis dependent upon water level in the ditch. Typical maintenance includes routine mechanical servicing of a pump and its electrical connections, as well as removal of any accumulated debris that may prevent or interfere with normal operation.

Culverts: Culverts must be maintained to ensure normal flow passes through the culvert consistent with its design specifications. This typically includes dredging of a ditch adjacent to culvert openings and occasional cleaning-out of the culvert interior. Cleaning is usually performed through the use of high-pressure water, mechanical dredging or by hand. Repair or replacement is necessary when incidental damage occurs to the culvert that would prevent optimum water flow or an unsafe crossing situation.

Tidegates: Tide gates are one-way check valves located at the end of a drainage system to allow water to flow outward from within the system to salt water areas during a low tide cycle and then close to prevent saltwater from entering the drainage system when the tide rises. Actions involve only minor maintenance and repair of the tidegates. Minor maintenance is defined as the replacement of damaged or worn hinge pins, nuts and bolts necessary to keep the tidegate or floodgate in good operating condition, and also includes removal of logs and debris to ensure gates are able to open and close properly. No major repairs and replacement of will occur under this permit.

Floodgates: Floodgates are one-way check valves that allow accumulated water to flow from a field into a drainage system during and after a high water event. The maintenance of such structures is the same as for tide gates and includes debris removal in order to allow the structure to function properly. Necessary repair and replacement must be performed as needed.

Channel In-Water Bucket Mowing: Channel in-water bucket mowing employs a hydraulically operated sickle bar mower mounted on the front edge of a dredging bucket. The machine mows vegetative material below the water line, with the mowed material accumulated in the bucket. The material is then deposited on the ground away from the ditch. This type of mowing provides removal of vegetative material but does not remove vegetative root systems or soil.

Channel Out-of-Water Mowing: Channel out-of-water mowing involves the routine removal of vegetative material above the water line to the top of the bank. It is completed using various types of mechanical mowers (rotary or flail designs) and reduces vegetative material during normal growing periods.

Dredging: Dredging is completed, as needed, utilizing a hydraulically operated boom-type excavator. The excavator has a wide, flat-bottomed bucket that scrapes down one side of a watercourse, rounds out the bottom and comes up the opposite side in one continuous motion. This leaves the ditch with inclined sides and a round bottom feature that minimizes side sloughing and erosion into the bottom of a ditch. All dredged material is deposited landward of the ditch so that it will not return to the water and can later be moved back into the adjoining field or be hauled away when and where necessary. If work will occur in ditches that are too large for a boom-type excavator, a dragline-type excavator will be utilized. The process is typically the same, except that a dragline excavator works from the middle of the ditch to one side and then works the opposite side in a separate similar manner.

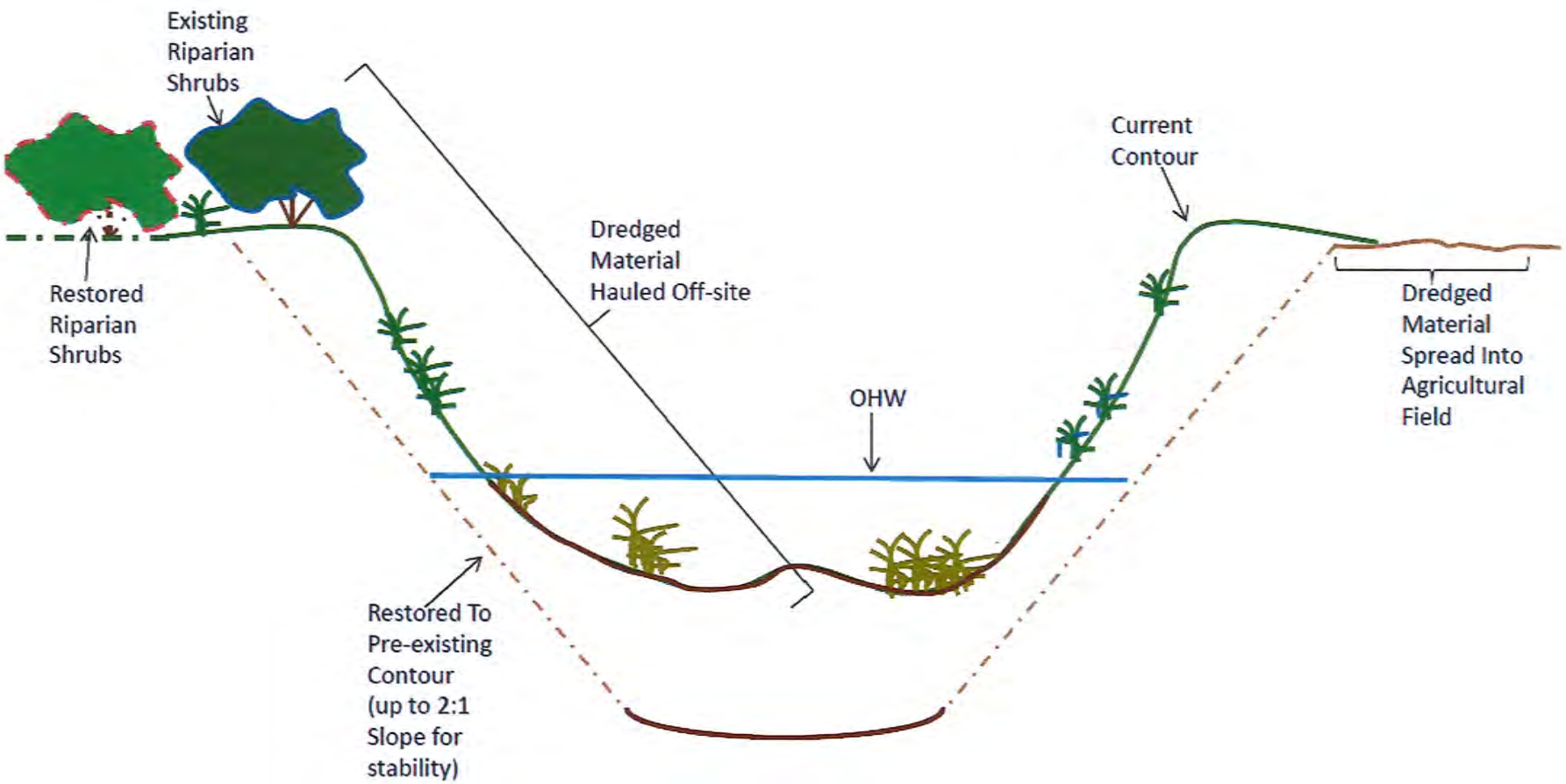
Bridges: Bridges must be properly maintained in order to ensure normal flow under the bridge while also continuing to provide equipment or foot access across a watercourse. Repair or replacement is necessary when incidental damage occurs to a bridge that prevents optimum water flow or results in an unsafe crossing situation. Repair or replacement activities typically occur above the high water line.

Dikes: Dike maintenance generally involves the localized addition of soil and rock materials to the top and sides of the existing dike footprint in order to repair and maintain the structural integrity of the dike. Dike maintenance may also include the removal of trees and shrubs with stems greater than four (4) inches in diameter from the footprint of the dike. The dike maintenance will only occur during specified time windows for the protection of fish and in-stream resources. The disturbed areas of the shoreline will be minimized and re-vegetated.

Beaver Management: Beaver dams are removed or modified gradually to provide for controlled release of impounded water. Work is accomplished by hand tools, winches or motorized equipment.

Typical Maintenance Dredging

CROSS-SECTION



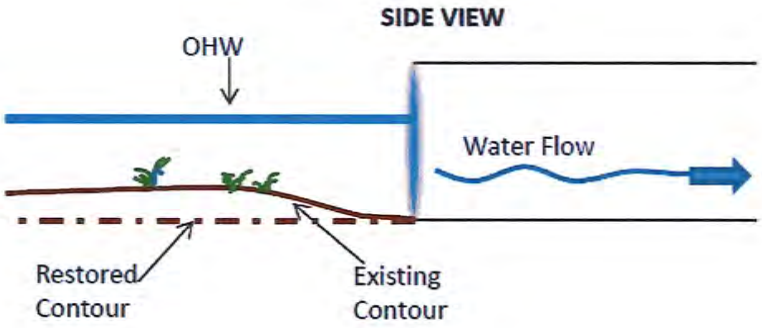
Corps Reference: NWS-2008-1559
Purpose: Maintain Drainage & Irrigation

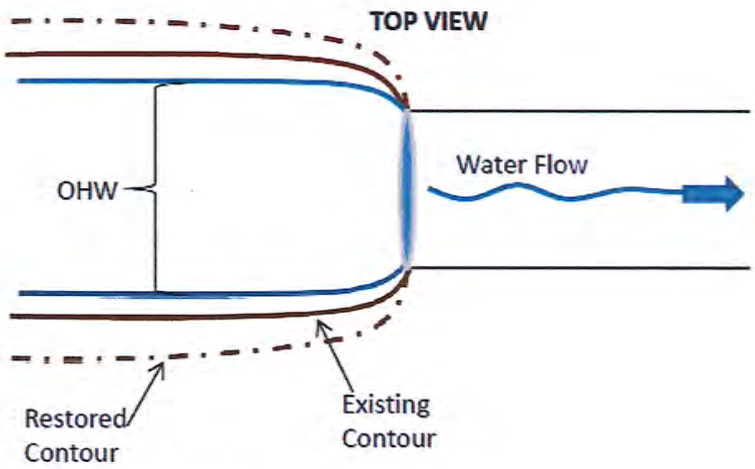
App. By: Skagit Co. Consolidated Diking Improvement District No. 22
Date March 10, 2015

Proposed: Excavate Sediments & Repair Facilities
Waterway: In Hall Slough, Brown Slough, Dry Slough, Davis Slough, Wiley Slough, and unnamed tributaries
Near Mt. Vernon, Skagit Co., Washington

Sheet 6 of 9

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*)

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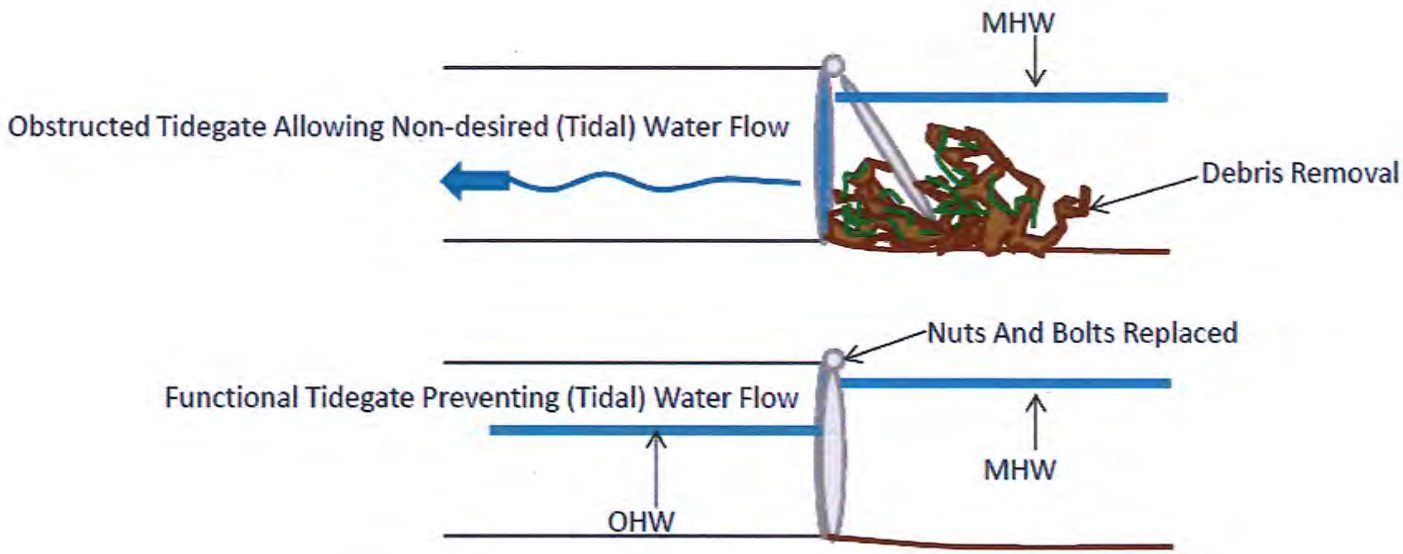
Typical Tidegate Maintenance



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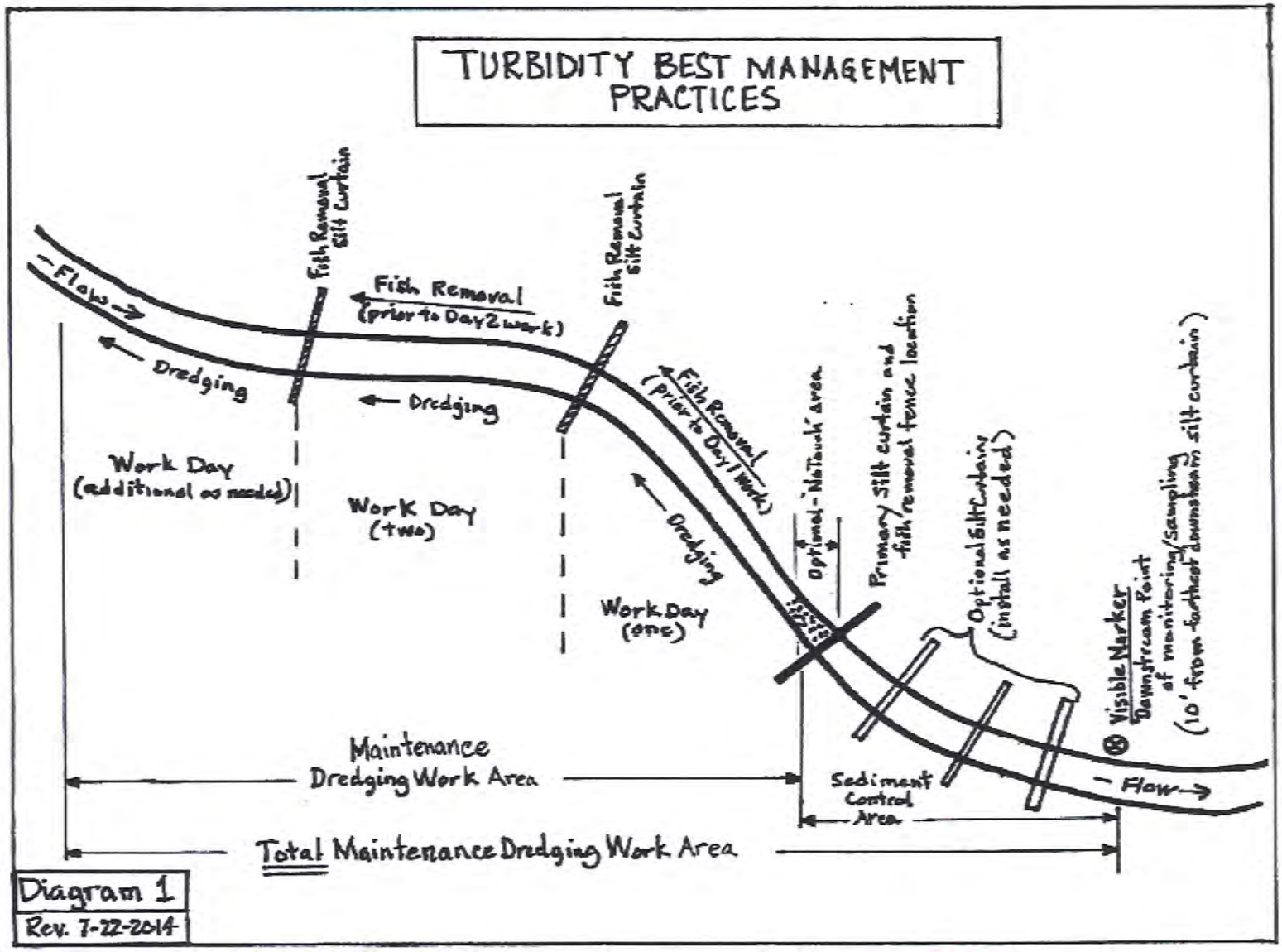
Date March 10, 2015	**Sheet 8 of 9**



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