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, Washington 98124-3755
Telephone (206) 764-6985
Attn: Randel Perry, Project Manager

Washington Department of Ecology
SEA Program
300 Desmond Drive Southeast
Olympia, WA 98503-7600
Telephone (360) 407-6068
Attn: SEA Program,
Federal Permit Coordinator

Public Notice Date: May 16, 2007
Expiration Date: June 14, 2007

Reference No.: NWS-2007-103-NO
Name: Whatcom County Public Works

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.

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: Whatcom County Public Works
Paul Pittman, River and Flood Geologist
River and Flood Division
322 North Commercial Street, Suite 120
Bellingham, Washington 98225
Telephone: (360) 676-6876

LOCATION: Project is in Swift Creek between Oat-Coles Road and Goodwin Road near Everson, Whatcom County, Washington.

WORK: Implement a 5-year flood prevention plan to include: excavation of up to 250,000 cubic yards of accumulated sediments from 8.5 acres within the creek channel; placement of up to 20,000 cubic yards of material (riprap) along 12,000 linear feet for bank stabilization; and placement of excavated sediments in up to 17 acres of wetlands for stockpiling.

PURPOSE: Relieve aggradation and flooding problems and to reduce downstream transport of naturally contaminated sediments.

ADDITIONAL INFORMATION – Proposed work is part of the Sumas-Nooksack-Everson Subzone Management Plan developed by Whatcom County. Volumes and area given are predicted maximums for work over a five-year period. Wood revetments may be utilized in place of riprap for bank stabilization where feasible. Swift Creek is subject to high sediment inputs from a headwaters landslide area. Recent analysis by the U. S. Environmental Protection Agency (EPA) indicates that sediments include naturally occurring asbestos that are toxic to fish and plant species and detrimental to human health. Fish species and vegetation communities are non-existent in and adjacent to a majority of the Swift Creek channel. EPA has recommended that the excavated materials not be removed from the site without personal protection and that it not be taken to other sites where further exposure is possible. Excavated material will be stockpiled on-site until suitable disposal plan is developed. Project area has been the subject of previous permitted activities to remove sediments (Corps reference #'s 199801779, 199501952, and 200500250).

MITIGATION: A draft wetland mitigation proposal is being developed.

ENDANGERED SPECIES: The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*) listed threatened and Puget Sound steelhead (*Oncorhynchus mykiss*), proposed for listing, may occur in the project vicinity. Coastal bull trout (*Salvelinus confluentus*) listed threatened may occur downstream in the Fraser River/Sumas River confluence. There is no critical habitat listed or proposed for listing in the project vicinity. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to these species. A preliminary determination indicates that the activity will have "no effect" on bald eagles and bull trout and "no jeopardy" for steelhead (no effect if listed).

Note: Chinook salmon found in the Sumas River watershed are considered to be members of the Fraser River Distinct Population Unit and are not listed under ESA.

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 National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Potential EFH for Pacific salmon species occurs downstream of the project site in the Sumas River. If the U.S. Army Corps of Engineers (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 no recorded historic properties within the permit area. There are no recorded historic properties within 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 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 alternative 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.

Whatcom County has determined that the subject site is outside of Shoreline Management Act jurisdiction.

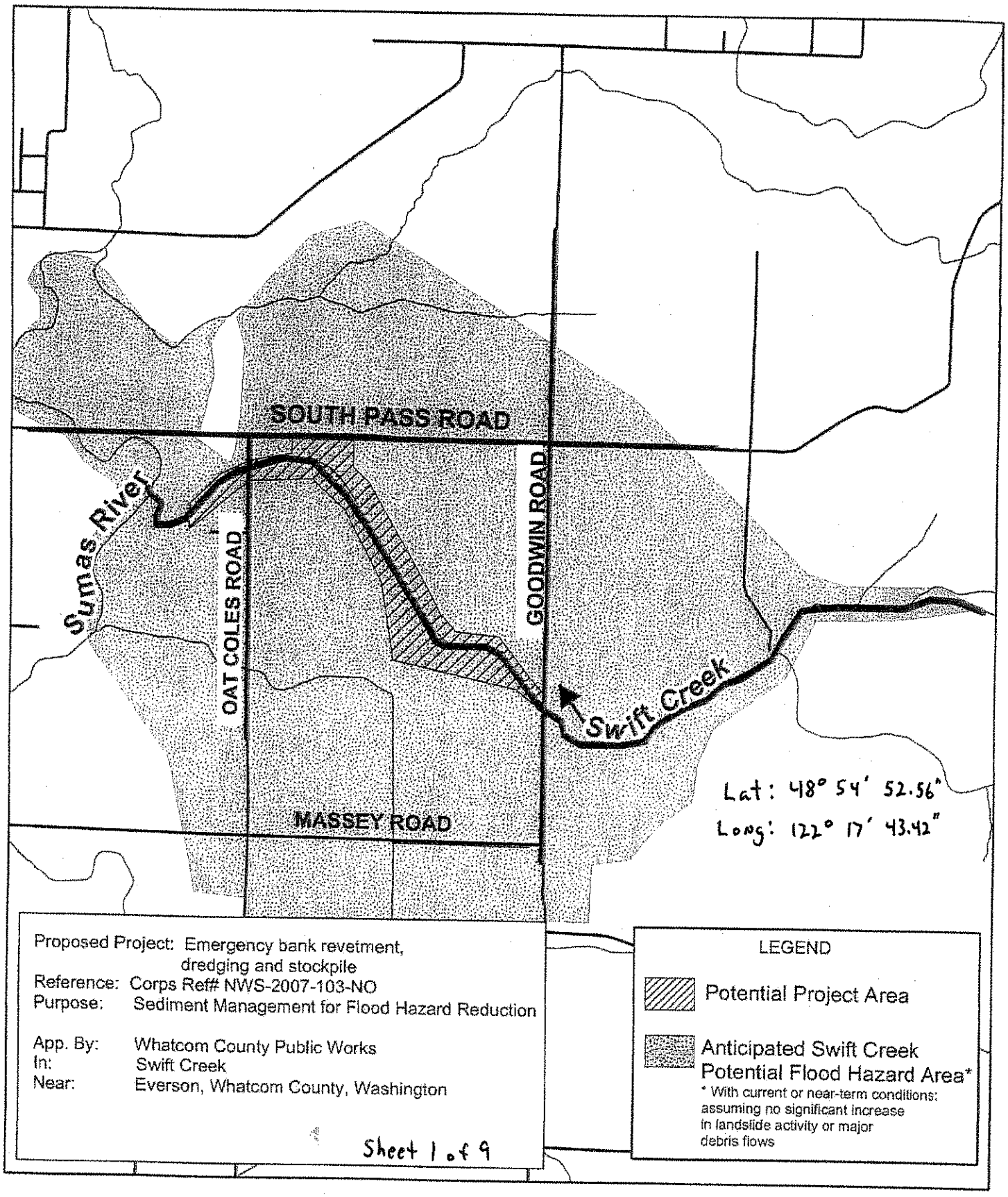
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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, Mr. Randel Perry, Post Office 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, may do so by submitting written comments to the following address: Department of Ecology, SEA program – Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98503-7600, or e-mail to ecyrefedpermit@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: Whatcom County Public Works, Reference number NWS-2007-103-NO.

Encl: Figures (9)



N W E S

0 500 1,000 2,000 3,000 4,000

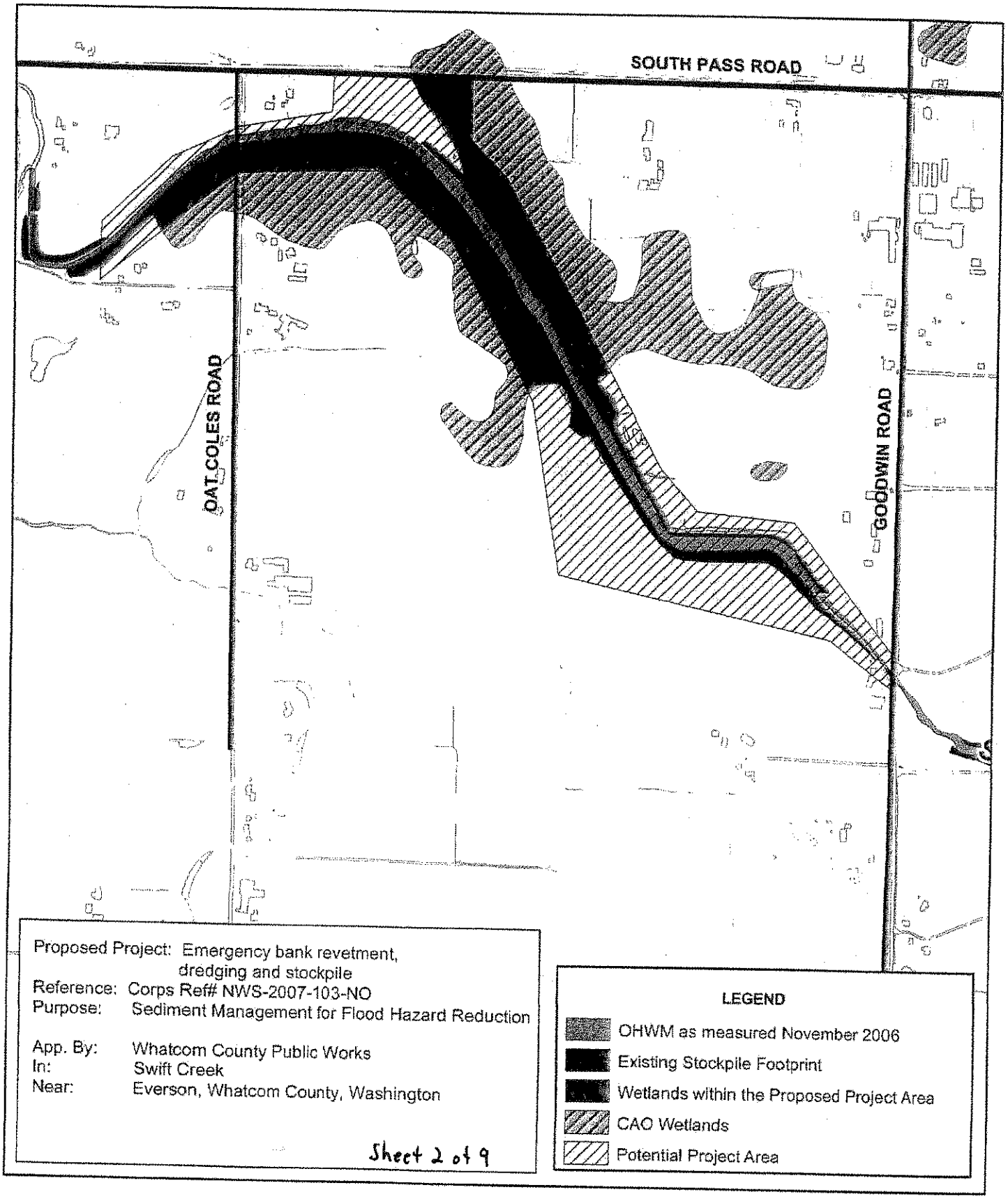
Feet

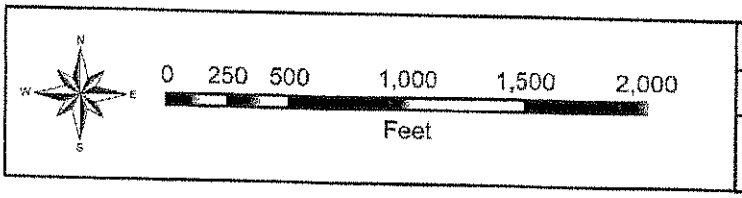
PROJECT: Swift Creek Emergency Response Project Area

Date: November 2006 (Mod. 4-23-07)

Drawn By: PPittman

Whatcom County Public Works
River and Flood Division



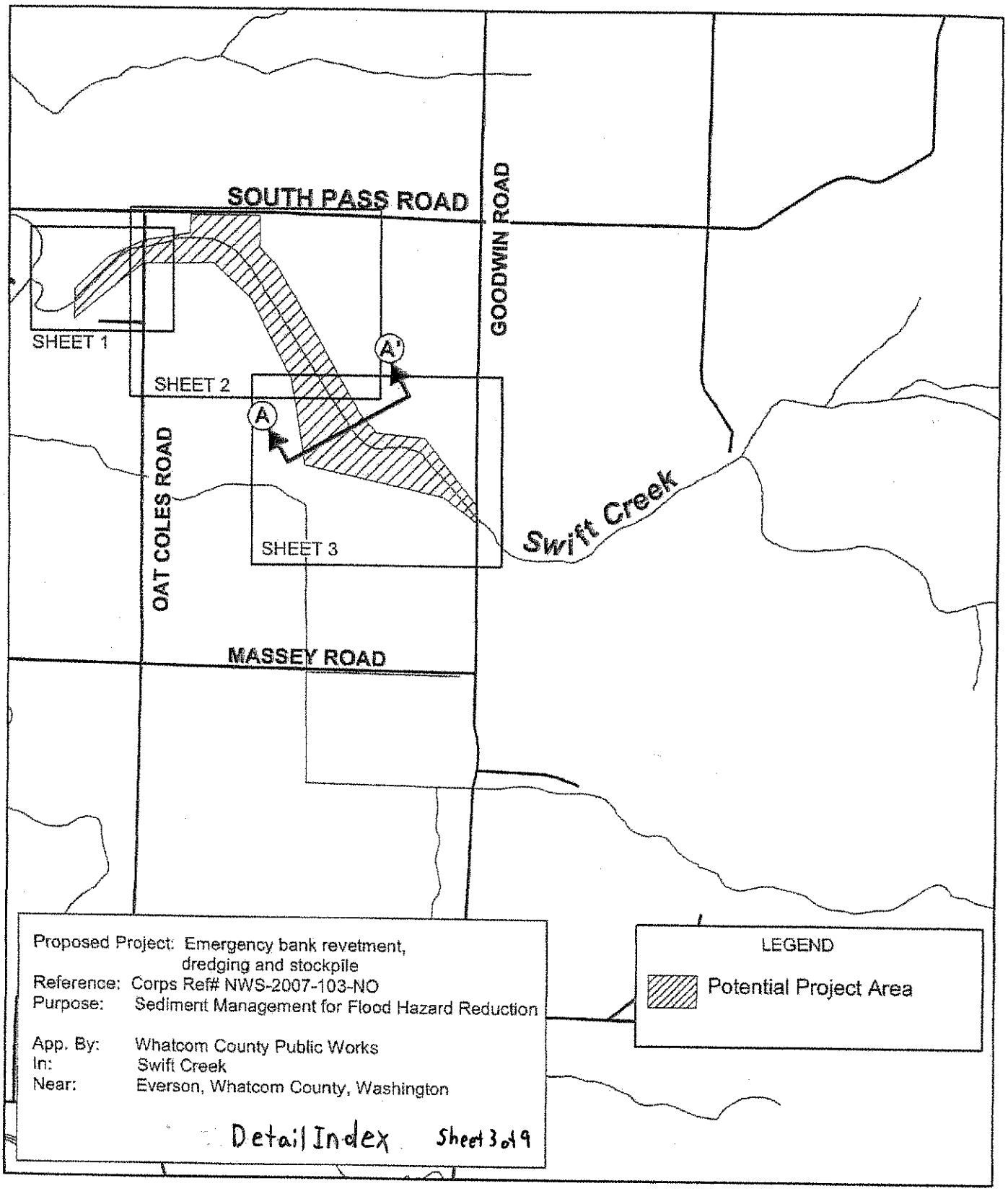


PROJECT: Swift Creek CAO Wetlands in Project Area

Date: November 2006 (Mod. 4-23-07)

Drawn By: PPittman

Whatcom County Public Works
River and Flood Division



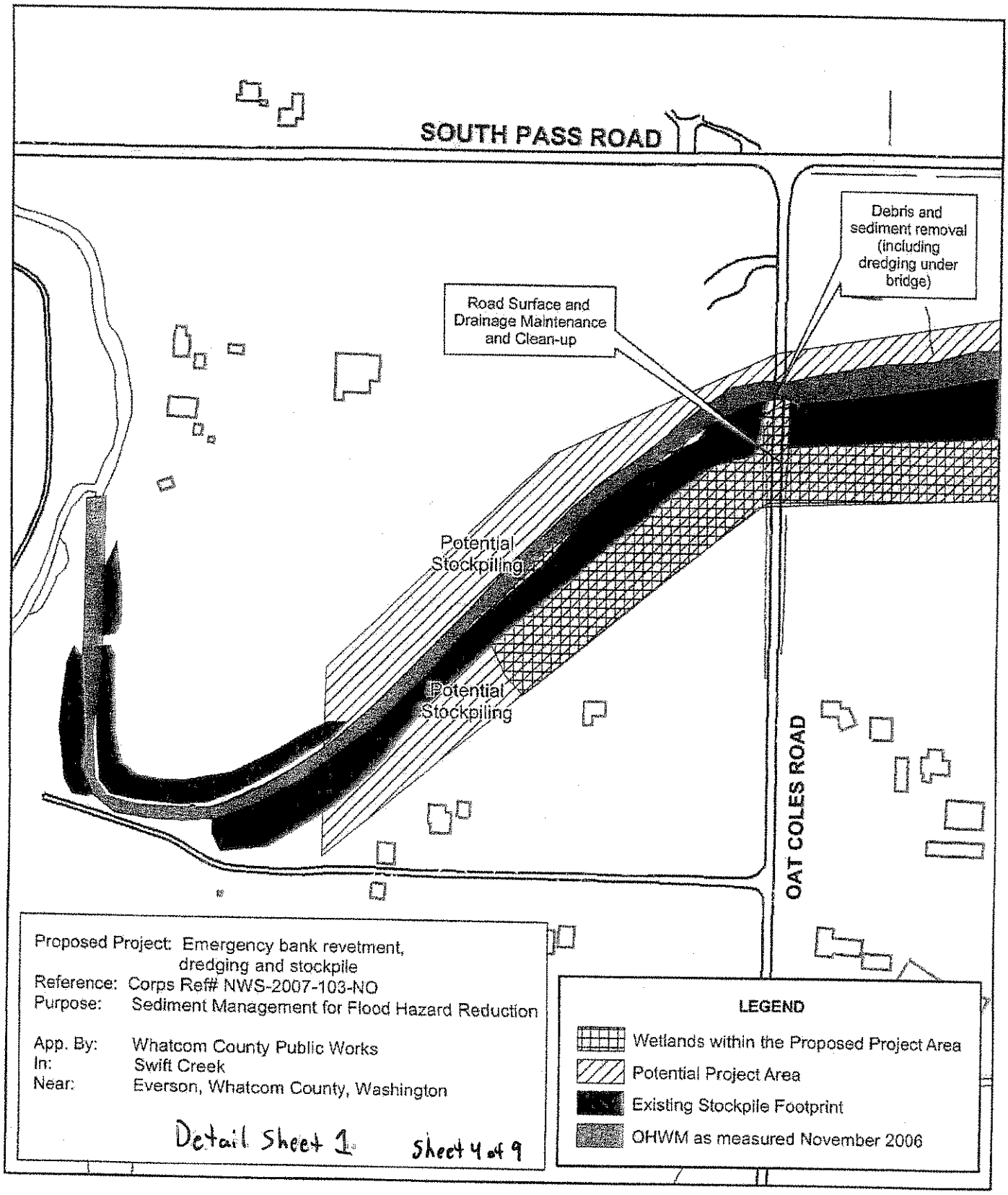
0 500 1,000 2,000 3,000 4,000
Feet

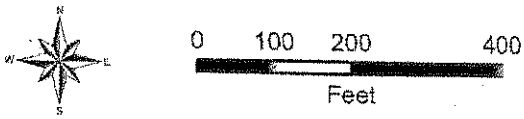
PROJECT: Swift Creek Project Detail

Date: November 2006 (Mod. 4-23-07)

Drawn By: PPittman

Whatcom County Public Works
River and Flood Division





PROJECT: Swift Creek Project Detail

Date: November 2006 (Mod. 4-23-07) | Drawn By: PPittman

Whatcom County Public Works
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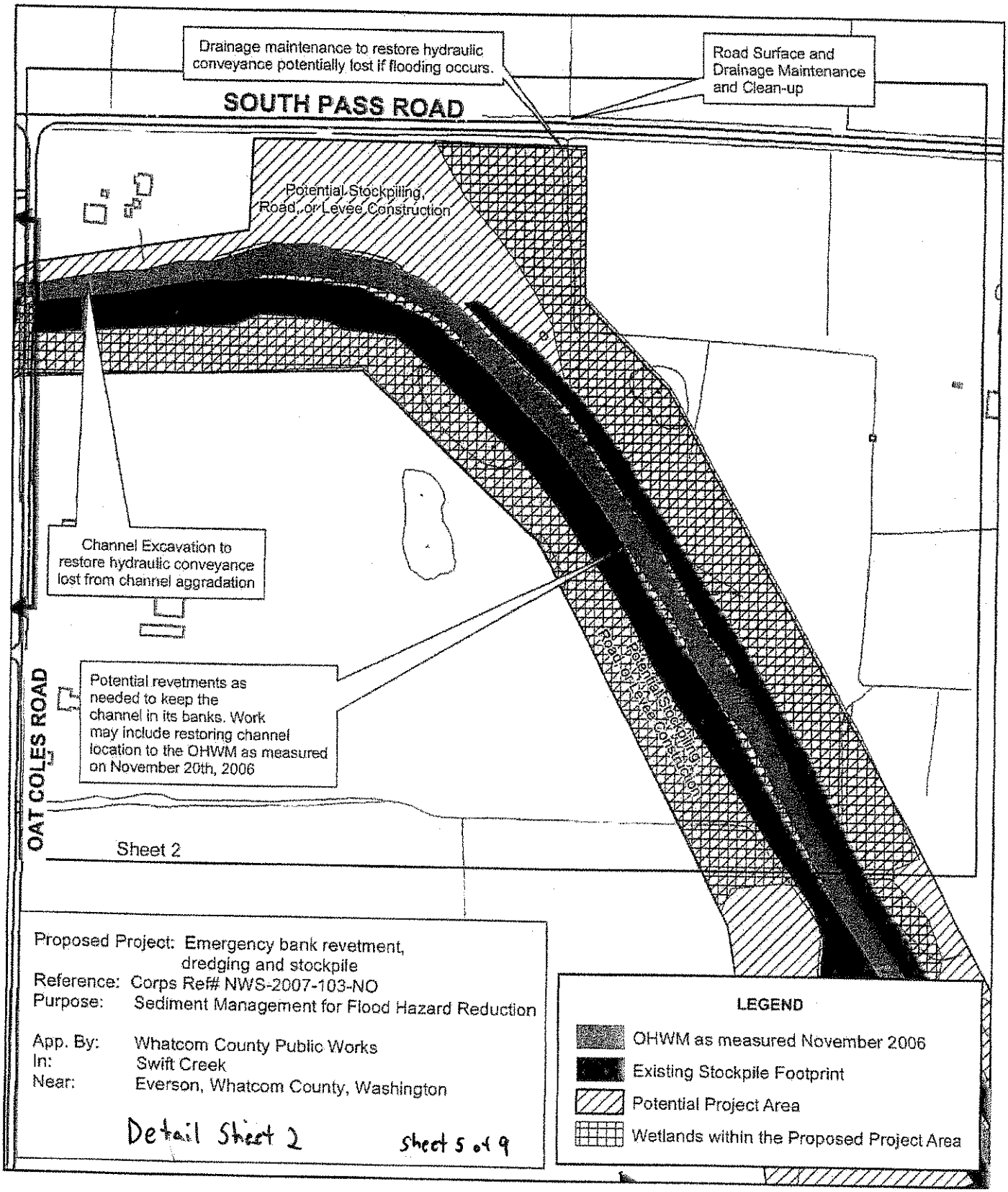

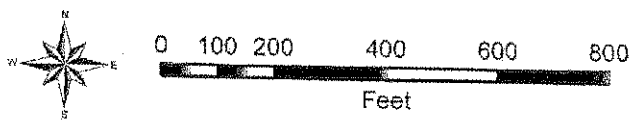

PROJECT: Swift Creek Emergency Response Project Detail

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Drawn By: PPittman

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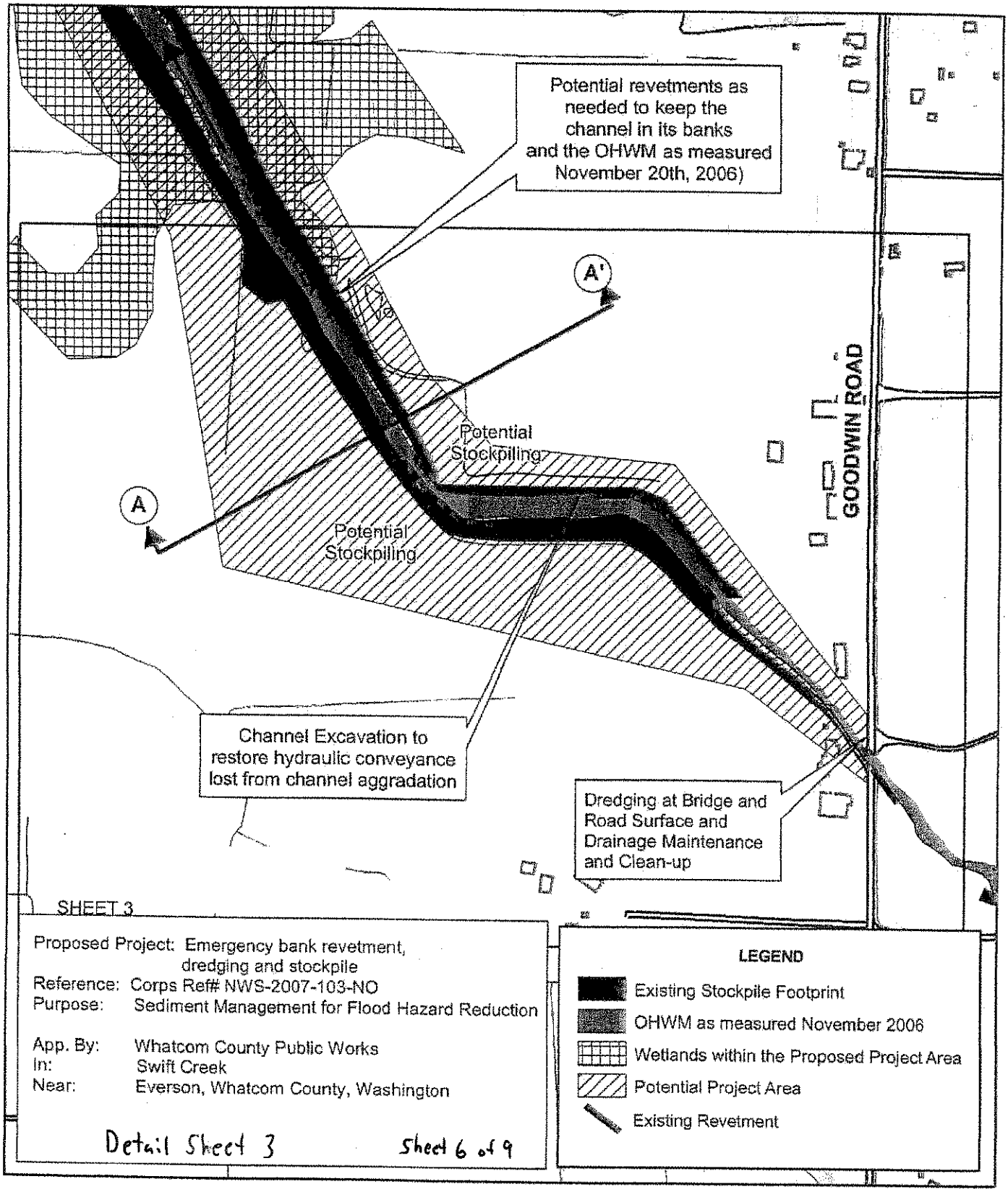


Proposed Project: Emergency bank revetment, dredging and stockpile
Reference: Corps Ref# NWS-2007-103-NO
Purpose: Sediment Management for Flood Hazard Reduction

App. By: Whatcom County Public Works
In: Swift Creek
Near: Everson, Whatcom County, Washington

Detail Sheet 3 Sheet 6 of 9

LEGEND

- Existing Stockpile Footprint
- OHWM as measured November 2006
- Wetlands within the Proposed Project Area
- Potential Project Area
- Existing Revetment

0 150 300 600 900 1,200
Feet

PROJECT: Swift Creek Project Detail

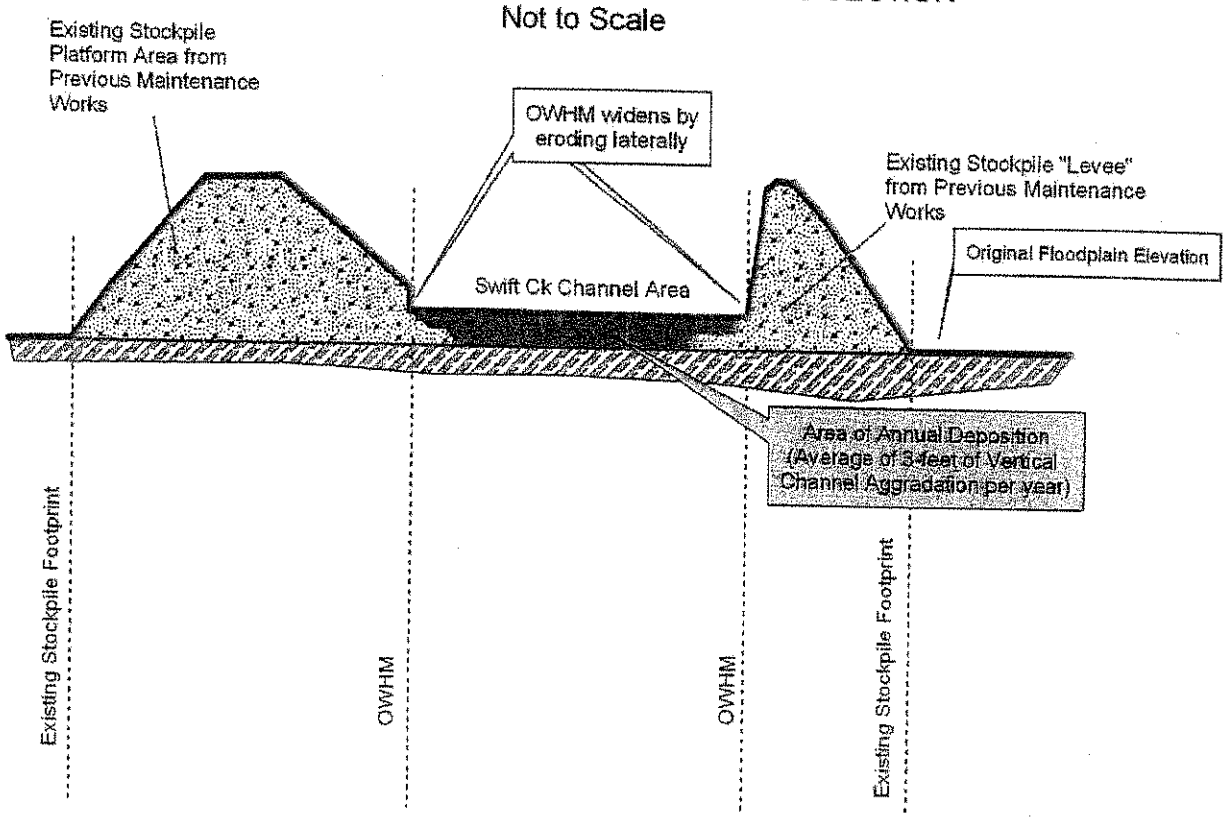
Date: November 2006 (Mod. 4-23-07)

Drawn By: PPittman

Whatcom County Public Works
River and Flood Division

CROSS SECTION A TO A'

EXISTING CONDITIONS - TYPICAL CROSS-SECTION
Not to Scale



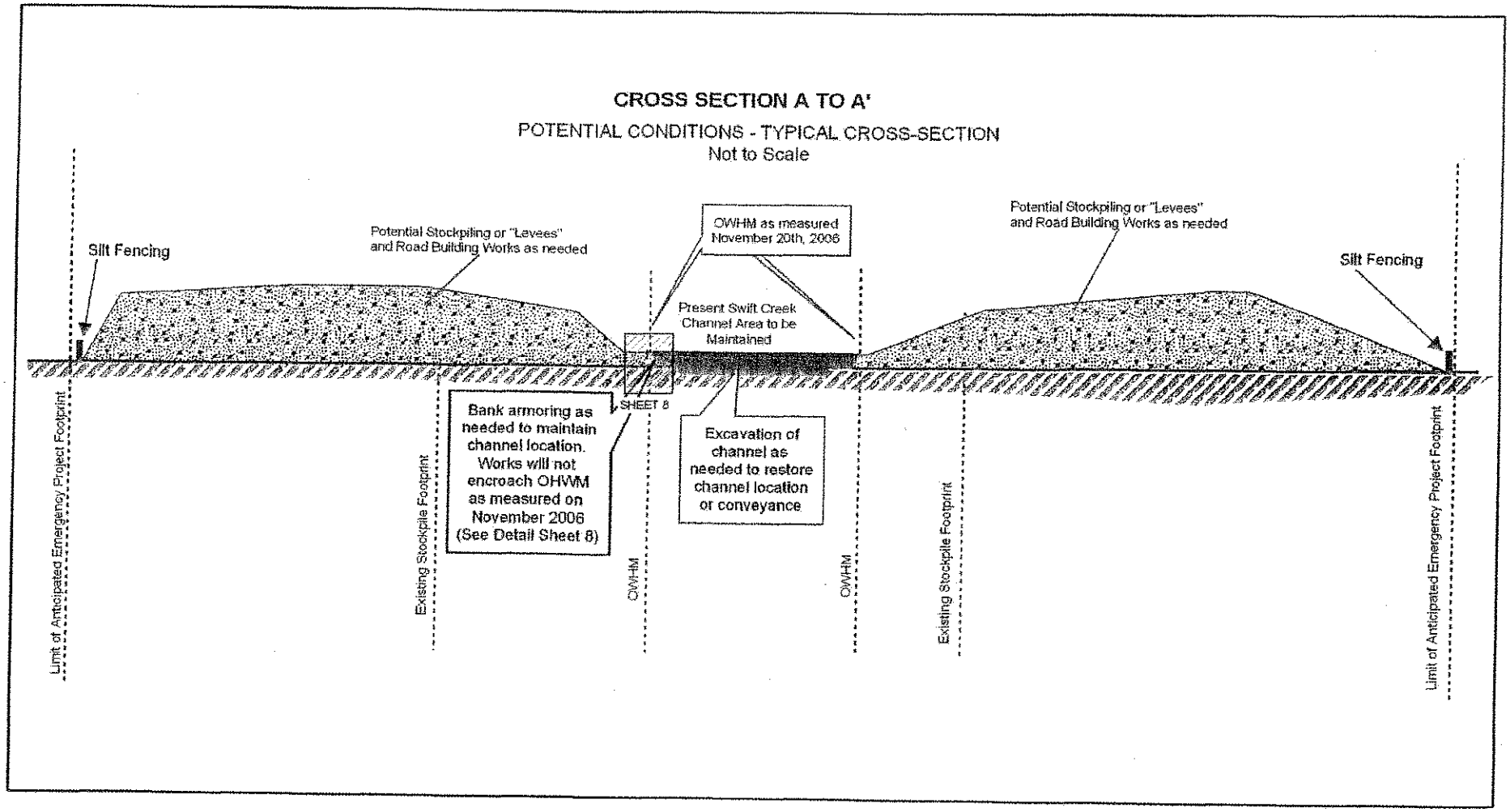
Proposed Project: Emergency bank revetment, dredging and stockpile
Reference: NWS-2007-103-NO
Purpose: Sediment Management for Flood Hazard Reduction

App. By: Whatcom County Public Works
In: Swift Creek
Near: Everson, Whatcom County, Washington

Cross Section Detail - Existing Typical

PROJECT: Swift Creek Emergency Response Project Detail	
Date: 4/23/07	Drawn By: PPittman
Whatcom County Public Works River and Flood Division	

Sheet 7 of 9



Proposed Project: Emergency bank revetment, dredging and stockpile
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Purpose: Sediment Management for Flood Hazard Reduction

App. By: Whatcom County Public Works
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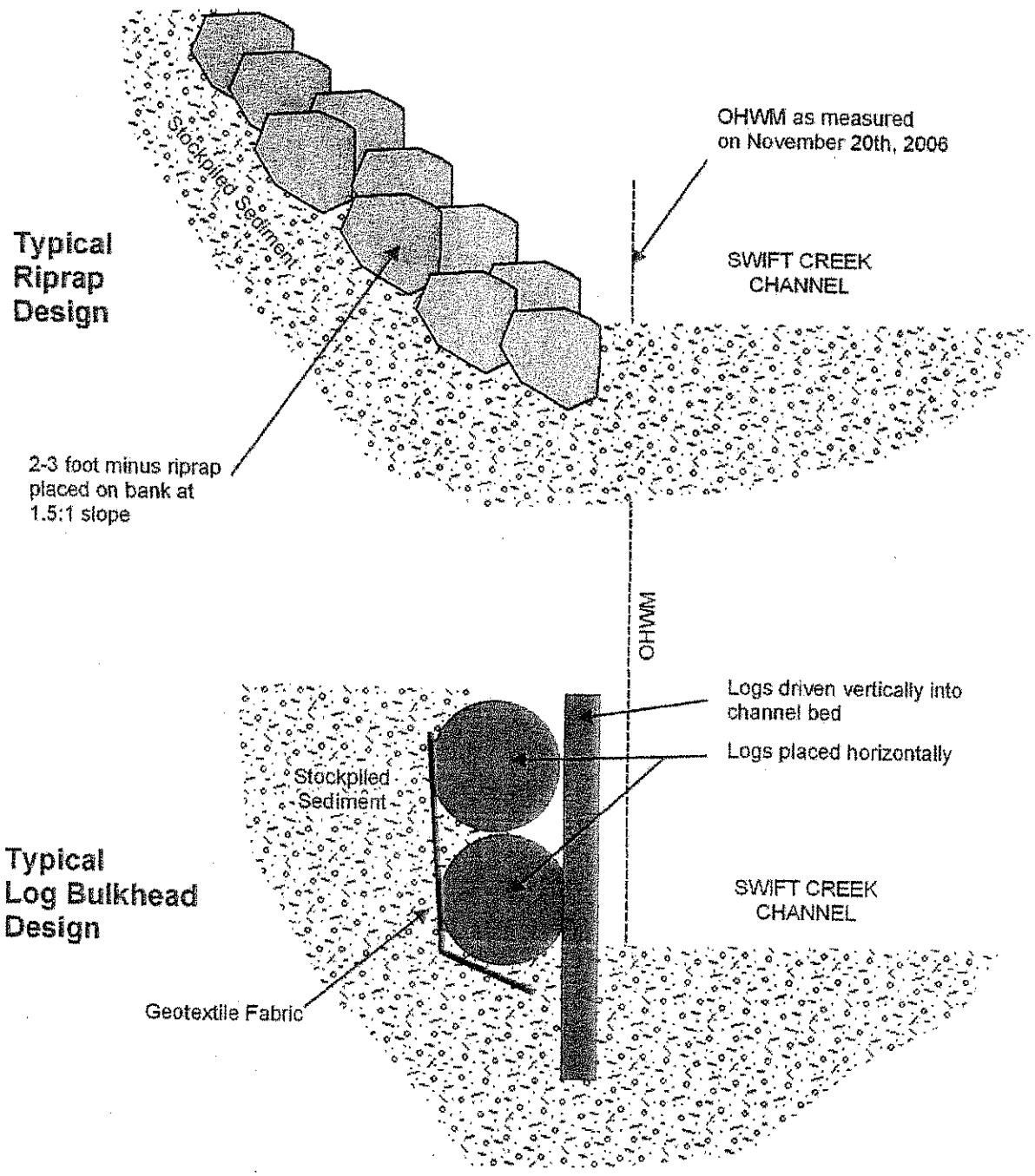
Near: Everson, Whatcom County, Washington

Cross Section Detail - Proposed Potential Typical

Sheet 8 of 9

PROJECT: Swift Creek Emergency Response Project Detail	
Date: 4/23/07	Drawn By: PPittman
Whatcom County Public Works River and Flood Division	

BANK ARMORING TYPICAL DESIGNS



NOTE: Work will not occur waterward of OHWM as measured on November 20th 2006

Proposed Project: Emergency bank revetment, dredging and stockpile
Reference: NWS-2007-103-NO
Purpose: Sediment Management for Flood Hazard Reduction

App. By: Whatcom County Public Works
In: Swift Creek
Near: Everson, Whatcom County, Washington

Cross Section Detail
Typical Bank Armoring Designs Sheet 9 of 9

PROJECT: Swift Creek Emergency Response Project Detail	
Date: 4/23/07	Drawn By: PPittman
Whatcom County Public Works River and Flood Division	