



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 (206) 764-6985
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: December 8, 2008
Expiration Date: January 7, 2008

Reference No.: NWS-2008-1093-NO
Name: Skagit Co. Diking District No. 3

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) 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. Diking District No. 3
18385 Torset Road
Mount Vernon, Washington 98273
ATTN: Mr. David Olson
Telephone: (360) 870-9992

LOCATION: In Hill Ditch/Carpenter Creek, Fisher Slough, and unnamed tributaries near Mount Vernon, Skagit County, Washington.

WORK: Excavate and repair structures to implement a 5-year maintenance plan for diking facilities.

PURPOSE: Maintain existing diking facilities for flood prevention.

ADDITIONAL INFORMATION – Work will involve removal of accumulated sediments and vegetation from drainage ditches and streams; removal of debris from channels, floodgates, screw gates, etc.; and repair and replacement of screw gates and floodgates. Work will not involve replacement of floodgates or construction of new facilities. Work will be implemented per the provisions of the Drainage Maintenance Agreement between District #3 and the Washington Department of Fish and Wildlife (WDFW) and the resulting Drainage Maintenance Plan.

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 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. The U.S. Army Corps of Engineers (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 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.

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 Program 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, Attn: 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 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 ecvrefedpermits@ecy.wa.gov

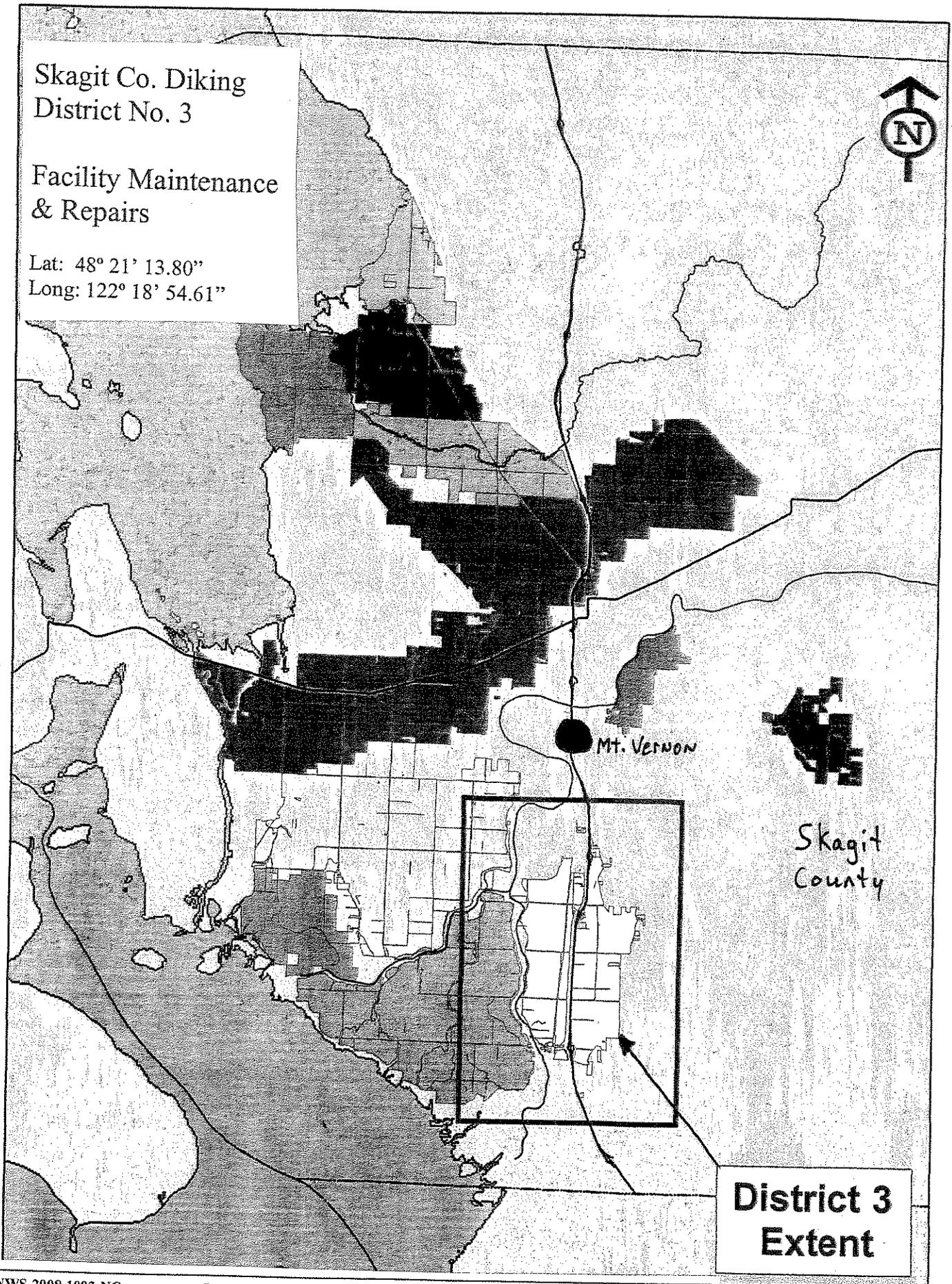
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Skagit Co. Diking District No. 3, NWS-2008-1093-NO

Encl: Figures (5)

Skagit Co. Diking
District No. 3

Facility Maintenance
& Repairs

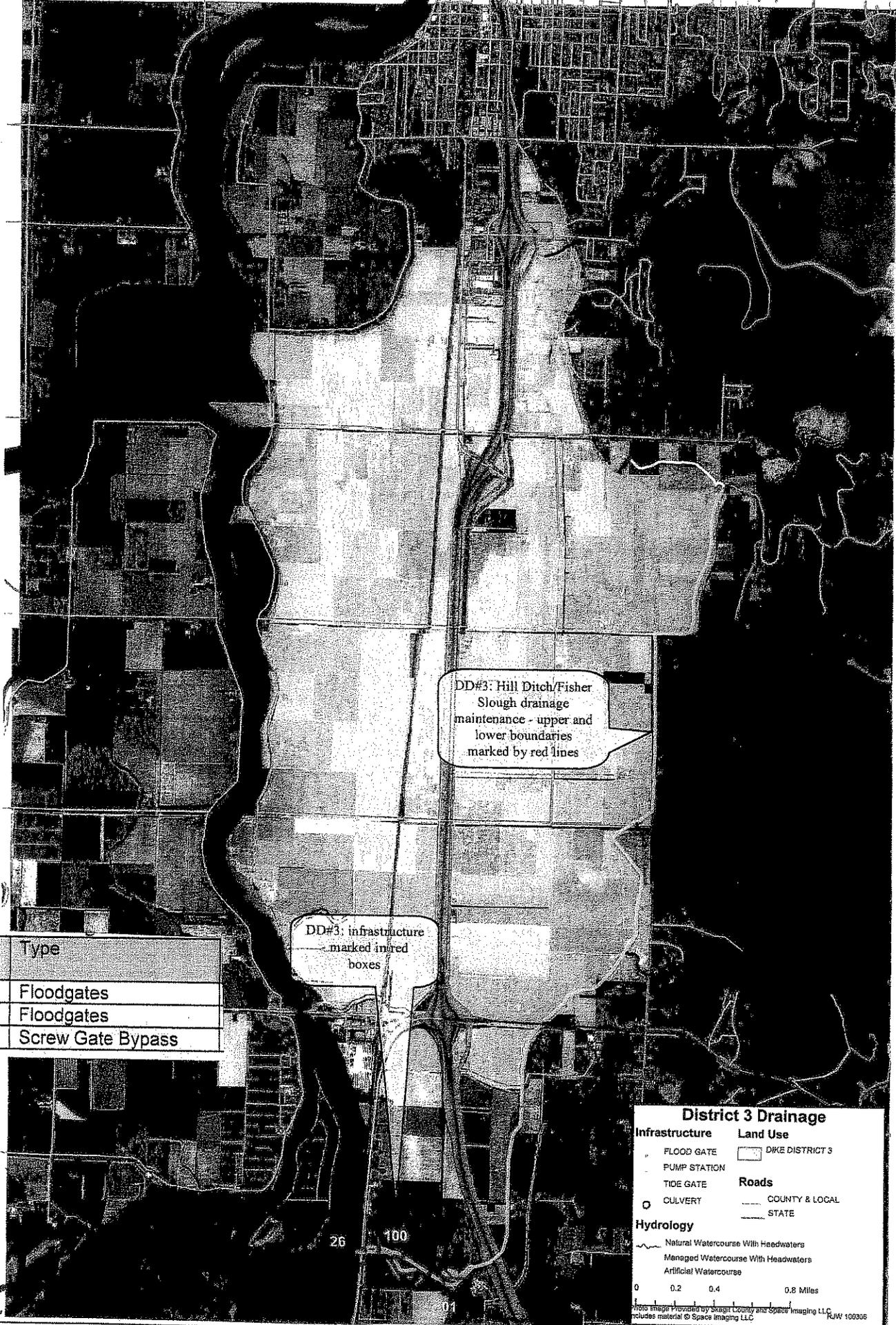
Lat: 48° 21' 13.80"
Long: 122° 18' 54.61"



**District 3
Extent**

Reference: NWS-2008-1093-NO
Purpose: Flood prevention
App. By: Skagit Diking Dist No. 3
Sheet 1 of 5

Proposed: Excavate sediments & repair facilities
Waterway: Hill Ditch, Fisher Slough & artificial tributaries
Near: Mt. Vernon, Skagit County, Washington
Date 9/24/08



Number	Type
26	Floodgates
100	Floodgates
01	Screw Gate Bypass

DD#3: Hill Ditch/Fisher Slough drainage maintenance - upper and lower boundaries marked by red lines

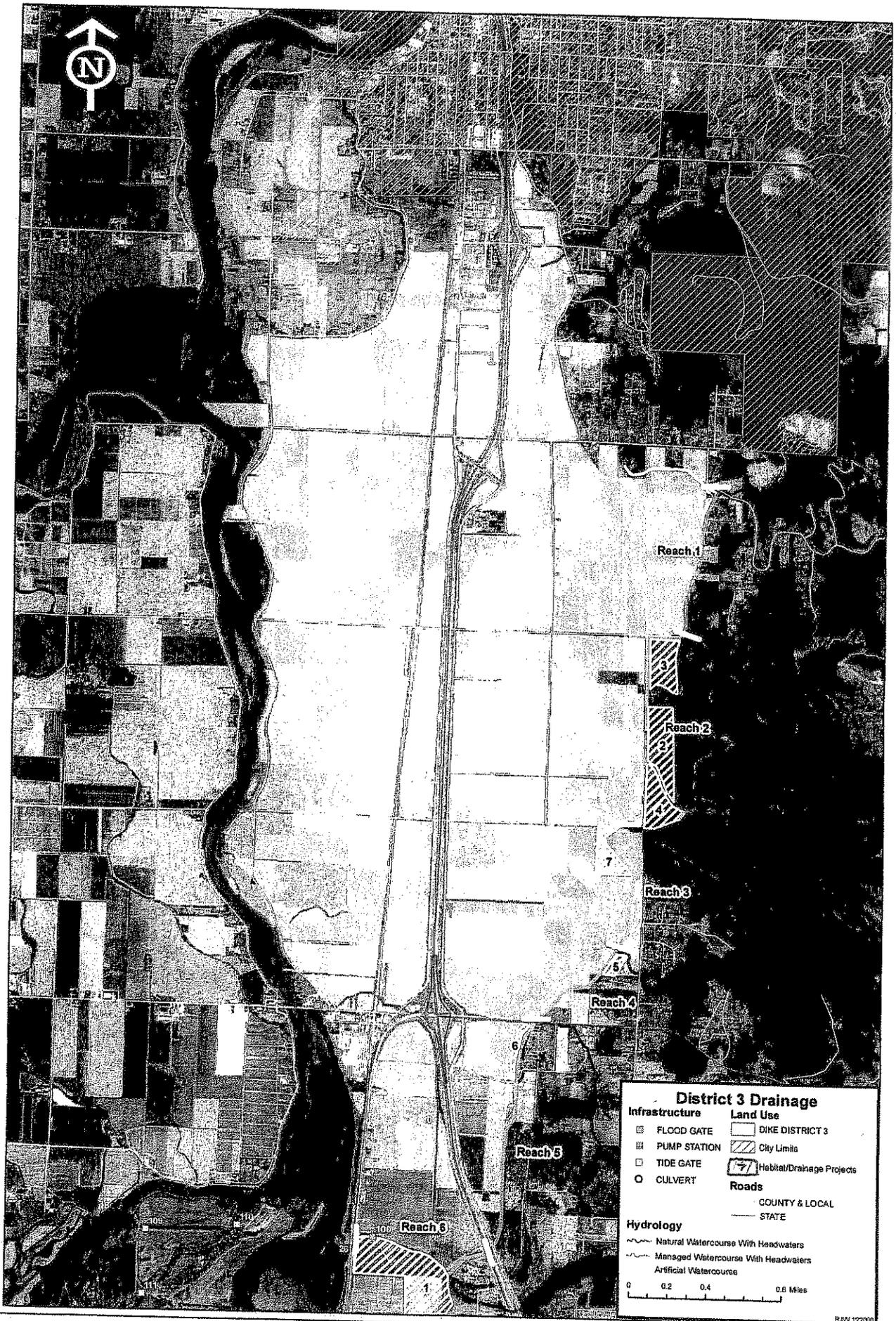
DD#3: infrastructure marked in red boxes

District 3 Drainage

Infrastructure	Land Use
FLOOD GATE	DIKE DISTRICT 3
PUMP STATION	
TIDE GATE	
CULVERT	Roads
	— COUNTY & LOCAL
	— STATE
Hydrology	
Natural Watercourse With Headwaters	
Managed Watercourse With Headwaters	
Artificial Watercourse	
0 0.2 0.4 0.8 Miles	
<small>Photo Image Provided by Skagit County and Space Imaging LLC. Includes material © Space Imaging LLC. RW 100306</small>	

Reference: NWS-2008-1093-NO
 Purpose: Flood prevention
 App. By: Skagit Diking Dist No. 3
 Sheet 2 of 5

Proposed: Excavate sediments & repair facilities
 Waterway: Hill Ditch, Fisher Slough & artificial tributaries
 Near: Mt. Vernon, Skagit County, Washington
 Date 9/24/08



Reference: NWS-2008-1093-NO
 Purpose: Flood prevention
 App. By: Skagit Diking Dist No. 3
 Sheet 3 of 5

Proposed: Excavate sediments & repair facilities
 Waterway: Hill Ditch, Fisher Slough & artificial tributaries
 Near: Mt. Vernon, Skagit County, Washington
 Date 9/24/08

Typical Repair Activities Including Construction Sequences

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.

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.

Screw Gate

Work on the screw gate usually includes removal of any lodged debris that may prevent the gate from opening or closing properly. Other normal maintenance would be completed to insure the gate operates normally, such as lubrication of the drive mechanism.

Reference: NWS-2008-1093-NO

Purpose: Flood prevention

App. By: Skagit Diking Dist No. 3

Sheet 4 of 5

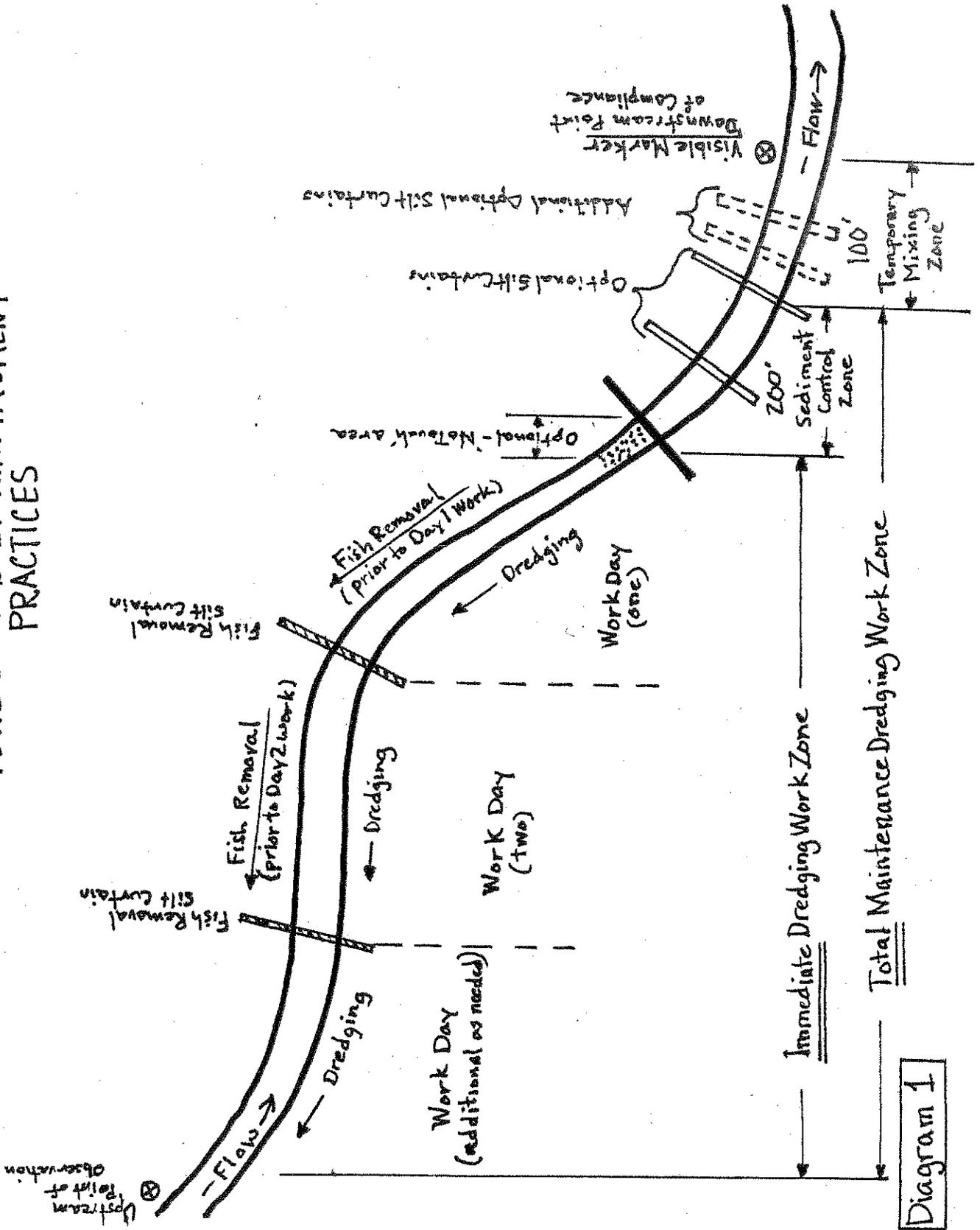
Proposed: Excavate sediments & repair facilities

Waterway: Hill Ditch, Fisher Slough & artificial tributaries

Near: Mt. Vernon, Skagit County, Washington

Date 9/24/08

TURBIDITY BEST MANAGEMENT PRACTICES



Reference: NWS-2008-1093-NO
 Purpose: Flood prevention
 App. By: Skagit Diking Dist No. 3
 Sheet 5 of 5

Proposed: Excavate sediments & repair facilities
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 Near: Mt. Vernon, Skagit County, Washington
 Date 9/24/08