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 (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: March 3, 2009
Expiration Date: April 2, 2009

Reference No.: NWS-2009-153
Name: Skagit Co. Dike & Drainage Dist. #25

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: Skagit County Dike and Drainage District #25
Mr. Jerry Nelson and Mr. Victor Jensen
14127 Church Road
Bow, Washington 98232
Telephone: (360) 766-6717

LOCATION: In unnamed tributaries of the Samish River near Burlington, Skagit County, Washington.

WORK: Excavate 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 and replacement of culverts, pumps, and floodgates; and minor repair of components of tidegates. 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 District #25 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 proposed action would impact EFH in the project area. 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 recorded historic properties within the permit area. Because of it's location in the landscape (i.e. adjacent to a river), there is a high likelihood that unknown historic properties occur in the project area. An historic properties investigation may be required during the permit review. 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 Permit (or 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.

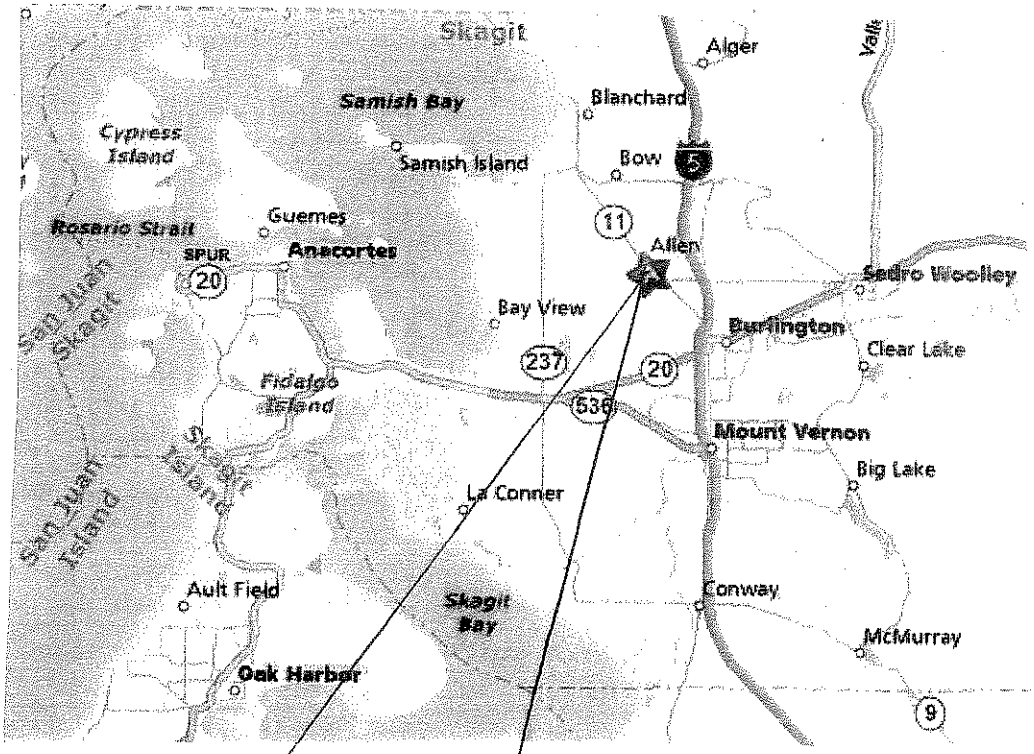
Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov

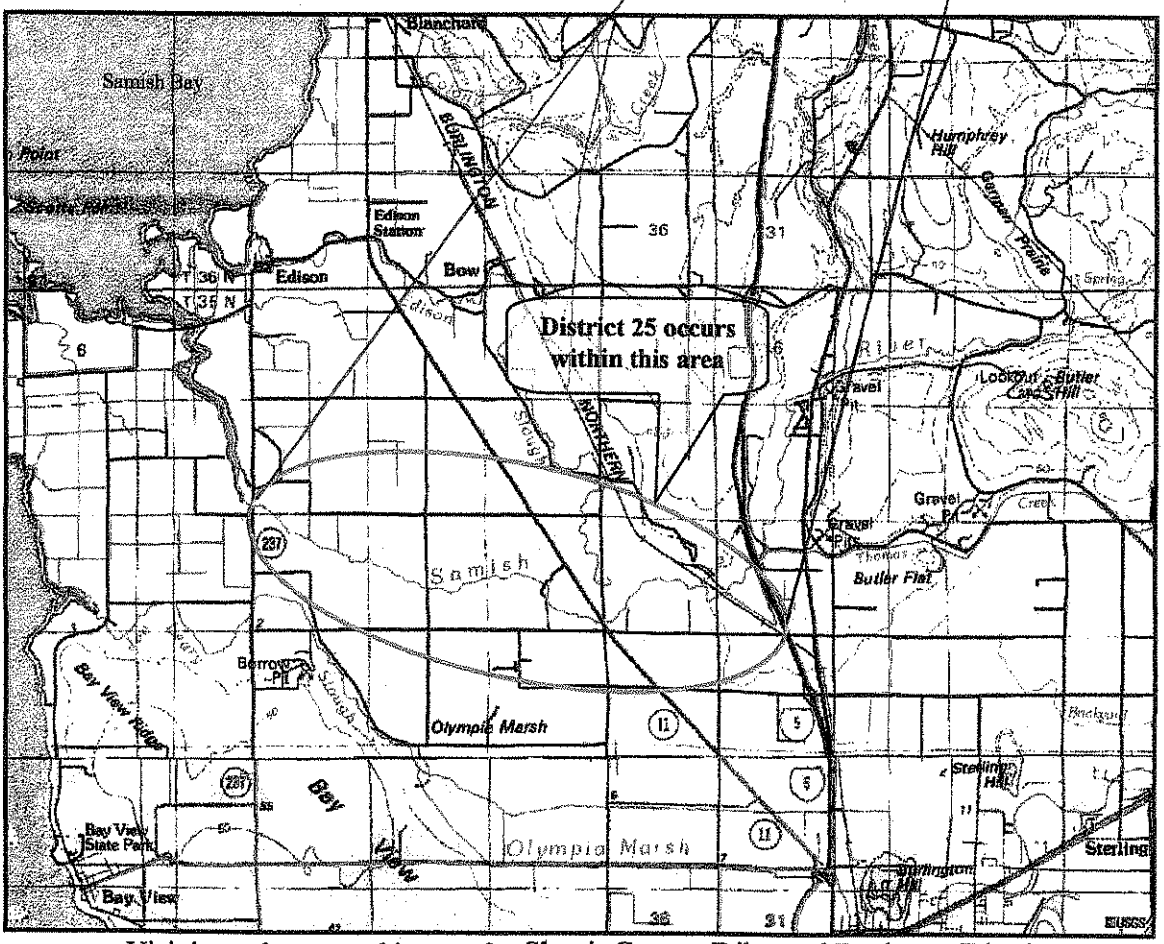
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Skagit Co. Dike & Drainage Dist. #25, Reference number NWS-2009-153.

Encl: Figures (4)

Skagit Co. Dike & Drainage Dist. #25 Facilities Maintenance Project

Center point:
Lat. 48.51799°
Long. -122.39628°

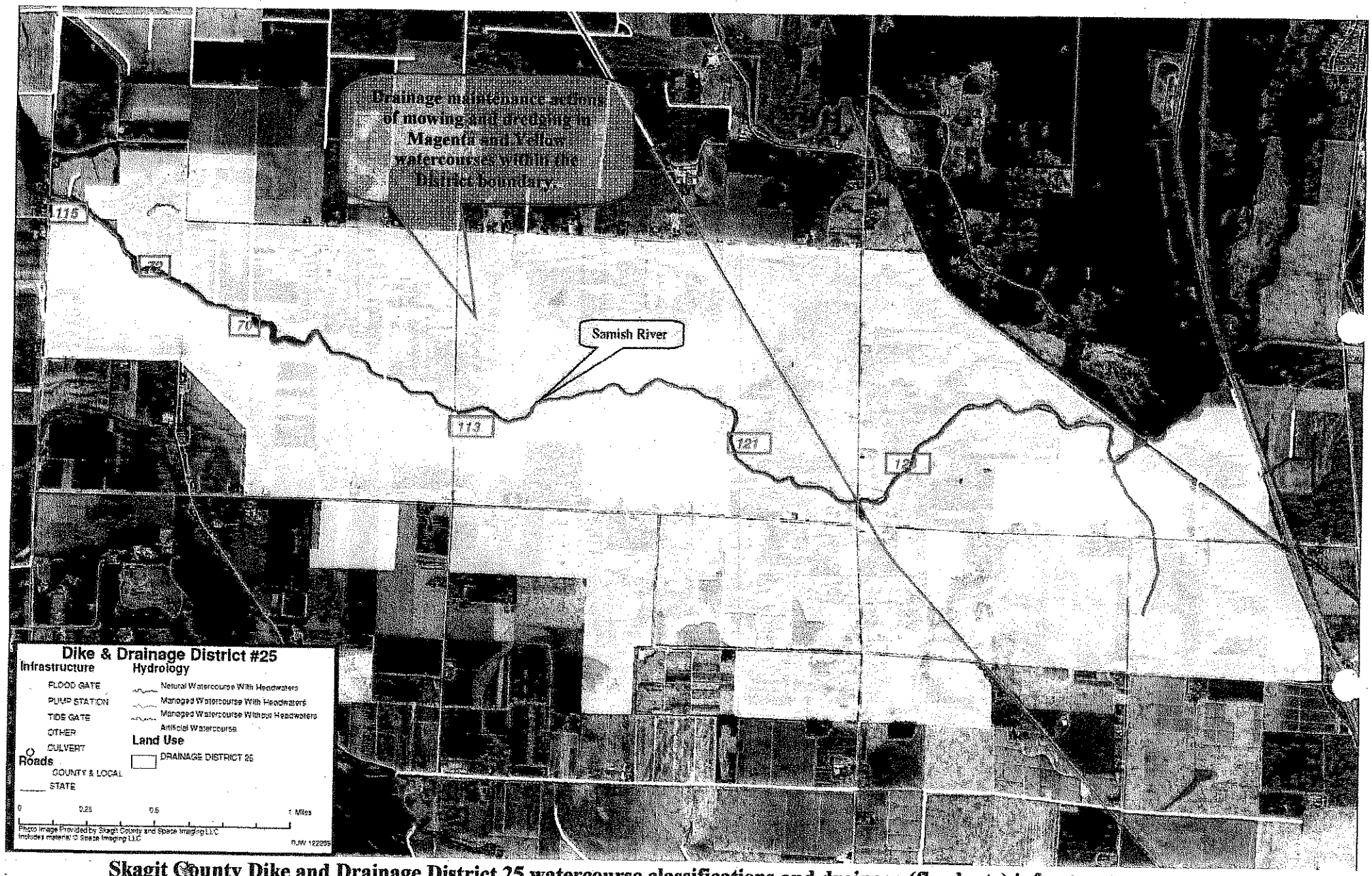




Vicinity and topographic map for Skagit County Dike and Drainage District 25.

NWS-2009-153
Feb. 5, 2009

Sheet 1 of 4.



Skagit County Dike and Drainage District 25 watercourse classifications and drainage (floodgate) infrastructure.

Skagit County Dike and Drainage District 25 Infrastructure

Site Id No.	Type	Number of gates	Size	Site Name/Location	Latitude	Longitude
70	FLOOD GATE	1	12"	SAMISH RIVER	48.52592257470	-122.42657201700
72	FLOOD GATE	1	48"	SAMISH RIVER	48.52790765810	-122.43527035500
113	FLOOD GATE	1	48"	EGBERT/SC DITCH/ E THOMAS RD	48.52091413860	-122.40966139000
115	FLOOD GATE	1	48"	SAMISH RVR/ FARM TO MARKET RD	48.53156249890	-122.44273923500
121	FLOOD GATE	1	48"	SAMISH RVR/ SSIDE/OMDAL LN	48.51936380660	-122.38747535300
123	FLOOD GATE	1	36"	SAMISH RVR/S SIDE/LAUTENBACH	48.51876284070	-122.37301671800

Typical Repair Activities Including Construction Sequence

Floodgates
Minor maintenance is the replacement of damaged or worn hinge pins, nuts and bolts necessary to keep the floodgate 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.

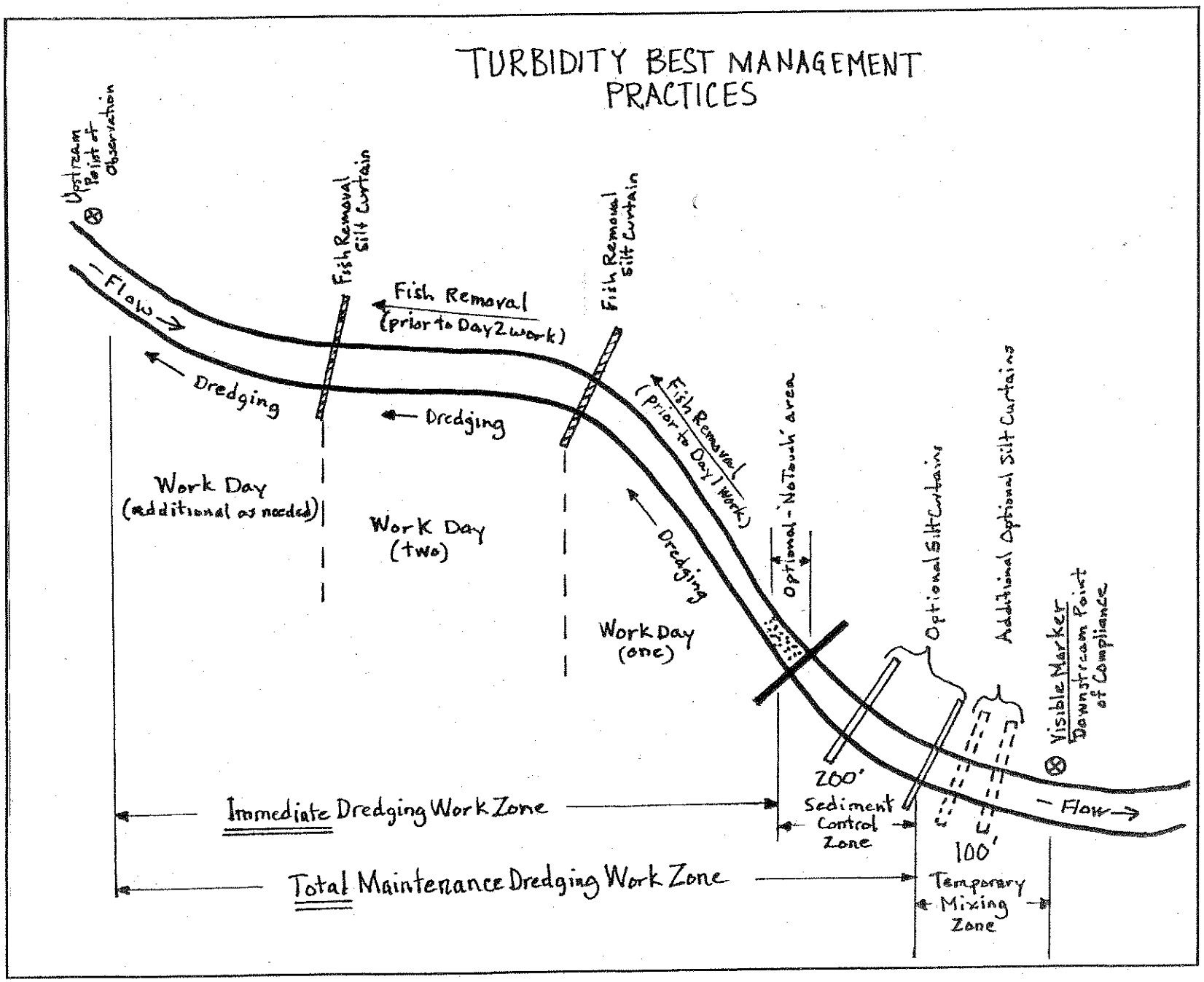
Channel In-Water Bucket Mowing
In-water mowing is conducted with an excavator with an attached mowing bucket. Mowing of vegetative material occurs below the water line and the cut vegetation accumulates in the bucket. The material is then deposited on the ground away from the ditch and worked into the 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 bank 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 dredged 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.


TURBIDITY BEST MANAGEMENT PRACTICES
Upstream Point of Observation
Fish Removal Silt Curtain
Fish Removal (prior to Day 2 work)
Fish Removal Silt Curtain
Flow
Dredging
Dredging
Fish Removal (prior to Day 1 work)
Work Day (additional as needed)
Work Day (two)
Dredging
Work Day (one)
Optional - 'No Touch' area
Optional Silt Curtains
Additional Optional Silt Curtains
Visible Marker Downstream Point of Compliance
200'
Sediment Control Zone
100'
Temporary Mixing Zone
Flow
Immediate Dredging Work Zone
Total Maintenance Dredging Work Zone