



US Army Corps  
of Engineers.  
Seattle District

# Notice of Preparation and Clean Water Act Public Notice

Planning Branch  
P.O. Box 3755  
Seattle, WA 98124-3755  
ATTN: Tim Shaw

Public Notice Date: June 6, 2008  
Expiration Date: June 23, 2008  
Reference: PL-08-07  
Name: Cedar River Side Channel

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Interested parties are hereby notified that the U.S. Army Corps of Engineers, Seattle District (Corps) plans to prepare, pursuant to the National Environmental Policy Act, an environmental assessment (EA) for a proposed Cedar River side channel mitigation project, in King County, Washington. A landslide that occurred as a result of the 2001 Nisqually Earthquake destroyed the mitigation site that had been constructed in 1998 in conjunction with the Cedar River Flood Control Project. This proposed project seeks to remedy the earthquake damage by constructing a functionally equivalent mitigation project in a different location along the Cedar River.

## AUTHORITY

Construction of the Cedar River Side Channel Project is authorized by Public Law 84-99 (33 U.S. Code Section 701n). Corps rehabilitation and restoration work under this authority may be undertaken to ensure the continued function of flood control works damaged or destroyed by flood or other damaging natural occurrence. The rehabilitated facility will normally be designed to provide the same functionality as the original structure in its condition at the time of the precipitating event. Because the 1998 original side channel that was destroyed by the 2001 earthquake was an essential feature of the Section 205 Cedar River Flood Control Project, the PL 84-99 authority authorizes its rehabilitation or replacement.

## BACKGROUND

The Seattle District, United States Army Corps of Engineers (Corps), with the city of Renton as the local project sponsor, constructed the Cedar River Section 205 Flood Control Project between 1998 and 2000. The project consisted of dredging within, and constructing concrete floodwalls and earthen levees along, the lower 1.25 miles of the Cedar River.

A groundwater-fed spawning side channel was also constructed near River Mile 5.0 of the Cedar River (within Ron Regis Park) in 1998, and subsequently improved and expanded in 2000, to serve as mitigation for the anticipated loss of salmonid spawning

habitat in the lower 1.25 miles of the Cedar River following the initial and maintenance river dredging operations. It was anticipated that maintenance dredging would occur every 3 to 10 years following construction, to maintain the flood protection benefits along the lower Cedar River.

During the February 28, 2001 Nisqually Earthquake, a landslide occurred adjacent to the groundwater spawning channel and resulted in inundation of the side channel and the loss of the channel's function as off-channel habitat. In response, the City of Renton requested and was granted assistance from the Corps under Public Law 84-99 to replace the channel to provide the long-term mitigation required for the Cedar River Section 205 Flood Damage Control Project.

### NEED AND PURPOSE

This purpose of this project is to reestablish a salmonid spawning and rearing side-channel along the Cedar River functionally equivalent to the spawning channel destroyed by the Nisqually earthquake.

### LOCATION

This project is located in the floodplain along the left bank between RM 3.4 and 3.6 on the Cedar River in the City of Renton, King County Washington (T21N, R05E, Section 21). The project location is east of the Royal Hills Neighborhood; west of the Maple Garden Neighborhood within City owned property.

### PROPOSED ACTION

The proposed preferred alternative consists of the following construction elements:

- The construction of an intake structure (consisting of concrete box culvert, trash rack, control valve, geogrids, and approximately 140 feet of pipe) at the upstream end of the channel to convey flow from the Cedar River.
- The construction of an open-channel outlet approximately 1,200 feet downstream from the intake structure in order to allow flow to re-enter the Cedar River and adult/juvenile fish to migrate to or from the channel.

The excavation of approximately 6,000 cubic yards of floodplain sediments (i.e., gravel, sand and silts) and shaping for a distance of 1,000 feet within the existing drainage course in order to create the replacement channel.

- The addition of large woody debris to create rearing pools and to stabilize banks within the constructed channel.
- The addition 600-900 cubic yards of gravel to create spawning habitat.
- The construction of a 12-foot wide gravel-surfaced maintenance path adjacent to the west side of the channel for the length of the project.

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- The installation of native trees, shrubs and plants at two locations – along the new channel and between the Cedar River and the new channel within an existing disturbed area – in order to mitigate for vegetation disturbance and tree removal (approximately 60 to 100 cottonwood and alder trees) resulting from the construction of the channel and maintenance road.
- The installation of a gate across the access road to deter illegal vehicular access.
- The installation of educational signs to inform the public of salmon within the Cedar River basin as well as the impacts of illegal activities on the habitat area.

Project construction is anticipated to be during the summer of 2008, with in-water work occurring June 16<sup>th</sup> through August 15<sup>th</sup>. Project plantings would likely occur during the fall of 2008. Future maintenance work may be necessary for cleaning and/or repair of the channel, including the intake structure and outlet.

Four other alternatives are being evaluated as well, they include:

No Action. The no action alternative would not repair or replace the groundwater-spawning channel constructed near River Mile 5.0 of the Cedar River (within Ron Regis Park) that was destroyed as a result of a landslide triggered by the February 28, 2001 Nisqually Earthquake. The landslide changed the main flow of the river resulting in the loss of the channel's function as off-channel salmonid spawning and rearing habitat.

Repair of the Earthquake Damaged Channel. This alternative would require diverting the current mainstem flow of the Cedar River and removing approximately 40,000 cubic yards of slide debris to reopen the river channel. A control structure on the up steam end of the original channel might also be necessary.

Modification to the Existing Elliot Channel. This alternative would involve modification of the existing Elliot Spawning and Rearing Channel at approximately River Mile 5, in an attempt to increase the available productivity of existing channel. This would include supplementing the existing project with more large woody debris, plantings, and spawning gravel as necessary.

Creation of a new Channel at the Renton Lions Club This alternative would have created a replacement spawning/rearing side-channel on the Renton Elks Club property at approximately River Mile 8.

## ANTICIPATED IMPACTS OF THE PREFERRED ALTERNATIVE

The Corps' preliminary analysis of effects of the actions is summarized below:

### ***Hydrology***

About 6,000 cubic yards of floodplain deposits will be excavated from upland areas to construct a new spawning and rearing channel within the existing floodplain. The channel will be aligned along the course of a linear depression swale in the upland area alongside Cedar River. The excavated material will be removed from the site.

The minimum critical Cedar River flow is 97 cfs per the City of Seattle Habitat Conservation Plan. At this flow rate about 5 to 10 cfs will be conveyed into the new channel.

The maximum design flow in the new channel is about 50 cfs. This flow would occur when Cedar River flows are at about 5,500 cfs just prior to levee overtopping.

Flow from the Cedar River will enter the channel at the inlet of the new channel and return to the Cedar River after flowing within the new channel system for a distance of about 1,200 ft.

### ***Water Quality***

There is a wetland situated along the south side of the riverbank in the vicinity of the proposed channel location. The wetland occupies a long, narrow spot and is approximately 300 square feet in size. The proposal would entail excavation of approximately 150 cubic yards of wetland material in order to construct the channel. The proposal includes the excavation of this entire small wetland in order to construct the channel. Under section 404 of the Clean Water Act the disturbance of the wetland will be evaluated in the context of the parameters of the analogous Nationwide Permit number 18 ("Minor discharges of dredged or fill material into all water of the United States") and/or Nationwide Permit number 27 ("Aquatic Habitat Restoration, Establishment, and Enhancement Activities").

Outside of this wetland area, the remainder of the site appears to be well drained and the steep riverbank precludes any sort of wetland fringe associated with the shoreline.

The project will utilize best management practices, such as silt fencing and other erosion control measures, to ensure no sediment enters the river during construction, and all cleared areas will be mulched, seeded and planted to prevent storm water runoff after construction. In-river construction below the ordinary high water mark at the inlet and outlet structures is expected to occur after uplands excavation is complete, and will occur between the dates of June 16 and August 15 in order to reduce impacts to salmonids.

With the exception of the inlet and outlet structures, the project will be constructed without any in-water work. This means that Cedar River water quality will not be impacted during the clearing/grading and excavation work elements related to channel construction.

There are no other adverse impacts to water quality anticipated from the proposed project. A water quality permit from the Washington Department of Ecology has been obtained for this project.

### ***Vegetation***

Native trees and shrubs will be planted in disturbed areas as compensation for vegetation removal during construction of the channel and maintenance path. Additional native planting will occur in an existing disturbed area between the Cedar River and the new channel.

The channel and maintenance road were designed to minimize the impact on the existing vegetation. Native trees and shrubs will be planted to reduce and control surface water runoff. The trees and shrubs will be planted in two locations. First, planting will occur in areas that are along and adjacent to the footprint of the new channel. Second, an existing disturbed area between the Cedar River and new channel will be planted to control runoff and deter access along an existing beaten path to the river.

### ***Fish***

According to the Final Environmental Impact Statement for the Cedar River 205 Flood Control Project prepared in August of 1997, there are at least 22 species of fish present in the Cedar River. In the vicinity of the project site there are sockeye salmon, Chinook salmon, coho salmon, steelhead trout, rainbow trout, cutthroat trout, mountain whitefish, northern squawfish, peamouth chub, three-spine stickleback, largescale sucker, longnose dace, brook lamprey, Pacific lamprey, and several species of sculpin. Bull trout have not been observed in the vicinity of the proposed project, but periodically may occur there.

The Cedar River adjacent to the proposed project is heavily utilized for spawning by adult sockeye, Chinook and coho salmon. The existing natural side channels downstream of the Elliot levee are utilized for rearing by sockeye fry, Chinook fry and juveniles, coho and steelhead smolts (USACE, 2007). Three species listed as threatened under the Endangered Species Act are likely to occur in the project area, including Puget Sound Steelhead, Puget Sound ESU Chinook salmon, and Puget Sound/Coastal ESU bull trout. The City of Renton has obtained a Washington State Department of Fish and Wildlife Hydraulic Permit Approval for this project.

### ***Threatened and Endangered Species***

In-water construction will occur when Chinook, steelhead, and bull trout are least likely to be present in the action area. The in-water work is scheduled to occur between June 16 and August 15, in accordance with the fish windows specified by WDFW. The resultant side channel will establish considerable habitat benefits to the advantage of listed and other fish and terrestrial species.

**Table 1. Determination Summary Table**

| <b>Species</b> | <b>Effect Determination</b>    | <b>Critical Habitat Determination</b> |
|----------------|--------------------------------|---------------------------------------|
| Steelhead      | Not likely to adversely affect | —                                     |
| Bull Trout     | Not likely to adversely affect | —                                     |
| Chinook        | Not likely to adversely affect | Not likely to adversely affect        |

***Cultural Resources and Native American Concerns***

No known cultural or historic sites occur in the project area. If any artifacts or cultural resources are discovered during construction, all work will be stopped and the USACE archeological and cultural resources staff will further investigate the site and alert the appropriate authorities. The Washington Department of Archaeology and Historic Preservation concurs with the determination that no historic properties will be affected.

***Land use***

The project site and adjacent property to the south and east is owned by the City of Renton. All of the City of Renton property (i.e. site and adjacent parcels) is considered a natural zone area. This project will not change the land use of the project area and it will continue to be considered a natural zone.

***Air Quality and Noise***

There will be a temporary increase in noise during construction, but it will be well within urban limits. Exhaust from the equipment will emit a minor amount of exhaust. Equipment will have mufflers and exhaust systems in accordance with State and Federal standards.

***Cumulative Effects***

Seattle Public Utilities proposes to construct and operate a sockeye hatchery and associated facilities on the Cedar River. The project would consist of a hatchery, a system to supply virus-free water for hatchery operations, and broodstock collection and spawning facilities. The new hatchery would be located within King County, about 2 miles northeast of Ravensdale and 3 miles southeast of Maple Valley. The broodstock collection facility would be located on the lower Cedar River, possibly within several hundred feet of the USACE proposed replacement side-channel.

***Compliance with other laws and regulations***

The Corps has coordinated the proposed action with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service concerning anticipated effects on threatened and endangered species and their critical habitat, pursuant to Sec. 7(a)(2) of the Endangered Species Act.

The Corps has reviewed the work for substantive compliance with Section 404 of the Clean Water Act. Washington Department of Ecology has reviewed the project under Section 401 and has provided a water quality certification.

Design of this project was extensively coordinated with the public, the Muckleshoot Indian Tribe, and resource agencies including: the City of Renton, King County, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Washington Department of Fish and Wildlife, the Washington Department of Ecology, the University of Washington- School of Fisheries, and the Department of Fisheries and Oceans-Canada.

The National Historic Preservation Act (16 USC 470) requires that the effects of proposed actions on sites, buildings, structures, or objects included or eligible for the National Register of Historic Places must be identified and evaluated. A query of the Washington State Office of Archaeology and Historical Preservation database indicated that no sites listed on the National Register of Historic Places are located in the project section. A Corps archeologist conducted cultural resource investigations for this project and a report was shared with the Washington State Office of Archaeology and Historic Preservation SHPO and the Muckleshoot Indian Tribe.

A Coastal Zone consistency determination has been prepared pursuant to the Coastal Zone Management Act, and has been coordinated with the Washington Dept. of Ecology. The Corps has determined that the proposed rehabilitation activities comply with the policies, general conditions, and activities as specified in the King County Shoreline Master Program adopted in 1975. The proposed action is considered to be consistent to the maximum extent practicable with the State of Washington Shoreline Management Program and policies and standards of the King County Shoreline Master Program.

### ***Evaluation***

The decision whether to conduct the project will be based on an evaluation of the probable impact on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, 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; among these are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

Any person who has an interest that may be affected by this disposal of fill or dredged material may request a public hearing. The request must be submitted in writing to the

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District Engineer within the comment period of this notice, and must clearly set forth the following: the interest that may be affected, the manner in which the interest may be affected by this activity, and the particular reason for holding a public hearing regarding this activity.

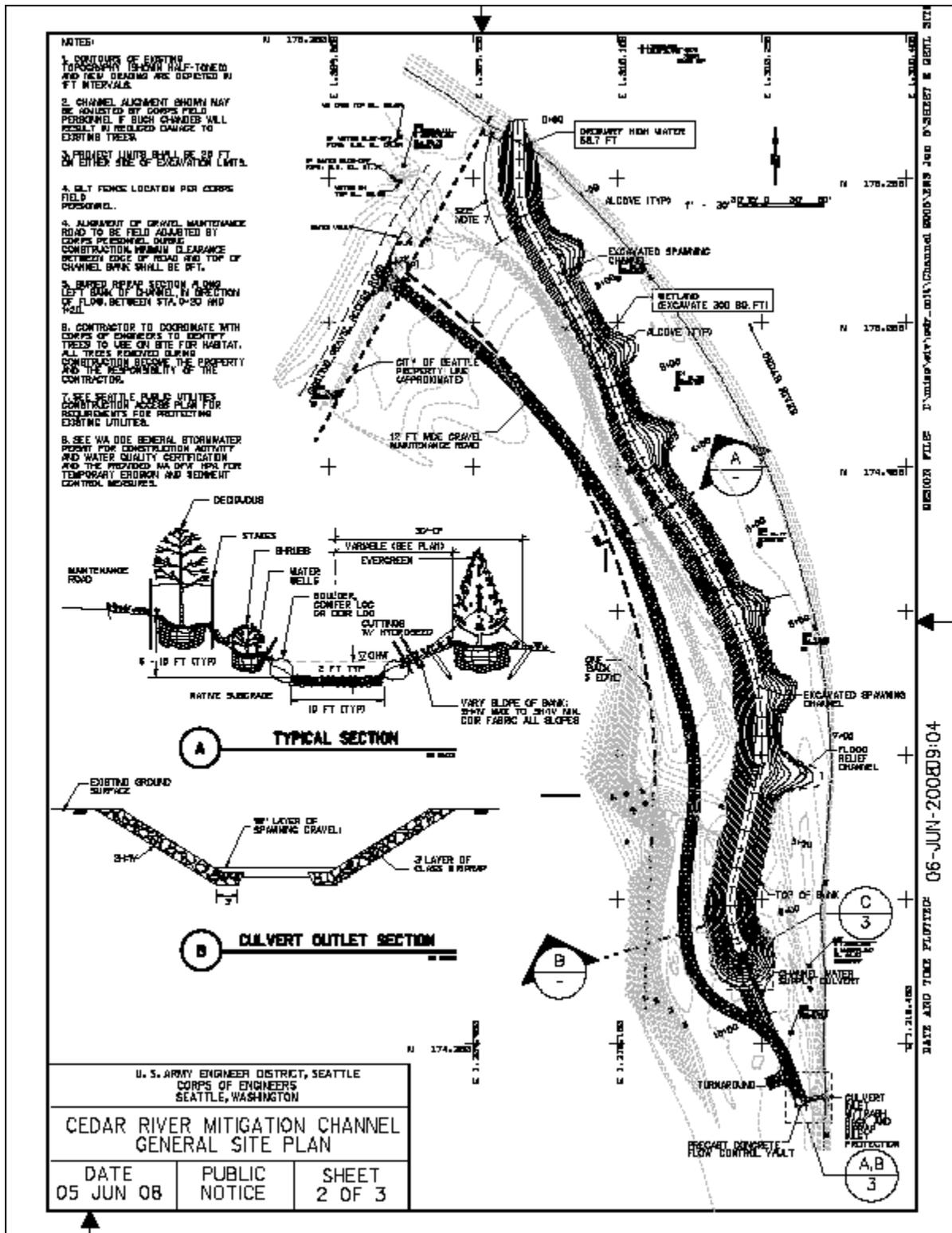
The Corps has made a preliminary determination that the environmental impacts of the proposal can be adequately evaluated under the National Environmental Policy Act through preparation of an environmental assessment (EA). The EA will be tiered from the 1997 EIS for the Cedar River Flood Control Project, and will assess the narrow topic of the spawning side channel component of the Flood Control Project that had been addressed in that EIS. As the EIS has previously conducted a comprehensive evaluation of a spawning side channel as a mitigation component in the context of the Cedar River Flood Control Project, and as the features of the Flood Control Project have been constructed and have long been in operation, this EA will focus primarily on an analysis of whether the proposed replacement channel comprises a functional equivalent to the spawning side channel as assessed in the 1997 EIS, and as it was constructed in 1998-2000. The EA will also evaluate whether the environmental impacts directly associated with the construction of the replacement spawning side channel are consistent with those evaluated for the original Cedar River Spawning Channel. Preparation of this EA is currently underway.

The Corps invites submission of comment on question of functional equivalence of the proposed replacement spawning side channel, as well as the environmental impact of entailed in the process of construction of the proposal. Comments will also be considered in determining whether it would be in the best public interest to proceed with the proposed project. The Corps will consider all submissions received by the expiration date of this notice. The nature or scope of the proposal may be changed upon consideration of the comments received. The Corps will initiate a Supplemental Environmental Impact Statement (EIS), and afford all the appropriate public participation opportunities attendant to an EIS, if significant effects on the quality of the human environment associated with the replacement of the spawning side channel are identified and cannot be mitigated.

Comments should reach this office, Attn: Environmental Resources Section, not later than 15 days from the date of this notice to ensure consideration. Requests for additional information should be directed to Tim Shaw, Project Manager, at 206-764-6978.



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