



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch

Post Office Box 3755

Seattle, Washington 98124-3755

Telephone (206) 764-3495

ATTN: Kristina Tong, Project Manager

Public Notice Date: February 3, 2004

Expiration Date: March 5, 2004

Reference: 200001239

Name: Marshland Flood Control District

Interested parties are hereby notified that all or a portion of the work as described below and shown on the enclosed drawings was performed without specific authorization under Section 10 of the Rivers and Harbors Act of March 3, 1899, and Section 404 of the Clean Water Act. U.S. Army Corps of Engineers permit regulations (33 CFR 320-330) dated November 13, 1986, allow District Engineers to make a determination of whether the activity is not contrary to the public interest.

APPLICANT - Marshland Flood Control District
Post Office Box 85
Snohomish, Washington 98291-0085
ATTN: Mr. Paul Reasoner
Telephone: (360) 568-6044

LOCATION - In Batt Slough, Snohomish River near Snohomish, Snohomish County, Washington.

WORK - Retain a flood control gate, culvert, catwalk platform, concrete, concrete blocks, and 500 cubic yards of fill and perform mitigation which includes the construction of a new channel and planting the buffer area with native vegetation.

PURPOSE - To construct a flood control facility to protect agricultural fields from flooding, to reinforce the bank at the slough end of the existing tide gate damaged by floods, and to compensate for impacts to the aquatic environment.

ADDITIONAL INFORMATION - The flood control gate is a manually operated Waterman Gate that is left in an open position during normal flow periods and is only closed during a flood event. This will help to prevent the failure of the dike.

MITIGATION - The applicant proposes to construct a new channel of Batt Slough just downstream of the flood control facility. The existing channel of Batt Slough will be separated from the new channel by a permeable rock (3-4 man size) barrier. The permeable barrier will prevent stagnation of the water in the side channel. The existing channel will become a side channel with low velocity flows providing juvenile salmonids sanctuary. The area around the new side channel will be planted with native woody vegetation (red-osier dogwood, nootka rose, vine maple, and willow).

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. Puget Sound Chinook, bull trout and bald eagles may occur in the project area. The U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to these species and initiate consultation with the appropriate agencies.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), 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). EFH for Pacific salmon occurs in the project area. The proposed action would impact approximately 0.06 of an acre of EFH for this species.

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. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

There are no 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 Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the 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 - The decision whether to issue a permit will be based on an evaluation of the probable impact, 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; 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. 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.

200001239; Marshland Flood Control District

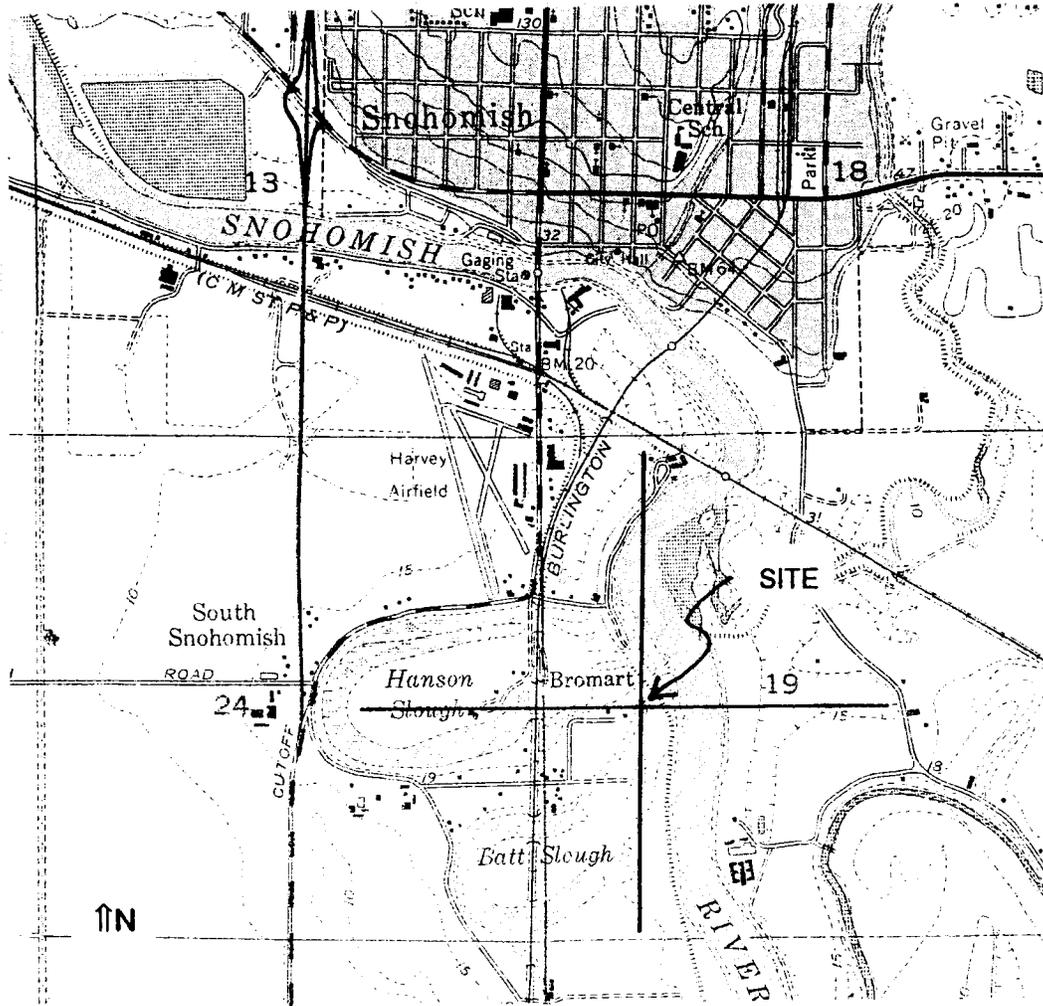
The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act. This proposal may be the subject of Shorelines Substantial Development Permit to be processed by Snohomish 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. All e-mail comments should be sent to Kristina.G.Tong@nws02.usace.army.mil. Conventional mail comments should be sent ATTN: Regulatory Branch. Both 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. Please include the following name and reference number:

Marshland Flood Control District, 200001239

Encl
Drawings (4)



VICINITY MAP
 1" = 2000 feet
 Latitude: 47-53-45
 Longitude: 122-05-35
 S.19 SW T.28N R.6E
 Quad: Snohomish

PURPOSE: to protect agricultural fields from flooding and convert the original channel into a side channel

DATUM: NGVD

ADJACENT PROPERTY OWNERS:

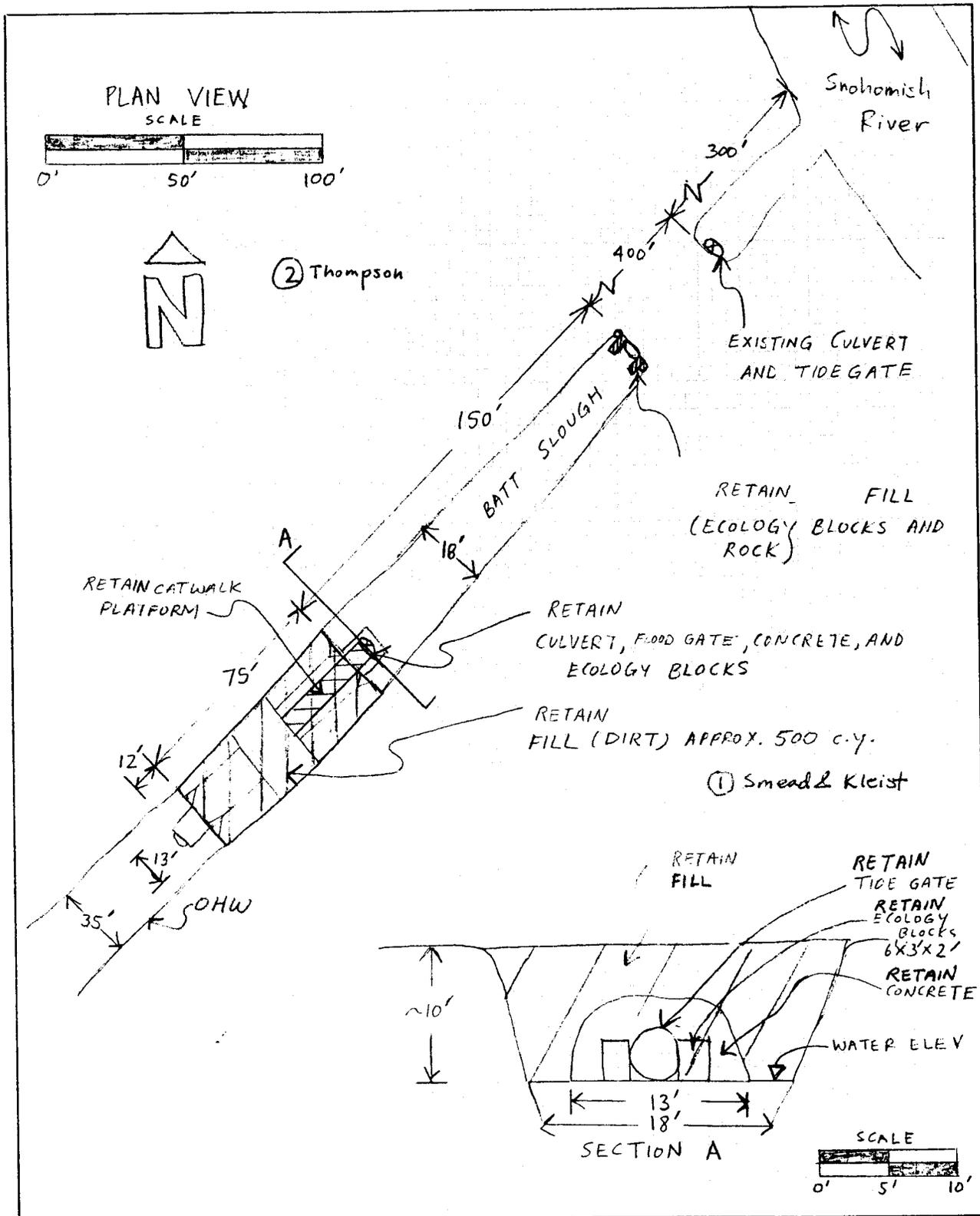
1. Bob Thompson
2. Smead and Kleist

Marshland Flood Control District
 2000 01239

LOCATION ADDRESS

End of 111th Street
 Snohomish, WA

RETAIN a flood control gate, culvert, catwalk platform, concrete, concrete blocks, and 500 cubic yards of fill and construct a new channel
IN: Batt Slough
NEAR: Snohomish
COUNTY: Snohomish
STATE: WA



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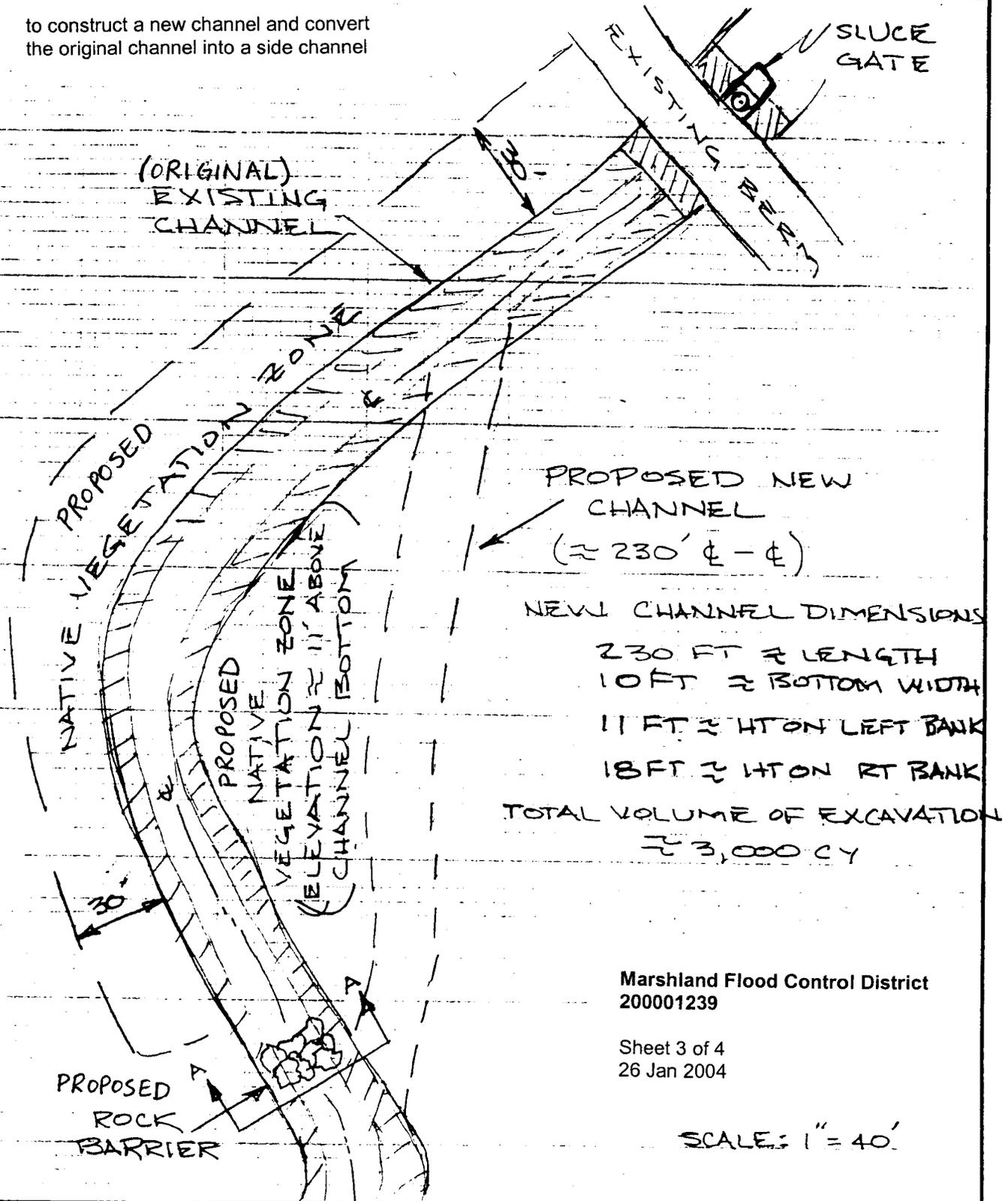
Sheet 2 of 4
26 Jan 2004

CLIENT:
MARSHLAND FLOOD DISTRICT

PROJECT:
BATT SLOUGH

SUBJECT: MITIGATION PLAN

to construct a new channel and convert
the original channel into a side channel



Marshland Flood Control District
200001239

Sheet 3 of 4
26 Jan 2004

DALEY DESIGN
1646 JEANNETTE PL.
BAINBRIDGE IS, WA 98110

SITE PLAN

SUBJECT

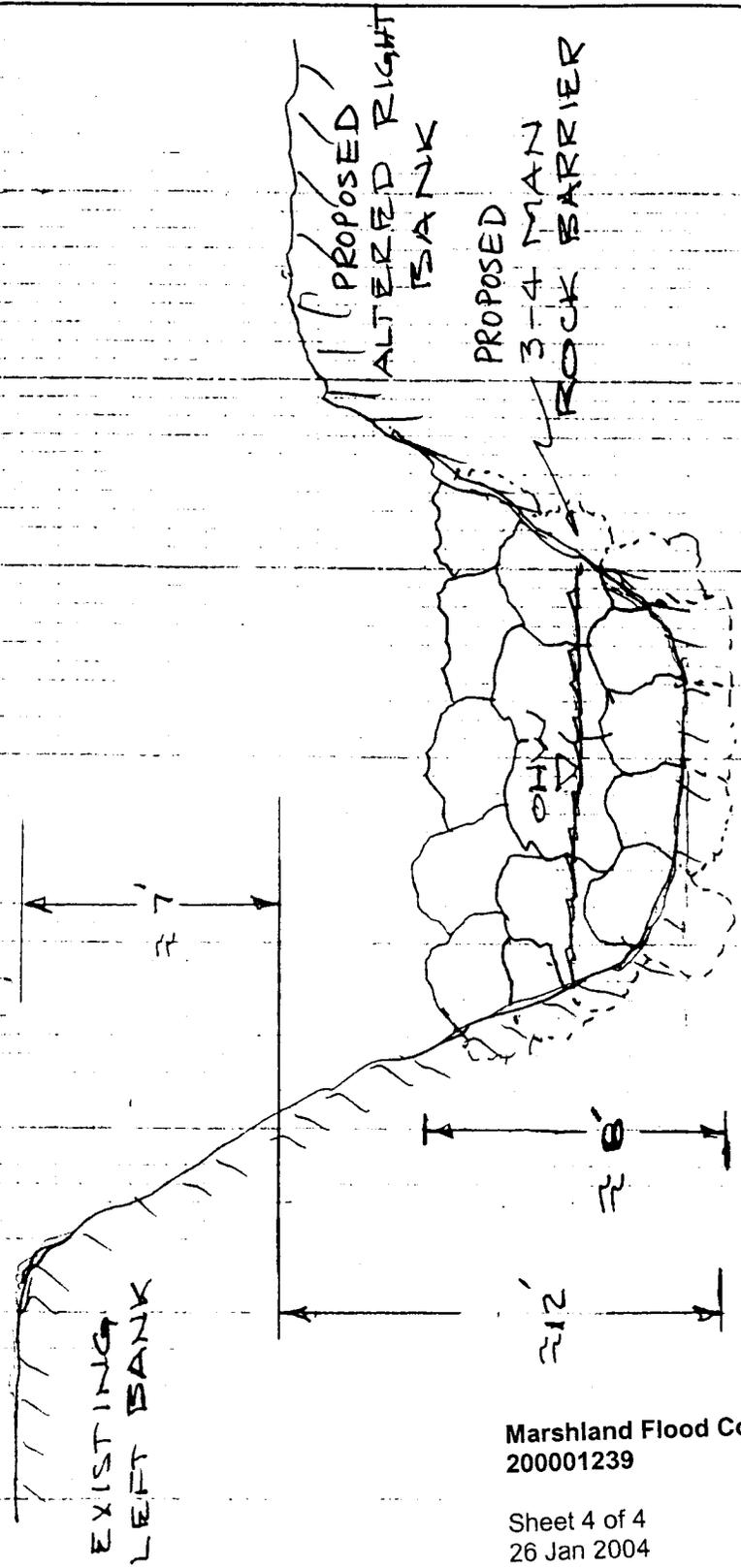
DATE

SHEET NO.

CLIENT:
MARSHLAND FLOOD DISTRICT

PROJECT:
BATT SLOUGH

SUBJECT: MITIGATION PLAN



SCALE: 1" = 5'

Marshland Flood Control District
200001239

Sheet 4 of 4
26 Jan 2004

DALEY DESIGN
1646 JEANNETTE PL.
BAINBRIDGE IS, WA 98110

SECTION DETAIL AT
ROCK BARRIER

SUBJECT

DATE

SHEET NO.



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: February 3, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200001239 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600