



**US Army Corps
of Engineers**
Seattle District

Public Notice of Application for Permit -Erratum-

**Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Randel Perry, Project Manager**

**Public Notice Date: July 15, 2004
Erratum Date: September 2, 2004
Reference: 200400254
Name: Whatcom County Public Works**

ERRATUM: This erratum extends the 30-day comment period on the above public notice from an expiration date of August 15, 2004, to an expiration date of September 22, 2004, for all e-mail recipients. This extension of the public comment period is a result of the failure to transmit the original public notice electronically on the public notice issuance date.

None of the information above will result in a change to the project as originally proposed.



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ATTN: Randel Perry, Project Manager

Public Notice Date: July 15, 2004
Expiration Date: August 15, 2004
Reference: 200400254
Name: Whatcom County Public Works

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

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

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

WORK – Construct two sediment traps (designated “upper” and “lower”) in Swift Creek. Upper sediment trap will be 60 feet wide by 1000 feet long. Lower sediment trap will be 60 feet wide by 600 feet long. Both traps will incorporate features to facilitate future maintenance removal of accumulated sediments. Work will involve alteration of up to 1600 feet of stream channel; excavation of 75,000 cubic yards of material from below the Ordinary High Water line; and placement of 5,000 cubic yards of material (rock and wood bulkheads) below the Ordinary High Water line for bank stabilization and grade control structures.

PURPOSE – Relieve aggradation and flooding problems and to reduce downstream transport of naturally contaminated sediments. Work is part of the Sumas-Nooksack-Everson Subzone Management Plan developed by Whatcom County.

ADDITIONAL INFORMATION – Swift Creek is subject to high sediment inputs from a headwaters landslide area. Sediments include naturally occurring minerals that are toxic to fish and plant species. Fish species and vegetation communities are non-existent in and adjacent to a majority of the Swift Creek channel. Project area has been the subject of previous permitted activities to remove sediments (Corps reference #'s 199801779 and 199501952).

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 coastal bull trout (*Salvelinus confluentus*) listed threatened may occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the

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potential impacts to these species. A preliminary determination indicates that the activity will have “no effect” on bald eagles and bull trout.

Note: Chinook salmon found in the Swift Creek and Sumas River watersheds 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 in the project area. The proposed action would impact approximately 2.20 acres of potential EFH for these 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:

The Corps has completed the necessary review and coordination under Section 106 of the National Historic Preservation Act (NHPA). The Corps has determined that no historic properties are affected by the project as proposed. Unless new information arises, no further consultation is necessary under Section 106 of NHPA.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, 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, State, and local agencies and officials; Indian tribes; 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

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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.

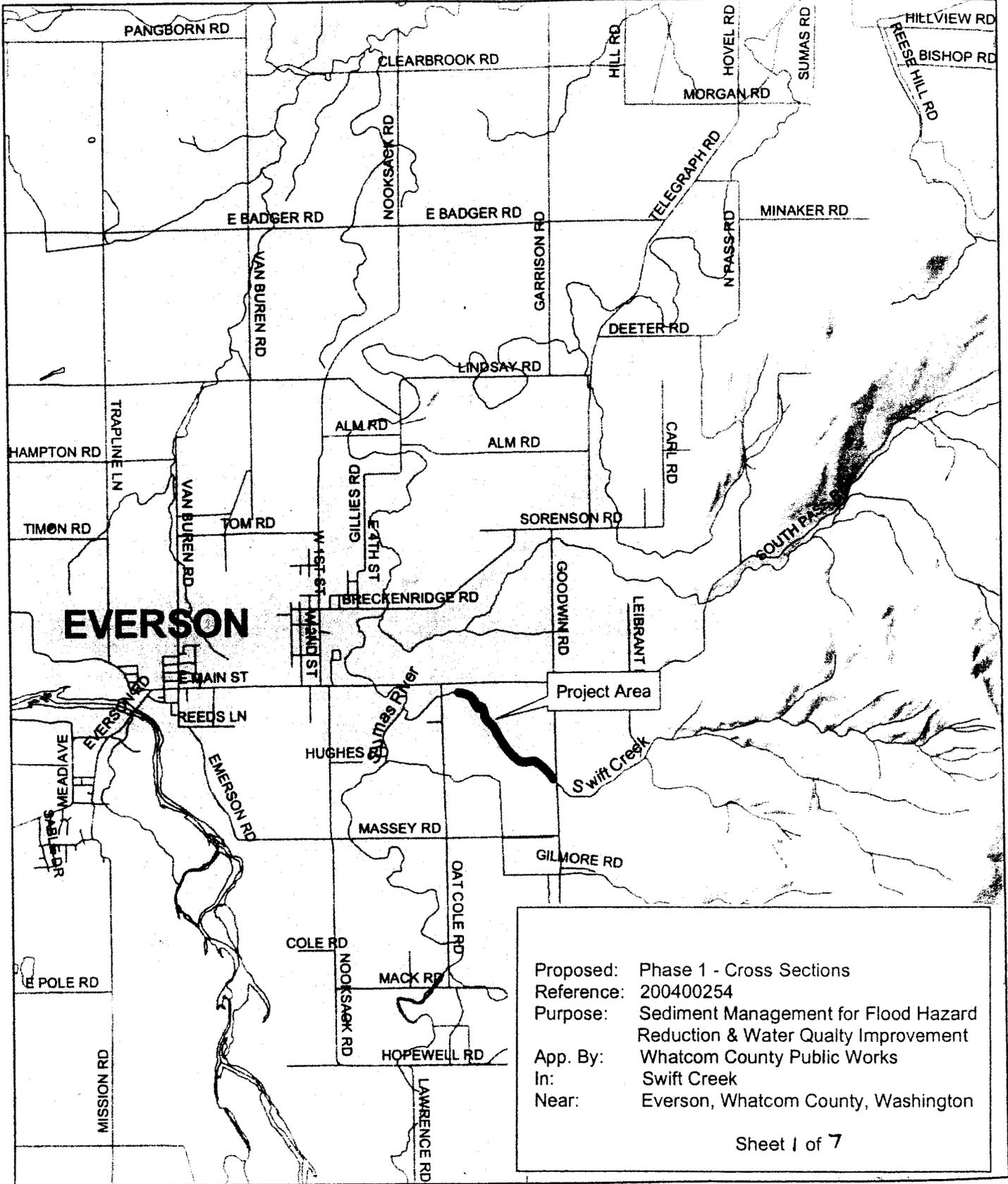
ADDITIONAL EVALUATION – The State of Washington is reviewing this work for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

Whatcom County has determined that the project site does not fall under the County's Shoreline Management Program 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. All e-mail comments should be sent to Randel.J.Perry@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:

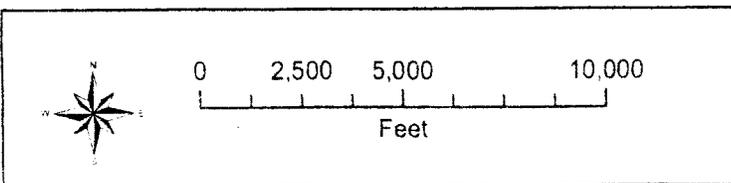
Whatcom County Public Works
200400254

Encl
Drawings (7)



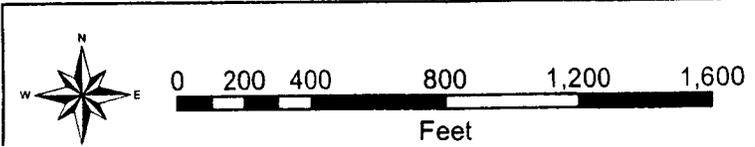
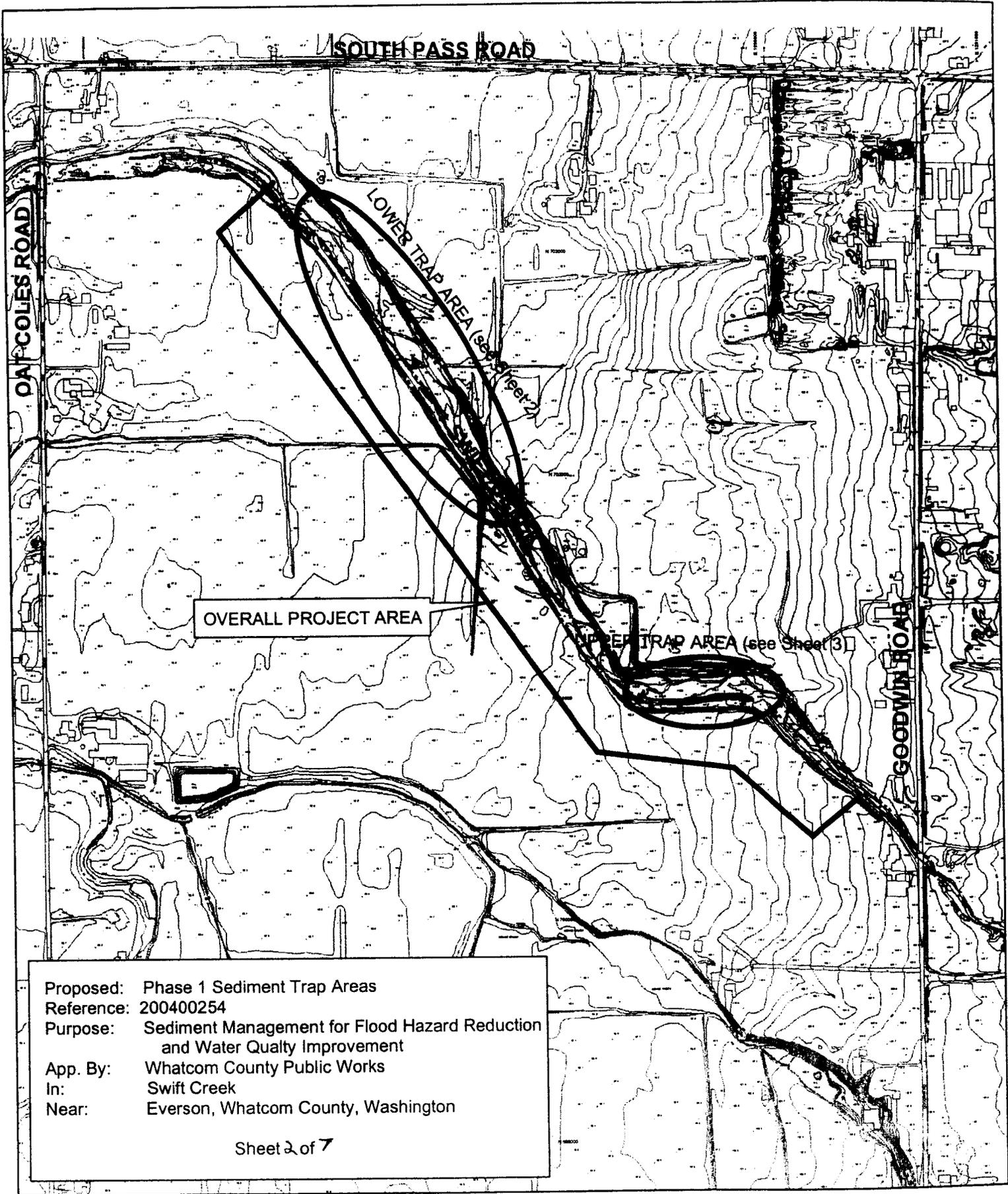
Proposed: Phase 1 - Cross Sections
 Reference: 200400254
 Purpose: Sediment Management for Flood Hazard Reduction & Water Quality Improvement
 App. By: Whatcom County Public Works
 In: Swift Creek
 Near: Everson, Whatcom County, Washington

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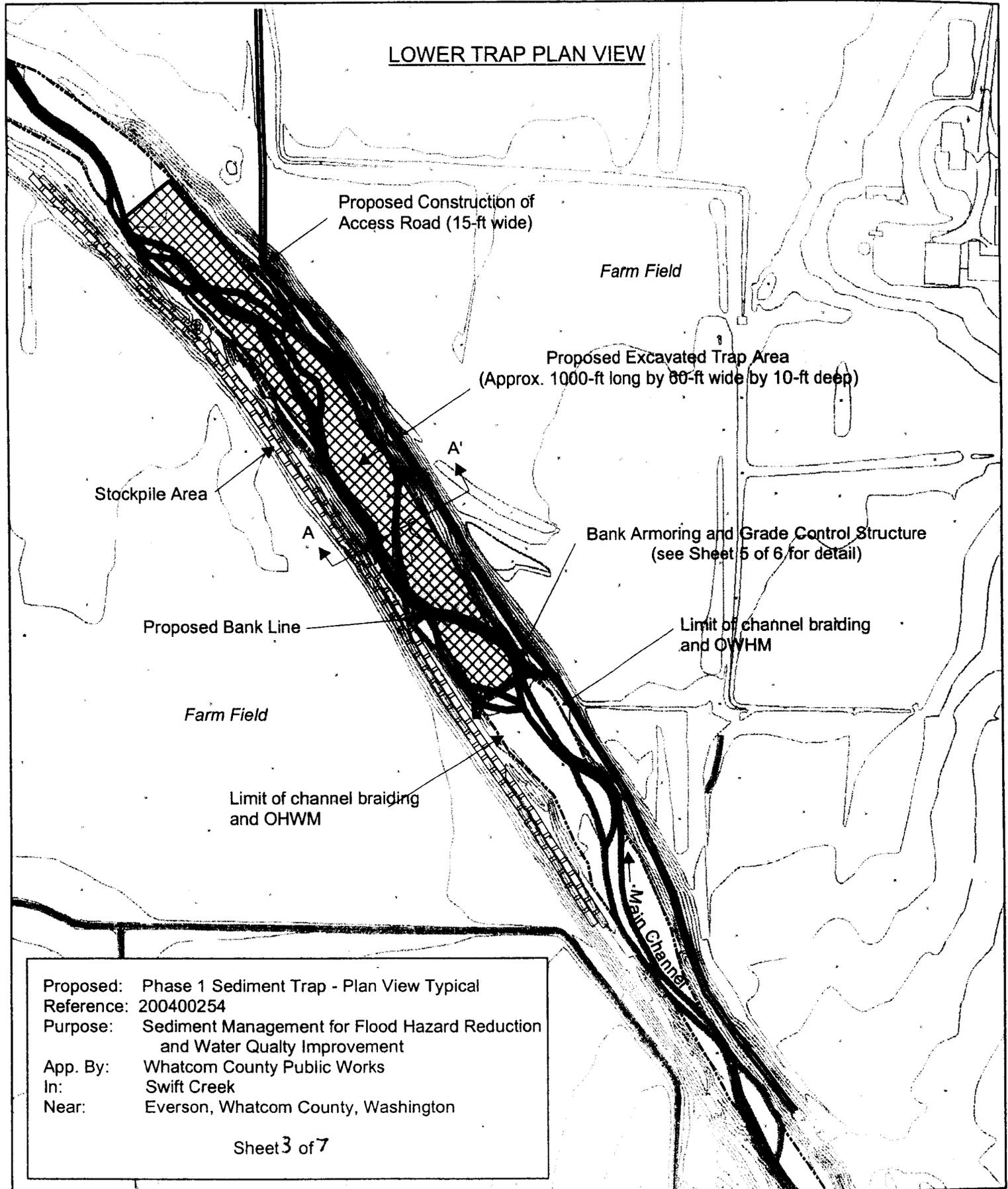
Project: Swift Creek Phase 1 Sediment Trap Area
 Date: April, 2004
 Drawn By: PPittman


 Whatcom County Public Works
 River and Flood Division



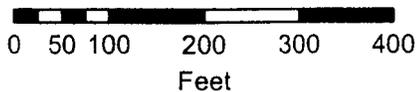
Project: Swift Creek Phase 1 Overall Project Area	
Date: April, 2004	Drawn By: PPittman
 Whatcom County Public Works	

LOWER TRAP PLAN VIEW



Proposed: Phase 1 Sediment Trap - Plan View Typical
Reference: 200400254
Purpose: Sediment Management for Flood Hazard Reduction
and Water Quality Improvement
App. By: Whatcom County Public Works
In: Swift Creek
Near: Everson, Whatcom County, Washington

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Project: Swift Creek Phase 1 Plan View Lower Trap

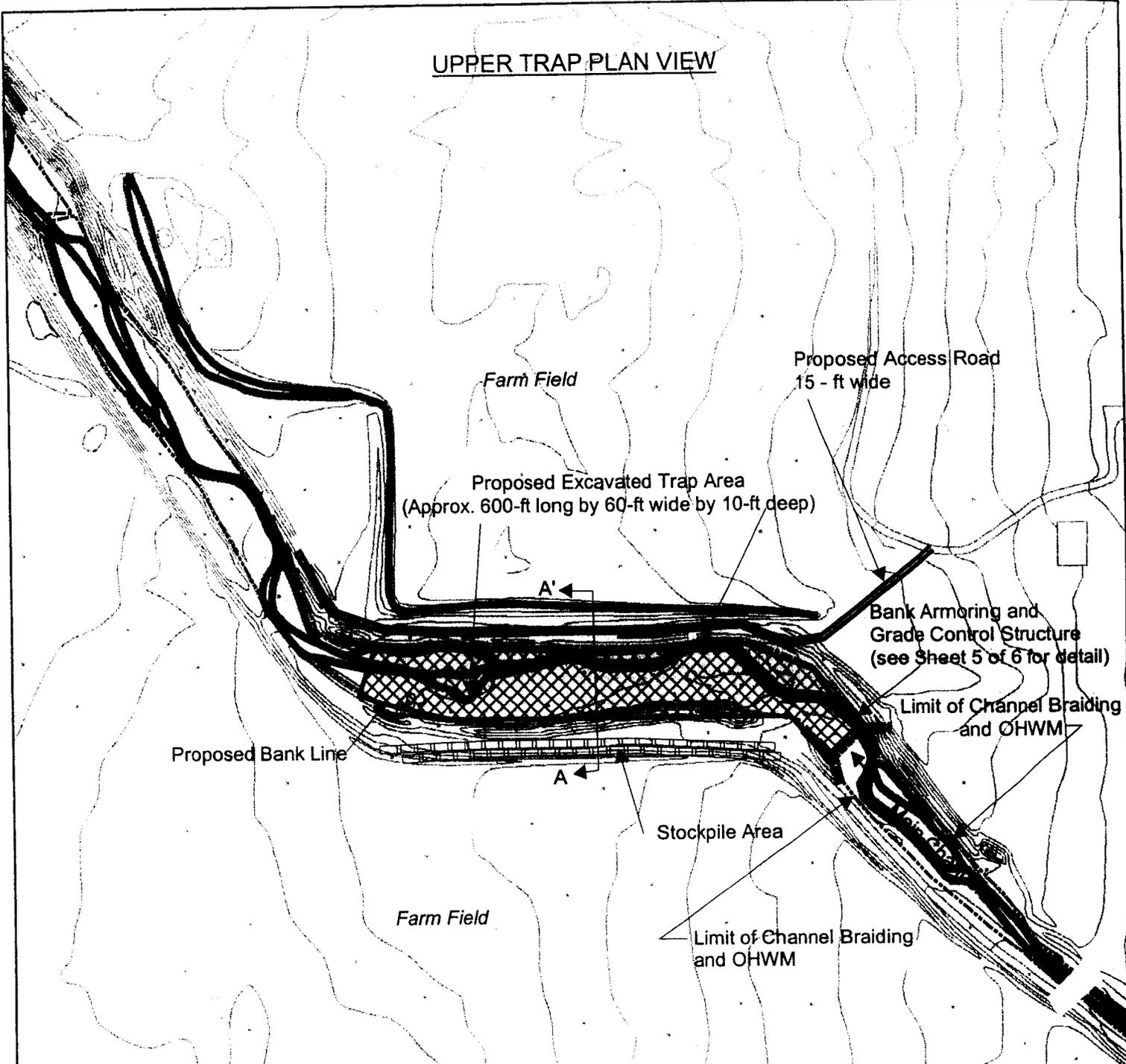
Date: April, 2004

Drawn By: PPittman



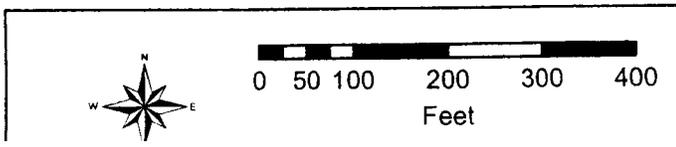
Whatcom County Public Works

UPPER TRAP PLAN VIEW



Proposed: Phase 1 Sediment Trap - Plan View Typical
Reference: 200400254
Purpose: Sediment Management for Flood Hazard Reduction and Water Quality Improvement
App. By: Whatcom County Public Works
In: Swift Creek
Near: Everson, Whatcom County, Washington

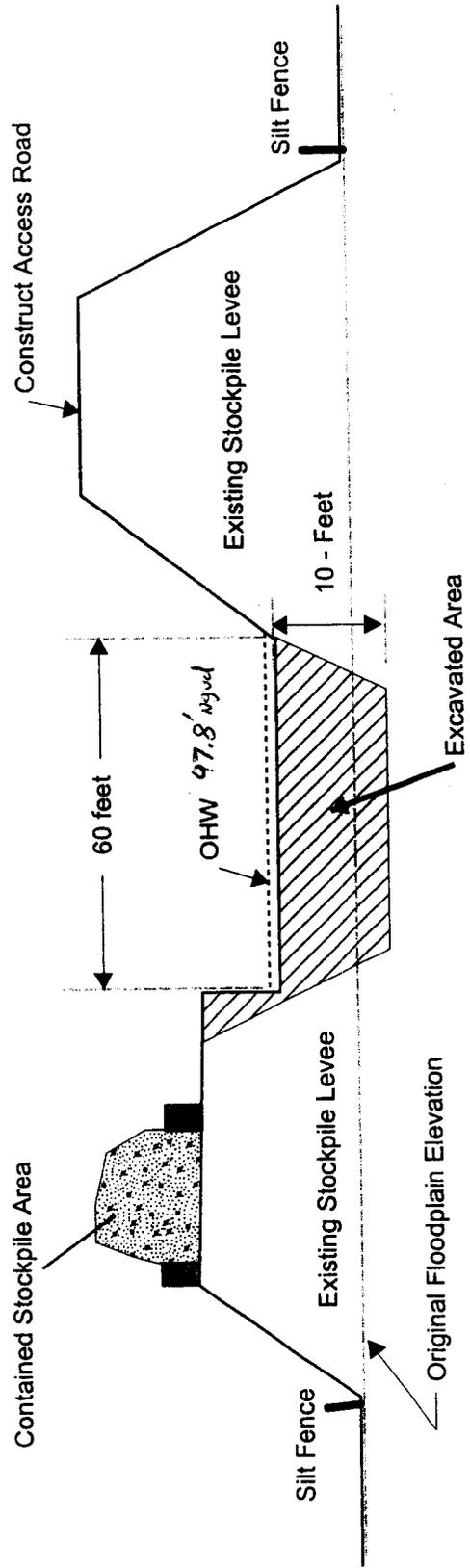
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SECTION VIEW A - A'
 (See Sheets 2 & 3)



Project: Swift Creek Phase 1 Section View

Date: April, 2004

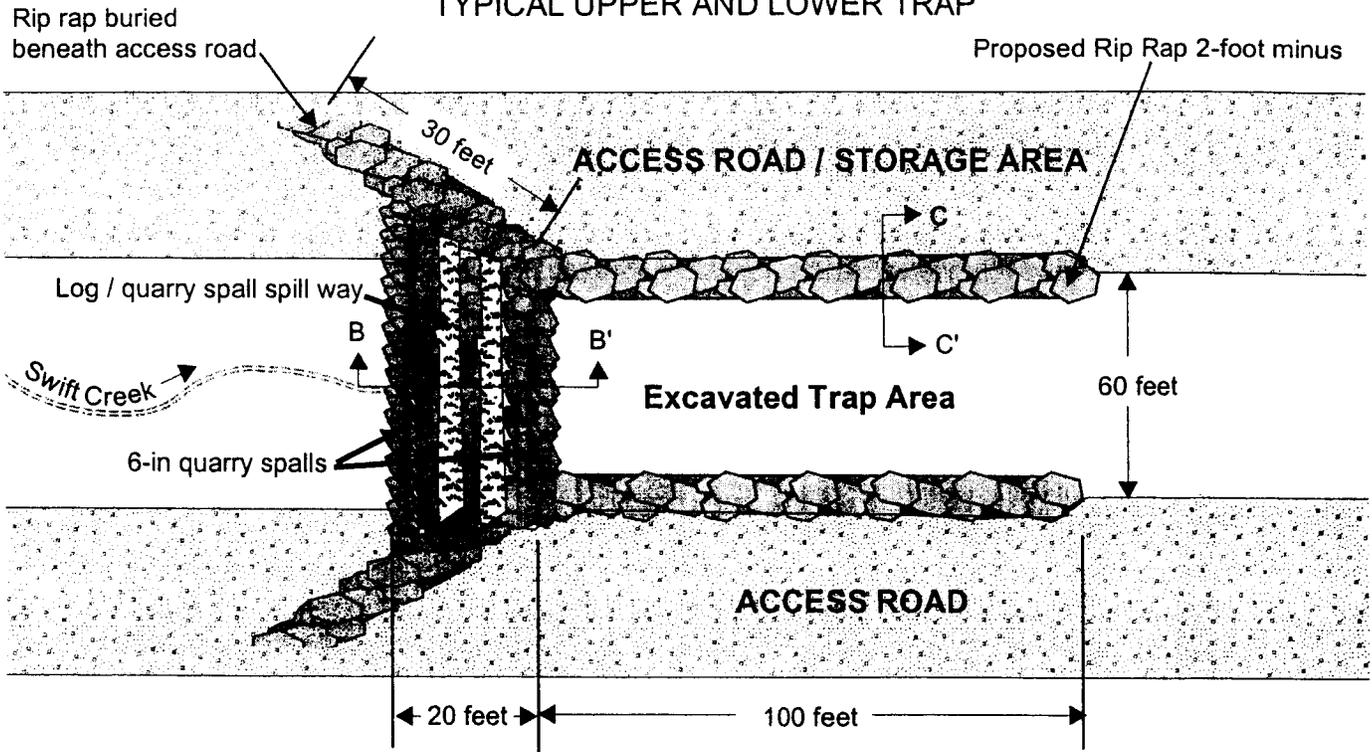
Drawn By: PPittman



Whatcom County Public Works

CONTROL STRUCTURES - PLAN VIEW

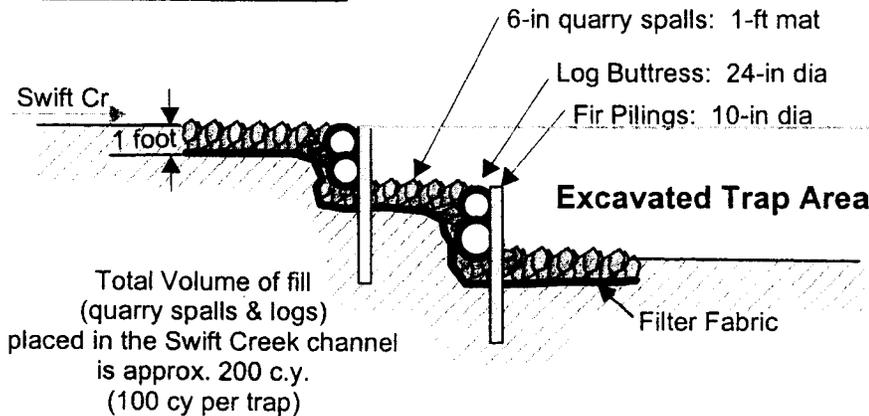
TYPICAL UPPER AND LOWER TRAP



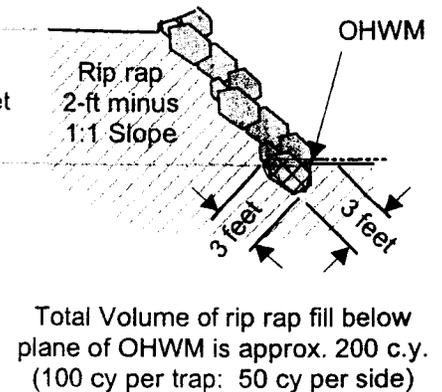
CONTROL STRUCTURES - SECTION VIEW

TYPICAL UPPER AND LOWER TRAP

B - B' SPILLWAY



C - C' BANK PROTECTION



Proposed: Phase 1 - Bank Protection and Flow Control Structures in Sediment Trap Areas

Reference: 200400254

Purpose: Sediment Management for Flood Hazard Reduction and Water Quality Improvement

App. By: Whatcom County Public Works

In: Swift Creek

Near: Everson, Whatcom County, Washington

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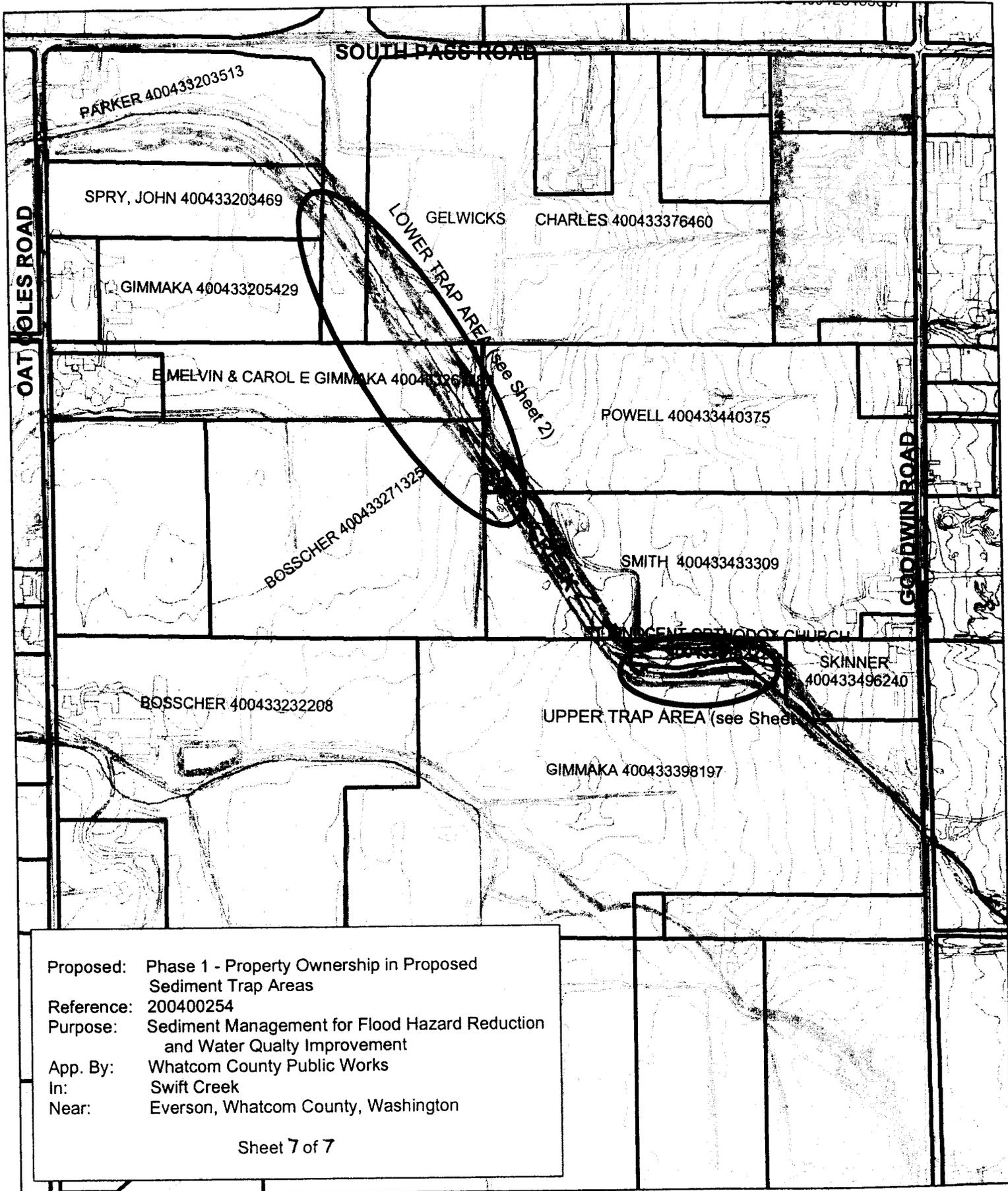
Project: Swift Creek Phase 1 Section View

Date: April, 2004

Drawn By: PPittman

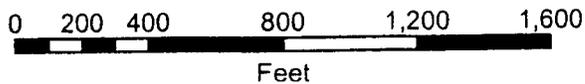
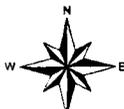


Whatcom County Public Works



Proposed: Phase 1 - Property Ownership in Proposed Sediment Trap Areas
 Reference: 200400254
 Purpose: Sediment Management for Flood Hazard Reduction and Water Quality Improvement
 App. By: Whatcom County Public Works
 In: Swift Creek
 Near: Everson, Whatcom County, Washington

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Project: Swift Creek Phase 1 Property Ownership

Date: April, 2004

Drawn By: PPittman



Whatcom County Public Works



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

Date: July 15, 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. 200400254 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.

Any person desiring to present views on the project pertaining to compliance with water pollution control laws 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