



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

US Army Corps of Engineers
Regulatory Branch
4735 E Marginal Way S, Bldg 1202
Seattle, WA 98134-2388
Telephone: (360) 734-3156
ATTN: Randel Perry,
Project Manager

Public Notice Date: October 1, 2021
Expiration Date: October 31, 2021
Reference No.: NWS-2009-217
Name: Skagit Co. Drainage and
Irrigation Improvement District #18

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated August 26, 2020.

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. The Washington Department of Ecology (Ecology) has reviewed the work separately 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 Drainage and Irrigation District #18
Mr. Lyle R. Wesen
7280 Worline Road
Bow, Washington 98232
Telephone: (360) 766-6163

AGENT: Skagit Drainage and Irrigation District Consortium
Attention: Jenna Friebel, Executive Director
2017 Continental Place Suite 4
Mount Vernon, WA 98273
Telephone: (360) 395-2189

LOCATION: In unnamed tributaries of Edison Slough, McElroy Slough, and Samish Bay near Edison, Skagit County, Washington.

WORK: Excavate and place fill to implement a 10-year maintenance plan for drainage and irrigation facilities.

PURPOSE: Maintain drainage and irrigation facilities for on-going agricultural operations.

ADDITIONAL INFORMATION: Work would 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, screwgates, and bridges; and minor repair, but not major repair or replacement, of tidegates. Work would not involve construction of new facilities. Work would be implemented per the provisions of the Drainage Maintenance Agreement between District #18 and the Washington Department of Fish and Wildlife (WDFW) and the resulting Drainage Maintenance Plan, updated August 26, 2020. NOTE: The work was previously authorized by a Department of the Army Individual Permit that expires on February 18, 2022.

MITIGATION: Per the details of the Drainage Maintenance Plan, the District has agreed to provide support for a series of habitat enhancement projects. No current projects within the District's boundaries have been identified.

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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 the 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.

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.

CULTURAL RESOURCES: The Corps has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Historic properties are recorded near the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The Corps invites responses to this public notice from Native American Tribes or Tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

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.

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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 alternative analysis for any proposed discharge of dredged or fill material into waters of the United States.

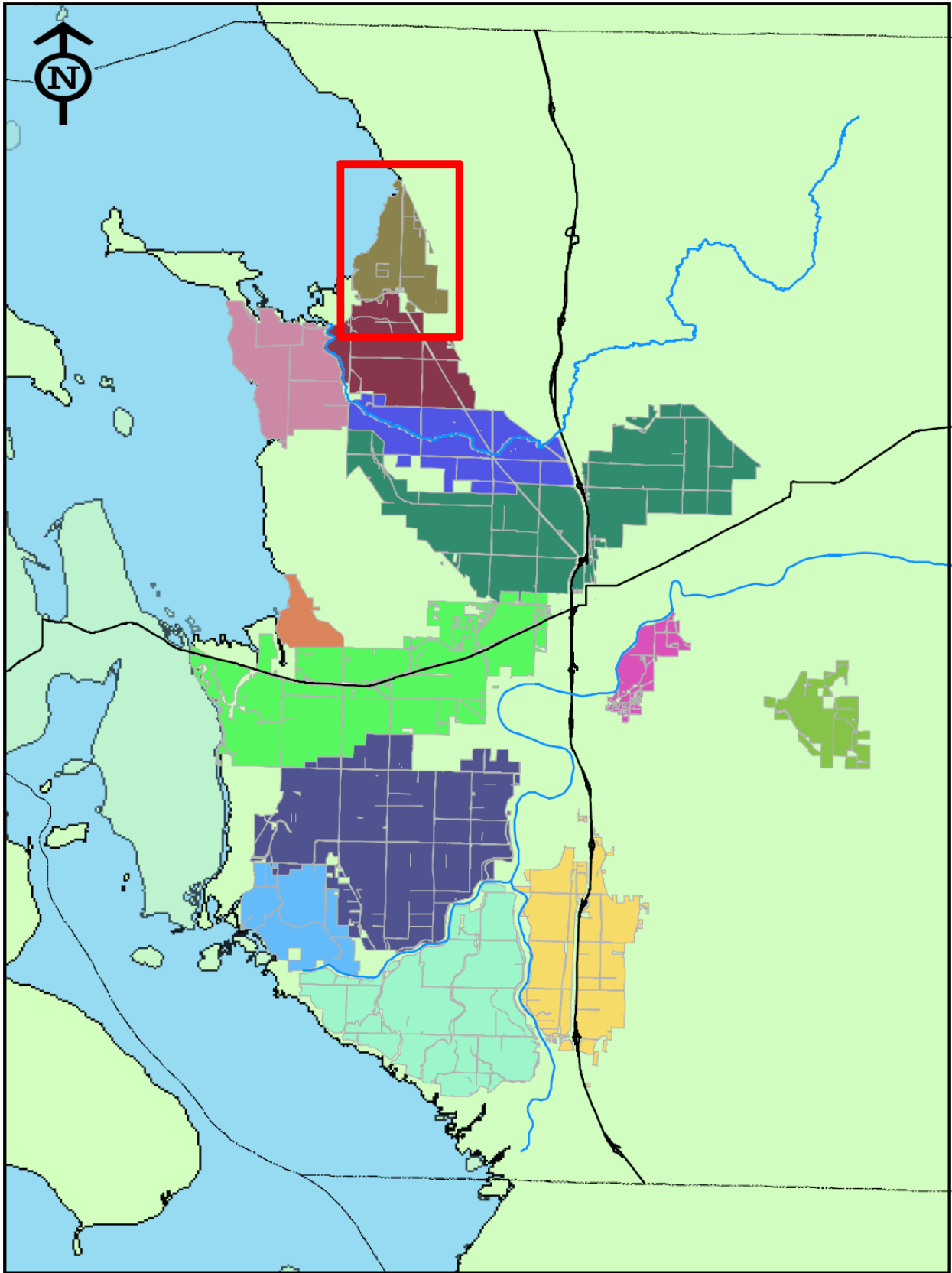
EVALUATION – ECOLOGY: On March 23, 2021, Ecology issued a Section 401 Water Quality Certification for the on-going maintenance work. Ecology has determined that the previous Coastal Zone Management Consistency Determination issued April 14, 2009 remains valid as the footprint of the proposed work has not changed, and there would be no new effects to coastal resources or uses.

ADDITIONAL EVALUATION: Skagit County is reviewing the project under the requirements of their Shorelines Management Program.

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 authorizing the work would not be contrary to the public interest. 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@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses. 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:

Skagit Co. Drainage and Irrigation Improvement District No. 18, NWS-2009-217

Encl: Figures (8 of pages)



Reference: NWS-2009-217

Purpose: Maintain drainage & irrigation

App. By: Skagit Drain. & Irrigation Dist. 18

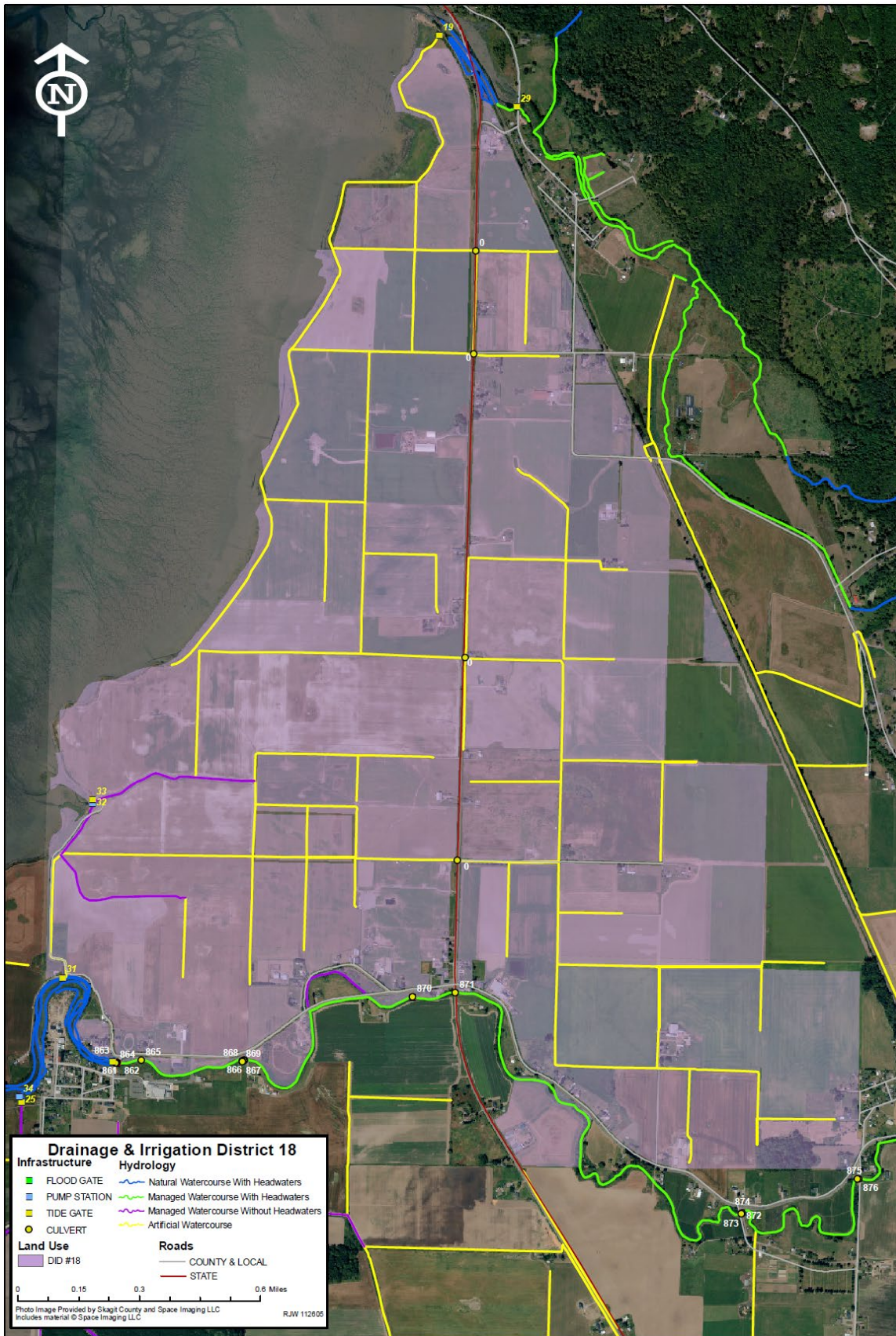
Sheet 1 **of** 8

Proposed: Excavate sediments & repair facilities

Waterway: unnamed tributaries of Edison Slough, McElroy Slough, and Samish Bay

Near: Edison, Skagit County, Washington

Date August 26, 2020



Reference: NWS-2009-217
Purpose: Maintain drainage & irrigation

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Near: Edison, Skagit County, Washington
Date August 26, 2020

District 18 Culverts

No District maintained culverts

District 18 Tidegates and Floodgates

Number	Type	Location	Description
19	Tidegate	McElroy Slough	(1) 48-inch
31	Tidegate	North Edison/Edison Slough	(1) 48-inch, (1) 42-inch
33	Tidegate	Knutzen Farm/Samish Bay	(1) 48-inch
32	Pump Station	Knutzen Farm/Samish Bay	(1) 40-HP Pump

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Typical Repair Activities

Trash Racks: Normal maintenance of trash racks includes removal of accumulated debris as necessary, replacement of worn or damaged trash rack components or replacement of the structure. Typical design of a trash rack includes a constructed lumber unit with vertically spaced 2-inch dimensional boards spaced approximately 3-5 inches apart. The unit is usually set in the water at an incline down to or near the bottom of the drainage ditch. The incline allows for cleaning debris by raking it to the top and removing it from the ditch.

Pump Facilities: Pump facilities are typically electric pump installations. Pumps are mounted on permanent structures with a suction pipe extending into the drainage ditch. Pumps are typically set to function on a remotely activated basis dependent upon water level in the ditch. Typical maintenance includes routine mechanical servicing of a pump and its electrical connections, as well as removal of any accumulated debris that may prevent or interfere with normal operation.

Culverts: Culverts must be maintained to ensure normal flow passes through the culvert consistent with its design specifications. This typically includes dredging of a ditch adjacent to culvert openings and occasional cleaning-out of the culvert interior. Cleaning is usually performed through the use of high-pressure water, mechanical dredging or by hand. Repair or replacement is necessary when incidental damage occurs to the culvert that would prevent optimum water flow or an unsafe crossing situation.

Tidegates: Tide gates are one-way check valves located at the end of a drainage system to allow water to flow outward from within the system to salt water areas during a low tide cycle and then close to prevent saltwater from entering the drainage system when the tide rises. Actions involve only minor maintenance and repair of the tidegates. Minor maintenance is defined as the replacement of damaged or worn hinge pins, nuts and bolts necessary to keep the tidegate or floodgate in good operating condition, and also includes removal of logs and debris to ensure gates are able to open and close properly. No major repairs and replacement of will occur under this permit.

Channel In-Water Bucket Mowing: Channel in-water bucket mowing employs a hydraulically operated sickle bar mower mounted on the front edge of a dredging bucket. The machine mows vegetative material below the water line, with the mowed material accumulated in the bucket. The material is then deposited on the ground away from the ditch. This type of mowing provides removal of vegetative material but does not remove vegetative root systems or soil.

Channel Out-of-Water Mowing: Channel out-of-water mowing involves the routine removal of vegetative material above the water line to the top of the bank. It is completed using various types of mechanical mowers (rotary or flail designs) and reduces vegetative material during normal growing periods.

Dredging: Dredging is completed, as needed, utilizing a hydraulically operated boom-type excavator. The excavator has a wide, flat-bottomed bucket that scrapes down one side of a watercourse, rounds out the bottom and comes up the opposite side in one continuous motion. This leaves the ditch with inclined sides and a round bottom feature that minimizes side sloughing and erosion into the bottom of a ditch. All dredged material is deposited landward of the ditch so that it will not return to the water and can later be moved back into the adjoining field or be hauled away when and where necessary. If work will occur in ditches that are too large for a boom-type excavator, a dragline-type excavator will be utilized. The process is typically the same, except that a dragline excavator works from the middle of the ditch to one side and then works the opposite side in a separate similar manner.

Bridges: Bridges must be properly maintained in order to ensure normal flow under the bridge while also continuing to provide equipment or foot access across a watercourse. Repair or replacement is necessary when incidental damage occurs to a bridge that prevents optimum water flow or results in an unsafe crossing situation. Repair or replacement activities typically occur above the high water line.

Beaver Management: Beaver dams are removed or modified gradually to provide for controlled release of impounded water. Work is accomplished by hand tools, winches or motorized equipment.

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Proposed: Excavate sediments & repair facilities

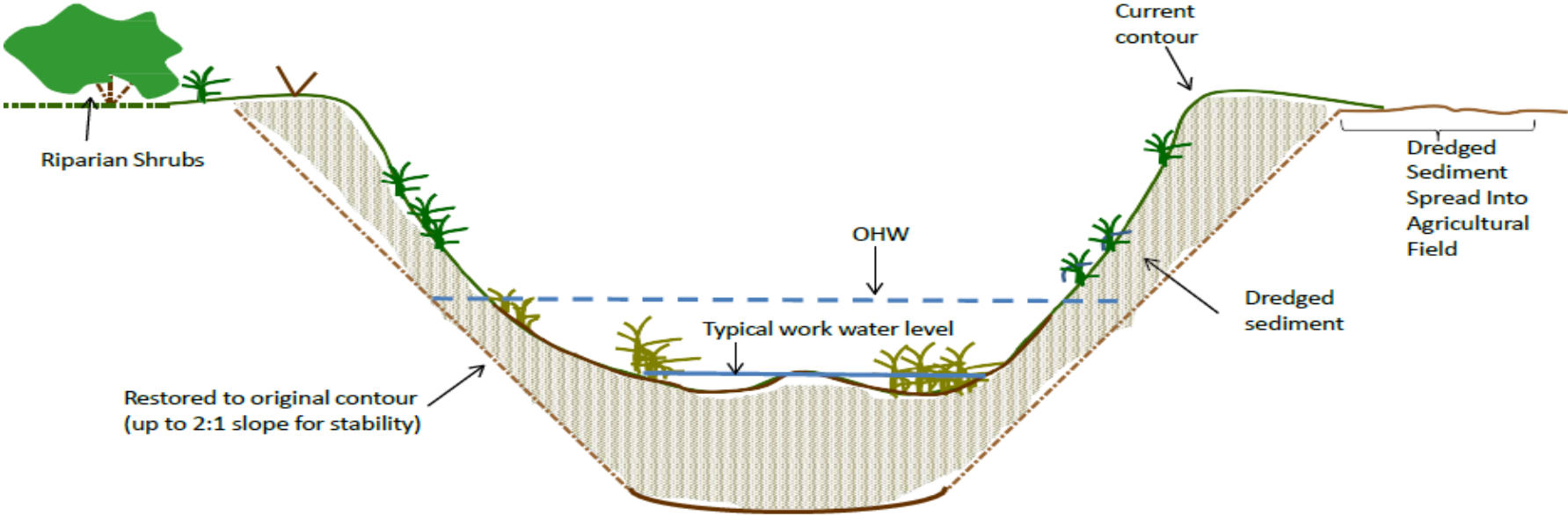
Waterway: unnamed tributaries of Edison Slough, McElroy Slough, and Samish Bay

Near: Edison, Skagit County, Washington

Date August 26, 2020

Typical Maintenance Dredging

cross section
NTS

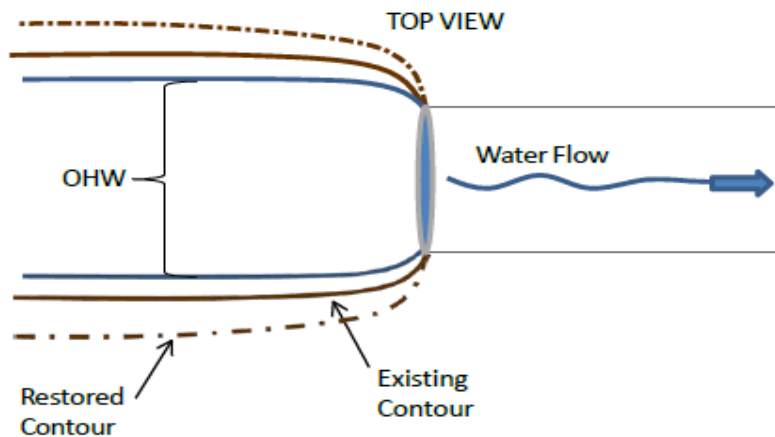
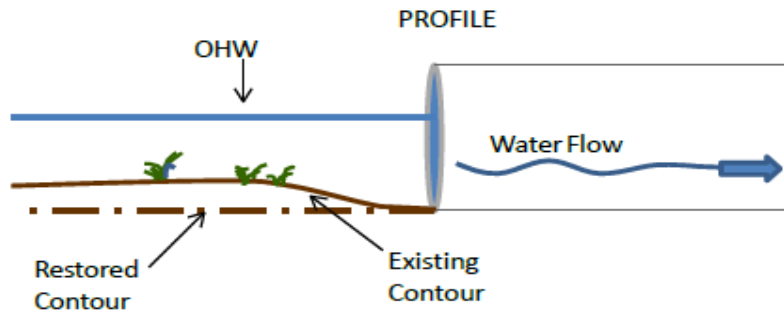


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Typical Maintenance Dredging

NTS



- Volume of sediment removed will vary depending on rate of sedimentation and time since the last cleaning
- Proposed restored contour matches the original watercourse contour
- OHW varies depending on location
- Sideslopes may be adjusted to a 2:1 slope to stabilize the banks and reduce sloughing and sedimentation in locations where unstable material is encountered
(refer to diagrams)

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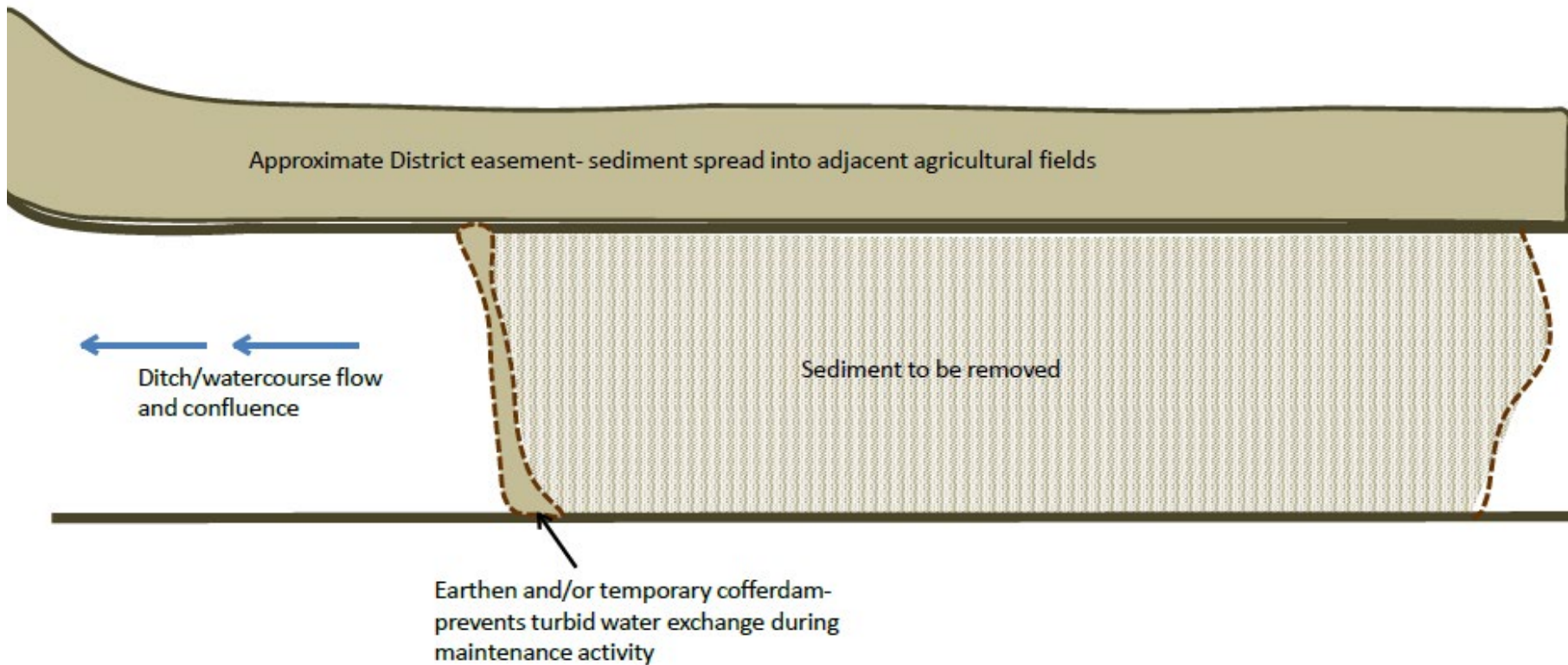
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Typical Maintenance Dredging

plan view

NTS



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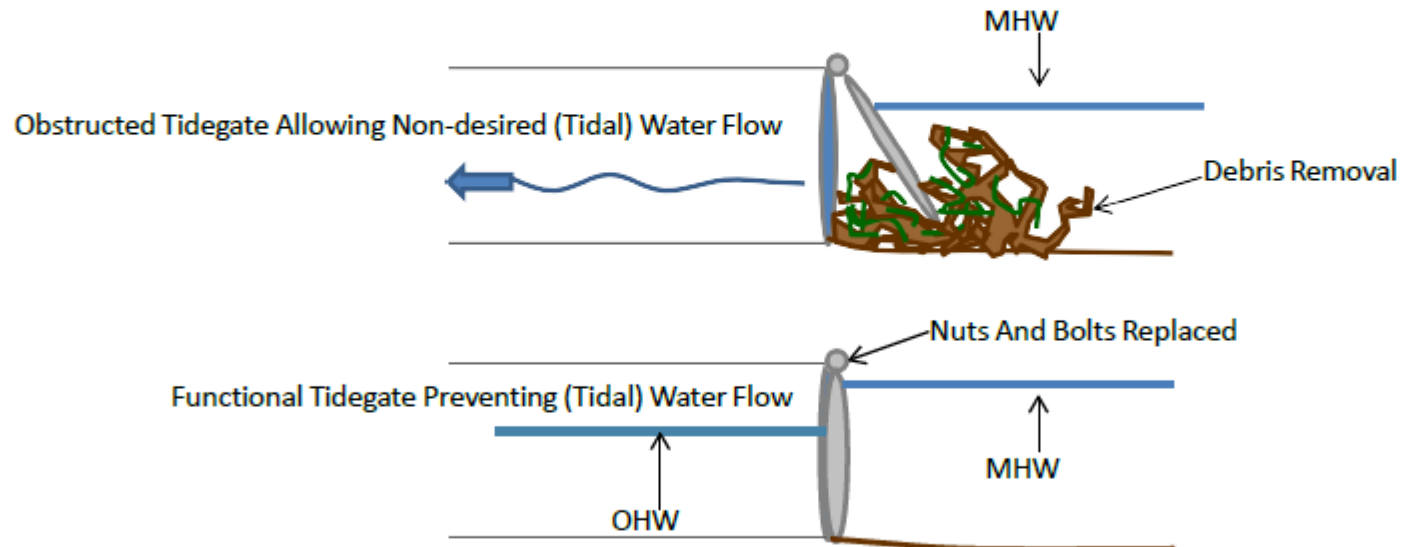
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Typical Tidegate Maintenance



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