



**US Army Corps  
of Engineers**  
Seattle District



# 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 (360) 734-3156  
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: December 29, 2015**  
**Expiration Date: January 28, 2016**

Reference No.: NWS-2015-1028  
Name: Whatcom County-Flood Control  
Zone District

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 U.S. as described below and shown on the enclosed drawings dated November 30, 2015. 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:** Whatcom County-Flood Control Zone District  
Attention: Mr. Gary Goodall  
322 North Commercial Street, Suite 120  
Bellingham, Washington 98225  
Telephone: (360) 778-6230

**LOCATION:** In wetlands and a side channel adjacent to the Nooksack River at Deming, Whatcom County, Washington.

**WORK:** Fill 0.20 of an acre of wetlands and 0.13 of an acre of side channel to extend an existing levee.

**PURPOSE:** Reduce the potential for flooding of public and Tribal facilities

**ADDITIONAL INFORMATION:** The applicant proposes to extend an existing levee from the upstream end to a BNSF Railway embankment, about 1,000 feet to the east. Work involves filling 0.20 acres of palustrine forested Category II and III wetlands and temporarily filling 0.09 of an acre of wetlands for access. Approximately 5,578 square feet of the Nooksack River side channel will be filled as part of the construction of the new levee. Marshall Hill Stream would be realigned into a new channel flowing from the BNSF railroad tracks to a side channel of the Nooksack River. Approximately 275 linear feet of new stream channel, totaling approximately 2,400 square feet, will be constructed. The new stream channel will be hydrologically connected to the Nooksack River side channel and will also include 4,485 square feet of new riparian wetlands. Work will require temporary construction of access roads and material storage areas. All temporarily disturbed areas will be restored when work is completed.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

**MITIGATION:** To mitigate for wetland loss and indirect impacts to remaining wetlands resulting from alteration of local hydrology, the applicant proposes to construct 275 linear feet of new stream channel and 4,485 square feet of new riparian wetlands on the project site and purchase 1.086 credits from the Lummi Nation Wetland and Habitat Mitigation Bank. To compensate for impacts to 0.36 of an acre of wetland buffers, the applicant proposes to plant 0.12 of an acre on site that are currently un-vegetated, dirt roads and off-road vehicle tracks with native, woody vegetation.

**ENDANGERED SPECIES:** The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service 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. Consultation under Section 7 of the ESA is required.

**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. The permit area is likely to contain historic properties eligible for inclusion in the National Register. An investigation for the presence of eligible historic properties is justified. 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

NWS-2015-1028, Whatcom County-Flood Control Zone District

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 U.S.

SOURCE OF FILL MATERIAL: The source of the fill material will be clean structural fill from a commercial gravel pit.

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 Shorelines Substantial Development Permit Number SHR2015-000009, being processed by Whatcom County Planning and Development Service.

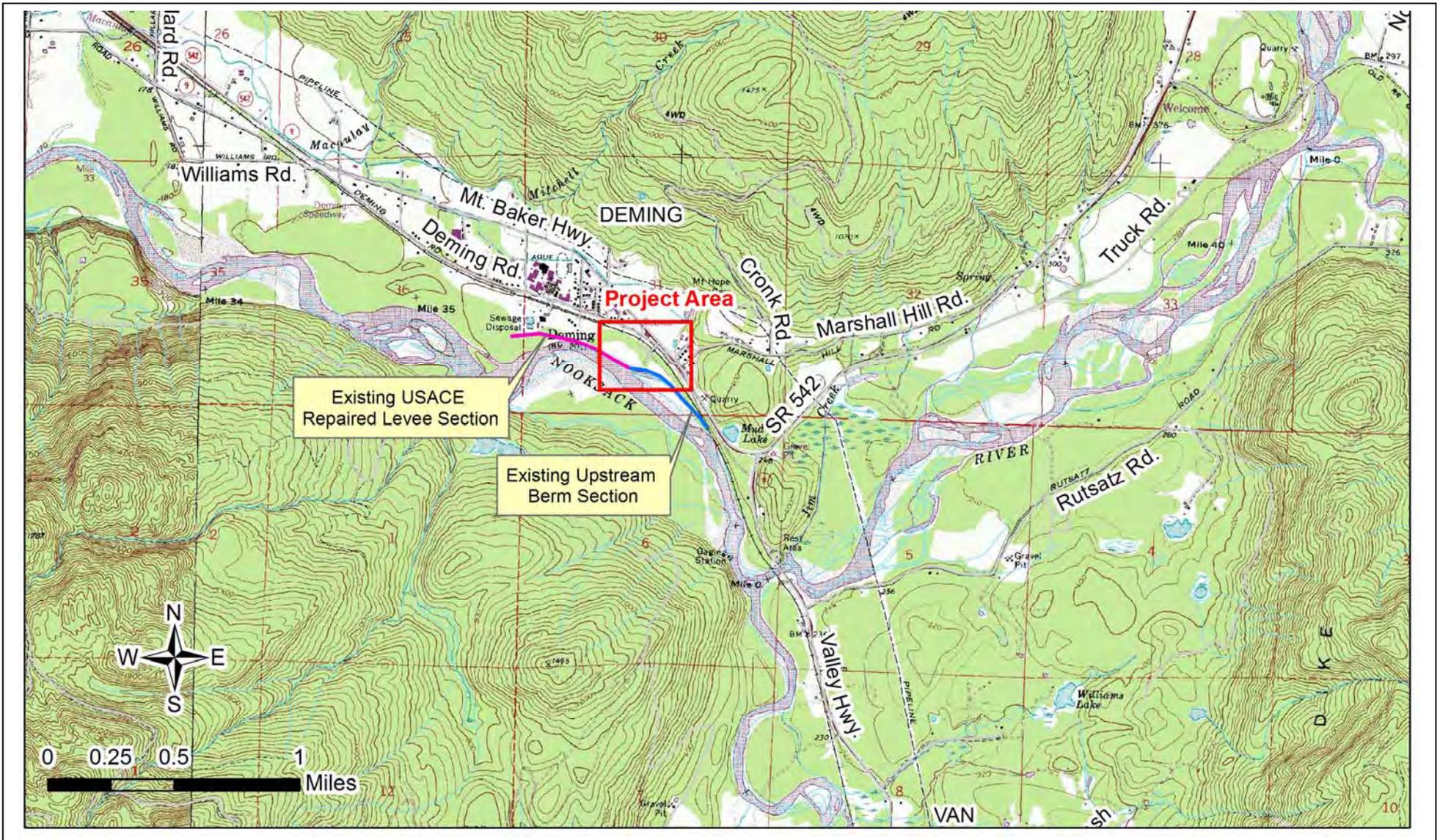
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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 commentator'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, Attention: Randel Perry, P.O. Box 3755, Seattle, Washington 98124-3755. 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.

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: Washington State Department of Ecology, Attention: 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: Whatcom County-Flood Control Zone District; NWS-2015-1028

Encl: Figures (8)



**Purpose:** River Levee

Whatcom County Public Works  
 322 N. Commercial, Suite 301  
 Bellingham, WA 98225

**Figure 1.** Vicinity Map

**Site Address:** 4900 BLK Deming Road,  
 Whatcom County, WA

**Sheet:** 1 of 8

**Waterway:** Nooksack River

11/30/2015

**Corps Ref. #:** NWS-2015-1028

**Datum:** NAVD 1988.

T39N; R5E; Sec. 31  
 Lat: 48.821559 N, Long: -122.21303 W



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**Site Address:** 4900 BLK Deming Road.  
Whatcom County, WA

**Waterway:** Nooksack River

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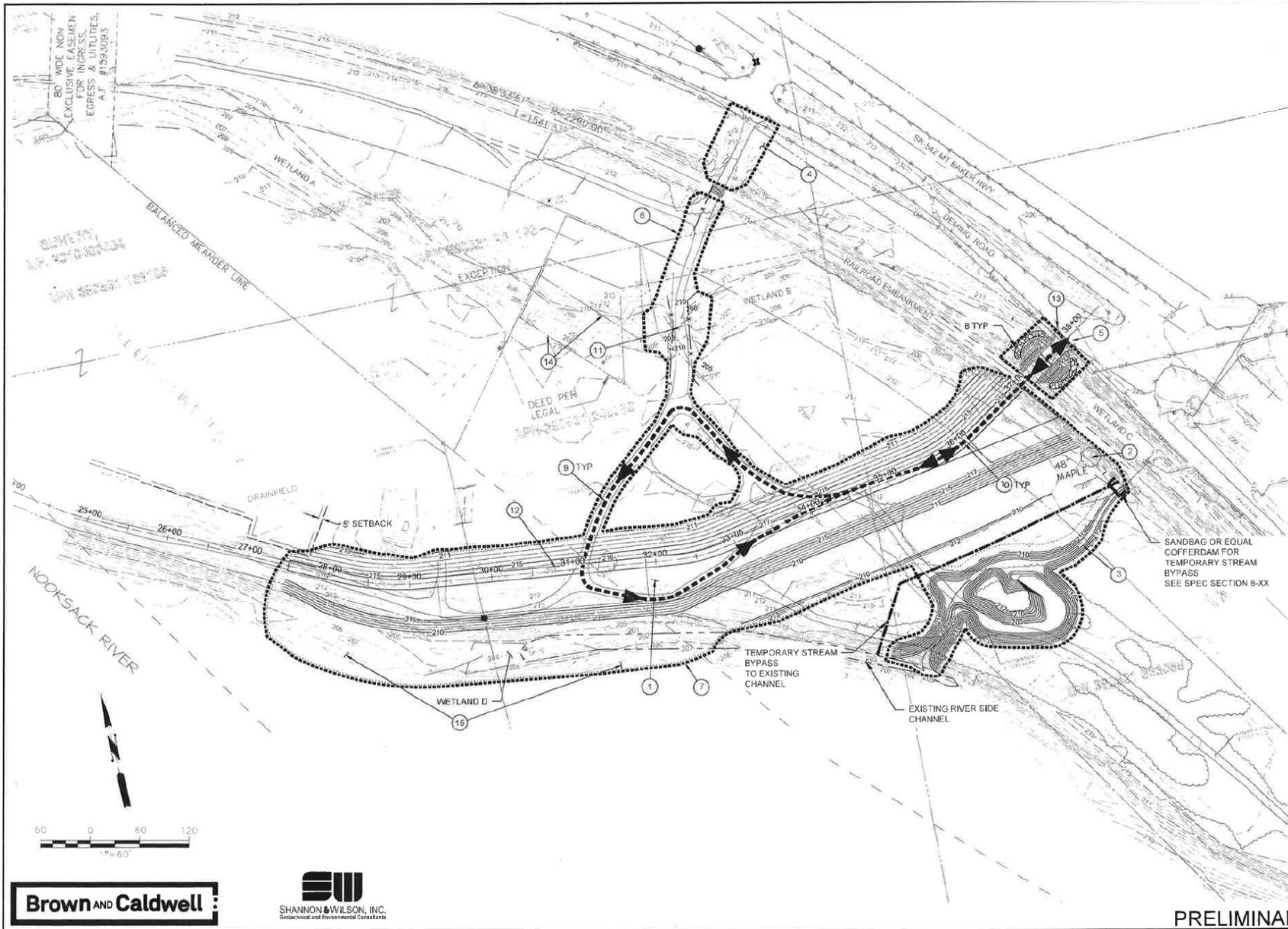
**Figure 2.** Site Map

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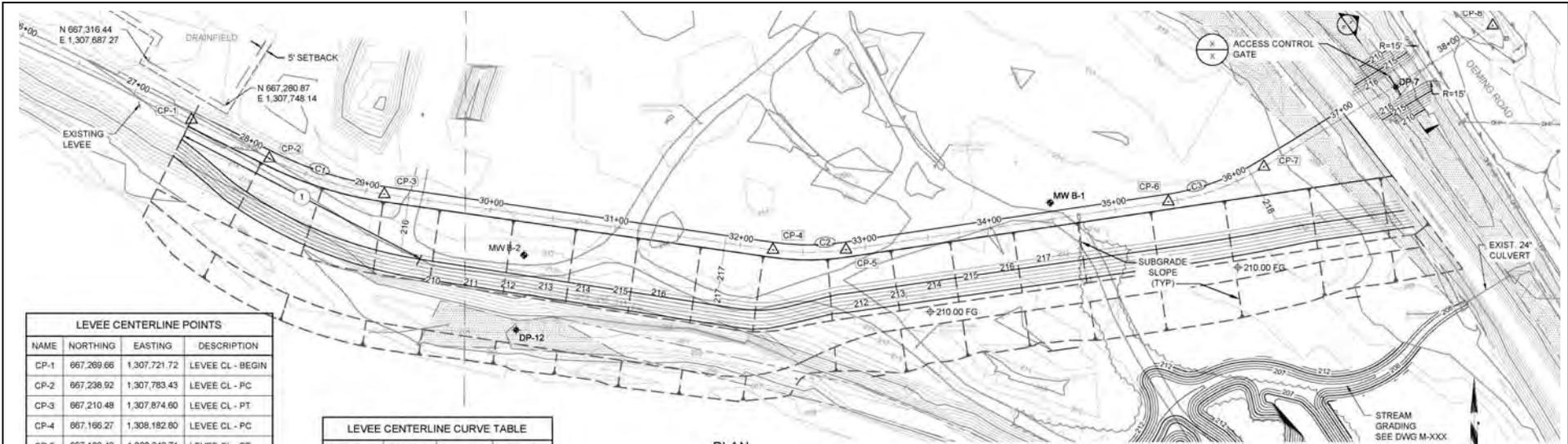
11/30/2015

**Figure 3. Overall Project Plan**

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**Ref. #:** NWS-2015-1028

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LEVEE CENTERLINE POINTS			
NAME	NORTHING	EASTING	DESCRIPTION
CP-1	967,269.66	1,307,721.72	LEVEE CL - BEGIN
CP-2	967,238.92	1,307,783.43	LEVEE CL - PC
CP-3	967,210.48	1,307,874.60	LEVEE CL - PT
CP-4	967,166.27	1,308,182.80	LEVEE CL - PC
CP-5	967,166.43	1,308,240.71	LEVEE CL - PT
CP-6	967,204.56	1,308,496.31	LEVEE CL - PC
CP-7	967,232.29	1,308,572.04	LEVEE CL - PT
CP-8	967,344.61	1,308,753.57	LEVEE CL - END

LEVEE CENTERLINE CURVE TABLE			
CURVE #	RADIUS	LENGTH	DELTA
C1	300.00	95.91	18°19'06"
C2	200.00	58.11	16°38'51"
C3	200.00	81.21	23°15'49"

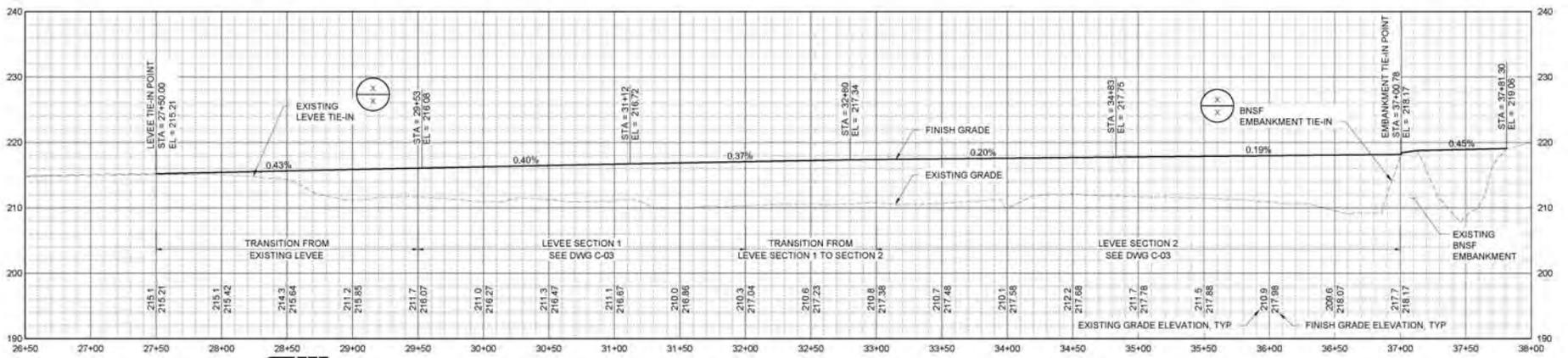
PLAN

GENERAL NOTES:

- 1 REFER TO DRAWING XX FOR TYPICAL LEVEE SECTIONS. REFER TO DRAWING XX FOR EARTHWORK SECTIONS CUT EVERY 50 FEET.

KEY NOTES:

- 1 APPROX - REMOVE EXISTING ROCK ALONG FACE OF EXISTING LEVEE.



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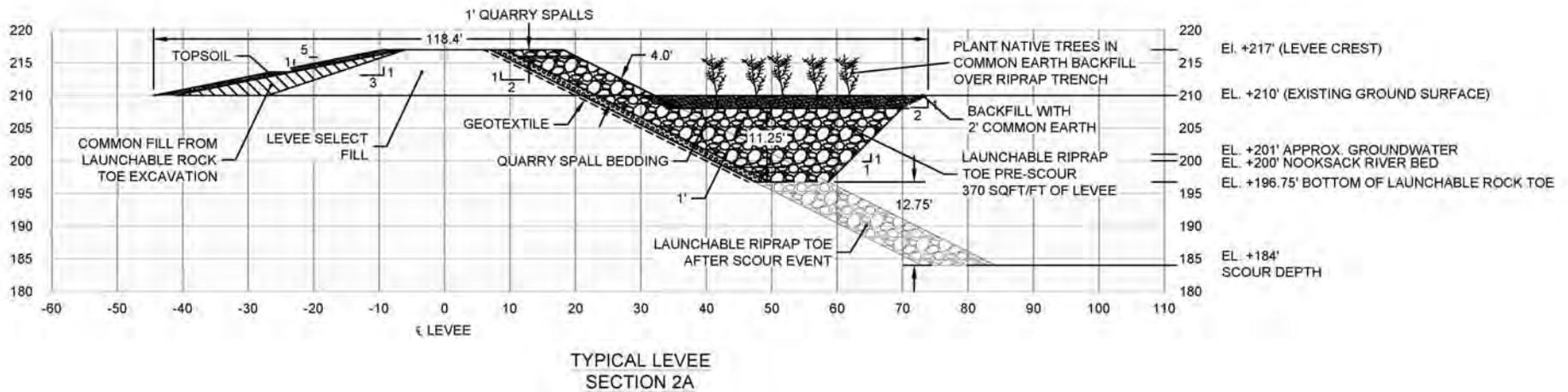
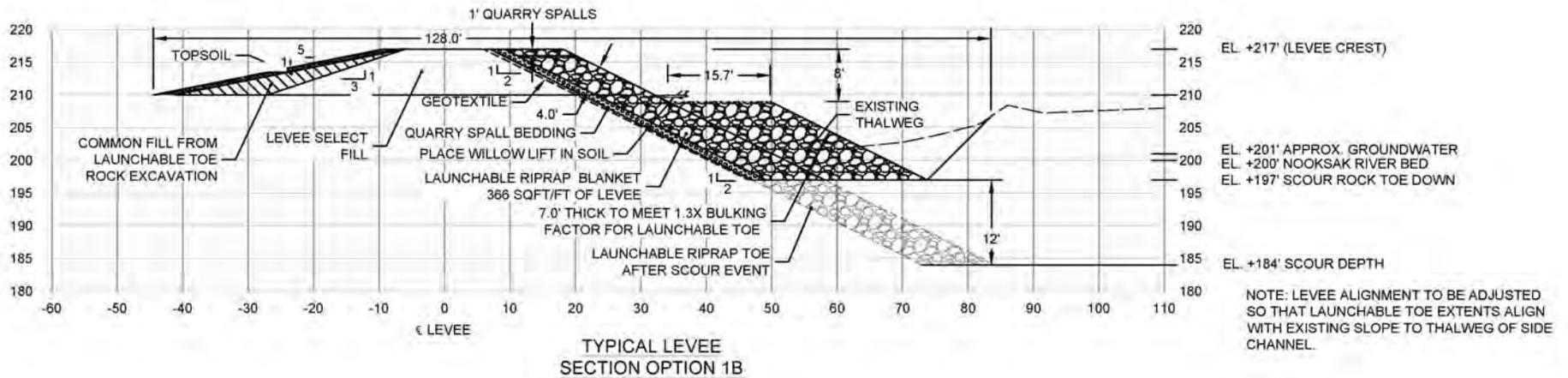
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**Figure 4.** Proposed Plan / Profile

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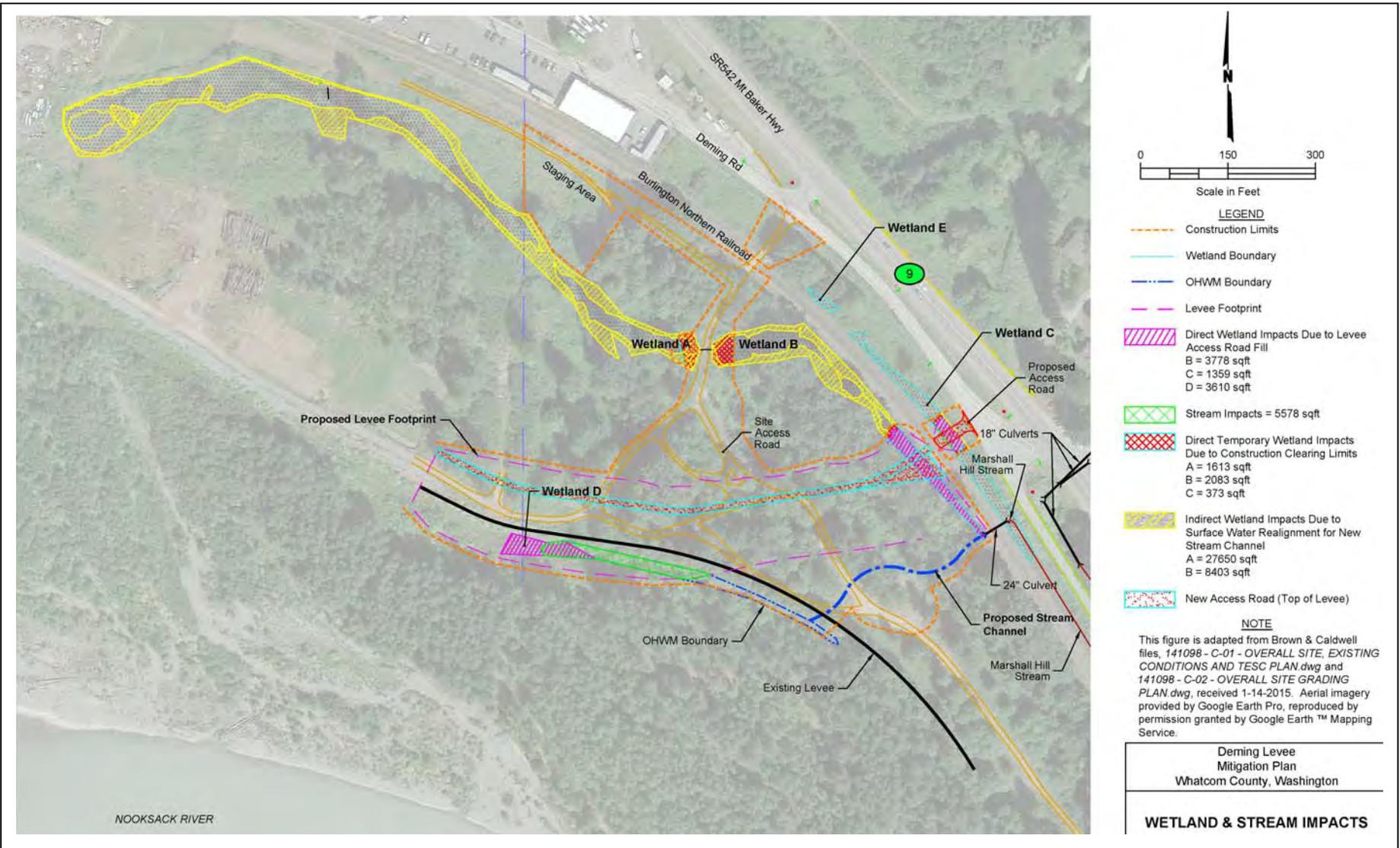
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**Figure 5.** Proposed Levee Sections

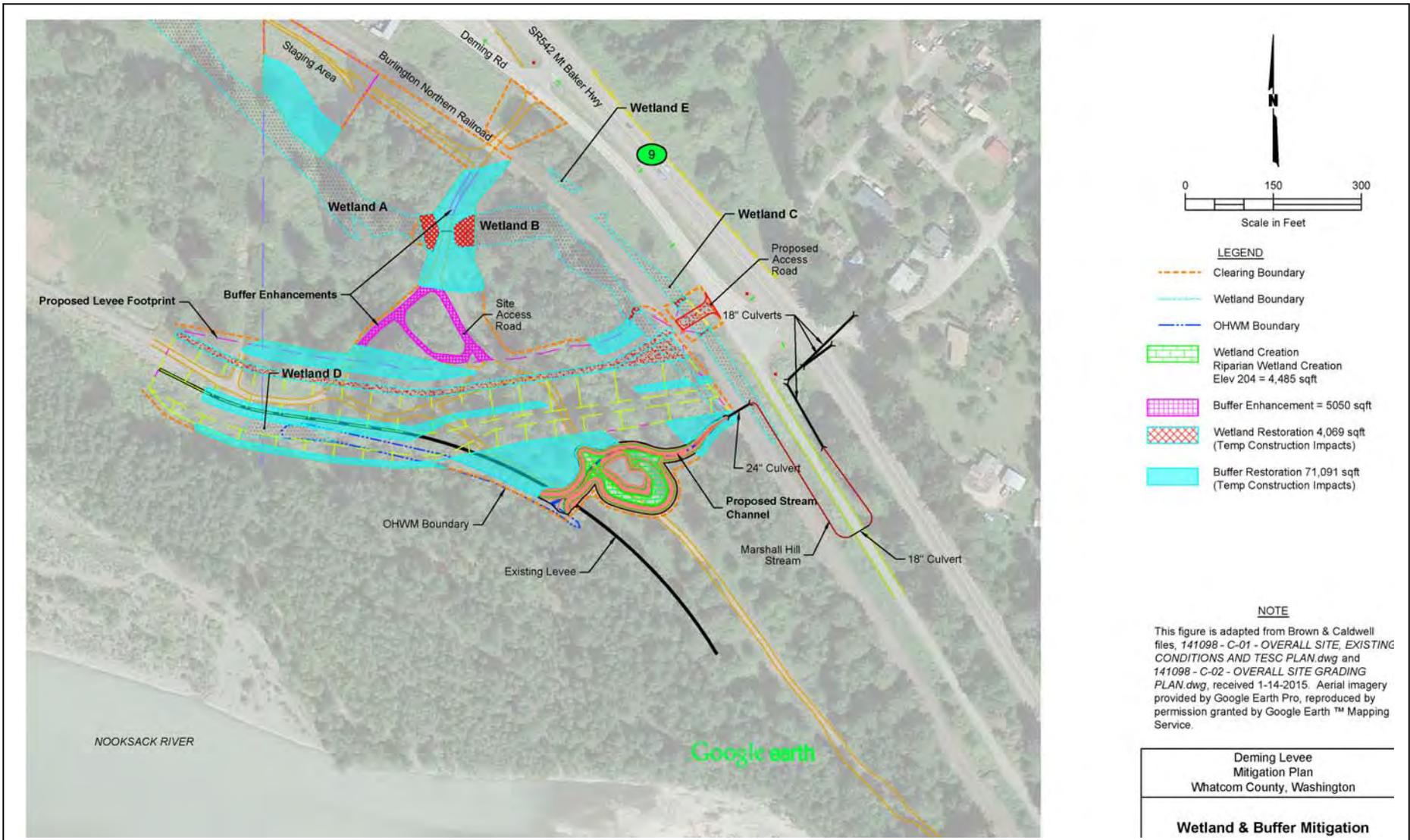
**Sheet:** 5 of 8

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<b>Purpose:</b>	River Levee	Whatcom County Public Works 322 N. Commercial, Suite 301 Bellingham, WA 98225	<b>Figure 6.</b> Impacts Map
<b>Site Address:</b>	4900 BLK Deming Road. Whatcom County, WA		<b>Sheet:</b> 6 of 8
<b>Waterway:</b>	Nooksack River	11/30/2015	<b>Ref. #:</b> NWS-2015-1028
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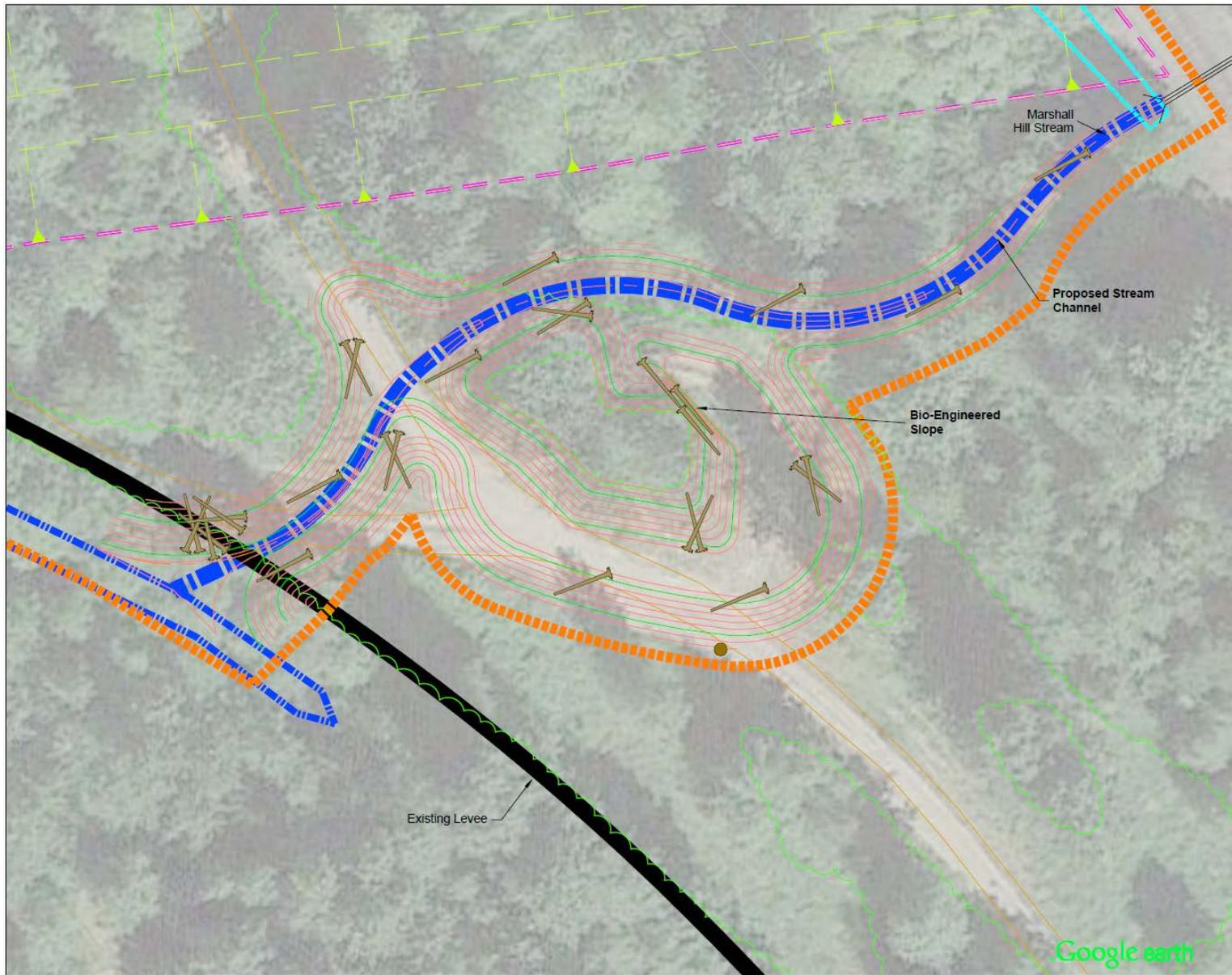
**Figure 7.** Mitigation Map

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<b>Purpose:</b> River Levee	Whatcom County Public Works 322 N. Commercial, Suite 301 Bellingham, WA 98225	<b>Figure 8.</b> Mitigation Details
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