



**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: August 22, 2016
Expiration Date: September 21, 2016

Reference No.: NWS-2016-657
Name: Whatcom County Public Works

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 United States as described below and shown on the enclosed drawings dated August 16, 2016.

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 Public Works
River and Flood Division
Mr. Gary Goodall
322 North Commercial Street, Suite 120
Bellingham, Washington 98225
Telephone: (360) 778-6287

LOCATION: Project is in Swift Creek downstream of Goodwin Road and downstream of Oates-Cole Road near Everson, Whatcom County (County), Washington.

WORK: Implement a 5-year sediment management and flood prevention plan to include: excavation of up to 85,000 cubic yards of accumulated sediments from within the creek channel annually; placement of riprap along 1,200 linear feet for bank stabilization; and placement of excavated sediments in upland stockpile areas on site.

PURPOSE: Relieve aggradation and flooding problems and to reduce downstream transport of naturally contaminated sediments.

ADDITIONAL INFORMATION: The project will remove approximately 8,500 cubic yards of bed material (below ordinary high water) from the Swift Creek channel annually for five years, and armor 1,200 Linear feet of stream bank with rip rap annually. Excavated material will be placed on top of existing levees and new upland stockpile areas; no material will enter streams or wetlands. Equipment staging and material stockpiling will occur on the existing levees, and in the County owned property on the corner of Oat Coles Road and South Pass Road. Standard construction erosion and sediment control best management practices will be installed and maintained for the duration of the project to protect neighboring properties (e.g., silt fence, straw wattles, and rock check dams,

and wood chip mulch). The project actions are expected to take three weeks each year to complete. Construction equipment will include hydraulic excavators, water truck, dozer, and dump trucks.

MITIGATION: None proposed.

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 Puget Sound steelhead (*Oncorhynchus mykiss*), proposed for listing, may occur in the project vicinity. Coastal bull trout (*Salvelinus confluentus*) listed threatened may occur downstream in the Fraser River/Sumas River confluence. There is no critical habitat listed or proposed for listing in the project vicinity. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to these species. A preliminary determination indicates that the activity will have “no effect” on listed bull trout and steelhead. Note: Chinook salmon found in the Sumas River watershed are considered to be part 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 downstream of the project site in the Sumas River. 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. There are no recorded historic properties within the permit area. There are no recorded historic properties within 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 District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit 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 – 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,

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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.

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. The source of the fill material will be on-site sediments and clean rip rap will be obtained from a commercial quarry in Whatcom County.

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.

Whatcom County has determined that the subject site is outside of Shoreline Management Act jurisdiction.

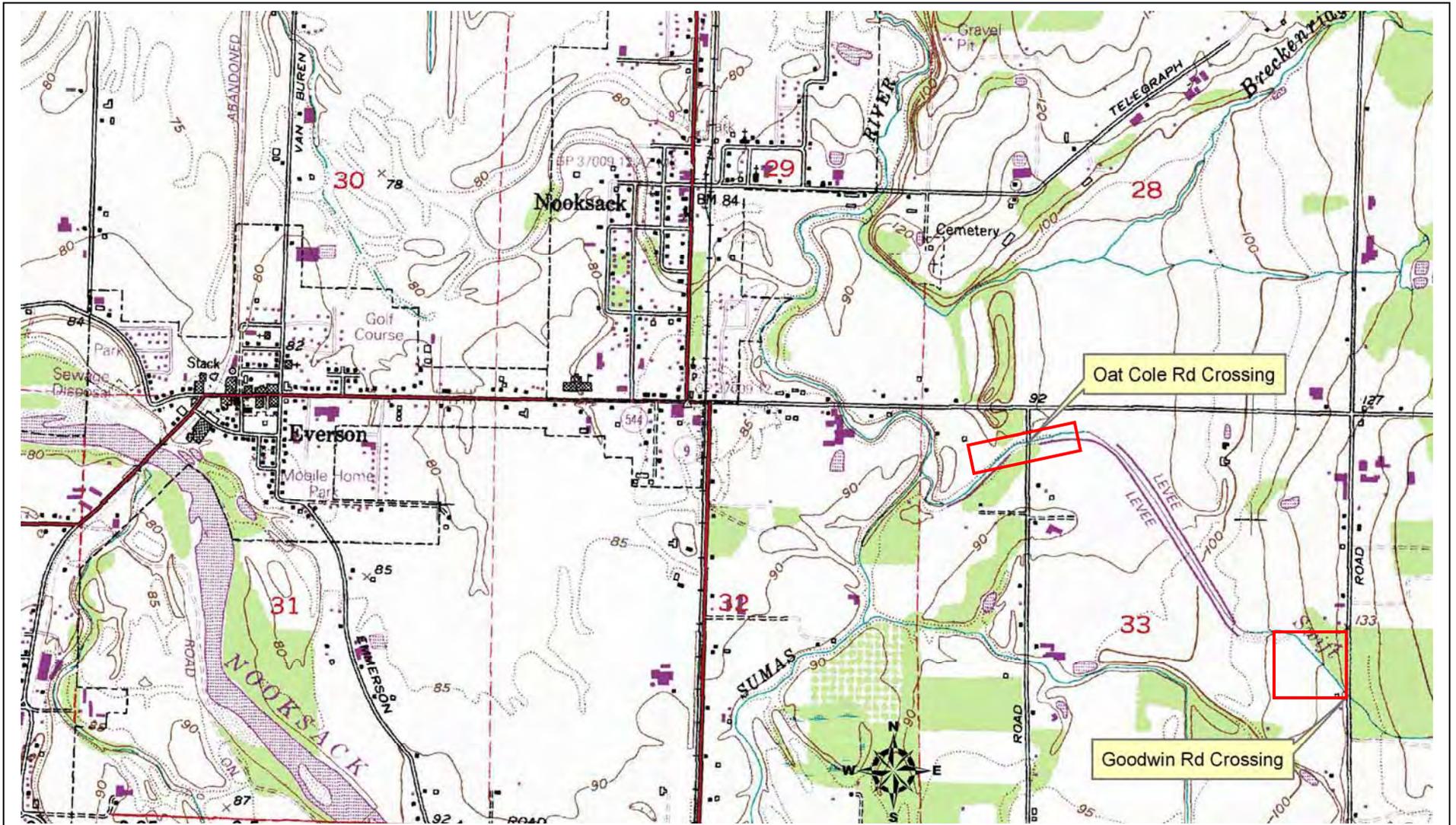
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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. Either 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.

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, Mr. Randel Perry, P.O. Box 3755, Seattle, Washington 98124-3755.

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, may do so by submitting written comments to the following address: Department of Ecology, SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98503-7600, or e-mail to ecyrefedpermit@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 Public Works, Reference Number NWS-2016-657.

Encl: Figures (5)



Purpose: Swift Creek Channel Maintenance

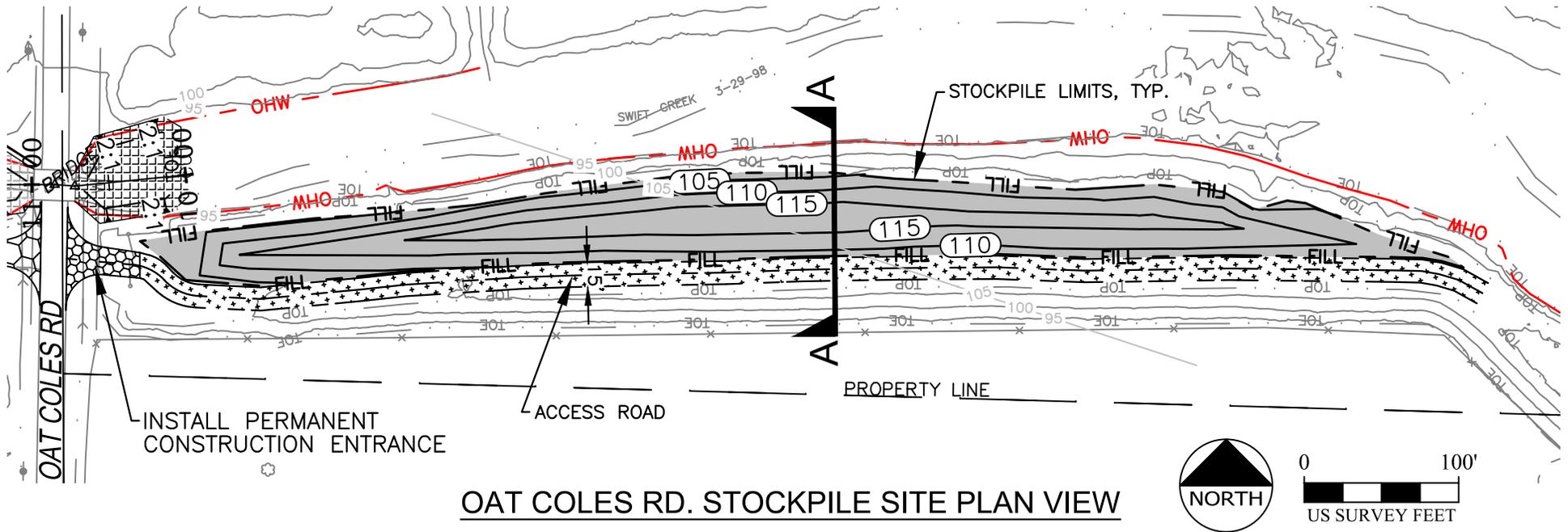
Whatcom County Public Works
 322 N. Commercial, Suite 301
 Bellingham, WA 98225
 August 16, 2016

Figure 1. Vicinity Map
Date: (revised) August 16, 2016
Sheet: 1 of 5
Ref. #: NWS-2016-657

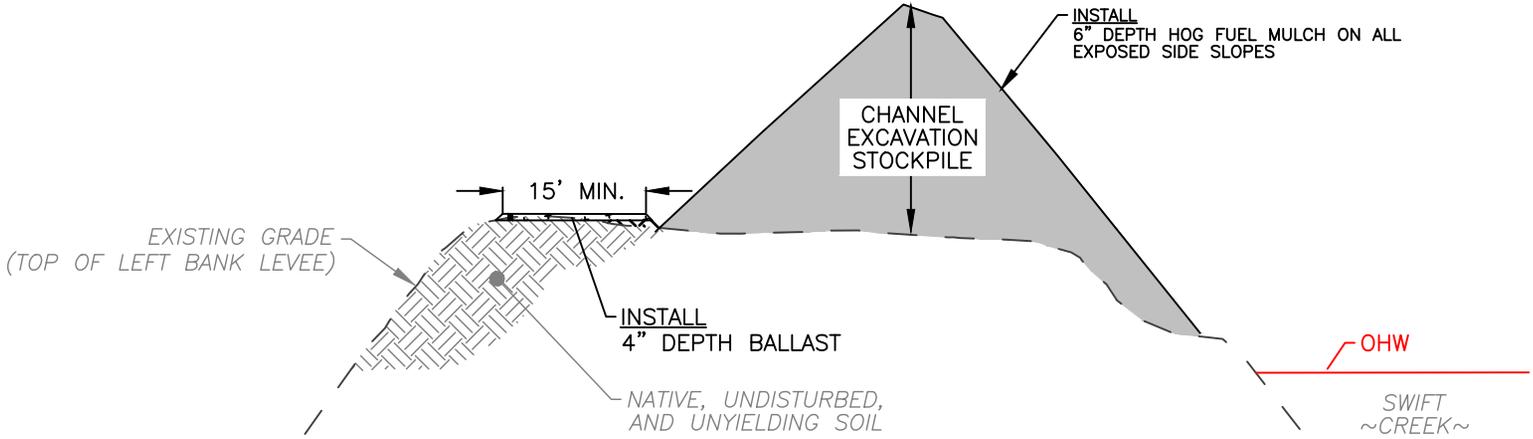
Site Address: Goodwin / Oat Coles Rd., Everson
 Whatcom County, WA

Waterway: Swift Creek
Datum: NAVD 1988.

T40N; R4 E; Sec. 33
 Lat.: 48.910767 N, Long.: -122.287703 W
 Sheet: 1 of 5

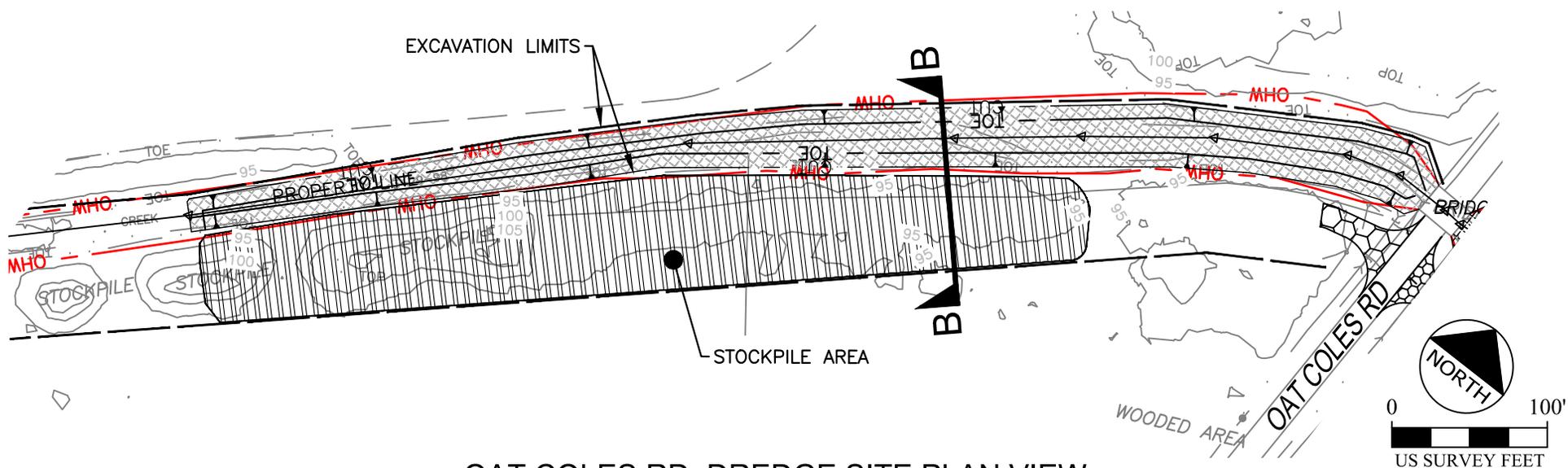


OAT COLES RD. STOCKPILE SITE PLAN VIEW

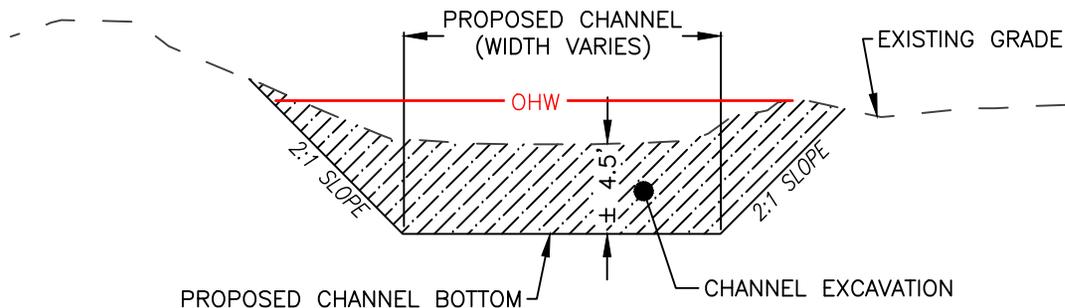


TYPICAL STOCKPILE CROSS SECTION VIEW A-A
NOT TO SCALE

Purpose: Swift Creek Channel Maintenance	Applicant: Whatcom County Public Works 322 N. Commercial, Suite 301 Bellingham, WA 98225	FIGURE 2 OAT COLES RD. STOCKPILE SITE PLAN VIEW Ref. #: NWS-2016-657 Date: (Revised) August 16, 2016
Site Address: Goodwin / Oat Coles Rd., Everson Whatcom County, WA T40N; R4 E; Sec. 33 Lat.: 48.910767 N, Long.: -122.287703 W	Waterway: Swift Creek Datum: NAVD 1988	
		Sheet: 2 of 5



OAT COLES RD. DREDGE SITE PLAN VIEW

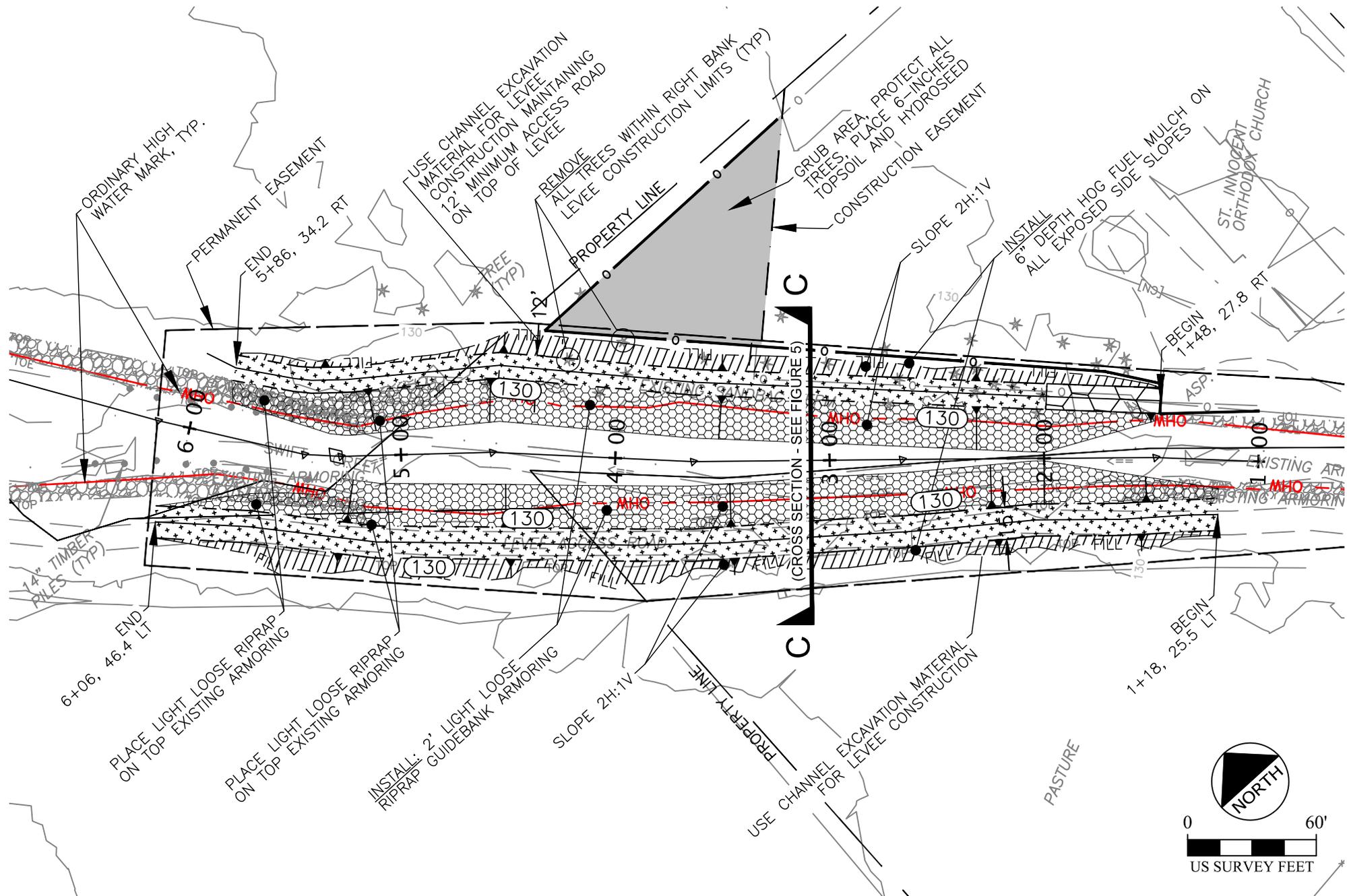


TYPICAL DREGE CROSS SECTION VIEW B-B
NOT TO SCALE

Purpose: Swift Creek Channel Maintenance
Site Address: Goodwin / Oat Coles Rd., Everson
 Whatcom County, WA
 T40N; R4 E; Sec. 33
 Lat.: 48.910767 N, Long.: -122.287703 W

Applicant: Whatcom County Public Works
 322 N. Commercial, Suite 301
 Bellingham, WA 98225
Waterway: Swift Creek
Datum: NAVD 1988

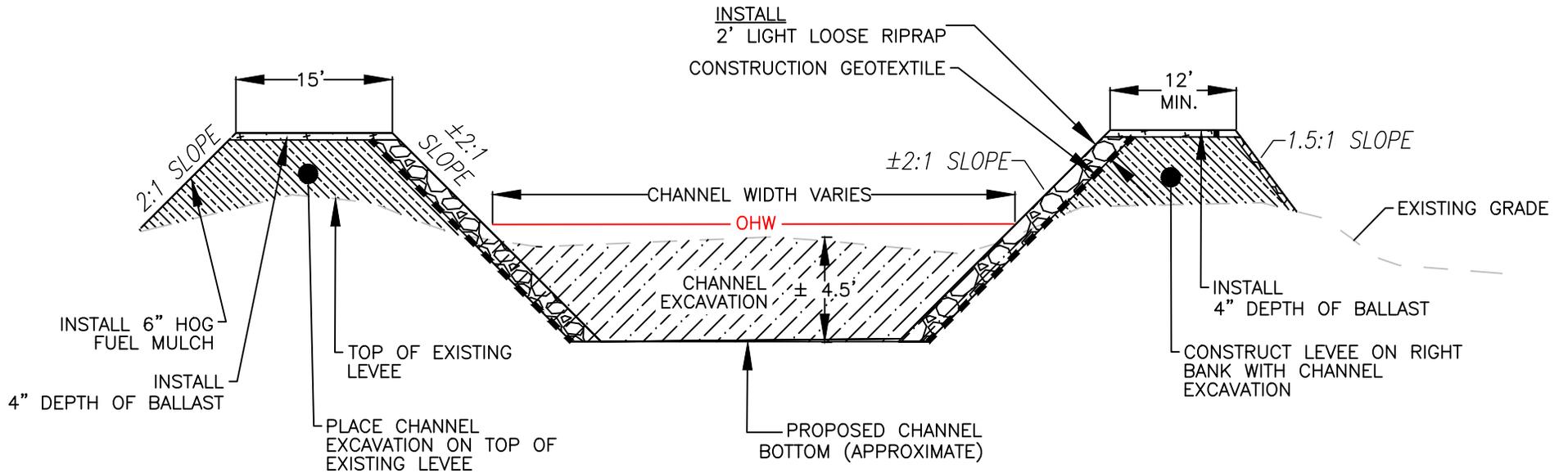
FIGURE 3
OAT COLES RD. DREDGE SITE PLAN VIEW
Ref. #: NWS-2016-657
Date: (Revised) August 16, 2016
Sheet: 3 of 5



Purpose: Swift Creek Channel Maintenance
Site Address: Goodwin / Oat Coles Rd., Everson
 Whatcom County, WA
 T40N; R4 E; Sec. 33
 Lat.: 48.910767 N, Long.: -122.287703 W

Applicant: Whatcom County Public Works
 322 N. Commercial, Suite 301
 Bellingham, WA 98225
Waterway: Swift Creek
Datum: NAVD 1988

FIGURE 4
GOODWIN ROAD PLAN VIEW
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Date: (Revised) August 16, 2016 **Sheet:** 4 of 5



CROSS SECTION VIEW C-C
GOODWIN RD TYPICAL LEVEE CONSTRUCTION
AND GUIDE BANK ARMORING
 NOT TO SCALE

Purpose: Swift Creek Channel Maintenance
Site Address: Goodwin / Oat Coles Rd., Everson
 Whatcom County, WA
 T40N; R4 E; Sec. 33
 Lat.: 48.910767 N, Long.: -122.287703 W

Applicant: Whatcom County Public Works
 322 N. Commercial, Suite 301
 Bellingham, WA 98225
Waterway: Swift Creek
Datum: NAVD 1988

FIGURE 5
GOODWIN RD. CROSS-SECTION VIEW C-C
Ref. #: NWS-2016-657
Date: (Revised) August 16, 2016
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