



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

June 15, 2023

Department of the Army
United States Corps of Engineers, Seattle District
ATTN: Laura A. Boerner
4735 East Marginal Way South
Building 1202
Seattle, WA 98134-2388

Re: Coastal Zone Management Federal Consistency Decision for Activity Undertaken by a
Federal Agency, Skagit County, Washington
Skagit County DD 17 and DD 22 Levee PL 84-99 Repairs

Dear Laura A. Boerner:

On May 8, 2023, the Seattle District, U. S. Army Corps of Engineers (Corps) submitted a Consistency Determination with the Washington State Coastal Zone Management Program (CZMP). At Ecology's request, the Corps supplied additional information on June 8, 2023. Ecology issued a 21-day public notice on May 10, 2023, and received no comments.

The proposed federal activity includes repairs to levees in the Skagit Dike Districts (DDs) 17 and 22 in the city of Mount Vernon and in unincorporated Skagit County, Washington. In November 2021, a flood event damaged a total of approximately 1,900 linear feet (LF) at two locations along the DD 17 Levee and 800 LF of the DD 22 Levee. The purpose of the project is to repair the levees to their pre-damage levels of flood protection.

The repair technique involves construction of a clay core (i.e., clay-filled trench) to create an impermeable layer that will reduce seepage that is undermining the levee foundations. The clay core will be constructed in the upland bench at the toe of the upper slope of the levees. No work will be conducted below and waterward of the ordinary high water mark (OHWM) of the Skagit River. The proposed work will occur 50-130 feet landward from the OHWM. Construction will occur during the summer low-flow period. Wetlands on two sites (DD 17 Site 1 and DD 2) have been delineated and will be avoided. Topsoil and hydroseed will be placed on disturbed areas to restore vegetation to pre-construction conditions.

At the DD 17 levee, repairs will include the construction of a total of 1,900 LF of seepage cutoff at two separate locations. The proposed clay cores will extend 1,500 LF at Site 1 (Station (STA) 20+00 to STA 35+00) and 400 LF at Site 2 (STA 117+00 to STA 121+00) within the upland benches. The proposed trenches will measure 4 feet wide by up to 20 feet deep and will be backfilled with clay. The clay will create a low permeability layer in the soil between the damaged sections of levee and the Skagit River, intercepting existing seepage paths through the levee foundation to prevent further seepage damage.

At the DD 22 levee, repair will include the construction of 800 LF of seepage cutoff (STA 352+00 to STA 360+00) within the upland bench. The proposed trench will measure 4 feet wide by up to 20 feet deep and will be backfilled with clay. The clay will create a low permeability layer in the soil between the damaged section of levee and the Skagit River, intercepting existing seepage paths through the levee foundation to prevent further seepage damage.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Corps' determination that the proposed work is consistent with Washington's CZMP. The proposed action was reviewed for consistency under the applicable enforceable policies found in the state Shoreline Management Act, the State Water Pollution Control Act, and the Washington Clean Air Act. The proposal did not trigger the enforceable policies of the Ocean Resources Management Act or the Marine Spatial Plan for Washington's Pacific Coast.

If you have any questions regarding Ecology's consistency determination, please contact Teressa Pucylowski at 360-764-0546.

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology, in paper form, by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://elaho.wa.gov/content/11>

Address and Location Information

Street Address:

Department of Ecology

Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

1111 Israel RD SW
STE 301
Tumwater, WA 98501

Mailing Addresses:

Department of Ecology

Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

E-Mail Address:

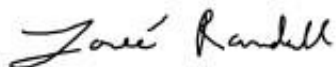
Department of Ecology

Not currently available (see WAC 371-08)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

Sincerely,



Loree' Randall, Section Manager

Skagit County DD 17 and DD 22 Levee PL 84-99 Repairs
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Federal Permitting Section
Shorelands and Environmental Assistance Program

Sent via e-mail: Laura.A.Boerner@usace.army.mil

E-cc: fedconsistency@ecy.wa.gov
Caren Crandall, Corps
Kylie Webb, Corps
Teresa Pucylowski, Ecology
Joe Burcar, Ecology
Misty Blair, Ecology
Chris Luerkens, Ecology