



State of Washington

## DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207  
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

### DETERMINATION OF NONSIGNIFICANCE (DNS)

**Name of Proposal:** THE SKAGIT DELTA TIDEGATES AND FISH INITIATIVE IMPLEMENTATION AGREEMENT (AGREEMENT) TIDEGATE AND FLOODGATE MAINTENANCE

**Description of Proposal:** The low-lying land in the Skagit delta requires tidegates and floodgates to provide adequate drainage to maintain agricultural activities. Tidegates are one-way check valves at the end of the drainage system that allow drainage water to flow to a marine natural watercourse (i.e. Skagit Bay, Swinomish Channel, Padilla Bay, and Samish Bay) during a low tide cycle and then close to prevent saltwater from entering a drainage system when the tide rises. Floodgate operation is similar to that of tidegates, with the exception that they allow water to flow outward from the drainage system into a freshwater natural watercourse (i.e. Skagit River, Samish River) while preventing water in a natural watercourse from back-flooding into a drainage system when the water elevation in the natural watercourse is higher than the floodgate.

Maintenance actions including both repair and replacement activities at 38 tidegate sites with 89 tidegates (Table 1) and 19 floodgate sites that contain 32 individual floodgates (Table 2) that are under the ownership or control of Drainage, Diking, and/or Irrigation Districts that are parties to the Agreement. Maintenance actions are segregated into three categories: minor repair, major repair and replacement. See Section 4.1 of the Agreement for a complete description of each repair type, or the discussion in 3.a.2. below. Major repair and replacement actions are covered through this SEPA review. Minor repair actions have undergone SEPA review through the Drainage and Fish Initiative and Drainage Maintenance Plans.

The maintenance action types are considered typical of work necessary to maintain the tidegate and floodgate drainage infrastructure within the watercourses of the Skagit and Samish River deltas. Many of these maintenance actions are anticipated and routinely performed as a part of regular operational inspections of the tidegates and floodgates by the district personnel or commissioners. Unanticipated maintenance actions for restoring the function of the tidegates and floodgates after storm events will be completed as soon as possible after the storm event.

These maintenance actions are managed through an Implementation Agreement, by and between WWAA, WDFW, NMFS, USFWS and the Drainage, Diking, and/or Irrigation Districts, which stipulates that up to 2,700 acres of delta agricultural lands may be converted to estuarine habitat, and that such conversion, when and where appropriate, will be undertaken in a manner consistent with the objectives of the Skagit Chinook Recovery Plan, as approved and adopted by NMFS in December 2006. This conversion of delta agricultural land to estuarine habitat will provide habitat credits allowing maintenance actions to occur by addressing required conservation measures for those maintenance actions. As a means to facilitate linkage between the permitting of tidegate and floodgate maintenance activities and the achievement of estuarine habitat restoration and smolt production goals, a clearly defined credit banking process has been developed to provide a system of checks and balances to assure that the estuary restoration credits are in-place to allow the maintenance actions to occur (a complete description can be found in the Agreement).

In addition, the Implementation Agreement will facilitate the regulatory review process required to conduct maintenance activities on tidegate and floodgates under the ownership or control of the participating Drainage, Irrigation and Diking Districts.

**Proponent/Applicant:** Western Washington Agricultural Association (WWAA) as the representative for: Drainage and Irrigation Districts 5, 14, 15, 16, 17, 18, 19, 22, 25; Consolidated Diking District 22; Diking, Drainage and Irrigation District 12, and Diking District 3.

Contact: Mr. Mike Rundlett  
Western Washington Agricultural Association  
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(360) 424-7327

**Location of Proposal, including street, if any:** The Coverage Area for tidegate and floodgate repair and maintenance actions as defined under the Agreement is comprised of approximately 53,322 acres of farmland in the Skagit and Samish River deltas located in the western portion of Skagit County, Washington and a limited area in northwest Snohomish County, Washington; including the tidal delta areas of Skagit Bay, Padilla Bay, Samish Bay and the Swinomish Channel (Figure 1). These project areas are inclusive of the historic estuarine wetlands, downstream migration corridors, and connectivity corridors such as the Swinomish Channel. This area is inclusive of the jurisdictional boundaries and jurisdictional responsibilities of Drainage and Irrigation Districts 5, 14, 15, 16, 17, 18, 19, 22, 25; Consolidated Diking District 22; and Diking, Drainage and Irrigation District 12, all of which control lands historically subject to tidal influence within the Skagit and Samish River deltas, as well as Diking District 3, which has drainage interests within tidally influenced zones that lay within the same geographic area. The Coverage Area is bounded by the towns of Sedro-Woolley, Burlington, and Mount Vernon on the east and Samish and Padilla Bays and the Swinomish Channel on the west.

An estuarine restoration area (based on the work of the Skagit Chinook Recovery Plan) for the Agreement is identified in Figure 2. The estuary restoration projects to be completed in the restoration area will be conducted outside of this Agreement and will undergo independent SEPA and other environmental review.

Washington, Skagit County; Multiple Sections, Township 32,33,34,35 &36 North, Range 02,03 & 04 WestWM

**Lead Agency:** Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal likely will not have a significant adverse impact on the environment. Therefore, state law<sup>1</sup> does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us. If you want to review this information, please contact WDFW at the address below.

Agencies, affected tribes, and members of the public are invited to comment on this proposal.

We issued this DNS according to state rules.<sup>2</sup> We will **not act on this proposal for 14 days** from the date we issued the DNS. If you have comments about this DNS or the proposal, you must send your comments to us so that we receive them within 14 days. This means we must receive your comments by **June 18, 2008**.

When you send us your comments, please provide the name of proposal in your comment letter, and mail the letter to:

**Responsible Official:** Teresa A. Eturaspe

**Position/Title:** SEPA/NEPA Coordinator, WDFW Regulatory Services Section

**Address:** 600 Capitol Way North, Olympia, WA 98501

You can also send your comments via email to [SEPAdesk@dfw.wa.gov](mailto:SEPAdesk@dfw.wa.gov), or via fax to (360) 902-2946.

If you have questions about this DNS or the details of the proposal, contact Teresa Eturaspe at the address, e-mail, or fax number above; you can also call her at (360) 902-2575.

**DATE OF ISSUE: June 4, 2008**

**SIGNATURE:**



Footnotes

1. RCW 43.21C.030(2)(c)

2. WAC 197-11-340(2).

SEPA Log Number: 08 -036. dns

**Distribution of Environmental Document:**

Department of Ecology, Environmental Review Section, Olympia  
Department of Natural Resources, SEPA Center, Olympia  
U.S. Fish and Wildlife Service, Western Washington Office, Lacey  
U. S. Army Corps of Engineers, Seattle  
NOAA-Fisheries, Seattle  
State Parks and Recreation Commission, Olympia  
Dept of Archaeology and Historic Preservation  
Skagit County Planning Department, Mount Vernon  
Skagit County Public Works, Mount Vernon  
Northwest Indian Fisheries Commission, Olympia  
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Nooksack Tribe, Deming  
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Swinomish Tribe, La Conner  
Skagit System Cooperative, La Conner  
Upper Skagit Tribe, Sedro Wooley  
WDFW, Habitat Program, Region 4, Mill Creek  
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