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: FISHER SLOUGH FLOODGATES REPLACEMENT PROJECT

Description of Proposal: The existing floodgates are a critical piece of infrastructure in protecting interior agricultural and rural residential areas from Skagit River flooding. The primary need to replace the floodgates is to improve fish passage, water quality conditions, and operability while maintaining flood control function. It has been identified and documented that the existing floodgates create two types of fish barriers: (a) during periods when the Skagit River tides fluctuate above an approximate elevation of 7-8ft NAVD88, when the gates typically close; and (b) during low tide conditions when the Skagit drops below 4ft NAVD88, which is lower than the sill elevation of the existing gates structure.

During an August 2006 meeting with Dike District #3, dike personnel indicated that currently the barn-door style gates are difficult to operate, and at times can be dangerous. They further indicated an interest in having the gates retrofit/replaced. A number of alternative designs were investigated, and the preferred floodgate design chosen for the proposed retrofit is side-hinge gates with a lateral hydraulic arm or piston that can be programmed to shut at various river stages. Several regulated floodgate/tidegates have been installed at other locations in the Skagit River Delta including Fornsby Creek, McElroy and Edison Sloughs, which improve fish passage conditions while maintaining flood control.

The proposed project to replace the existing floodgates includes removing the six existing doors and installing stainless steel, side-hinge swing gates, with hydraulics or other mechanical devices that can be programmed to resist shutting until certain river stages are exceeded (Appendix A, Figures 1-3). This will allow Dike District personnel to better operate the gates for both fish passage and flood control. Replacing gates on all three openings is critical to the successful implementation of future upstream levee setback and tidal marsh restoration and flood control objectives. A second element of the floodgates replacement involves modification of the submerged flapgates to further enhance fish passage during low flow/low tide periods. Another element of the project is to excavate sediment deposits and vegetation that has grown in front of the north flap gates, due to lack of maintenance, and rendered them ineffective. The final piece of work being performed for this project is placement of 40 CY of rock at the base of the sheet pile wall to protect the wall from scour and seepage. This is to protect the structure from adverse seepage and piping which could affect the stability of the levee and flood wall structure.

Operation and maintenance of the retrofitted gates structure will be monitored and evaluated annually, and adaptive management with Dike District #3, WDFW and The Nature Conservancy will be applied to optimize fish passage and flood control on Fisher Slough on an ongoing basis. Annual reviews of fish passage and flood control operations will be performed as part of the monitoring process.

The proposed gate replacement will be performed during low tide conditions and does not require installation of a water diversion structure. The contractor will time the work with the late summer ebb slack tides. Replacement of the gates will be performed using a crane and floating deck, barge or boat.

Work on the submerged flap gates will be performed by a diver, as the gates are well below the low tide level.

Proponent/Applicant:
The Nature Conservancy
Jenny Baker, Project Manager
410 North 4th Street
Mount Vernon, WA 98273

Location of Proposal, including street, if any: The Fisher Slough Floodgates Retrofit Project is located approximately 1 mile south of Conway, WA, along Pioneer Highway, at the site where the highway and the Burlington Northern Santa Fe (BNSF) rail lines cross on parallel bridges over Fisher Slough, in the vicinity of the confluence of Tom Moore Slough and the South Fork of the Skagit River. Figure 4 depicts the general location.
¼ **Section** NE 30, **Township** 33N, **Range** 04East WM, Washington, Skagit County;

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[1] 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.[2] 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 **July 10, 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, 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 26, 2008 **SIGNATURE:** Teresa A. Eturaspe

Footnotes

1. RCW 43.21C.030(2)(c)
2. WAC 197-11-340(2).

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