1. Applicant name: Skagit County Dike, Drainage and Irrigation District No. 12

2. Proposed project description: Levee Maintenance

3. Related Permits or Approvals: Fill and Grade

4. Parcel ID#: P3823 Assessor Tax #: P38305, P38304, P38302, P38307

5. Section 33, Township 35 N, Range 4 E, Comprehensive Plan/Zoning Designation: Ag-NRL

6. Site Address: N/A

7. Lot of Record: Yes □ No □ PL# N/A

8. Urban Growth Area: Yes □ No □ If yes, City:

9. Comp Plan/Zoning within 200 feet: Ag-NRL

10. Mineral Resource Overlay within ¼ mile: Yes □ No

11. Critical Area/Water within 200 feet: Yes □ No

12. Acreage/Lot Dimensions: N/A

13. Flood Zone: A7 FIRM Map Panel # 0250 C and 0235 C, Map Date: 1/03/1985

14. Road access: Private □ County - Permit # □ State - Permit # □

15. Water Source: Drilled well - Permit # N/A □ Community Well □ Public

16. Sewage Disposal: Septic - Permit # N/A □ Public Sewer

17. Legal Description: ____________________________________________

(Attach additional sheet if necessary.)
Planning & Development Services
Community Development Division

Applicant
Dan Lefeber, Manager

Name
1317 S Anacortes Street, Burlington, WA 98233

Address
360-757-3484 360-757-1214 dkdist12@cnw.com

Phone Fax e-mail address

Signature: [Signature]

Owner
Skagit County Dike, Drainage and Irrigation District No. 12

Name
1317 S Anacortes Street, Burlington, WA 98233

Address

Phone Fax e-mail address

Contact
John B Semrau, PE & PLS

Name
2118 Riverside Drive, Suite 208, Mount Vernon, WA 98273

Address
360-424-9566 360-424-6222 john@semrau.com

Phone Fax e-mail address

Contractor (When applicable. If owner, write owner-builder)

Name

Address

Phone Fax e-mail address

Contractors License # Expiration Date
OWNERSHIP CERTIFICATION

LORNA ELLESTAD hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT, and that the statements, answers and information submitted present the argument on behalf of this application and are, in all respects, true and correct to the best of my knowledge and belief.

Street Address: 1317 S ANACORTES STREET,
City, State, Zip: BURLINGTON, WA 98233
Phone: (360) 757-3484

Signature(s):

DISTRICT COMMISSIONER

for: SKAGIT COUNTY DIKE, DRAINAGE
AND IRRIGATION DISTRICT NO. 12

ACKNOWLEDGMENT
STATE OF WASHINGTON
COUNTY OF SKAGIT

On this day personally appeared before me LORNA ELLESTAD, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 5 day of JULY , 2012

Notary Public in and for the State of Washington
Residing at MOUNT VERNON
My Commission Expires 10-31-2014
This application is for a Shoreline Substantial Development Permit pursuant to WAC 173-27-040. This project involves work on the top and landward side of the levee. This project will be within shorelines of state-wide significance (RCW 90.58.030). Portions of this project will be within the Skagit River shoreline within a Rural Residential designation. The master program provision applicable to this development is the Skagit County Shoreline Management Master Program, SCC 14.26.

This project and application is submitted by Skagit County Dike, Drainage and Irrigation District No. 12. This Application for Permit is made for maintenance/elevation maintenance, repair, post-flood repair, backsloping, critical facility protection, installation of keyways, sheet pile walls, restoration, and to improve the existing Levee within Dike District 12 to conform to the plan, standards and specifications of the “City of Burlington and Dike District No. 12 Levee Certification Project.” The Project is also known as the “Existing Northeastern Levee” or “Northeastern Area Project” and is the construction phase of the first Project Action identified within the “FINAL ENVIRONMENTAL IMPACT STATEMENT TO ADOPT A STRATEGIC PROGRAM FOR COMPREHENSIVE FLOOD HAZARD MITIGATION IN THE BURLINGTON URBAN AREA AND ADJACENT LAND WITH A RANGE OF STRUCTURAL AND NON-STRUCTURAL COMPONENTS,” issued July 16, 2010 (EIS).

The purpose of this program is to reduce flood risk in the urban area while minimizing adverse impacts upstream and downstream of the levee system.

Strategic Goals Include:
- Protect the existing urban built environment without further expansion into the floodplain.
- Reduce flood risk and improve safety for the 100-year flood event.
- Implement flood measures which minimize risk to adjacent communities, in addition to Burlington’s urban area, to the maximum practicable extent.
- Ensure additional protection to the community by participating in the larger, regional planning effort for flood hazard mitigation.

The levee system has existed for more than 100 years, and clearly existed prior to June 1, 1971 and WAC 173-27-040. This part of the Dike District No. 12 levee system was established in 1895.

Skagit River hydrology used for the design of this Project has been performed independently by the Corps of Engineers, Pacific International Engineering, and Northwest Hydraulic Consultants. A synopsis for the differences in their work can be found in the EIS. The measures considered in the final work by Northwest Hydraulic Consultants were defined in a series of meetings of the Skagit River Flood Risk Management General Investigation Study (Skagit GI) Project Delivery Team (PDT), and defined in discussions with several of the project stakeholders.

Demonstration of Endangered Species Act (ESA) and National Environmental Policy Act (NEPA) compliance has been addressed for this project in the EIS.

In September, 2008, the northwest Region of the National Marine Fisheries Service published a final Biological Opinion, pursuant to a judicial order, regarding the effects of elements of National Flood Insurance Program throughout the Puget Sound region. A series of Reasonable and Prudent Alternatives (RPAs) were included in the Biological Opinion.

Subsequently, FEMA has developed a model ordinance to provide guidance to local jurisdictions such as Burlington and Dike District 12 in implementing RPAs. The FEMA model ordinance proposed to meet RPA's has a definition of Protected Area that includes the Floodway, the Riparian Habitat Zone and the Channel Migration Zone/Area. The area in which the levees are located is classified as a Protected Area. Because no work will be undertaken on the waterward side of the levees, No Effect to listed species will occur to the Protected Area with the proposed action.

The “Floodway” (or “Flood-like Tool”, Exhibit 6, pages 9 and 17) in Burlington and adjacent to the City, in accordance with the 1984 flood insurance study, is specifically limited to the area between the levees and extending landward from the toe a distance of 300 feet in the City and 500 feet in the County...

With the existing riverfront currently protected by a levee system, no changes are proposed to the Essential Fish Habitat, the Riparian Area, or the Floodway. There are two existing forested riparian habitat zones in locations where the existing levees are set back from the riverfront, a total of 1.29 miles out of a total of 4.6 miles of levee, or 28%. The remainder of the levees that are along the river frontage consist of mowed levee vegetation that is required to be maintained under Corps of Engineers levee vegetation maintenance standards, in order to maintain eligibility for emergency repairs under PL 84-99. Dike District 12 relies on this program to maintain its levees' structural integrity and to qualify for Corps of Engineers assistance during and after flood events.

Burlington and Dike District 12's proposal to achieve levee certification and subsequent FEMA accreditation without any changes on the river side of the existing levees is therefore expected to gain a “No Effect” on listed species or habitat....

This Project relates strictly to the enlarging of both width and height of the existing levee in place for the 1.53 mile portion within Skagit County. Project extends from the Burlington City limits at Gardner Road north to the terminus south of the BNSF Railroad on Lafayette Road. Construction will occur on top of and landward of the existing levee. This Project is undertaken
Shoreline Substantial Development Permit
Skagit County Dike, Drainage and Irrigation District No. 12
Skagit County, WA

for the protection of life and property in the City of Burlington and Skagit County, and for maintenance of flood control facilities relating to the Skagit River.

The Levee Certification process has established a new design template for this portion of the levee system. The portion of the Project within the City Limits of Burlington is from Station 79+00 at Whitmarsh Road to Station 159+00 at Gardner Road as shown on Sheets 2 though 9 of the 24 sheet plan set prepared by Reichhardt & Ebe Engineering, Inc, March 3, 2011 (R&E). This portion of the Project has been submitted for a Shoreline Master Development permit through the City of Burlington.

The portion of the Project included in the plan between Stations 159+00 to 240+00 as shown on Sheets 9 through 17 is located in the County and is the portion of the Project seeking coverage under a Shoreline Master Development Permit through Skagit County.

There are three active Fill and Grade Permits in place that permit maintenance fill up to the level of the existing levee top from Stations 159+00 to 232+00.

Fill and Grade Permit BP 07-0267 was submitted on March 15, 2007 and issued for construction on May 15, 2010. BP 07-0267 represents work on the R&E plan from Station 159+00 to 204+00. This permit expires on May 14, 2013.

Fill and Grade Permit BP 03-0564/BP 06-0817 with Shoreline Exemption PL 03-0487 was submitted on May 16, 2003, reissued on July 27, 2009 and expires on 7/26/2012. This work is almost complete and will be done before the expiration of this permit. This permit represents work on the R&E plan from Station 204+00 to Station 228+00.

Fill and Grade Permit BP 07-1051 was submitted on August 24, 2007, issued on November 5, 2010, and will expire November 14, 2013. This permit represents work from Station 228+00 to 232+00.

The County portion of the Project requires import of fill totaling 178,425 cubic yards. Of this quantity, 86,000 cubic yards have already been permitted leaving 92,425 cubic yards to be permitted to raise the levee top. SEPA requirements for this fill quantity have been included and covered by the Final EIS.

Boundary Line Adjustments for additional right-of-way and associated annexation to the City limits will need to occur between approximate stations 150+00 to 158+00.
Sketch

Cross-section looking downstream near STA: 178

Wetland B Buffer PD-12