

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Skagit County Hearing Examiner will hold a public hearing on **Wednesday, July 9, 10, 11, 30, 31 and August 1, 2008** in the Board of County Commissioners Hearing Room, 1800 Continental Place, Mount Vernon, Washington, at the hour of **9:00 a.m.** or soon thereafter, for the purpose of determining whether the Hearing Examiner should approve, recommend approval, modify and approve, or deny the following requests:

AGENDA

PUBLIC HEARING

A. Shoreline Substantial Development and Conditional Use Permit PL06-0607 and Grading Permit BP06-0669 for Clear Valley Environmental Farm, LLC, Jerome Ryan, 9 Teaberry Lane, Tiburon, CA 94920 for proposed wetland restoration activities on approximately 396 acres of property. The proposed restoration is intended to be utilized as a wetland mitigation bank. In addition, a native seed and plant nursery is also proposed. The project would occur in three phases.

Phase 1 is proposed to include the restoration of wetland and floodplain hydrology to the majority of the site by filling all of the existing drainage ditches on the wetland site and constructing three engineered log jams (ELJ), one in Nookachamps Creek and two in East Fork Nookachamps Creek.

Phase 2 will include constructing four high flow back channels off Nookachamps Creek and the East Fork of Nookachamps Creek, regrading the restoration site and planting native vegetation across the site. Phase 3 will involve the removal of temporary access roads throughout the restoration site and converting them to a mix of forested wetland and upland habitats. The use of approved aquatic herbicides for control of invasive plant species is proposed.

Phase 3 will also include additional grading of the site as warranted by the hydrology established onsite in Phases 1 and 2. If grading does occur in Phase 3, the disturbed areas would also be planted with native vegetation. The proposal is intended to raise groundwater levels and restore floodplain hydrologic conditions on the restoration site.

Backfill material will come from the excavation associated with ELJ construction and from existing earthen berms adjacent to the drainage ditches. Excavation materials from Phase 1 are estimated at 1,490 cubic yards. Fill material from Phase 1 is estimated at 12,449 cubic yards. Excavated materials for Phase 2 are estimated at 1,025,440 cubic yards. The quantity of fill material required for Phase 2 is estimated at approximately 289,900 cubic yards. The proponents intend to stockpile the excess material in areas on their property, but off the restoration site. Hydraulic and hydrologic conditions on and adjacent to the project site were evaluated by the proponents and are described in a document entitled *Hydrologic and Hydraulic Basis of Design Report* (Herrera 2006) and

an updated HEC-RAS hydraulic model in the *Skagit Environmental Bank Response to Skagit County and Public Comments* (Clear Valley Environmental Farm 2007). The phased construction allows the proponents to monitor and evaluate their actions on the hydrologic conditions of the restoration site. Sections of the existing bridge crossing Nookachamps Creek, containing creosote timbers, will be replaced with non-treated timbers and decking material. The proposed project is located just east of the Mount Vernon city limits. The property is bordered generally by State Route (SR) 538 to the south, SR 9 and Babcock Road on the east and Swan Road on the northern end. Located within a portion of Sections 10, 11, 14 and 15, Township 34 North, Range 4 East, W.M., Skagit County, Washington. Staff contact: Betsy Stevenson.

B. Appeal PL08-0195 Open Record Appeal of SEPA Threshold Determination submitted by Skagitonians to Preserve Farmland and Skagit County Farm Bureau Inc. The appeal is sought in order to vacate the threshold determination that was issued by Skagit County Planning and Development Services for PL06-0607 and BP06-0669 for the Skagit Environmental Bank, more fully described in Item A above, and to “remand for preparation of an EIS; consolidation with other permits.” Staff contact: Betsy Stevenson.

C. Appeal PL08-0197 Open Record Appeal of SEPA Threshold Determination submitted by Friends of Skagit County. The appeal is sought in order to find the threshold determination that was issued by Skagit County Planning and Development Services for PL06-0607 and BP06-0669 for the Skagit Environmental Bank, more fully described in Item A above, “clearly erroneous, EIS required, project permits not approved.” Staff contact: Betsy Stevenson.

Your views for or against the requests are invited either by attendance, representation or letter. Comments and/or facsimiles must be received no later than 4:30 p.m. on July 8, 2008, or be presented at the public hearing, unless otherwise determined by the Prehearing Order of the Skagit County Hearing Examiner.

The mailing address for Skagit County Planning & Development Services is 1800 Continental Place, Mount Vernon, WA 98273. The telephone number is 360-336-9410 and the fax number is 360-336-9416. The temporary physical location of Skagit County Planning & Development Services is 1700 E. College Way, Mount Vernon, WA 98273.

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