June 8, 2016

City of Bothell

District Commander
Colonel John Buck
U.S. Army Corps of Engineers
Seattle District
Seattle, WA

Subject: Request for Section 408 Permission – Sammamish River Off-Channel Habitat Restoration Project

Dear Colonel John Buck:

Please accept this letter as City of Bothell's formal request of the District Commander, Colonel John Buck, to grant a Section 408 permission for the project known as Sammamish River Off-Channel Habitat Restoration Project (The Project). King County is the non-Federal sponsor for the authorized project; and therefore, is co-applicant to the Section 408 request for permission. King County's attached letter of request, further serves as an endorsement to the proposed project. The remainder of this letter is to provide a narrative and the documentation necessary as outlined under the US Army Corps of Engineers (USACE) Circular No 1165-2-216 to process the request.

Project Description

The City of Bothell (COB) Public Works Department (PWD) desires to reconnect and restore ~1,100 ft of an old remnant channel and floodplain of the Sammamish River within the City of Bothell limits. Project goals include: increasing juvenile Chinook salmon habitat quantity and quality in a critical reach of the Sammamish River; restoring 6.5 acres of floodplain plant community diversity and structure; and restoring floodplain and channel connectivity and function.

The project involves installation of two concrete box culverts that will allow the Sammamish River to flow into and out of the proposed constructed side channel. The upstream culvert will be placed in the USACE Sammamish River Channel Improvement Project's river bank. The other downstream culvert will connect to an existing side channel, which flows into the Sammamish River.

Project Request per Circular No 1165-2-216, Item 7: Procedures

Section 7 (2) (a)

Formal Request for Review: See above lead paragraph.

Section 7 (2) (b) (i)

The City of Bothell has developed 100% designs (Attachment A), obtained construction funding via the Washington State Salmon Recovery Funding Board, King County Cooperative Watershed Management funds, King Conservation District, and City of Bothell Surface Water Utility Fees. The City has prepared contract documents, and completed and submitted a JARPA application to the US Army Corps of

Engineers and other regulatory agencies responsible for processing State and Federal permits, for a floodplain and off-channel habitat restoration project connecting with and adjacent to the Sammamish River within Bothell City Limits.

Section 7 (2) (b) (ii)

The City of Bothell has pursued authorization pursuant to Sections 10/404/103, and submitted an application to the USACE in May 2015. All elements of that application have been approved to date. Mr. Brian Hooper is the USACE's designated project manager for the corresponding JARPA application and Ms. Keely Brown, Planner, is our project manager for USACE Section 408 permit request for permission.

Section 7 (2) (b) (iii)

Credit is not being sought under Section 221 of the Flood Control Act of 1970, as amended, or other law. Similarly, approval under Section 204(f) of WRDA 1986 is not being sought either.

Section 7 (2) (b) (iv)

The City of Bothell will not require the use of federally-owned real property. The work will be performed on land owned and maintained by the City of Bothell, King County, and Washington State Department of Natural Resources (WADNR). The state land ownership is limited to the river channel that is water ward of the Ordinary High Water Mark of the Sammamish River. Attachment D delineates land ownership, project boundary, and the portion of the USACE facility affected by the project.

All three have signed acknowledgement forms of the project occurring on their lands (Attachment E). The City is in the final stage of securing land owner agreements. An example of the actual agreement is found in Attachment F. This has been signed by King County and City of Bothell. Washington State DNR does not sign official land owner agreements. Land owner agreements with WADNR is by way of a WADNR authorization to use state-owned aquatic lands. WADNR has verbally confirmed their intent to enter an Aquatic Lands Conservation License, # 23-093224, with the City of Bothell for this project. This agreement must wait signature until a final approved JARPA is issued by USACE.

The City of Bothell had a private firm conduct a title deed search of the properties in January of 2016. The search found no existing deed restrictions, liens, easements, or other encumbrances that would impede construction, operation, or maintenance of the project (Attachment G).

The King County owned land within the project shall be conducted through a Special Use Permit with King County (Attachment H). King County has approved the Special Use permit. The Special use permit describes responsibilities of the City of Bothell and King County during and after construction of the project.

Section 7 (2) (b) (v)

King County is co-applicant to this Section 408 request and has endorsed the proposed project and concurs that the project as designed will not adversely affect the Sammamish River Channel improvement project. To supplement, the written request and endorsement letter, King County sent and endorsement via email to USACE, it is provided in Attachment C to this letter. King County has concluded that "We did not note any proposed project elements or issues that would result in a

significant change or adverse impact to the design intent or functional operation of the US Army Corps of Engineer's Sammamish River Channel Improvement Project (the project) per the USACE1962 General Design Memo and 1964 Project Operations and Maintenance (O&M) Manual."

Section 7 (3) (a) & (b)

The work will involve alteration of a portion of the USACE Sammamish River Channel Improvement Project, where an existing culvert draining under the Sammamish River Trail will be replaced with a larger capacity culvert, and a second culvert will be installed downriver, also under the trail. 100% design plans describing the proposed alteration are provided in Attachment A to this letter.

The culverts were designed to not adversely affect the integrity, function, and operation and maintenance of the Sammamish River Channel Improvement Project, nor be injurious to the public interest. The proposed culvert installations will help reduce flood impacts of the Sammamish River Channel Improvement Project. In support of this statement, we provide in Attachment B to this letter the required documentation listed in section 2c of the current Section 408 Policy Guidance Document provided by the USACE to the City of Bothell. The supporting documentation addressing data needs in Appendix F of the Guidance Document is presented accordingly.

Section 7 (3) (c)

Environmental compliance review of the project has included: City of Bothell Issued SEPA determination of Non-Significance (Attachment I), Shoreline Substantial Development Permit Exemption (Attachment J), Washington State and Army Corp of Engineers Joint Aquatic Resources Permit Application (JARPA, Attachment K), Restoration Programmatic for the State of Washington and Army Corp of Engineers Specific Project Information Form (SPIFF, Attachment L), Biological Evaluation for USACE (Attachment M), State of Washington Department of Fish and Wildlife's issued Hydraulic Project Approval (Attachment N), Cultural Resource Survey (Attachment O), and Washington State Department of Ecology Storm water Construction permit (Attachment P).

Section 7 (3) (c) (vi)

The City of Bothell has involved the public throughout the formation of the project. The efforts included multiple public open houses (Attachment Q), SEPA review, multiple presentations to City Council since 2014 for expenditure of grant funding, and an active city web site that citizens can be informed about the project.

Section 7 (3) (e)

The City of Bothell's actions will not induce development of the floodplain nor require additional flood plain management as described under executive order 11988. In general, the project is predicted to have either no effect or result in negligible change (±0.01 ft) in flood levels in the Sammamish River during the 10- and 100- year flood events (Attachment B section 5.2). The project site is managed as City Park Lands, Open Space. The project will not change the zoning nor the City's Shoreline Management Plan that regulate development in floodplains. The goal of the project is to improve the natural and beneficial values of the floodplain for current and future generations.

Construction Schedule

The City of Bothell has put the construction of the project out to competitive bid as of March 29, 2016. The City anticipates selection of bid and giving a notice to proceed with construction by June 29, 2016. For the sequencing of construction please see final design plans sheet 3 in Attachment B. Brief overview of the sequence is that mobilization will occur beginning in July. The contractor shall begin in water work no sooner that July 16 and shall be completed by August 1st. After the installation of the box culverts the contractor is to begin excavating out the side channel working from the down stream and moving upstream. The entire project including planting and demobilization is scheduled to be completed December 31, 2016.

Operations and Maintenance

King County is responsible for the Operations and Maintenance (O&M) of the authorized - Sammamish River Improvement Project, in regulations prescribed by the Secretary of the Army and per 1964 Flood Control Improvement's Operation and Maintenance Manual, Section 3 of the Flood Control Act of 1936, Public law 738, and King County Resolution No. 25095 dated 11/20/1969.

King County's endorsement of the pending project – Sammamish River Off-Channel Habitat Restoration Project, will include preparing an agreement with the City of Bothell for long term O&M of the two box culverts. The culverts are detailed per plans herein Attachment A, Final Designs.

The City of Bothell agrees to assume all O&M responsibilities for the Sammamish River Off-Channel Habitat Restoration Project as described in Land Owner Agreements, see appendix F, and as described in contract agreement, RCO #15-1054R, with Washington State's Salmon Recovery Funding Board.

In addition City of Bothell agrees to assume all O&M responsibilities for the following:

a. Two box culverts

City of Bothell assumes all construction and O&M responsibilities for the culverts through normal routine monitoring of the culverts of potential debris buildup and remove any such material accordingly.

We look forward to working with you to obtain a section 408 permission without delay. Thank you for your time and cooperation.

Sincerely,

Andy Loch
Surface Water Program Coordinator
City of Bothell
18415 – 101st Ave. NE
Bothell, WA 98011

CC: Regina Derda, City of Bothell, Engineer, Project Manager

Andy Loch, City of Bothell, Surface Water Program Coordinator

Paul DeVries, R2 Resources Inc, Project Design Engineer