US Army Corps
of Engineers
Seattle District

WASHINGTON STATE DEPARTMENT OF ECOLOGY

Joint Public Notice

Proposal for a Wetland Mitigation Bank

U.S. Army Corps of Engineers, Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-6903
ATTN: Gail Terzi

U.S. Army Corps of Engineers, Portland District
CENWP-OD-G
P.O. Box 2946
Portland, Oregon 97208-2946
Telephone 503-808-4378
Attn: Corrie Veenstra

Washington Department of Ecology
Shorelands and Environmental Assistance Program
P.O. Box 47600
Lacey, WA 98504-7600
Telephone 360-407-6861
Attn: Gretchen Lux

Public Notice Date: March 23, 2007
Expiration Date: April 23, 2007
Reference No.: NWS-2007-362-SO
Name: Clark County Mitigation Bank

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), U.S. Environmental Protection Agency, and Washington Department of Ecology (Ecology) are considering a proposal to establish the Clark County Mitigation Bank, in Clark County, Washington.

Bank Sponsor – Clark County Mitigation Partners, LLC
15600 NE 173rd Street
Woodinville, WA 98072
(425) 785-8428
VictorW@comcast.net

LOCATION – The location of the proposed bank has six sites identified as potential bank sites, new sites may be added to an umbrella bank as amendments to the Instruments. The project locations are identified on all the enclosed figures. Below is a list of the proposed bank sites and their locations:

Vancouver Lake Bank Site is located within the Columbia River floodplain on property owned by the Port of Vancouver. The site is approximately 160 acres, and is located on a portion of parcel # 152370000, known as parcel 6 of the former Rufener property. The site is located to the north of Port of Vancouver, USA administrative offices located at 3210 NW Lower River Road, Vancouver WA 98660. The site is located in the City of Vancouver, Clark County, Washington.

Steigerwald Lake Bank Site is located on approximately 160 acre portion of privately owned 240 acre parcel (parcel # 135508000) contiguous to the eastern boundary of Steigerwald National Wildlife Refuge (NWR). The site is bounded to the west by the NWR, to the south by the Columbia River, to the east by Lawton Creek, and to the north by the Burlington Northern Santa Fe Railroad track and State Highway 14. The site is located within unincorporated Clark County, in the vicinity of the City of Washougal.

Ridgefield Bank Site is located approximately 500 acres of privately owned land on parcel # 217593000, north of Lancaster Lake and the Ridgefield National Wildlife Refuge, and the confluence of Gee Creek, south of the East Fork of the Lewis River, and east of the Columbia River. The area proposed for a wetland mitigation bank is bounded to the east by the Burlington Northern Railroad tracks. The site is within unincorporated Clark County just north of the City of Ridgefield.

The Mill Creek Tributary Bank Site is approximately 29 acres, located in the central northern portion of the Salmon Creek watershed (for Clark County watershed boundaries see Sheet 3 of 3, also labeled Figure 6). The site is bounded to the north by NE 199th Street, on the west by 29th Avenue, on the east and south by private property. It is located on the following parcel numbers:

181584000
181551000
181475000
181582000
181583000
181462000

The site is located within unincorporated Clark County, west of the City of Battle Ground.

The City of Battle Ground Bank site is an 80-acre parcel, of which 60 acres are proposed for this mitigation bank site. The site is located within the southwestern corner of the City of Battle Ground's Urban Growth Area. It is bounded to the west by Southwest 20th Avenue, and to the south, east, and north by private property. It is located on a portion of parcel numbers 192362000 and 192410000 within the City of Battle Ground.

Fargher Lake Bank Site is located on approximately 110 acres of privately owned property in northern Clark County. The site is to the north of the intersection NE 379th Street and Wiehl Road, and west of 156th Avenue in unincorporated Clark County, to the east of the City of La Center. The site is located on portions of the following parcel numbers:

264413000
264402000
264409000
264355000
264412000

PROJECT DESCRIPTION – Wetland mitigation banks provide an alternative to traditional, concurrent, compensatory wetland mitigation. Mitigation banks offer an opportunity to implement compensatory mitigation at a regional scale in advance of impacts. Mitigation banks establish "credits" through restoring, creating, enhancing and, in exceptional circumstances, preserving wetlands and other natural resources. These credits can then be sold to future permit applicants who need to offset the adverse environmental impacts of projects with wetland impacts that would occur within the banks' designated "service area". The document that addresses the bank process is the Mitigation Banking Instrument (MBI). The MBI is a contract that is created in cooperation with the Mitigation Bank Review Team, which includes federal, state and local agencies. The MBI contains the legal contract between the bank sponsor and the federal, state, and local

agencies, and the technical and procedural elements of constructing, operating, and maintaining the bank..

Clark County Mitigation Bank is proposing three Umbrella Banks. An Umbrella mitigation bank is one where a single mitigation bank Instrument provides future authorization of additional bank sites as approved by the MBRT. We are seeking comment on whether to limit the addition of sites by number of sites or limit the addition of sites to a specified time period. The specific activities of each bank site have not been finalized.

A more detailed description of the proposal is available in *Clark County Mitigation Bank – Public Notice Version of the Wetland Mitigation Bank Prospectus, Dated March 23, 2007*. This prospectus is available for inspection at the above-listed Corps offices and the Department of Ecology Headquarters and Northwest regional offices and can be downloaded at the following Internet addresses:

http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/public-notices.html
www.nwp.usace.army.mil/op/g
www.nws.usace.army.mil

SERVICE AREA – The service area of a mitigation bank is the geographic area over which credits may be used for compensatory mitigation. The sponsor has proposed three service areas (Columbia River Floodplain, Terrace, and Lewis Rain Dominated) for the three proposed umbrella mitigation banks based on Department of Ecology's Watershed Characterization of Clark County (Sheet 1 of 3, also labeled Figure 4). The proposed Columbia River Floodplain Service area is based on the extent of the Columbia River historic floodplain from Bonneville Dam to the mouth of the Columbia River (Sheet 2 of 3, also labeled Figure 5). The Vancouver Lake, Steigerwald Lake, and Ridgefield Bank sites are proposed to be in the Columbia River floodplain service area. The Mill Creek Tributary and City of Battle Ground Bank sites are proposed to be in the "terrace" service area. The Fargher Lake Bank site is proposed to be in the Lewis Rain Dominated service area. We are seeking comments on the proposed service areas. The proposed service areas may be increased or decreased based on public comments and comments from the MBRT.

PURPOSE – The purpose of the Clark County Mitigation Bank is to provide, for sale to the general public, high-quality, consolidated, off-site compensatory mitigation for a variety of future adverse aquatic ecosystem impacts associated with activities authorized by the Corps, Ecology and other regulatory entities that occur within the service area of the bank. The use of bank credits as future compensatory mitigation would depend on case-by-case approval by the involved regulatory agencies after determining that the use of bank credits would be consistent with all applicable rules and policies of the agencies.

ADDITIONAL INFORMATION – The bank sponsor will work with a multi-agency MBRT to develop the MBI in accordance with *Federal Guidance for the Establishment, Use and Operation of Mitigation Banks* and the *State Draft Rule WAC 173-700 Wetland Mitigation Banks,* as well as other applicable state, local, and federal requirements. For additional information on wetland mitigation banking within Washington State, please refer to the following website:

http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html
If you are interested in receiving updates from the Washington State Department of Ecology concerning wetland mitigation banking in the state, please join our e-mail list at:

http://listserv.wa.gov/archives/wetland-mitigation-banking.html

CULTURAL RESOURCES: The District Commander will review the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The property has been in agricultural use.

A historic properties investigation will be conducted within the proposed bank site area and will be coordinated with the Washington Department of Archaeology and Historic Preservation (DAHP). The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

EVALUATION – The Corps and Ecology are soliciting comments from interested parties, including the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to identify project aspects that need to be addressed during the bank review process and in the development of the MBI. Public comments will assist in developing facts upon which to base a decision by MBRT member agencies as to whether or not to authorize the proposed mitigation bank. For accuracy and completeness of the record, all comments should be submitted in writing with sufficient detail to furnish a clear understanding of the reasons for that support or opposition.

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this proposal will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. E-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the reference number NWS-2007-362-SO. All e-mail comments should be sent to corrie.veenstra@usace.army.mil or gail.m.terzi@usace.army.mil at the Corps and/or glux461@ecy.wa.gov at Ecology. Conventional mail comments should be sent to either of the addresses at the top of this public notice. Both conventional mail or e-mail comments must include the "Clark County Mitigation Bank, NWS-2007-362-SO" and the commenter's name, address, and phone number. All comments, whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

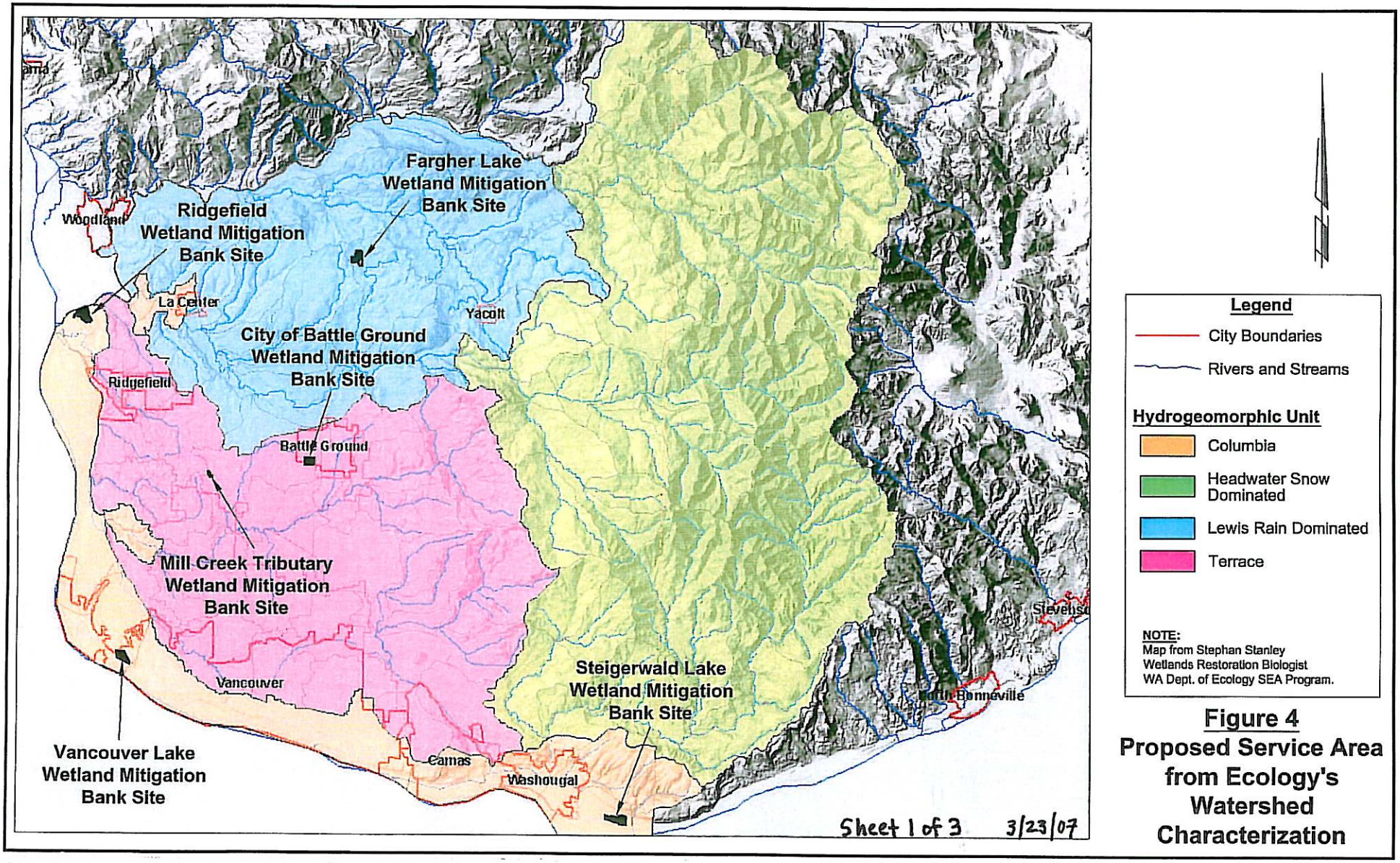

Figure 4
Proposed Service Area from Ecology's Watershed Characterization

Reference: NWS-2007-362-SO
Applicant: Clark Co. Mitigation Partners, LLC
Purpose: Mitigation Bank

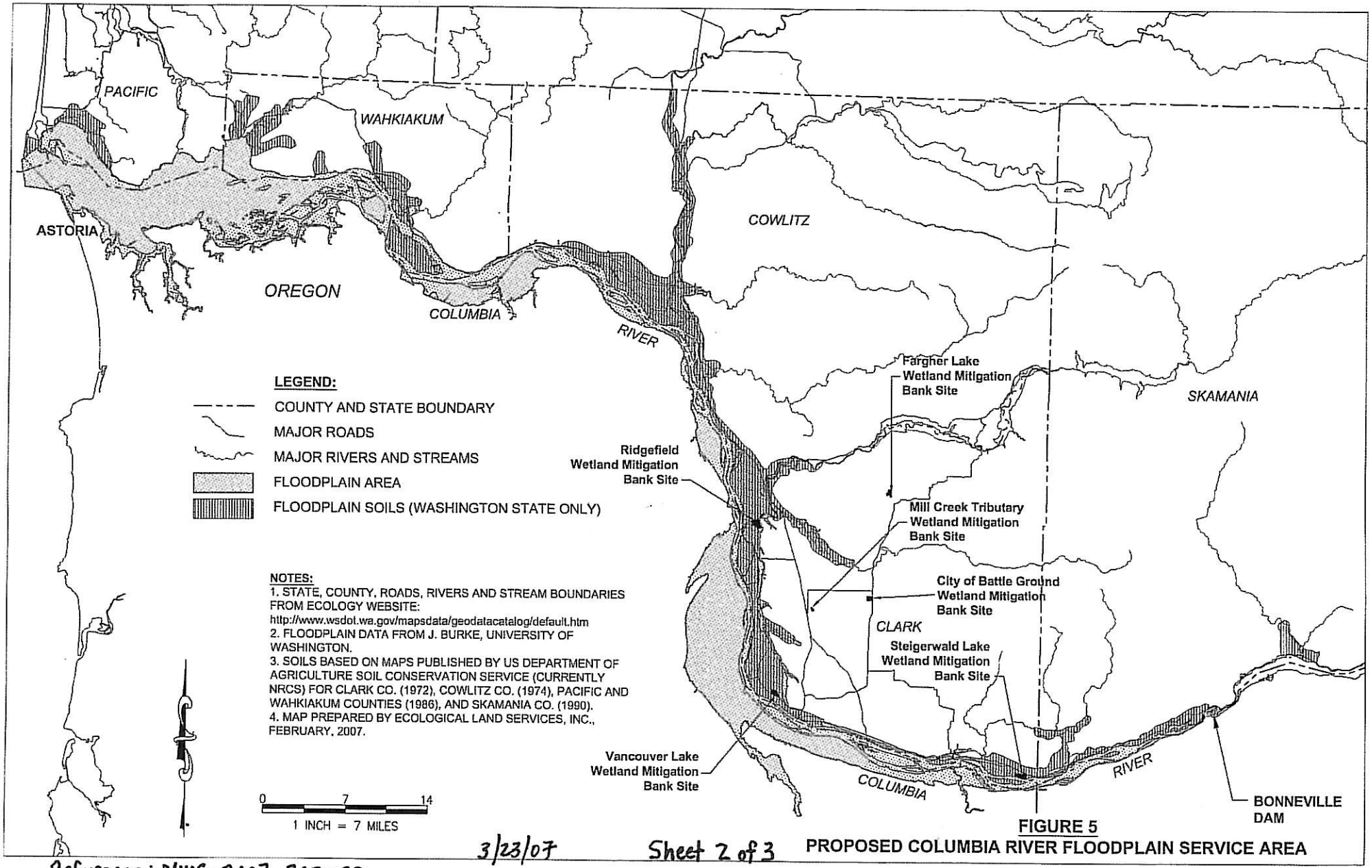

FIGURE 5
PROPOSED COLUMBIA RIVER FLOODPLAIN SERVICE AREA

3/23/07 Sheet 2 of 3

Reference: NWS-2007-362-50
Applicant: Clark Co. Mitigation Partners, LLC
Purpose: Mitigation Bank

Reference: NWS-2007-362-50
Applicant: Clark Co. Mitigation Partners
Purpose: Mit. Bank
Sheet 3 of 3

FIGURE 6
CLARK COUNTY WATERSHEDS
3/23/07

NOTICE OF TYPE II DEVELOPMENT REVIEW APPLICATION

The Department of Community Development has received an application for development review, as described below. This application is subject to public notice and administrative review (no public hearing) conducted pursuant to Clark County Code (CCC) Section 40.510.020 and applicable code sections as listed below.

Project Name:	**Clark County Wetland Mitigation Bank**
Case Number:	**WET2005-00038**
Request:	Preliminary wetland permit approval to establish a multi-site wetland mitigation bank in Clark County
Bank Sponsor:	Clark County Mitigation Partners, LLC
Contact Person:	Victor Woodward Habitat Bank NW, LLC 15600 NE 173rd Street Woodinville, WA 98072 Email: VictorW@comcast.net Phone: (425) 785-8428

Application Date:	**Fully Complete Date:**	**Revised Prospectus Submitted:**
July 20, 2005	August 3, 2005	March 23, 2007

Timelines/Process:

Decisions on Type II Applications are generally made within 78 calendar days of the Fully Complete Review date (noted above), However, this review is being completed through a multi-agency Wetland Mitigation Bank Review Team (MBRT) consisting of Federal, State, and local agency staff. The timeline for completion of this review is dependent on the MBRT process.

Site Descriptions (Sites in gray are outside county jurisdiction, see attached maps)

Site Name	Site Size (ac.)	Approx. Existing Wetland Area (ac.)	Site Owner	Zoning
Vancouver Lake Site	160	92	Port Of Vancouver	GW/ML (Vancouver)
Mill Creek Tributary Site	29	23	Clark County	UR-10
City Of Battle Ground Site	60	23	City Of Battle Ground	R12 (Battle Ground)
Steigerwald Lake Site	160	18	Privately Owned	GSLA-80
Ridgefield Site	400-500	Unknown	Privately Owned	FR-80
Fargher Lake Site	110	Unknown	Privately Owned	AG-20

Public Comment:

The public is encouraged to comment on this proposal. Comments received by the closing date noted below will be considered in the staff report. This notice is intended to inform potentially interested parties about the application and invite written comments regarding any concerns. You may address written comments to the Federal or State agency staff identified in elsewhere in this notice or to the county as follows:

Attn: Brent Davis
Community Development Department
P.O. Box 9810
Vancouver, WA. 98666-9810

Email: brent.davis@clark.wa.gov
Phone: (360) 397-2375-4152
FAX: (360) 759-6369
Web Page: http://www.clark.wa.gov

Date of this Notice:	March 23, 2007	**Closing Date for Public Comments:**	April 23, 2007

Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not be notified of the county's decision.

A copy of the applicant's Wetland Mitigation Bank Prospectus is available for review at the Clark County Development Services Division, 1300 Franklin Street, Vancouver, Washington. Office hours are from 8:00-5:00 p.m., Monday through Friday.

Additional information regarding this application can be obtained by contacting **Brent Davis** (contact information is listed above).