



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 764-3262
ATTN: Kiley Zaubi,
Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6068
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: October 7, 2016
Expiration Date: November 8, 2016

Reference No.: NWS-2008-549
Name: Port of Chehalis

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated May 12, 2016.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws.

APPLICANT: Port of Chehalis
Attention: Randy Mueller, Executive Officer
321 Maurin Road
Chehalis, Washington 98532
Telephone: (360) 748-9365

AGENT: Ecological Land Services, Inc.
Attention: Francis Naglich
1157 3rd Avenue, Suite 220A
Longview, Washington 98632
Telephone: (360) 578-1371

LOCATION: In wetlands adjacent to Berwick and Dillenbaugh Creeks within the proposed RGP boundary at Chehalis, Washington. The associated wetland mitigation site is located adjacent to Stearns Creek near Adna, Lewis County, Washington.

WORK: Place fill material in up to 40 acres of Category IV wetlands for the construction or expansion of industrial facilities and attendant features that are necessary for the use and maintenance of the facilities (e.g., structures). Typical industrial development includes warehousing, distributing, and manufacturing facilities.

PURPOSE: To develop sites with industrial facilities within the Port of Chehalis district, which is located in Lewis County, Washington.

ADDITIONAL INFORMATION: This a proposal to reissue Regional General Permit-9 (RGP-9) which was effective September 27, 2011, and will expire September 27, 2016. The primary change between the previously

Port of Chehalis; NWS-2008-549

authorized RGP-9 and the current proposal is the request to increase the maximum amount of impacted Category IV wetland from 25 to 40 acres. A RGP is a type of Department of the Army authorization (33 CFR 322.2(f) and 323.3(h)) that is issued on a regional basis for a category or categories of activities when those activities are substantially similar in nature and would cause no more than minimal individual and cumulative environmental impacts. A RGP is an effective mechanism available to the Corps to improve the regulatory process for applicants, enhance environmental protection, and make more efficient use of limited resources.

Use of an RGP by the Port of Chehalis would reduce the amount of paperwork and time required to authorize qualifying projects by making available for use an already issued Department of Army general permit that would include State water quality certification. The proposed reissuance of this RGP would authorize activities by the Port of Chehalis on any site available to the Port of Chehalis within the approved RGP boundary and not just those parcels currently owned by the Port of Chehalis. The Port of Chehalis is not proposing a specific project at this time. The issuance of an RGP would be used to authorize future industrial development projects by the Port of Chehalis within an approved RGP boundary provided the proposed work complied with all of the RGP conditions and procedures. Information regarding the Corps' provisional determination that the proposed activities comply with the requirements for issuance of an RGP is available at the Seattle District (see contact information above).

The proposed RGP would contain provisions intended to protect the environment, endangered species, cultural resources, and to ensure the work is not contrary to the public interest. All general permits are valid for a maximum of five years and must be re-evaluated prior to reissuance. This ensures the Corps will evaluate the operation and level of environmental protection of the proposed RGP (should it be issued) every five years.

Work that would not comply with the provisions of the RGP would not be authorized by this permit and may require Department of the Army authorization by another general permit or by a standard individual permit. Moreover, compliance with the provisions of the RGP would not in itself guarantee that the work is authorized by the RGP. Activities that appear to comply with the provisions of this RGP, but would have an unacceptable adverse impact on the public interest would not be authorized by this permit. The Corps always retains the authority to require a standard individual permit for any proposed activity, even if the project otherwise meets all the requirements of a general permit.

The Corps retains the authority to modify, suspend, or revoke an RGP when the Corps believes that appropriate protection is not being afforded to the environment or any other aspect of the public interest, or when the Corps concludes that adverse environmental impacts are more than minimal, either individually or cumulatively.

MITIGATION: To offset the loss of wetlands associated with projects authorized by the RGP, the Port of Chehalis constructed the Pleasant Valley Mitigation Site for the original RGP-9 in 2011. The site provides advanced off-site compensatory wetland mitigation. The mitigation site is a 66-acre parcel adjacent to Stearns Creek that is currently used for farming. The Pleasant Valley Mitigation Site is composed of approximately 40 acres of wetland consisting of emergent, scrub-shrub, and forested wetland habitats. The Pleasant Valley Mitigation Site enhances the riparian corridor of Stearns Creek. The goal of the proposed wetland mitigation is to compensate, in advance, for wetland impacts authorized by the proposed RGP. The performance of the mitigation site is currently monitored and the Corps will determine the available mitigation credits based on the success of the compensatory mitigation. In the event that mitigation is required outside the capacity of the Pleasant Valley Mitigation Site, the Corps will evaluate the mitigation proposed in the individual RGP application.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the Corps will consult as needed on a project-by-project basis to evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

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ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The permit area is likely to yield resources eligible for inclusion in the National Register. An investigation for the presence of potentially eligible historic properties is justified. 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 with any Tribe that has information or concerns with historic properties within the proposed RGP boundary and mitigation area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or Tribal Governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The discharges to be authorized by the proposed RGP will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the U.S.

In accordance with 33 CFR 325.4, the Corps will add conditions to Department of the Army permits when such conditions are necessary to satisfy legal requirements or to otherwise satisfy the public interest requirement. The Corps will evaluate applicable permit conditions and the procedure for authorization of individual projects under the proposed RGP. Potential procedures and conditions may include, but are not limited to: the proposed RGP would only authorize activities where the Port of Chehalis either directly owned or maintained a permanent easement on the property; all activities to be authorized by the RGP would require preconstruction notification to

Port of Chehalis; NWS-2008-549

the Corps and the Corps' written verification that the work is authorized by the RGP prior to construction; limiting authorizations to only those areas outside the 100-year floodplain; limiting wetland impacts to only Category IV wetlands; applying mitigation sequencing, which is the avoidance, minimization, and compensation for proposed impacts; constructing compensatory mitigation to offset unavoidable impacts; establishing and maintaining wetland/stream buffers; avoiding impacts to existing mitigation sites within the proposed RGP boundary; managing storm water and complying with State water quality standards; conducting a historic property/cultural resources survey for any property proposed for development under the RGP.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

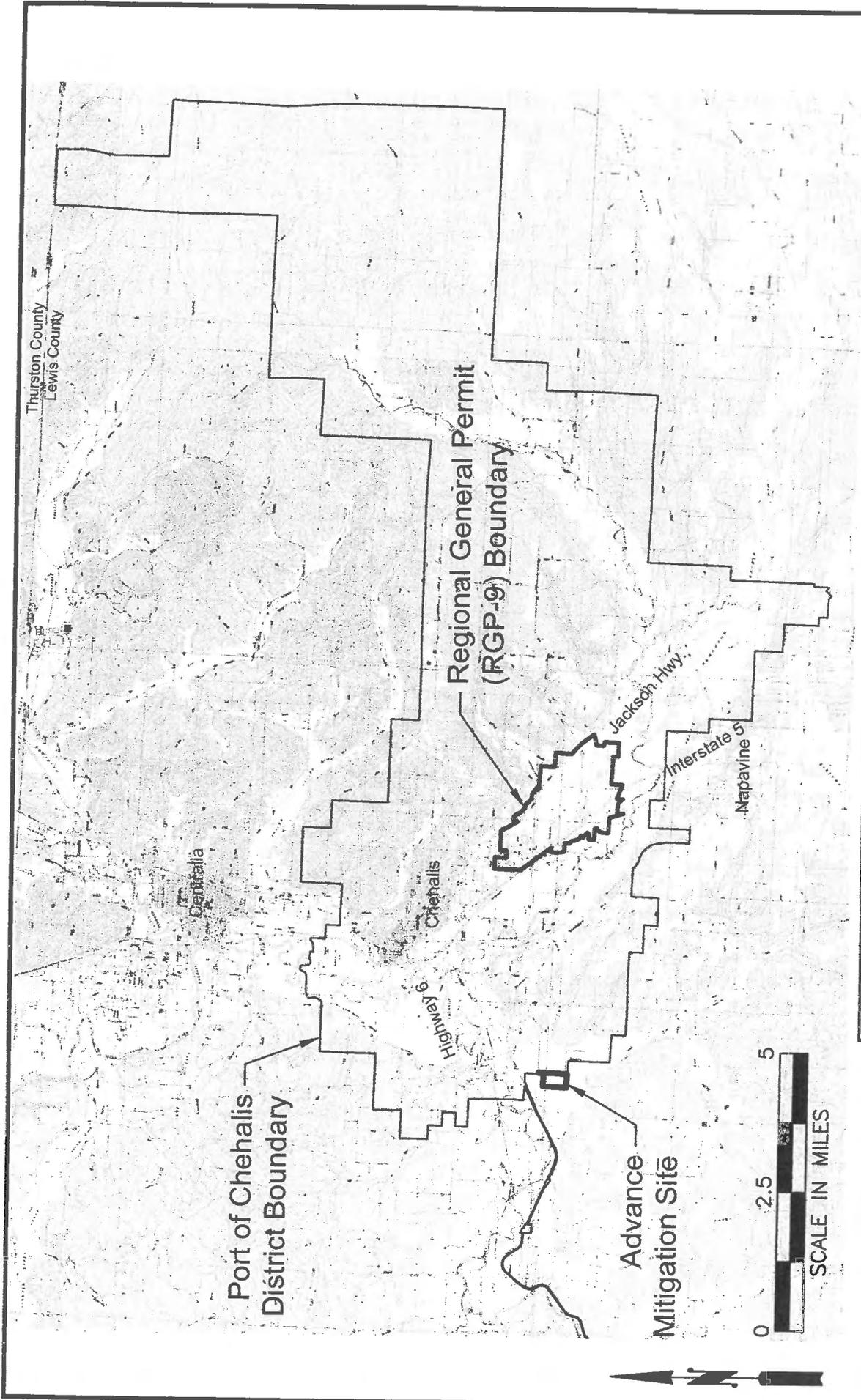
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, 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.

CORPS COMMENTS: All e-mail comments should be sent to kiley.c.zaubi@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Kiley Zaubi, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyfedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Port of Chehalis; NWS-2008-549

Encl: Figures (5)



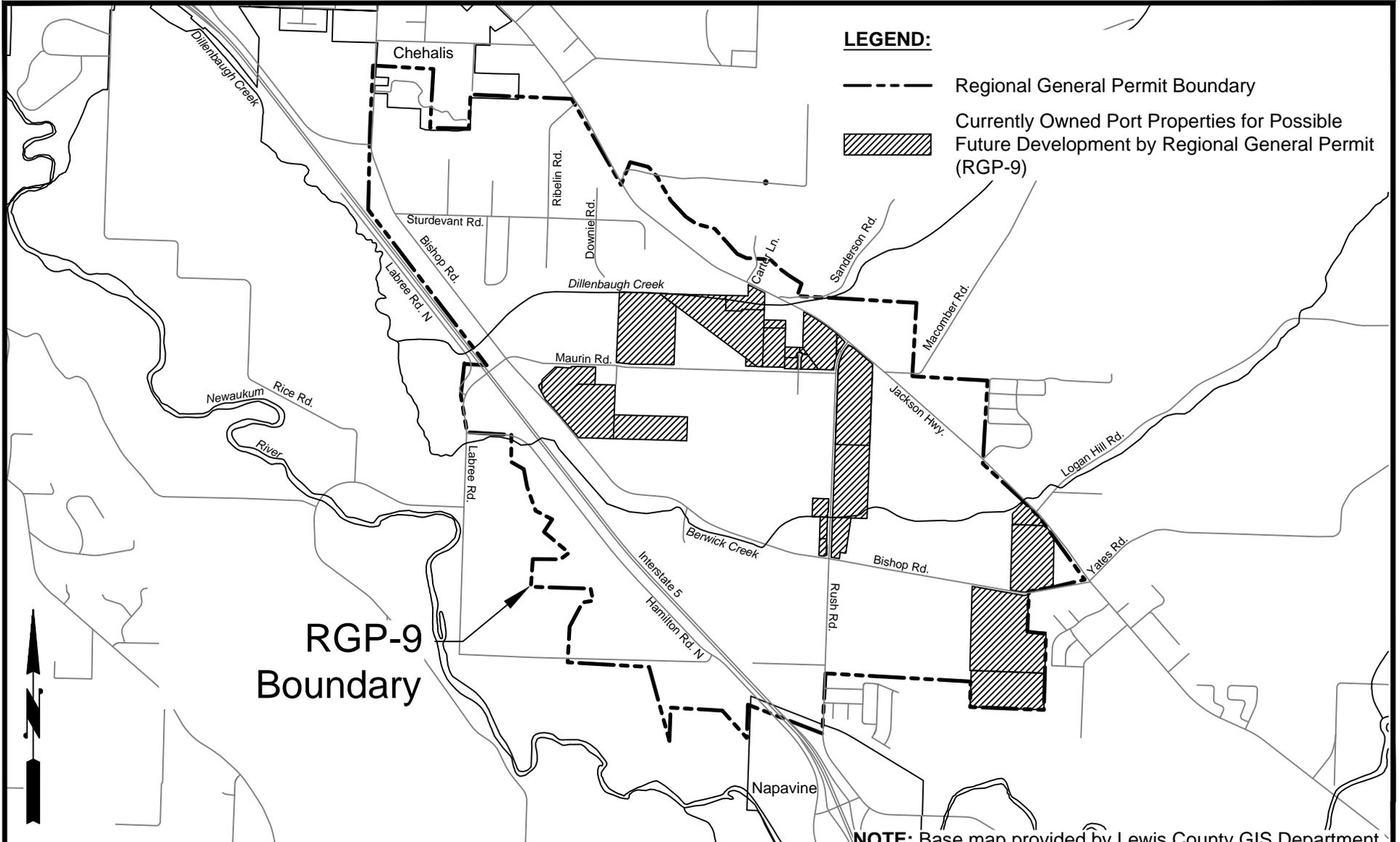
PROPOSED: Place Fill

 IN Wetlands
 NEAR: Chehalis
 COUNTY: CHEHALIS STATE: WA
 SHEET 1 OF 5
 DATE: 5/12/16

VICINITY MAP
 APPLICANT: Port of Chehalis
 PROJECT NAME: Port of Chehalis Regional General Permit
 REFERENCE #: NWS-2008-549
 SITE LOCATION ADDRESS:
 Multiple Locations

PURPOSE: Develop Port owned properties located in RGP-9 boundary with industrial facilities
 DATUM: NGVD 1929 & NAD 1927
 ADJACENT PROPERTY OWNERS:
 Multiple Locations

NOTE:
 USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.



PURPOSE: Develop Port owned properties located in RGP-9 boundary with industrial facilities
DATUM: NGVD 1929 & NAD 1927
ADJACENT PROPERTY OWNERS:

REGIONAL GENERAL PERMIT BOUNDARY
APPLICANT: Port of Chehalis
PROJECT NAME: Port of Chehalis Regional General Permit
REFERENCE #: NWS-2008-549
SITE LOCATION ADDRESS: Multiple Locations

PROPOSED:Place Fill

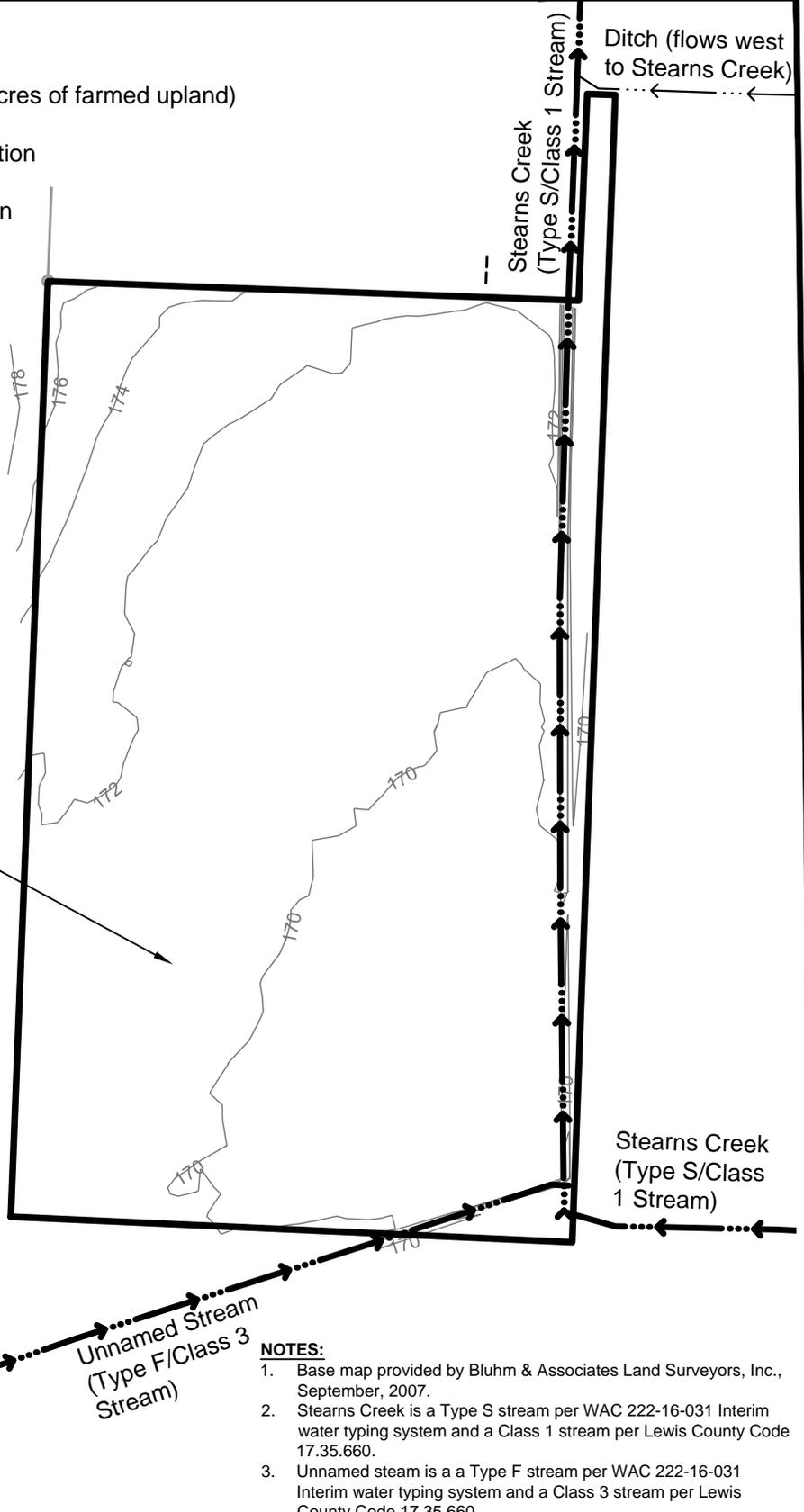
IN Wetlands
NEAR: Chehalis
COUNTY: STATE: WA
SHEET 2 OF 5
DATE: 5/31/16

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LEGEND:

- Site Boundary (66.17 acres of farmed upland)
- ← Stream with Flow Direction
- ← Ditch with Flow Direction
- ~ 176 Past Topographic Contour (2' Intervals)

Past Site Conditions
66.17 Acres of Farmed Upland



NOTES:

1. Base map provided by Bluhm & Associates Land Surveyors, Inc., September, 2007.
2. Stearns Creek is a Type S stream per WAC 222-16-031 Interim water typing system and a Class 1 stream per Lewis County Code 17.35.660.
3. Unnamed steam is a a Type F stream per WAC 222-16-031 Interim water typing system and a Class 3 stream per Lewis County Code 17.35.660.

PURPOSE: Develop Port owned properties located in RGP-9 boundary with industrial facilities
DATUM: NGVD 1929 & NAD 1927
ADJACENT PROPERTY OWNERS:

ADVANCE MITIGATION SITE PAST CONDITIONS
APPLICANT: Port of Chehalis
PROJECT NAME: Port of Chehalis Regional General Permit
REFERENCE #: NWS-2008-549
SITE LOCATION ADDRESS:
 Multiple Locations

PROPOSED: Place Fill

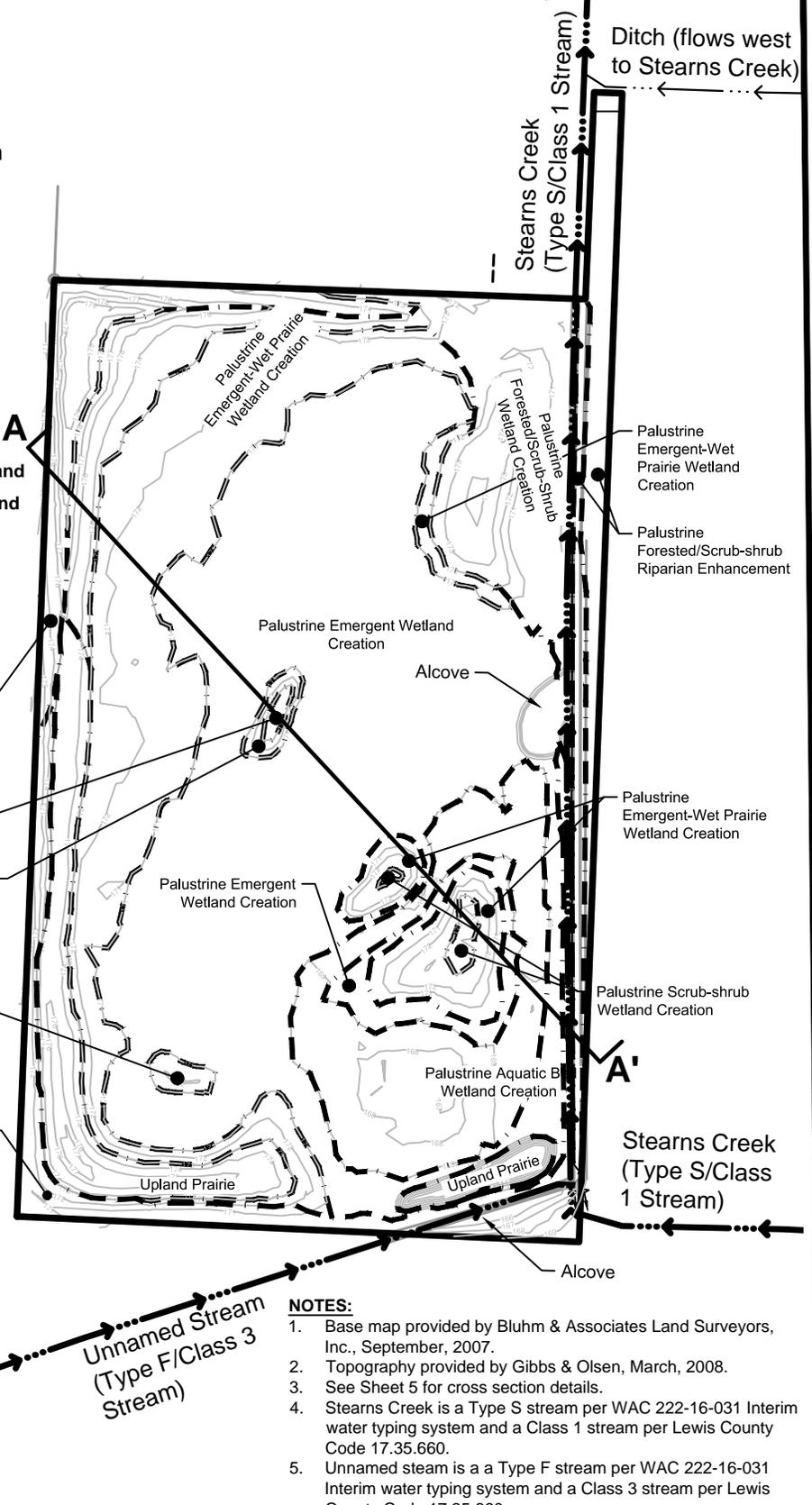
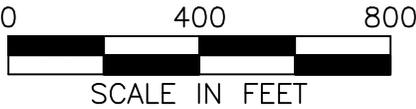
IN Wetlands
NEAR: Chehalis
COUNTY: STATE: WA
SHEET 3 OF 5
DATE: 5/12/16

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LEGEND:

- Site Boundary
- Stream with Flow Direction
- Ditch with Flow Direction
- Topographic Contour (1' Intervals)
- - - - - Habitat Boundary

- 26.5 acres Palustrine Emergent Wetland
- 3.5 acres Upland Prairie
- 8.0 acres Palustrine Forested/Scrub-shrub Wetland
- 13.0 acres Palustrine Emergent-Wet Prairie Wetland
- 4.0 acres Palustrine Scrub-shrub Wetland
- 3.0 acres Forested/Scrub-shrub Upland
- 2.0 acre Palustrine Forested/Scrub-shrub Riparian Enhancement
- 6.0 acres Palustrine Aquatic Bed Wetland



NOTES:

1. Base map provided by Bluhm & Associates Land Surveyors, Inc., September, 2007.
2. Topography provided by Gibbs & Olsen, March, 2008.
3. See Sheet 5 for cross section details.
4. Stearns Creek is a Type S stream per WAC 222-16-031 Interim water typing system and a Class 1 stream per Lewis County Code 17.35.660.
5. Unnamed steam is a a Type F stream per WAC 222-16-031 Interim water typing system and a Class 3 stream per Lewis County Code 17.35.660.

PURPOSE: Develop Port owned properties located in RGP-9 boundary with industrial facilities
DATUM: NGVD 1929 & NAD 1927
ADJACENT PROPERTY OWNERS:

ADVANCE MITIGATION SITE PLAN VIEW
APPLICANT: Port of Chehalis
PROJECT NAME: Port of Chehalis Regional General Permit
REFERENCE #: NWS-2008-549
SITE LOCATION ADDRESS: Multiple Locations

PROPOSED:Place Fill

IN Wetlands
NEAR: Chehalis
COUNTY: STATE: WA
SHEET 4 OF 5
DATE: 5/12/16

