



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Proposal for a Wetland Mitigation Bank

US Army Corps of Engineers  
Regulatory Branch  
Post Office Box 3755  
Seattle, Washington 98124-3755  
Telephone (206) 764-6903  
ATTN: Gail Terzi, Project Manager

Washington Department of Ecology  
Shorelands and Environmental  
Assistance Program  
PO Box 47600  
Olympia, WA 98504  
Telephone (360)407-6861

Public Notice Date: May 13, 2005  
Expiration Date: June 13, 2005  
Reference No.: 200300482  
Name: Nookachamps, LLC

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), U.S. Environmental Protection Agency, Washington Department of Ecology (Ecology), and Washington State Department of Natural Resources are considering a proposal to construct and operate the Nookachamps Wetland Mitigation Bank, in Skagit County and the City of Mount Vernon, Washington.

APPLICANT – Nookachamps, LLC  
1800 4<sup>th</sup> Street, Suite A  
Marysville, Washington 98270  
Telephone: (360) 658-4866

AGENT – Wildlands of Washington, Inc.  
ATTN: Mr. Sky Miller  
1800 4<sup>th</sup> Street, Suite A  
Marysville, Washington 98270  
Telephone: (360) 658-4866

LOCATION – The proposed Nookachamps Wetland Mitigation Bank (Nookachamps) is located at Mount Vernon, Skagit County within the Skagit River floodplain. Hoag Road is located to the south and Francis Road to the east of the proposed site. The site is bounded on the west by the Skagit River. The site is located in Sections 4, 5, 8, and 9 of Township 34N, Range 4E, on the Willamette Meridian at latitude 48°27'0"N, longitude 122°18'36"W. The site is in Water Resource Inventory Area 3 (Skagit River) south of the confluence of the Skagit River and Nookachamps Creek and within USGS Hydrologic Unit 17110007. See Figure 1 for a vicinity map and project location.

PROJECT DESCRIPTION – Nookachamps, LLC proposes to construct and operate a wetland mitigation bank (bank) on an approximately 310-acre site. A boundary survey will be required prior to certification of the bank (all areas in this notice are approximate). The bank area does not occupy the entire 310-acre area. Currently the project site consists of 172 acres of active row-crop agriculture, 64 acres of fallow agriculture, 35 acres of jurisdictional wetland, 19 acres of riparian forested channel, 6 acres of forest scrub-shrub, 3 acres of native forest, 7 acres of previously constructed wetland mitigation areas and 4 acres of existing dike and road structures. Non-credit generating portions of the bank (50 acres) consist of existing mitigation sites, road and dike structures, recreational trail, 2-acres of jurisdictional wetland area, buffers, and a potential stormwater pond area. The

proposed bank would create or enhance 92 acres of wetland, enhance 18 acres of riparian forested channel, and create 150 acres of riparian floodplain forest. The bank would be protected in perpetuity by a conservation easement. The attached Preliminary Proposed Habitats Map shows the conceptual design for the proposed bank project.

A more detailed description of this proposal is available in *Nookachamps Wetland Mitigation Bank - Prospectus*, dated March 9, 2005. This prospectus is available for inspection at the above-listed Corps office and the Department of Ecology Headquarters and Northwest regional offices and can be downloaded at the following Internet address:

<http://www.ecy.wa.gov/programs/sea/wetmitig/nk-prospectus.html>

**SERVICE AREA** – The bank sponsor proposes a service area that includes all of WRIA 3 east of the easternmost boundaries of Swinomish Slough, Skagit Bay, Padilla Bay, and Samish Bay, excluding tidally influenced wetlands, brackish marshes, and halotrophic wetlands. See the attached Proposed Service Area map for the project's proposed service area.

**PURPOSE** – The purpose of the Nookachamps 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. The ecological goal of the proposed bank is to create and enhance off-channel sloughs, riparian forest, and emergent, scrub-shrub, and forested wetlands in the Skagit River floodplain that is consistent with the hydrogeomorphic setting of the site.

**ADDITIONAL INFORMATION** – The bank sponsor will work with a multi-agency Mitigation Bank Review Team (MBRT) to develop a mitigation banking instrument (MBI) and memorandum of agreement (MOA) in accordance with *Federal Guidance for the Establishment, Use and Operation of Mitigation Banks* and applicable state, local, and other federal requirements.

**ENDANGERED SPECIES** – The Endangered Species Act of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*) listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*) listed threatened; Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) listed threatened; and critical habitat for bull trout and chinook salmon, proposed for listing, may occur in the proposed project area. After receipt of comments on this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the project's potential impacts to these species.

**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 National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, and coastal pelagic species occurs downstream of 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 (DE) has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

An historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area.

The DE invites responses to this public notice from Federal, Native American Nations or tribal governments, 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 Mitigation bank Instrument. 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.

The Corps will evaluate this proposal pursuant to the requirements of Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and other applicable Regulatory Program requirements. Ecology will review this proposal for consistency with the Washington Coastal Zone Management Program, compliance with applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act and consistency with the state's pilot rule for wetland mitigation bank certifications. The proposal may also require Shorelines Management Act Substantial Development authorization and Hydraulic Project Approval from the State of Washington, as well as authorization from Skagit County and the City of Mount Vernon.

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. 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. All e-mail comments should be sent to [Gail.M.Terzi@nws02.usace.army.mil](mailto:Gail.M.Terzi@nws02.usace.army.mil) at the Corps and/or [ldri461@ecy.wa.gov](mailto:ldri461@ecy.wa.gov) at Ecology. Conventional mail comments should be sent to the Corps ATTN: Gail Terzi, Project Manager, Regulatory Branch and/or to Ecology ATTN: Lauren Driscoll, Shorelands and Environmental Assistance Program. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor'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. Please include the following name and reference number:

Nookachamps, LLC

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Encl (x)



**Public Notice of Application for State of Washington  
Water Quality Certification and Coastal Zone Management Act Consistency**

May 13, 2005

Notice is hereby given that a request has been filed with the Washington State Department of Ecology (Ecology), pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers and Ecology Joint Public Notice No. 200300482 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

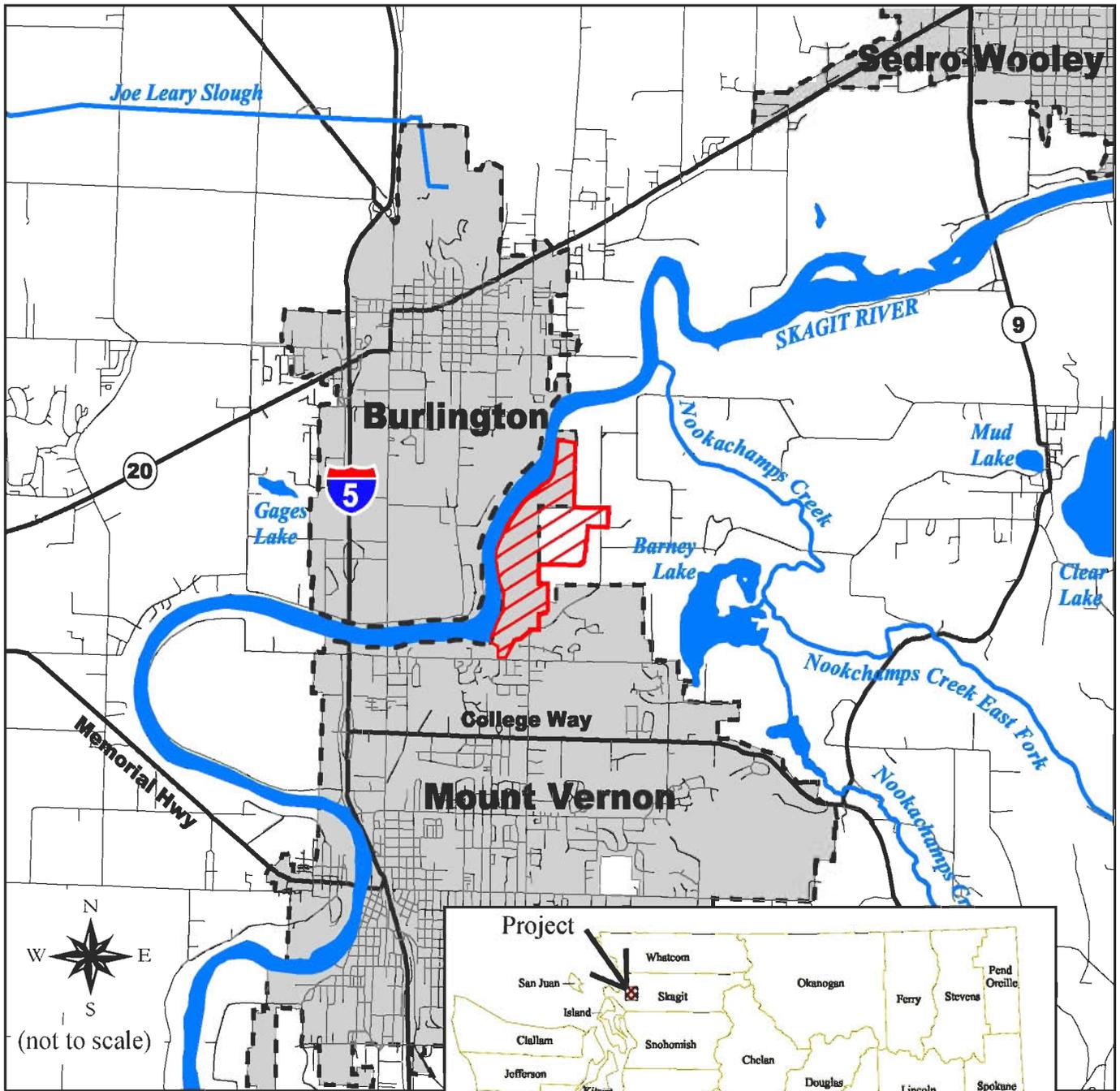
This public notice does not indicate that Ecology or other State agencies have agreed with the proposed projects. This notice is only intended to inform the public of proposed projects, and ask for comments by local, state and federal agencies and the public.

**EVALUATION:** Ecology understands that the Corps intends to issue a Nationwide Permit 27 for this project. If this is the case, an individual 401 water quality certification (WQC) and Coastal Zone Management (CZM) Consistency determination is required. The decision to issue, deny or condition the WQC or concur with the applicant's CZM Consistency statement, will be based on the following: for WQC, it is necessary for the proposed project to comply with the applicable provisions of the federal Clean Water Act and appropriate State aquatic protection requirements. For CZM consistency, it must be in compliance with State and Federal Clean Water and Air Acts, the Shoreline Management Act, the State Environmental Policy Act, and other applicable federal and state regulations. The public notice for a WQC and CZM determination is usually circulated after the Corps has issued the nationwide permit; however, in compliance with WAC 173-700-250, Ecology is combining the 401 and CZM public notice with the Joint Public Notice No. 200300482.

**COMMENT AND REVIEW PERIOD:** Any person desiring to present views on the project pertaining to compliance with water pollution control laws may do so by providing written comments within 30 days of the above publication date to:

**Lauren Driscoll  
Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600**

Ecology is an Equal Opportunity and Affirmative Action employer and shall not discriminate on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, age, religion or disability as defined by applicable state and/or federal regulations or statutes. If you have special accommodation needs, please contact Ecology's TDD Headquarters at (360) 407-6006.

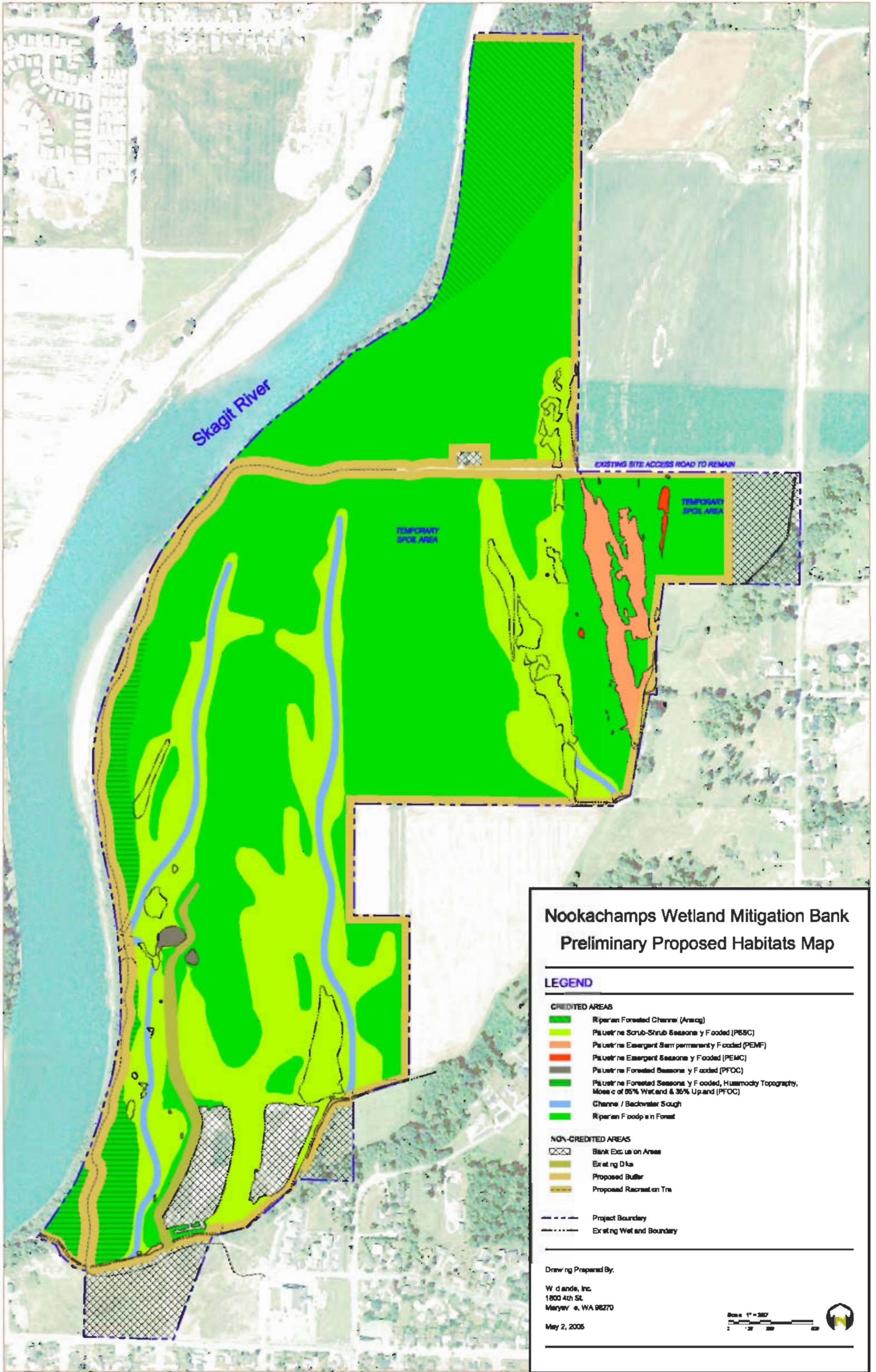


LEGEND

- City Limit Boundary
- Project Area



Figure 1  
Vicinity Map



## Nookachamps Wetland Mitigation Bank Preliminary Proposed Habitats Map

### LEGEND

- CREDITED AREAS**
- Riparian Forested Channel (Analog)
  - Pasture Scrub-Shrub Seasonally Flooded (PSSC)
  - Pasture Emergent Seasonally Flooded (PEMF)
  - Pasture Emergent Seasonally Flooded (PEMC)
  - Pasture Forested Seasonally Flooded (PFOC)
  - Pasture Forested Seasonally Flooded, Hummocky Topography, Moisture of 85% Wetland & 36% Upland (PFOC)
  - Channel / Backwater Scough
  - Riparian Foodplain Forest
- NON-CREDITED AREAS**
- Bank Exclosure Areas
  - Existing Dike
  - Proposed Buffer
  - Proposed Recreation Trail
  - Project Boundary
  - Existing Wetland Boundary

Drawing Prepared By:

Wildande, Inc.  
1800 4th St.  
Marysville, WA 98270

May 2, 2005



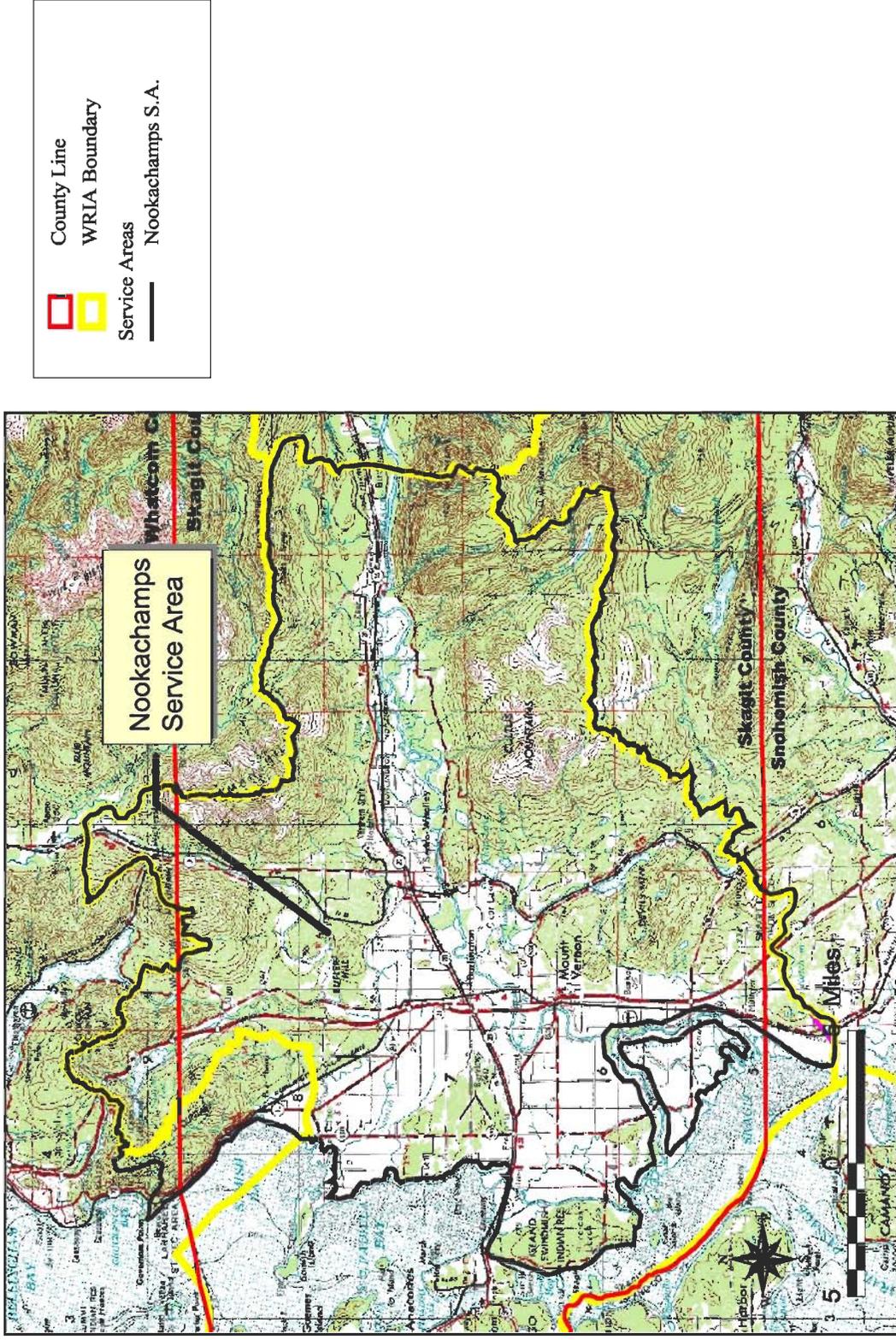


Figure 8  
Proposed Service Area