US Army Corps of Engineers
Seattle District

WASHINGTON STATE DEPARTMENT OF ECOLOGY

Joint Public Notice

Proposal for a Wetland Mitigation and Conservation Bank

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 764-3708
ATTN: Ms. Suzanne Anderson

WA Department of Ecology
SEA Program
Post Office Box 47600
Lacey, WA 98504-7600
Telephone: (360) 407-6749
ATTN: Ms. Kate Thompson

Public Notice Date: July 23, 2015
Expiration Date: August 22, 2015

Reference No.: NWS-2015-414
Name: Habitat Bank, LLC.
(Keller Farm Mitigation Bank)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and Washington Department of Ecology (Ecology) are considering a proposal to establish the Keller Farm Mitigation Bank at Redmond, Washington.

BANK SPONSOR CONTACT: Habitat Bank, LLC.
P.O. Box 354
Kirkland, Washington 98083
(425) 785-8428 (425) 205-0279
victorw@comcast.net

LOCATION: The proposed project is located in the City of Redmond, Washington, immediately east of Avondale Road Northeast and north of Northeast Union Hill Road; in portions of Section 1, Township 2 North, Range 5 East, and Section 1, Township 25 North, Range 5 East (see attached Figure 1 Vicinity Map). The proposed site is approximately 91 acres, and includes all or portions of seven parcels: 012059189, 0125059038, 0125059040, 0125059045, 0125059051, 0125059081, 0625069013 (see attached Figure 2 Parcel Map). The site is commonly referred to as the "Keller Farm", and it lies within the Bear Creek Basin of the Lake Washington-Cedar/Sammamish Watershed, Water Resource Inventory Area (WRIA) 8. The site includes reaches of Bear Creek and Perrigo Creek, and it is bordered to the east by a Washington State Department of Transportation mitigation site and the confluence of Evans and Bear Creeks.

MITIGATION BANKING: Mitigation banks provide an alternative to traditional permittee-responsible compensatory 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/or preserving wetlands and other aquatic resources. These credits can then be sold to future permit applicants who need to offset the adverse environmental impacts of projects with wetland and aquatic resource impacts that would occur within the banks' designated and agency approved "service area". The document that details the bank process is the Mitigation Bank Instrument (MBI). The MBI is a legal document that is created in cooperation with the Interagency Review Team (IRT), which includes the Corps and Ecology, as Co-Chairs, and may also include the Environmental Protection Agency, and other Federal, Tribal, State and local agencies. The MBI contains the legal language between the bank sponsor and the agencies, and the technical and procedural elements of constructing, operating, and maintaining the bank. The first stage of developing an MBI is reviewing the Prospectus of the mitigation bank proposal.

PROJECT DESCRIPTION: The purpose of this public notice is to receive public comment on the Prospectus for this proposed mitigation bank. The specific design for the bank site has not yet been developed. The extent of existing wetlands is unknown pending a wetland delineation and Corps confirmation. In the Prospectus entitled *Keller Farm Mitigation Bank Project Prospectus* dated May 21, 2015, the conceptual goals of the mitigation bank are to: restore wetland hydrology and create a variety of wetland hydroperiods (ie., seasonal patterns of ponding depth and duration); re-establish native plant species richness and structural diversity in wetlands, project buffers, and riparian areas; reconnect segments of Bear and Perrigo Creeks with their floodplains and re-establish channel complexity; increase habitat structure, function, and complexity; and improve water quality in wetlands and creeks (see attached Figure 3 Conceptual Design Figure). The project also proposes to establish off-channel rearing and refuge areas for salmonids, and relocate a segment of Perrigo Creek from a straightened ditch. The mitigation bank sponsors estimate there is the potential to re-establish, restore, and enhance approximately 79 acres of wetland. The existing water main located in the central portion of site will remain. The project proposes to include an easement for a multi-use trail that is being proposed by the City of Redmond through the southwestern portion of the bank site (exact location to be determined).

The Bank project may also be reviewed by the National Oceanic and Atmospheric Administration /National Marine Fisheries Service (NMFS) as a fish conservation bank for Section 7 actions under the Endangered Species Act (ESA). If NMFS signs the MBI, the bank will be approved to provide compensatory mitigation, when appropriate, for impacts to species within their jurisdiction. In addition, the U.S. Fish and Wildlife Service (USFWS) may consider the bank, if authorized, for ESA Section 7 mitigation requirements to address impacts to species within their jurisdiction.

The Prospectus is available for review at the above-listed Corps and Ecology offices, and at Redmond City Hall, Development Services Center, 15670 Northeast 85th Street, Redmond, Washington 98052. The Prospectus can be downloaded at the following internet addresses:

http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/public-notices.html

http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PublicNotices.aspx

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 a service area for this bank that would encompass all portions of WRIA 8 up to an elevation of 2,500 feet, down to the Chittenden Locks on the Lake Washington Ship Canal (see attached Figure 4 Service Area). We are seeking comments on the proposed service area. The proposed service area may be increased or decreased based on public and IRT comments.

PURPOSE: The purpose of the mitigation bank is to provide compensatory mitigation for 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 the IRT to develop the MBI in accordance with the federal mitigation rule, 33 CFR Parts 325 and 332 and 40 CFR Part 230, *Compensatory Mitigation for Losses of Aquatic Resources;* and the state rule, Chapter 173-700 WAC, *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 websites:

http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html

http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/Mitigation.aspx

If you are interested in receiving updates from the Washington State Department of Ecology concerning wetland mitigation banking in the State, please join their e-mail list at:

http://www.ecy.wa.gov/programs/sea/wetlands/maillist.html

ENDANGERED SPECIES: The ESA requires Federal agencies to consult with the NMFS and/or USFWS 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 evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

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). 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.

CULTURAL RESOURCES: A historic properties investigation will be conducted within the proposed mitigation bank site area and will be coordinated with the Washington Department of Archaeology and Historic Preservation. The Corps will review the latest published version of the National Register of Historic Places, lists of properties determined eligible for the historic register, and other sources of information. The Corps 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 mitigation bank 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 the IRT to determine 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 public notice 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 mitigation bank name and reference number as shown below. Either conventional mail or e-mail comments must include the mitigation bank name and reference number, as shown below, and the commentator's name, address, and phone number. All comments, whether conventional mail or e-mail, must reach the Corps and Ecology no later than the expiration date of this public notice to ensure consideration.

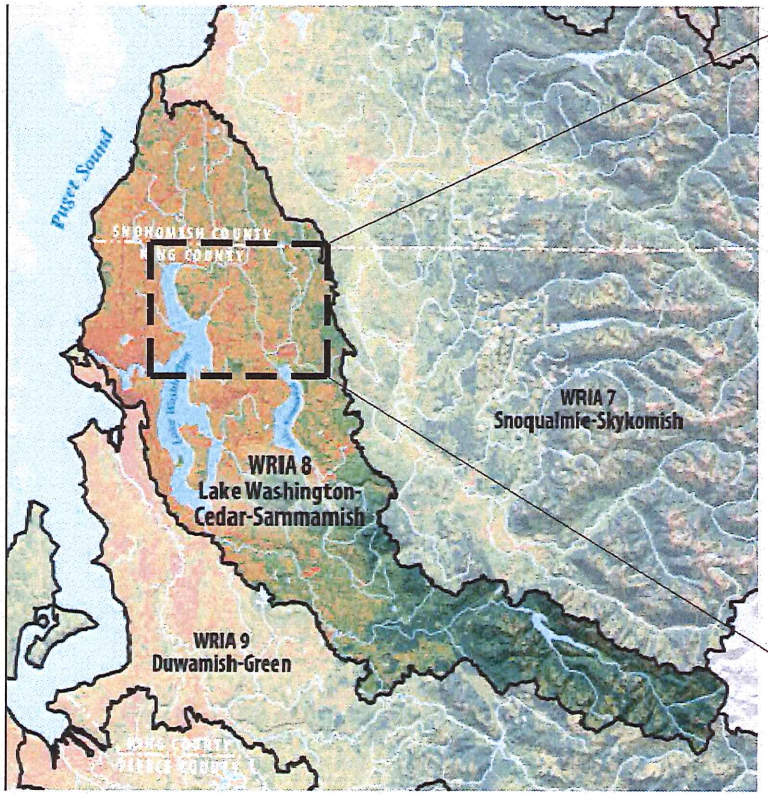
CORPS COMMENTS: All e-mail comments should be sent to suzanne.l.anderson@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Suzanne Anderson, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of 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: All e-mail comments should be sent to kath461@ecy.wa.gov. Conventional mail comments should be sent to: Washington State Department of Ecology, Attention: Kate Thompson, P.O. Box 47600, Olympia, Washington 98504-7600.

MITIGATION BANK NAME AND REFERENCE NUMBER: To ensure proper consideration of all comments, responders must include the following mitigation bank name and reference number in the text of their comments: Keller Farm Mitigation Bank; NWS-2015-414.

Figures (4)



SOURCE: HTTP://WWW.GOVLINK.ORG/WATERSHEDS/8/

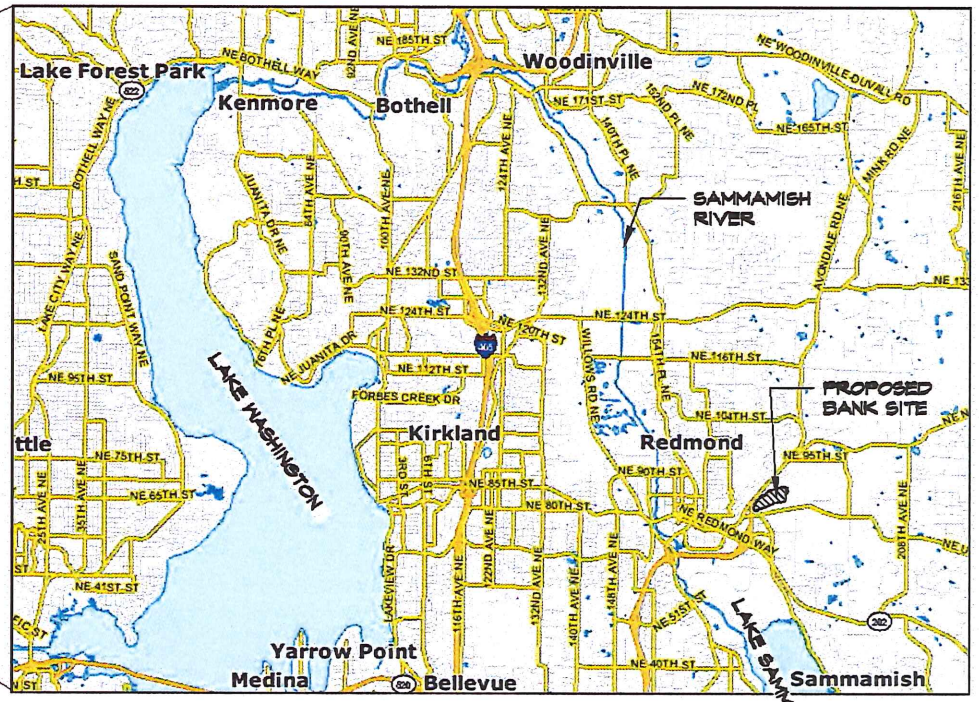


IMAGE SOURCE: KING COUNTY IMAP,
HTTP://WWW.KINGCOUNTY.GOV/OPERATIONS/GIS/MAPS/IMAP.ASPX
(ACCESSED 12 FEB 2015)

NORTH

NWS-2015-414

TALASAEA CONSULTANTS, INC.
Resource & Environmental Planning
15020 Bear Creek Road Northeast
Woodinville, Washington 98077
Bus (425)881-7550 – Fax (425)881-7549

FIGURE #1
VICINITY MAP
KELLER FARM MITIGATION BANK
REDMOND, WASHINGTON

DESIGN	DRAWN	PROJECT
	ABS	960D

SCALE: NTS
DATE: 2-27-2015
REVISED

1

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IMAGE SOURCE: KING COUNTY IMAP,
HTTP://GISMAPS.KINGCOUNTY.GOV/IMAP (ACCESSED 5/20/2015)

TALASAEA
CONSULTANTS, INC.
Resource & Environmental Planning
15020 Bear Creek Road Northeast
Woodinville, Washington 98077
Bus (425)861-7550 - Fax (425)861-7549

FIGURE #2
PARCEL MAP

NWS-2015-414

KELLER FARM MITIGATION BANK
REDMOND, WASHINGTON

DESIGN	DRAWN	PROJECT
	ABS	960D

SCALE: NTS
DATE: 2-27-2015
REVISED: 5-20-2015

2

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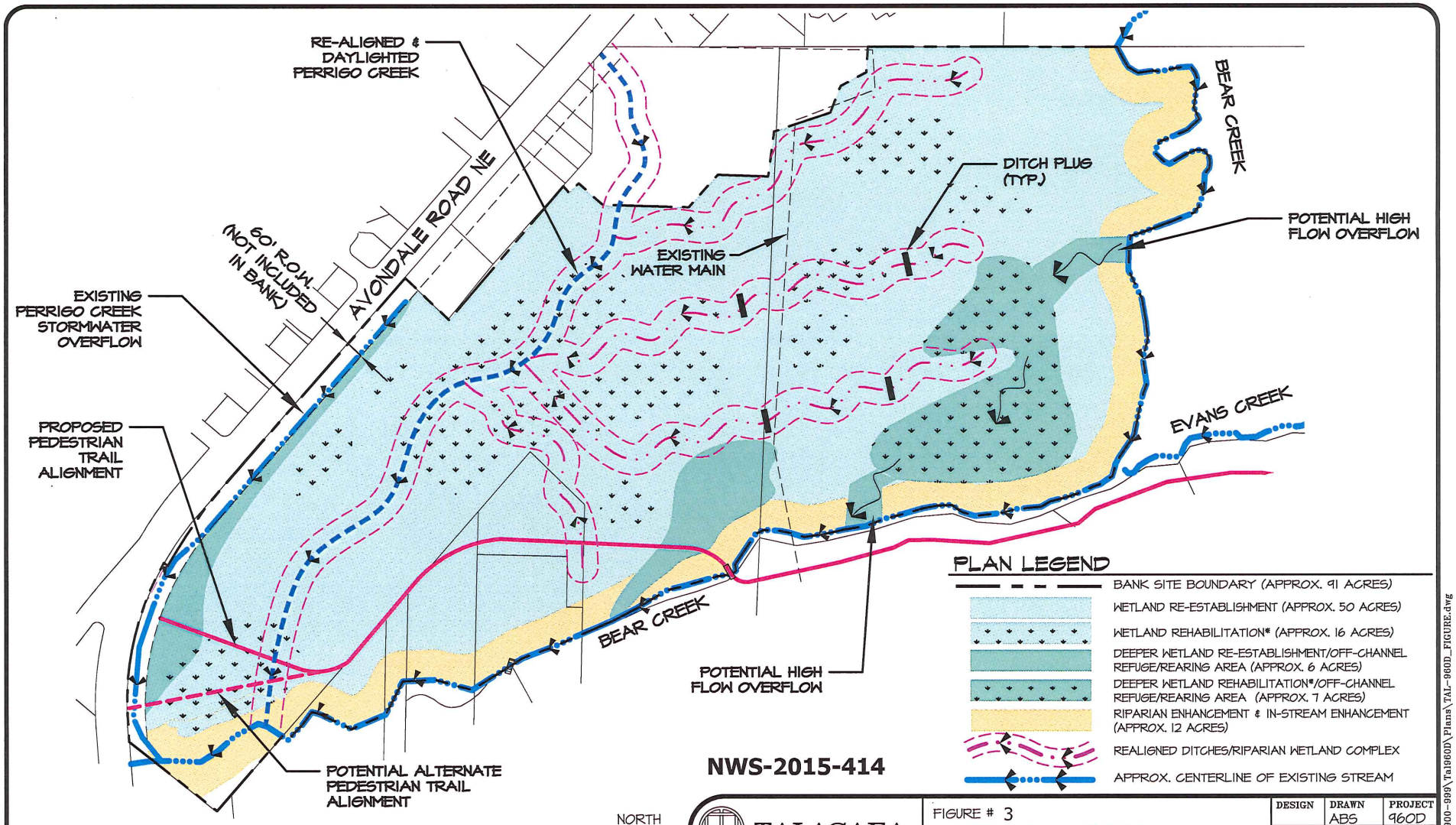

*NOTE: EXISTING WETLANDS ACREAGE AND WETLAND REHABILITATION AREAS ARE BASED OFF OF A 2008 ESTIMATE FOR WETLAND ACREAGE ON THE SITE. A WETLAND DELINEATION WILL BE PERFORMED ON THE SITE IN 2016 TO DETERMINE THE CURRENT AND CORRECT AMOUNT OF EXISTING WETLAND AREA

NORTH

TALASAEA CONSULTANTS, INC.
Resource & Environmental Planning
15020 Bear Creek Road Northeast
Woodinville, Washington 98077
Bus (425)861-7550 - Fax (425)861-7549

FIGURE # 3
CONCEPTUAL BANK SITE DESIGN
KELLER FARM MITIGATION BANK
REDMOND, WASHINGTON

DESIGN	DRAWN	PROJECT
	ABS	960D

SCALE: NTS
DATE: 2-27-2015
REVISED: 5-20-2015
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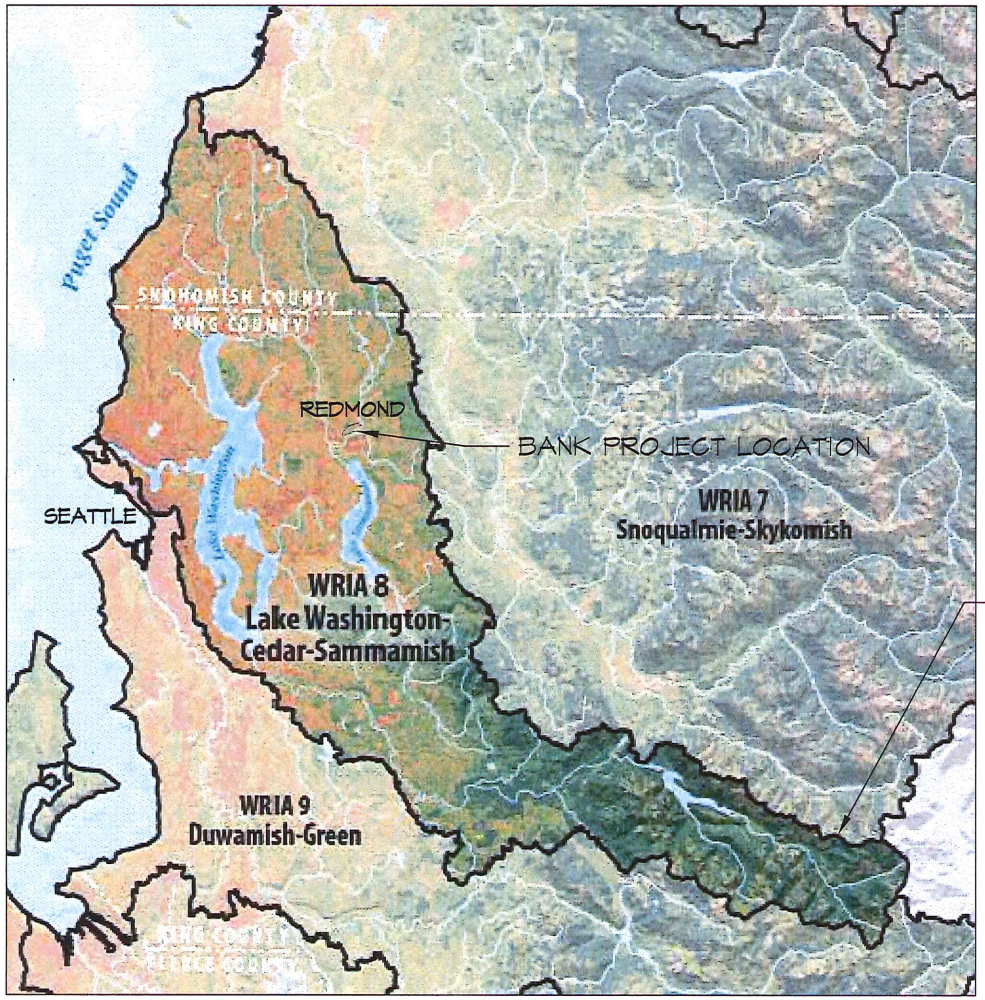

Legend

Developed Areas
- City Center & Rock
- Industrial & Commercial
- High Density Urban
- Medium Density Urban & Suburban
- Bare Ground/Clearcut

Vegetation
- Grass
- Scrub & Shrub
- Deciduous Forest
- Mixed Forest
- Conifer Forest

Other
- Open Water
- Bare Rock
- Shadow
- WRIA Boundary
- County Boundary

SERVICE AREA BOUNDARY
(WRIA 8 BOUNDARY)

NWS-2015-414

SOURCE:
HTTP://WWW.GOVLINK.ORG/WATERSHEDS/8/

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TALASAEA CONSULTANTS, INC.
Resource & Environmental Planning
15020 Bear Creek Road Northeast
Woodinville, Washington 98077
Bus (425)861-7550 – Fax (425)861-7549

FIGURE # 4
PROPOSED BANK SERVICE AREA
KELLER FARM MITIGATION BANK
REDMOND, WASHINGTON

DESIGN	DRAWN	PROJECT
	ABS	960D

SCALE: NTS
DATE: 2-27-2015
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