



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Proposal for a Wetland Mitigation Bank

### US Army Corps of Engineers

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ATTN: Kate Thompson

Public Notice Date: April 20, 2010

Expiration Date: May 19, 2010

Reference No.: NWS-2009-907

Name: City of Ocean Shores  
Wetland Mitigation Bank

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington State Department of Ecology (Ecology) are considering a proposal to establish the City of Ocean Shores Wetland Mitigation Bank (Bank), in Grays Harbor County, Washington. A prospectus describing the proposed mitigation bank has been received from the bank sponsor, the City of Ocean Shores, dated February 23, 2010, and titled *Prospectus for the City of Ocean Shores Wetland Mitigation Bank*.

**BANK SPONSOR** – City of Ocean Shores  
ATTN: Ms. Alicia Bridges  
800 Anchor Ave. NW  
Post Office Box 909  
Ocean Shores, WA 98569  
(360) 289-2754 ext. 116

**LOCATION** – The proposed Bank would be located on the Ocean Shores Peninsula, in the City of Ocean Shores, Grays Harbor County, Washington, approximately four miles south of the City entrance and south of Ocean Lake Way and Overlake Street. It is located in Section 11, Township 17 North, and Range 12 West on the Willamette Meridian at latitude 46° 58' 55" N, longitude 124° 8' 56" W. The project location is shown on the attached Figure 1.

The proposed bank site is approximately 120 acres and is owned by the City of Ocean Shores. The site includes one parcel (parcel number 617121121000). This parcel includes approximately an 11 acre section of mature forest east of Duck Lake, a 29 acre portion of Duck Lake, an 8 acre peninsula, and a 70 acre section of wetland and mature forest west of Duck Lake (Figure 2).

**MITIGATION BANKING** – Wetland mitigation banks provide an alternative to traditional, concurrent, compensatory wetland mitigation by offering an opportunity to implement compensatory mitigation at a regional scale in advance of impacts. "Credits" are established at mitigation banks by restoring, creating, enhancing and/or preserving wetlands and other natural resources. The bank sponsor can sell credits to a third party who needs to meet regulatory requirements by compensating for unavoidable wetland impacts within the bank's designated "service area."

The document that addresses the establishment and operation of the bank is the Mitigation Banking Instrument (MBI). The MBI is a contract that is developed by the bank sponsor in cooperation with the Interagency Review Team (IRT), which includes federal agencies, Indian Tribes, and state and local agencies. The MBI contains the legal contract between the bank sponsor and IRT, and the technical and procedural elements of constructing, operating, and maintaining the bank. Prior to development of the MBI, a prospectus is submitted to the IRT to determine whether the bank is feasible and appropriate for offsetting unavoidable wetland impacts. The Corps and Ecology are publishing this public notice to request comments on the *Prospectus for the City of Ocean Shores Wetland Mitigation Bank*.

PROJECT DESCRIPTION –

The City of Ocean Shores seeks federal approval and state certification of their Bank as a wetland mitigation bank. Certification of the Bank by the IRT as a wetland bank and establishment of its value for wetland credits would allow the Bank to offer compensatory mitigation for unavoidable impacts to wetlands and other aquatic resources.

A wetland delineation was conducted on the western and peninsula portions of the Weatherwax property and a wetland reconnaissance was conducted on the eastern portion of the property. Existing wetlands were delineated using the Corps' Wetland Delineation Manual and Ecology's Washington State Wetland Identification and Delineation Manual and rated using the Washington State Wetland Rating System for Western Washington.

The Weatherwax property is the last remaining large, undeveloped segment of land in the City of Ocean Shores. The 120 acre property contains approximately 11 acres of mature forest to the east of Duck Lake. Approximately 29 acres of Duck Lake is contained within the property, and in the middle of which is an 8 acre peninsula (known as "the Point") of mixed scrub-shrub and forested upland with 1,427 linear feet of Category III lake-fringe wetlands. The Point was primarily created by dredging of Duck Lake in the early 1970's. The western shore of Duck Lake contains 2,640 linear feet of Category III lake-fringe wetlands. West of here is located approximately 20 acres of mature forest with ground elevation increasing 10-12 feet to a relict sand berm. To the west is a utility easement of approximately 2 acres running north and south. West of the easement the mature forest continues for about 50 more acres with a gradual decrease in elevation to the western property line. There are over 17 acres of Category I depressional wetlands in this section of mature forest. See Figures 2 and 6 for a map of existing conditions and the wetland delineation on the proposed bank site.

This property is part of a mature interdunal wetland system with upland mosaic area. A relict 10-12 foot sand berm indicative of a possible past shoreline runs north to south through the western portion of the property. The property contains characteristics of two Washington Department of Fish and Wildlife Priority Habitats: Old Growth/Mature Forests and Biodiversity Area/Corridor.

The City purchased the undeveloped property in 1999 after the City was fully platted. City zoning maps show the property as single family residential. The upland, western portion of the property contains primitive walking trails. A sign board and archway at Overlake Street mark the entrance to the trails. There are no buildings or structures located on the property. Adjacent properties located along the eastern, central, and southwestern boundaries are zoned single-family residential, and are a mix of developed and undeveloped lots. The northern and western adjacent land uses include a mix of commercial development.

The Weatherwax property would be preserved so that fragmented, lower quality wetlands and buffers impacted within the city limits could be mitigated for with higher quality, contiguous wetlands and uplands. Rather than providing on-site mitigation on small lots, with limited ability to improve wetland functions, the Bank would provide an opportunity to protect high value wetlands that would otherwise be threatened by development.

The property contains high functioning wetland and upland habitat; therefore, the applicant proposes no changes or ground-disturbing activities within the bank area at this time. There will be no wetland design effort required or need for a design team. However, it is possible that in the future the Point could be a wetland establishment and/or enhancement site. There is an opportunity to enhance approximately 4,000 linear feet of Category III lake-fringe wetland. The mitigation credits for the Bank would be generated by preserving wetlands and mature forest.

A more detailed description of the proposal is included in *Prospectus for the City of Ocean Shores Wetland Mitigation Bank*, dated February 23, 2010. This prospectus is available for review at the above-listed Corps office and the Department of Ecology Headquarters and can be downloaded at the following internet addresses:

[http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Public Notices](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Public%20Notices)

[www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/public-notice.html](http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/public-notice.html)

**SERVICE AREA** – The service area of a mitigation bank is the geographic area over which credits may be used for compensatory mitigation. The proposed service area for the Bank is the corporate city limits of Ocean Shores. Figure 5 depicts the proposed service area for the Bank. The proposed service area may be increased or decreased based on public and IRT comments.

Location of an impact project within the service area of a bank does not mean applicants receive automatic approval from permitting agencies to mitigate at the bank. All projects are reviewed on a case-by-case basis for suitability of the proposed mitigation by each agency that regulates wetland impacts.

**PURPOSE** – The purpose of the Bank is to preserve and protect the property from the threat of destruction or adverse modification by development and to provide compensatory mitigation for unavoidable wetland impacts occurring within the corporate city limits of Ocean Shores. The bank will be used primarily to compensate for impacts to interdunal wetlands.

**ADDITIONAL INFORMATION** – The bank sponsor will work with the IRT to develop the Mitigation Bank Instrument in accordance with 33 CFR Part 325 and 332 *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*, dated April 10, 2008; Ecology's wetland mitigation bank certification rule, *Wetland Mitigation Banks Rule, Chapter 173-700 WAC*; and other applicable federal, state, and local requirements.

Based on a preliminary evaluation of the prospectus by the Corps and Ecology, the Bank will not require Department of the Army authorization or Department of Ecology certification under Section 404 and Section 401 of the Clean Water Act, respectively. This is because no discharge of dredge or fill material into waters of the United States is proposed at this time.

For additional information on wetland mitigation banks within Washington State, please refer to the following internet address:

[www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html](http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html)

**ENDANGERED SPECIES** – Pursuant to the requirements of the Endangered Species Act of 1973 (ESA), the Corps must assess the potential impacts of its actions on species listed, or proposed for listing, as threatened or endangered under the ESA. The marbled murrelet (*Brachyramphus marmoratus*), threatened; northern spotted owl (*Strix occidentalis caurina*), threatened; and Oregon silverspot butterfly (*Speyeria zerene hippolyta*), threatened; are known to occur in the vicinity of the project area. In addition, there is critical habitat in the vicinity of the project area for marbled murrelet and northern spotted owl.

Tide gates located at the south end of Duck Lake prevent fish access to the lake. The Corps has determined that there will be no affect on listed species and/or critical habitat from the proposed preservation mitigation bank because no ground-disturbing activities are associated with the proposal.

If ground-disturbing activities are proposed for future wetland establishment and/or enhancement, the Corps will request consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the ESA, if applicable.

ESSENTIAL FISH HABITAT – The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires Federal agencies to consult with the NMFS on all actions, or proposed action, permitted, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). The Corps has determined that no EFH for groundfish, coastal pelagic fish, and Pacific salmon occurs in the action area.

CULTURAL RESOURCES: Currently, no ground-disturbing activities are anticipated for this project; however, ground-disturbing activities may occur in the future in association with wetland establishment and enhancement of lacustrine wetlands located on the Point and along the Duck Lake shoreline. Possible enhancement activities may include excavation and installation of plants. The District Engineer will review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information, if and when ground-disturbing activities are proposed.

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.

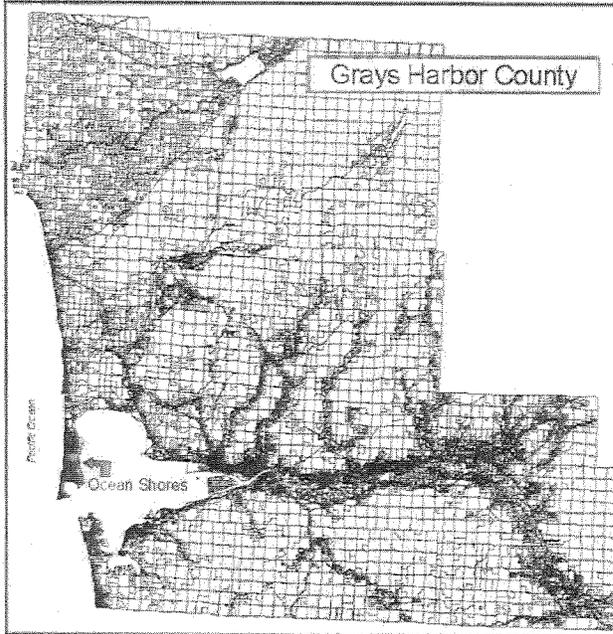
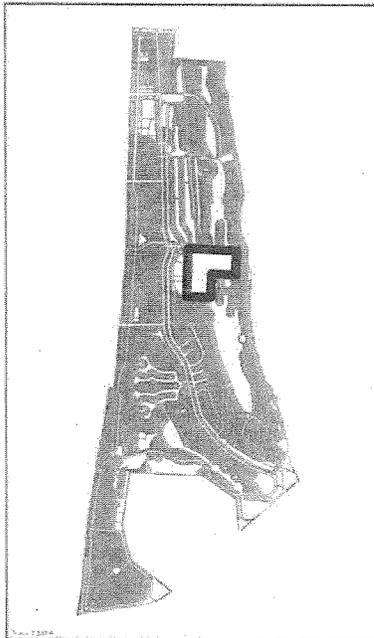
EVALUATION – The Corps and Ecology are soliciting comments from interested parties, including public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to identify project aspects that need to be addressed during the mitigation bank review process and the development of the MBI. Public comments will assist in developing facts upon which to base a decision by IRT 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-2009-907. All e-mail comments should be sent to [gail.m.terzi@usace.army.mil](mailto:gail.m.terzi@usace.army.mil) at the Corps and/or [kate.thompson@ecy.wa.gov](mailto:kate.thompson@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 "City of Ocean Shores Wetland Mitigation Bank, NWS-2009-907" and the commenter's name, address, and phone number. All comments whether e-mail or conventional mail must reach the office no later than the expiration date of this public notice to ensure consideration.

Prospectus for the City of Ocean Shores Wetland Mitigation Bank  
NWS-2009-907

Encl: Figures (4)

# Project Site Vicinity Map Grays Harbor County



 Proposed Bank Site

FIGURE 1 -- Weatherwax Property Within Grays Harbor County and Ocean Shores

	<p><b>City of Ocean Shores</b> P.O. Box 909 - Ocean Shores, WA 98569 (360) 289-2754 - Fax # (360) 289-2022</p>	<p>This map prepared by the City of Ocean Shores Engineering Department G.I.S. / July 17, 2009</p>
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Ocean Shores Wetland Mitigation Banking Prospectus

<p><b>Reference:</b> NWS-2009-907 <b>Proposed:</b> Mitigation Bank <b>Prospectus Date:</b> February 23, 2010 <b>Figure Revised:</b> April 12, 2010</p>	<p><b>At:</b> Weatherwax Property <b>County:</b> Grays Harbor <b>State:</b> WA <b>Page</b> 1 of 4</p>
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# Project Site Vicinity Map Neighborhood

1 in = 500 ft



**PUD  
Easement**

See Figure 6 (Page 4 of 4) for  
wetland delineation for area  
west of PUD Easement

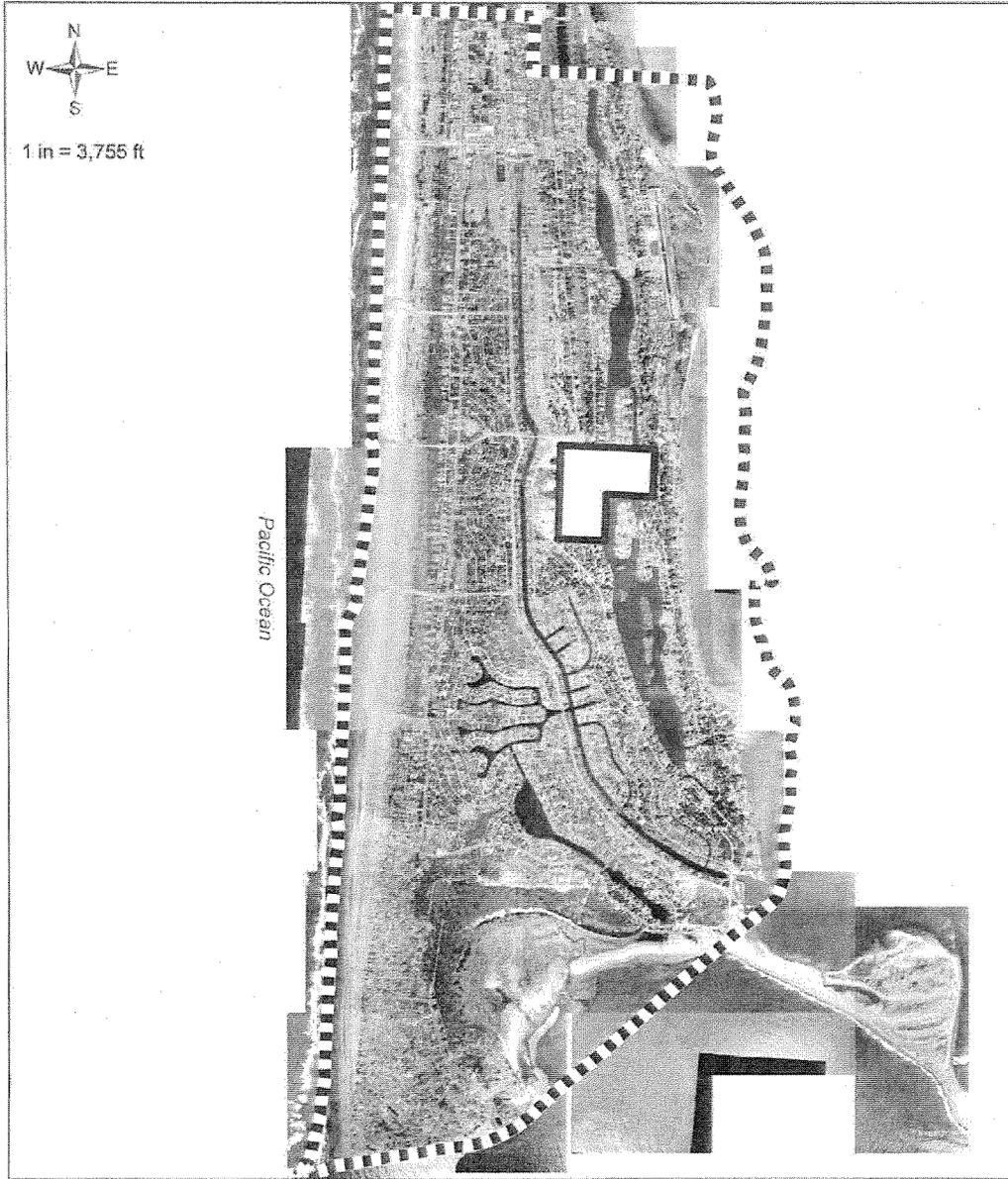
FIGURE 2 -- Weatherwax Property, Wetland Areas, and Easement

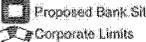
	<b>City of Ocean Shores</b>	This map prepared by the City of Ocean Shores Engineering Department G.I.S. / July 17, 2009	<input type="checkbox"/> Proposed Bank Site
	P.O. Box 609 - Ocean Shores, WA 98569 (360) 269-2784 - Fax # (360) 269-2022		

Ocean Shores Wetland Mitigation Banking Prospectus

<b>Reference:</b> NWS-2009-907	<b>At:</b> Weatherwax Property
<b>Proposed:</b> Mitigation Bank	<b>County:</b> Grays Harbor
<b>Prospectus Date:</b> February 23, 2010	<b>State:</b> WA
<b>Figure Revised:</b> April 12, 2010	<b>Page 2 of 4</b>

## Project Site Vicinity Map Ocean Shores Proposed Service Area

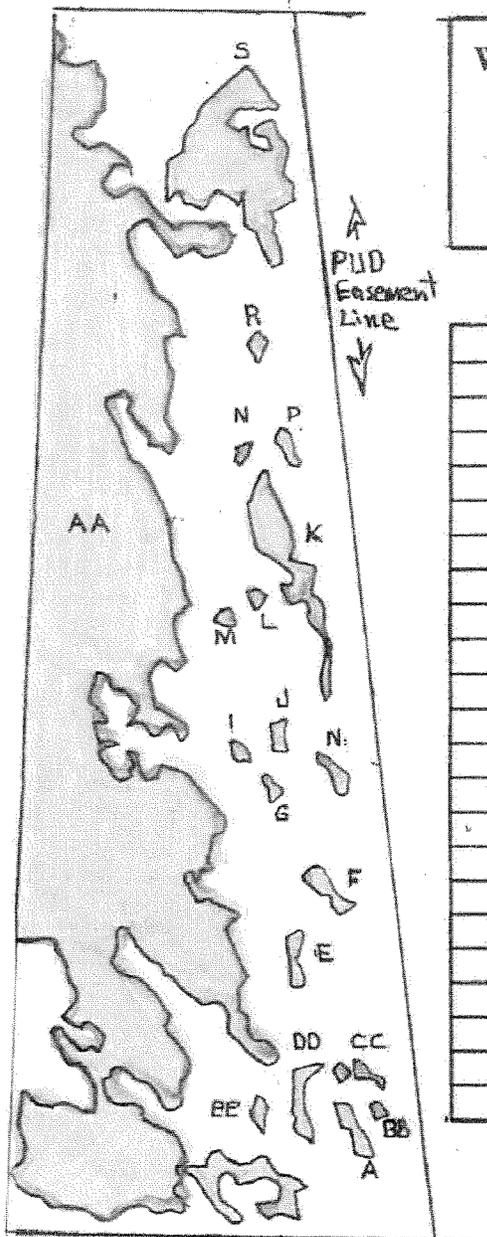


	<p><b>City of Ocean Shores</b>                  P.O. Box 909 - Ocean Shores, WA 98569                  (360) 289-2794 - Fax # (360) 289-2022</p>	<p><small>This map prepared by the                  City of Ocean Shores                  Engineering Department                  On 8 July 11, 2009.</small></p>	
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**FIGURE 5 -- Proposed Service Area**

Ocean Shores Wetland Mitigation Banking Prospectus

<p><b>Reference:</b> NWS-2009-907  <b>Proposed:</b> Mitigation Bank  <b>Prospectus Date:</b> February 23, 2010  <b>Figure Revised:</b> April 12, 2010</p>	<p><b>At:</b> Weatherwax Property  <b>County:</b> Grays Harbor  <b>State:</b> WA  <b>Page</b> 3 of 4</p>
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**Weatherwax Wetland Mitigation Bank**  
**Jurisdictional Wetland Analysis**  
**AMEC Earth & Environmental, Inc.**  
**February 26, 2006**

**Summary of Delineated Wetland Areas**

Wetland	Size (acres)	Rating <sup>12</sup>
A	0.06	1
B	0.12	1
C	Shoreline	1
D	Shoreline	3
E	0.05	1
F	0.09	1
G	0.01	1
H	0.03	1
I	0.01	1
J	0.03	1
K	0.47	1
L	0.01	1
M	0.01	1
N	0.01	1
P	0.04	1
R	0.03	1
S	1.29	1
AA	14.97	1
BB	0.09	1
CC	0.02	1
DD	0.01	1
EE	0.03	1

City of Ocean Shores  
Wetland Mitigation Banking  
Prospectus

**FIGURE 6 -- Delineated Wetland Areas**  
This is only a portion of the proposed site. A full delineation will be completed prior to final approval of the project

<b>Reference:</b> NWS-2009-907	<b>At:</b> Weatherwax Property
<b>Proposed:</b> Mitigation Bank	<b>County:</b> Grays Harbor
<b>Prospectus Date:</b> February 23, 2010	<b>State:</b> WA
<b>Figure Revised:</b> April 12, 2010	<b>Page</b> 4 of 4