



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Proposal for a Wetland Mitigation Bank

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Public Notice Date: January 6, 2011
Expiration Date: February 5, 2011
Reference No.: NWS-2011-0023
Name: Chehalis Basin 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 Chehalis Basin Mitigation Bank, in Chehalis, Washington.

BANK SPONSOR – Bob Sokolove
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LOCATION – The proposed project is an umbrella mitigation bank, meaning that more than one mitigation site will be included in the bank, but all sites will be operated under the same provisions of one legal contract known as the Mitigation Bank Instrument (MBI). New sites may be added over time to an umbrella bank as amendments to the MBI, following public review and agency approval.

At this time, two sites are being proposed for inclusion in the mitigation bank: the National Avenue Site and the Hanaford Valley Site. The two sites total approximately 295 acres and are located within the Upper Chehalis River Basin (Water Resource Inventory Area [WRIA] 23). The site locations are identified on the enclosed figures and are described below.

The National Avenue Site is comprised of six parcels, totaling 97.14 acres. Owners of the parcels include the City of Chehalis (parcel 00560583005), Lewis County (parcel 005605083008), and K & K Adventures LLC (parcels 005605083006, 005605083007, 005605085001, and 005606003006). The site is situated east of the Burlington Northern Santa Fe Railroad, west of National Avenue, and south of the Lewis County Fairgrounds in the City of Chehalis. It is located at the boundary of the Coal and Salzer Creek sub-basins in WRIA 23. This site is in Section 20 of Township 14 North, Range 2 West.

The Hanaford Valley site is comprised of 11 parcels totaling 197.88 acres, all owned by TransAlta Centralia Mining, LLC. These include parcels 125234203000, 12523440000, 023428000000, 023434002010, 023434002014, 023434002011, 023434002007, 023432003003, 023439001001, 023438001000, 023431000000, and 023436000000. This site is located in the Hanaford Valley west of the Centralia Steam Plant, and includes acreage in both Lewis and Thurston Counties. The site lies in the floodplain of Big Hanaford Creek, a tributary to the Skookumchuck River in WRIA 23. The site is in Section 30 of Township 15 North, Range 1 West and Sections 23, 25, and 26 of Township 15 North, Range 2 West.

All parcels involved in the Chehalis Basin Mitigation Bank will remain the property of the current landowners throughout the construction phase of the bank development. The bank sponsor has entered into contracts with the landowners to develop a mitigation bank on the described parcels. Landowners entered into these contracts with the expressed condition that a conservation easement will be placed on the property and all future uses must be consistent with the easement.

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/or 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 and agency approved “service area”. The document that addresses the bank process is the MBI. The MBI is a contract that is created in cooperation with the Interagency Review Team (IRT), which includes the Corps, Environmental Protection Agency, Ecology, and other federal, tribal, state and local agencies. The MBI contains the legal contract between the bank sponsor and the agencies, and the technical and procedural elements of constructing, operating, and maintaining the bank. For an umbrella mitigation bank, a single MBI applies to all sites and provides authorization to potentially add additional bank sites over time, with each new site to be approved by the IRT.

The specific designs for the bank sites have not yet been developed. The extent of existing wetlands on the sites is unknown pending a wetland delineation and Corps confirmation. The following conceptual design goals are proposed for both sites: 1) improve hydrologic, water quality, and habitat functions at the sites; and 2) provide self-sustaining wetland and stream complexes that will not require maintenance.

To achieve these goals, the following objectives are proposed for the National Avenue Site:

- 1) restore typical creek and floodplain conditions by re-aligning and re-configuring the onsite, channelized section of Coal Creek;
- 2) improve functionality of Salzer and Coal Creeks and their wetland floodplain by filling or modifying existing ditches, allowing for improved water treatment and baseflow support functions;
- 3) improve functionality of Salzer Creek by restoring floodplain topography in the parcel located east of National Avenue; and
- 4) enhance native plant communities within the site, and provide conditions on site that will support self-sustaining, native-dominated vegetation communities.

The following objectives are proposed for the Hanaford Valley Site:

- 1) restore floodplain hydrologic conditions by filling ditches, removing fill (sediment pond berms), and minor grading as needed;
- 2) improve hydrologic, water quality, and habitat functions of the Hanaford Valley floodplain by re-establishing native plant communities;
- 3) preserve existing mature Oregon ash forested wetlands via conservation easement by restoring native plant communities to the surrounding floodplain to provide buffering; and
- 4) expand previous landscape-scale floodplain restoration efforts and provide conditions on site that will support self-sustaining, native dominated vegetation communities.

We are seeking comment on the proposed goals, objectives and conceptual design of the project. A more detailed description of the proposal is available in *Chehalis Basin Mitigation Bank Prospectus*, dated November 2010. This prospectus is available for inspection at the above-listed Corps office and the Department of Ecology Headquarters and can be downloaded at the following Internet addresses:

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

http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Public_Notices

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 of the Upper Chehalis River Basin (WRIA 23). We are seeking comments on the proposed service area. The proposed service area may be increased or decreased based on public comments and comments from the IRT. Figure 2 shows the proposed service area for this bank.

PURPOSE – The purpose of the Chehalis Basin 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 IRT to develop the MBI in accordance with the federal 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>, or
http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Mit_Options

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>

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 (USFWS) pursuant to Section 7 of 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. 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: – 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. The District Engineer 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 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

NWS-2011-0023

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 on which to base a decision by IRT 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-2011-0023. All e-mail comments should be sent to kimberley.a.harper@usace.army.mil at the Corps, and/or bmur461@ecy.wa.gov at Ecology. Conventional mail comments should be sent to one of the addresses at the top of this public notice. Both conventional mail or e-mail comments must include "Chehalis Basin Mitigation Bank, NWS-2011-0023" 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.

Encl: 4 Figures





