



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Proposal for a Wetland Mitigation Bank

US Army Corps of Engineers  
Regulatory Branch  
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ATTN: Gail Terzi, Project Manager

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Bellevue, WA 98008  
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ATTN: Christina Merten

Public Notice Date: March 10, 2006  
Expiration Date: April 9, 2006  
Reference No.: 200600098  
Name: Skagit Environmental Bank

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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 Skagit Environmental Bank, in Skagit County, Washington.

APPLICANT – Clear Valley Environmental Farm, LLC  
1407 McLaughlin Extension Road  
Mount Vernon, WA 98273  
Telephone: (425) 515-6976

AGENT – SAME AS APPLICANT

LOCATION – The proposed Skagit Environmental Bank is located 1.5 miles northeast of the Mount Vernon urban center, outside of the city limits. The property is within the 100-year floodplain of the main stem of Nookachamps Creek and the East Fork of Nookachamps Creek. Swan Road is located to the north and Route 9 to the east of the proposed site. Barney Lake is located northwest of the proposed project. The site is located in Sections 10,11,15 and 14, of Township 34N, Range 4E, on the Mount Vernon 7.5 minute USGS quadrangle map. The site is in Washington State Water Resource Inventory Area (WRIA) 03 (Lower Skagit-Samish Watershed) south of the confluence of the Skagit River and Nookachamps Creek and within USGS Hydrologic Unit 17110007. See attached “Site Location” figure for a vicinity map and project location.

PROJECT DESCRIPTION – Clear Valley Environmental Farm, LLC proposes to construct and operate a wetland mitigation bank (Bank) on an approximately 355-acre portion of a former 805-acre dairy farm. A boundary survey will be required prior to certification of the bank (all areas in this notice are approximate). The Bank is proposed to be completed in three phases. The goal of Phase 1 is to restore wetland and floodplain hydrology to a majority of the bank site. Phase 2 will consist of excavating the high-flow channels and planting the adjacent emergent and scrub-shrub wetlands as well as the remaining portion of the bank site. This will be done after analyzing hydrologic data from Phase 1. Phase 3 will consist of completing any necessary grading and planting to achieve the desired acreage of wetland for the project. The attached “Design Plan” figure shows the conceptual design for the proposed bank project.

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, in exceptional circumstances, 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 "service area". The documents that address the bank process are the Mitigation Banking Instrument (MBI) and Memorandum of Agreement (MOA). The MBI contains the technical and procedural elements of constructing, operating, and maintaining the bank, while the MOA serves as the legal contract between the bank sponsor and the federal, state, and local agencies. The overall proposed goal of the Bank is to create a general-use, multi-client bank that will restore reaches of the main stem of Nookachamps Creek, the East Fork of Nookachamps Creek, and Mud Lake Creek and associated floodplain wetlands. The bank would be protected in perpetuity by a conservation easement.

A more detailed description of this proposal is available in *Skagit Environmental Bank – Public Notice Version of the Wetland Mitigation Bank Prospectus*, dated December 8, 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/public-notices.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 includes fresh-water wetlands within the WRIA 03. This area would exclude Islands in the Puget Sound Adjacent to WRIA 03 and all estuarine wetlands. Please see the attached "Proposed Service Area" map for the proposed service area.

**PURPOSE** – The purpose of the Skagit Environmental 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 proposed project intends to restore riverine hydrologic processes, side-channel habitat, and associated palustrine emergent, scrub-shrub, and forested wetlands. 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 Mitigation Bank Review Team (MBRT) to develop the MBI and MOA in accordance with *Federal Guidance for the Establishment, Use and Operation of Mitigation Banks* and the *State Draft Rule WAC 173-700 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 website:

<http://www.ecy.wa.gov/programs/sea/wetmitig/index.html>

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>

**CULTURAL RESOURCES:** 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. The property has been in agricultural use. Studies have shown that shallow plow layers are likely to leave historic properties undisturbed. Because of its position in the landscape (i.e. adjacent to a river), there is a high likelihood that unknown historic properties may occur in the project area.

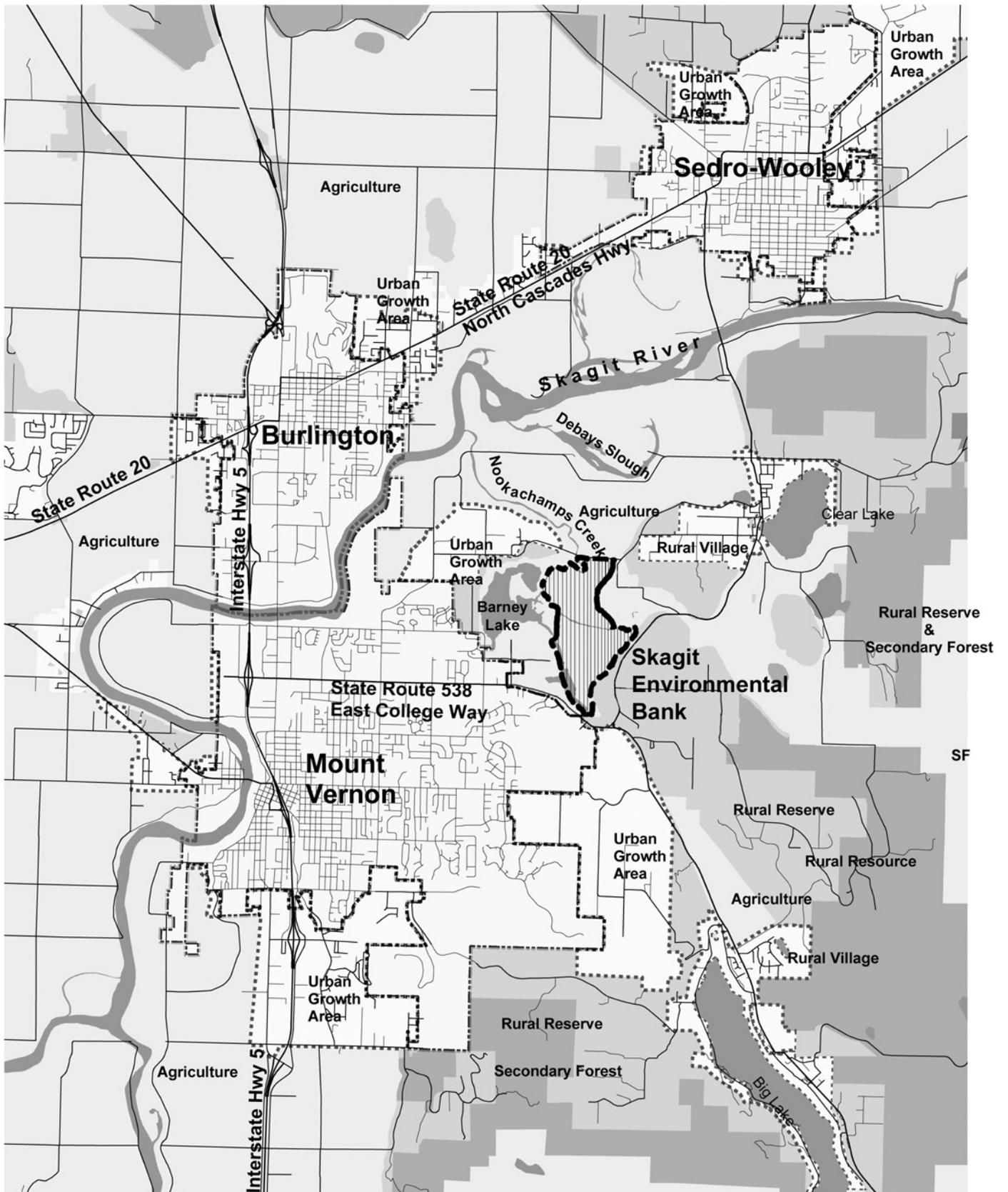
An historic properties investigation has been conducted within the permit area and will be coordinated with the Washington Department of Archaeology and Historic Preservation (DAHP). The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, 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 aspects that need to be addressed during the bank review process and in the development of the MBI and MOA. 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.

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 [chme461@ecy.wa.gov](mailto:chme461@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: Christina Merten, 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:

Skagit Environmental Bank  
200600098

Encl (3)



# Skagit Environmental Bank

## Site Location

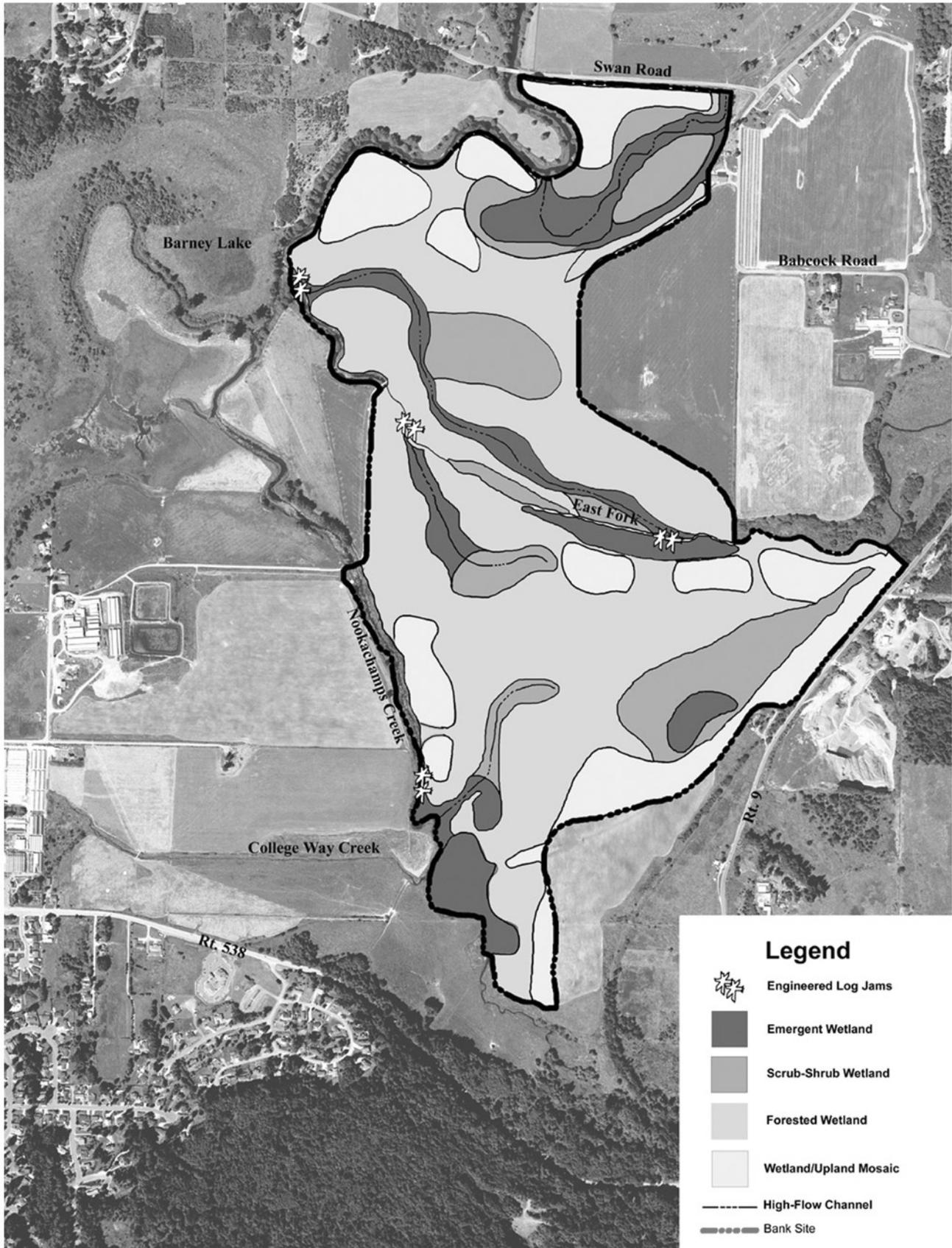
Source: Skagit County GIS/Mapping Services

Reference #200600098

Skagit Environmental Bank

Applicant: Clear Valley Environmental Farm, LLC





# Skagit Environmental Bank

## Design Plan

Reference #200600098  
 Skagit Environmental Bank  
 Applicant: Clear Valley Environmental Farm, LLC





**Skagit Environmental Bank**

Proposed Service Area - WRIA 03 - Modified

Sources: Skagit County GIS/Mapping Services, Washington State Dept. of Ecology



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