



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (360) 734-3156
ATTN: Randel Perry, Project Manager

Public Notice Date: August 8, 2012
Expiration Date: September 7, 2012
Reference: NWS-2012-602
Name: Silver Reef Casino

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated March 2012. The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA).

APPLICANT: Silver Reef Casino
4876 Haxton Way
Ferndale, Washington 98248
Attention: Mr. Chad Sherfey
Telephone: (360) 383-0777

AGENT: Northwest Ecological Services, LLC
1911 C Street
Bellingham, Washington 98225
Attention: Ms. Michelle Bodtke
Telephone: (360) 734-9484

LOCATION: In wetlands abutting an unnamed tributary of the Lummi River on the Lummi Indian nation Reservation near Ferndale, Washington.

WORK: Place fill in 2.87 acres of wetlands to construct a parking area.

PURPOSE: Provide additional parking facilities for an existing casino.

ADDITIONAL INFORMATION: The applicant proposes to fill 2.87 acres of Category III palustrine emergent wetlands to construct additional parking facilities adjacent to the existing Silver Reef Casino. Work will be conducted by mechanical equipment; temporary sediment and erosion controls will be utilized to protect downstream waters. Post-construction stormwater will be treated on-site.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and scroll down the alphabetical listing of District elements, and click on "Regulatory" and then "Regulatory – Permits" for the Seattle District's Regulatory homepage. Select the prominently displayed "Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select and view the listing for this project.

MITIGATION: As mitigation for the wetland impacts described above, the applicant proposes to purchase 2.87 credits from the Lummi Nation Wetland and Habitat Mitigation Bank.

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 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). The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES: The Corps has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

NWS-2012-602, Silver Reef Casino

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States. The fill material will be clean pit run gravel obtained from a commercial source and soils from the site.

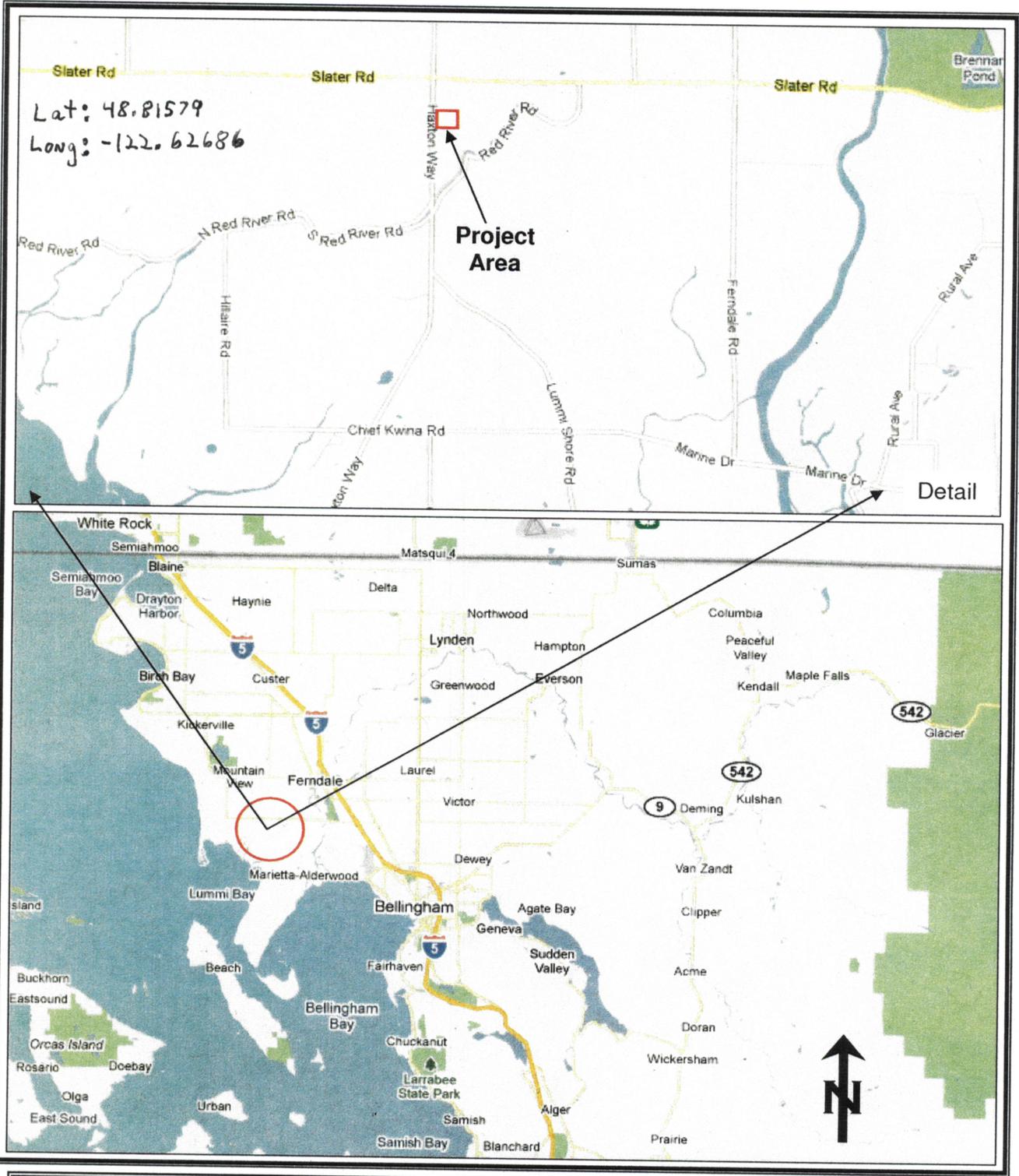
ADDITIONAL EVALUATION: The Lummi Indian Nation is reviewing this work for compliance with the applicable Federal water quality standards pursuant to Section 401 of the Clean Water Act.

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 permit applicant's name and reference number as shown below.

All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington 98124-3755. Both conventional mail and e-mail comments must include the permit applicant's 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 this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Silver Reef Casino, NWS-2012-602

Encl: 6 Figures



ECOLOGICAL



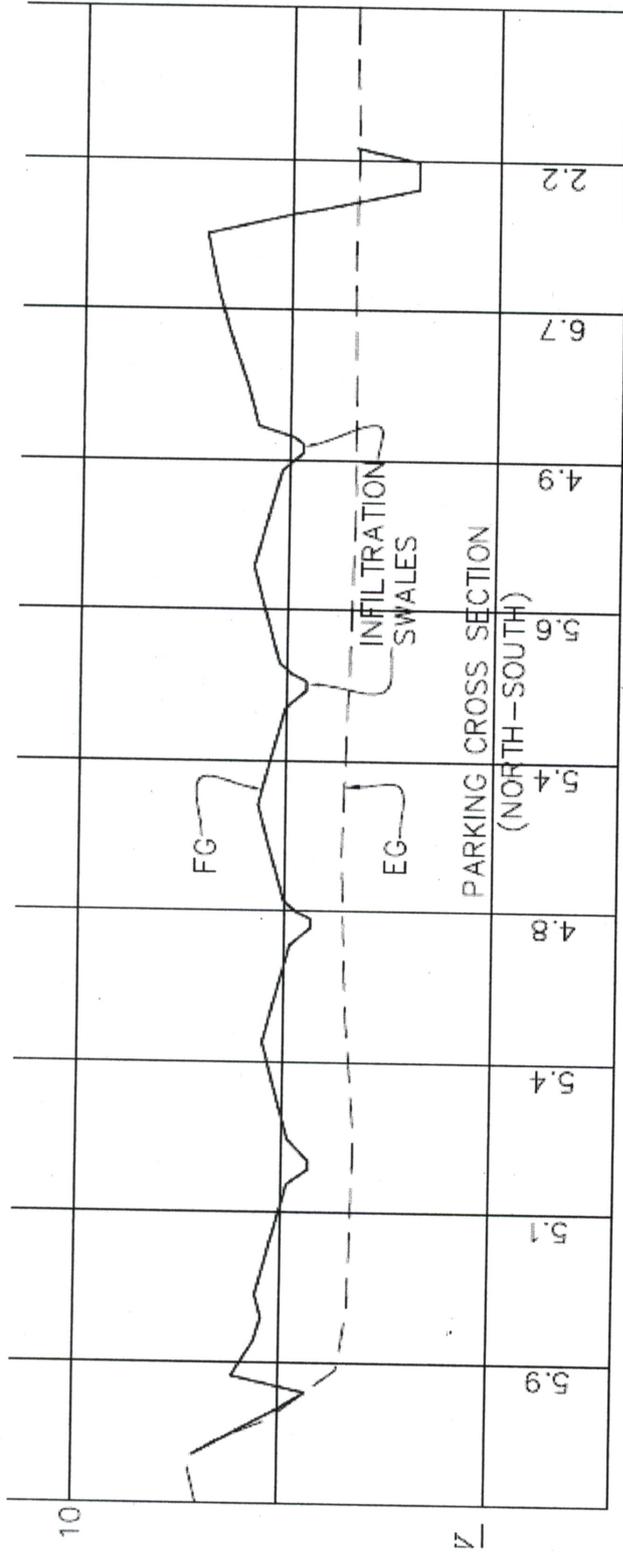
Vicinity Map
(Google Maps)

Corps Ref #
NWS-2012-602

Silver Reef Casino Parking Lot Expansion
Wetland Mitigation Report

Figure 1
of 6

March 2012



NWS-2012-602

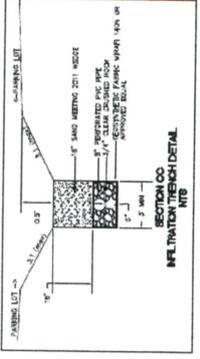
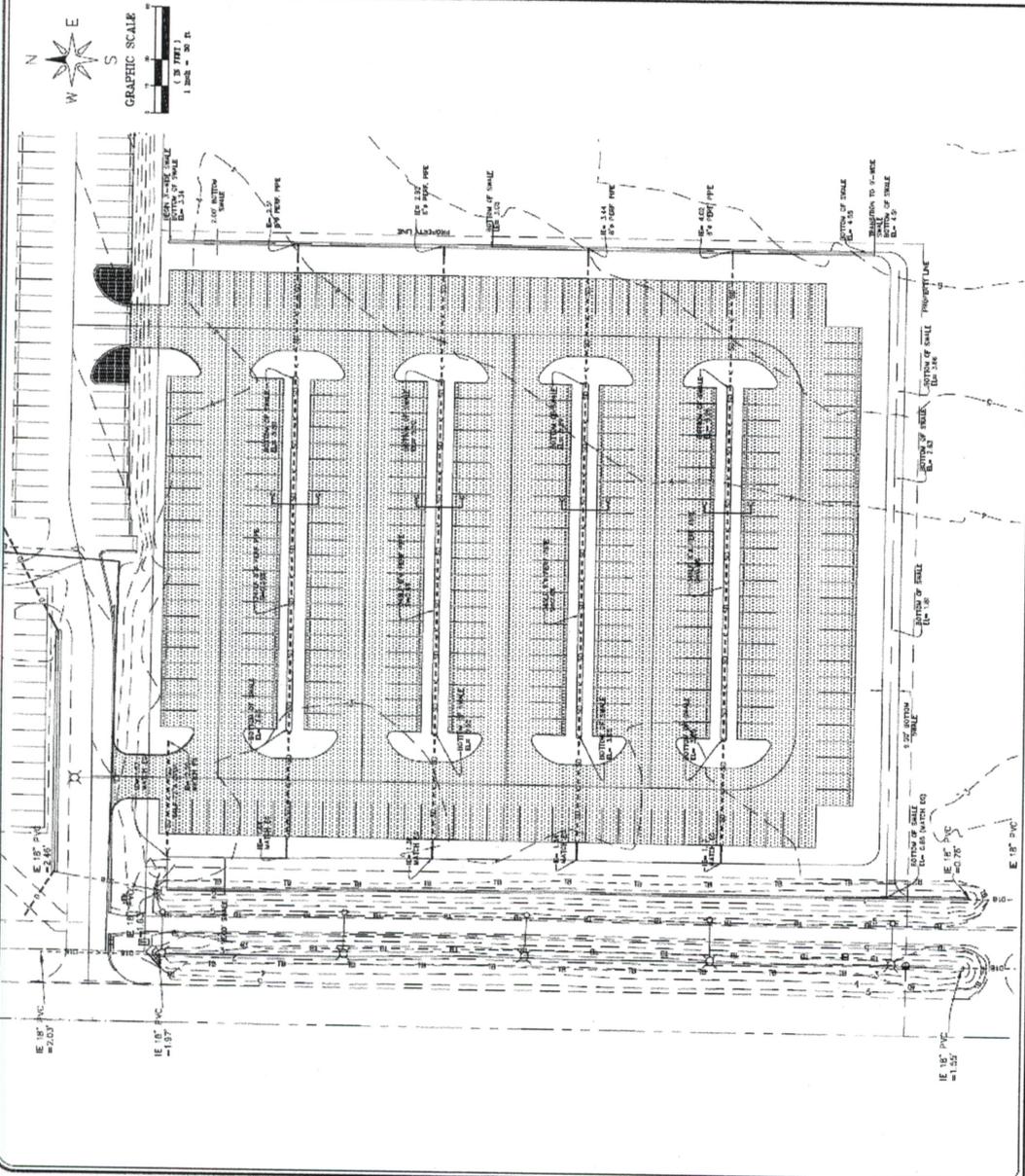


Proposed Site Plan Cross-section
(LDES, Inc.)

Silver Reef Casino Parking Lot Expansion
Wetland Mitigation Report

Figure 4
of 6

March 2012



PROJECT INFORMATION
 PARKING STALLS = 308
 IMPERVIOUS SURFACE = 103,249 SF
 PARKING PAVEMENT = 103,249 SF
 SIDEWALK/RAMP=N/A

PER NORTHWEST ECOLOGICAL SERVICES, THE WETLAND BEING FILLED
 REQUIRES 3" OF STORAGE THAT REQUIRES TO BE
 COMPENSATED.
 AREA OF WETLAND FILL= 125,094 SF
 VOLUME OF LOST STORAGE= 31,274 CF
 COMPENSATED VOLUME = 6,160 CF
 EAST DITCH= 6,160 CF
 SOUTH DITCH= 10,530 CF
 WEST DITCH= 15,600 CF
 TOTAL VOLUME= 32,290 CF

Project Information:
 Parking Stalls = 308
 Impervious Surface = 103,249 SF

Per NES the wetland being filled is providing 3" of storage that required to be compensated.
 Wetland Fill = 125,094 SF
 Volume of Lost Storage= 31,274 CF
 Compensated Volume:
 East Ditch= 6,160 CF
 South Ditch= 10,530 CF
 West Ditch= 15,600 CF
 Total Volume= 32,290 CF

DRAWN BY: [Name], DATE: [Date]
 CHECKED BY: [Name], DATE: [Date]

SILVER REEF CASINO
 FOR: SILVER REEF HOTEL CASINO & SPA

LDES, INC.
 5150 INDUSTRIAL PL #108
 FERNDALE, WA 98248
 PHONE 360-383-0620
 FAX 360-383-0639

SILVER REEF CASINO PARKING LOT
STORM DRAINAGE

SHEET **05** OF 05

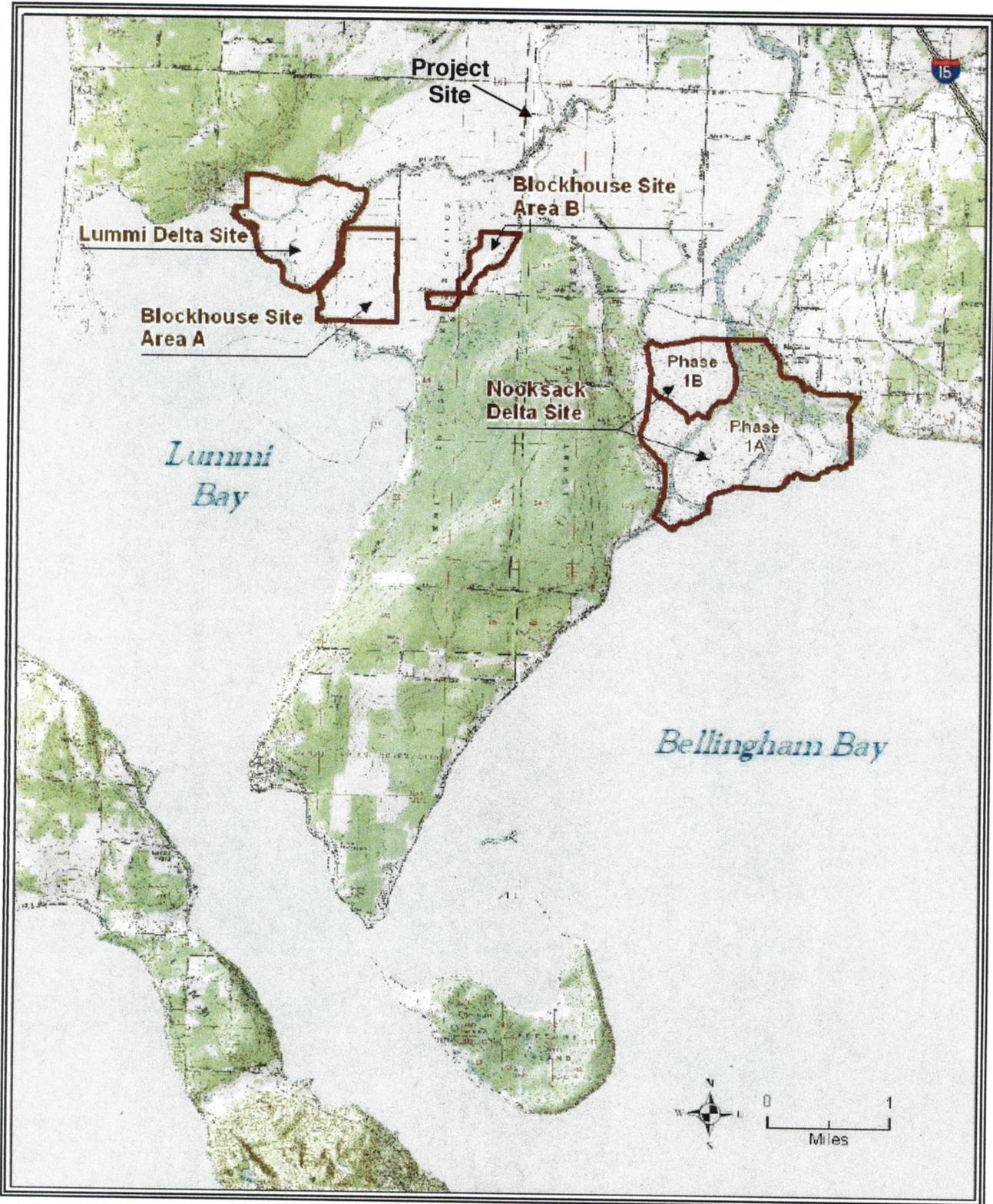


Stormwater Plan NWS-2012-602

**Silver Reef Casino Parking Lot Expansion
 Wetland Mitigation Report**

Figure 5
 of 6

March 2012



NORTHWEST ECOLOGICAL



Mitigation Bank and Project Area Sites
 (The Lummi Nation WHMB Prospectus)

Silver Reef Casino Parking Lot Expansion
 Wetland Mitigation Report

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Figure 6
 of 6

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