



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

### US Army Corps of Engineers

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

### WA Department of Ecology

SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600  
Telephone (360) 407-6068  
Attn: SEA Program, Federal Permit  
Coordinator

**Public Notice Date: November 21, 2013**

**Expiration Date: December 21, 2013**

Reference No.: NWS-2013-1067

Name: PMF Investments

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated September 23, 2013.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

**APPLICANT:** PMF Investments  
15015 Main Street, Suite 203  
Bellevue, Washington 98007  
Attention: Mr. James Spitzer  
Telephone: (425) 746-6066

**AGENT:** Mead and Hunt, Inc.  
1180 Northwest Maple Street, Suite 105  
Issaquah, Washington 98027  
Attention: Ms. Marieke Armstrong  
Telephone: (916) 971-3961

**LOCATION:** In wetlands adjacent to unnamed tributaries of Bear Creek at Bellingham, Whatcom County, Washington.

**WORK:** Fill 2.16 acres of wetlands.

**PURPOSE:** Provide commercial retail facilities in the City of Bellingham.

**ADDITIONAL INFORMATION:** The project involves filling 2.16 acres of Category III PEM/PSS/PFO wetlands to construct a 142,000 square foot retail center comprised of six retail buildings; two larger attached units on the western side of the site, two detached units on the eastern side of the site, and two more attached units on the northern end of the development. The anticipated fill volume is 134,100 cubic yards. Parking will be centrally

located between the storefronts and around the edges of the development. Loading and loading access areas will be located in the rear of the retail buildings. The proposed retail center will connect to City of Bellingham utilities (sewer, water, electric, gas, and communication) along Pacific Avenue. Stormwater runoff from the project will be treated onsite prior to discharge to a regional facility located offsite to the northwest of the property. Installation of the stormwater main will involve excavation and backfill in 0.02 acres of Category III PFO wetlands. Wetlands will be restored after installation of pipe unless development of the adjacent lot for the proposed Costco project requires permanent fill (by separate applicant).

**MITIGATION:** To compensate for impacts to 2.16 acres of wetlands and 1.12 acres of buffer impacts, the applicant has proposed the purchase of 2.160 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 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. A preliminary determination indicates that the activity will not affect endangered or threatened species, or their critical habitat. Consultation under Section 7 of the ESA is not required.

**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 proposed action would impact EFH in the project area. 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. No known historic properties occur in the vicinity of the proposed project. However, the property is relatively undisturbed. Because of its location on the landscape there is a high likelihood that unknown historic properties occur in the project area. An historic properties investigation will be required during the permit application review. 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.

**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,

NWS-2013-1067, PMF Investments

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.

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.

SOURCE OF FILL MATERIAL: The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: This project site is outside of the City of Bellingham's Shorelines Management Program jurisdiction.

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. Either conventional mail or 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.

CORPS COMMENTS: All e-mail comments should be sent to [randel.j.perry@usace.army.mil](mailto:randel.j.perry@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Randel Perry, 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.

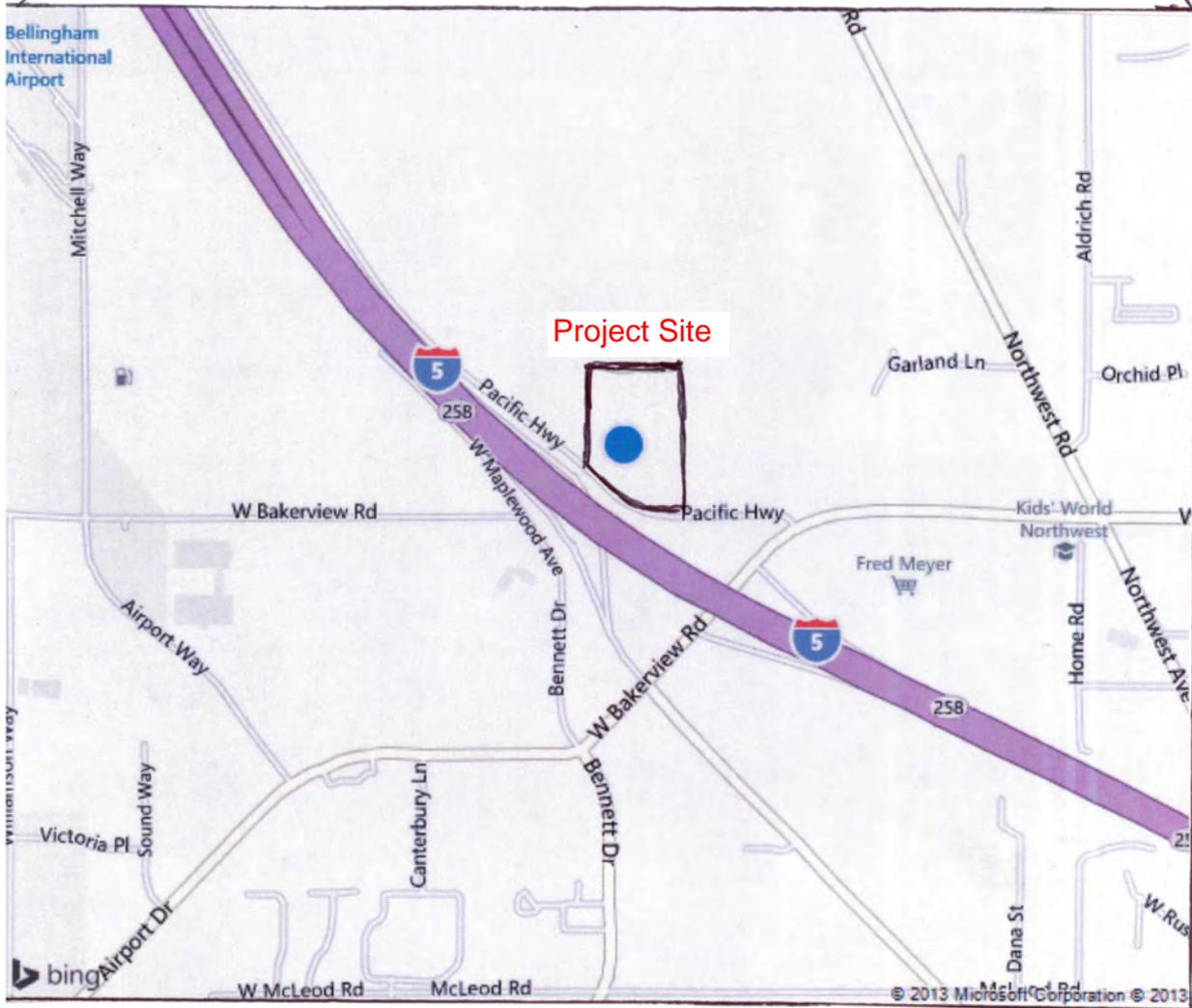
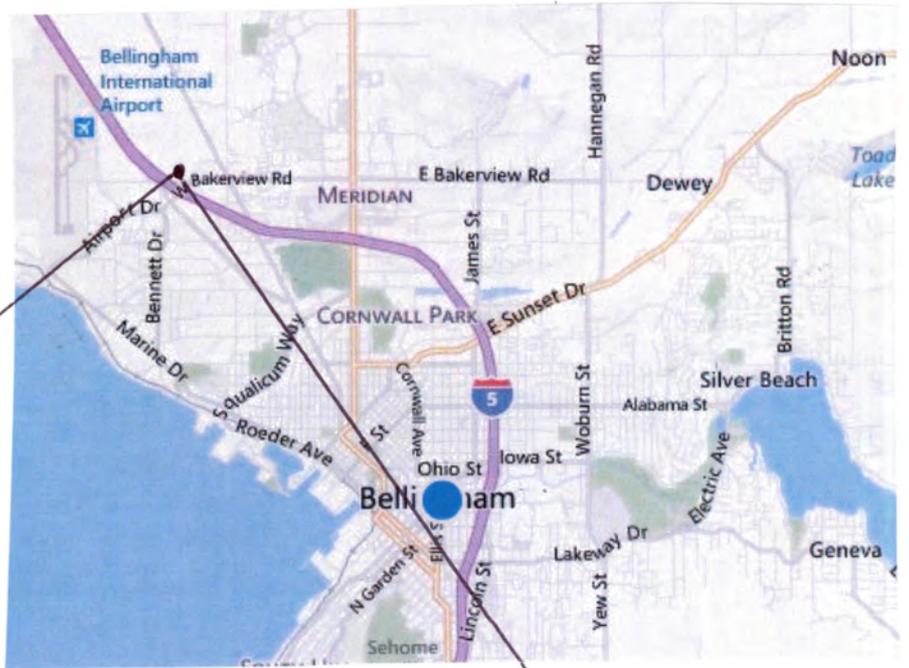
ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: SEA program – Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov).

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: PMF Investments, NWS-2013-1067

Encl: 7 Figures

# PMF Investments Bellingham Retail Center Project

Lat: 48.79202°  
Long: 122.51819°



NWS-2013-1067  
Nov. 15, 2013

A PORTION OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11,  
 TOWNSHIP 38 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN  
 ZONING: CITY OF BELLINGHAM C/I 3(COMMERCIAL/INDUSTRIAL, MIXED/PLANNED)  
 CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON



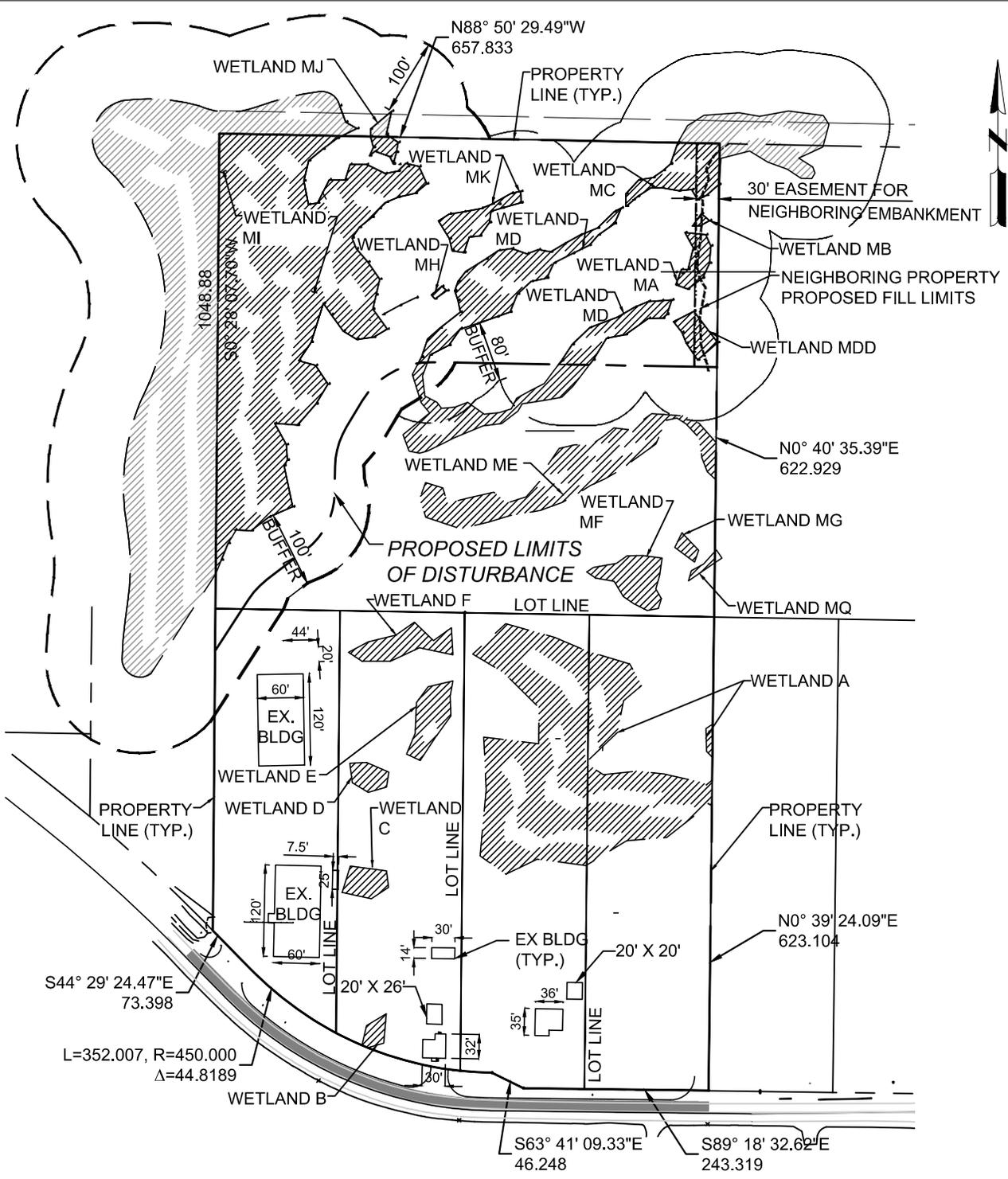
VICINITY MAP

NOT TO SCALE

REFERENCE: <u>NWS-2013-1067</u>	LOCATION: <u>4084 PACIFIC AVENUE</u>	PROPOSED PROJECT: <u>BELLINGHAM RETAIL</u>
APPLICANT: <u>PMF INVESTMENTS</u>	LAT/LONG: <u>48.79111N, 122.51834W</u>	IN: <u>N/A -DOES NOT OCCUR IN WATER BODY</u>
ADJACENT PROPERTY OWNERS:	AT: <u>BELLINGHAM</u>	COUNTY: <u>WHATCOM</u>
1. <u>DAHL - 4100 PACIFIC</u>	DATE: <u>11/15/13</u>	STATE: <u>WA</u>
2. <u>BROWN - 4018 PACIFIC</u>		
3. <u>WEBSTER - 4010 PACIFIC</u>		

- 1. 9/18/13 PREPARED FOR USACE SUBMITTAL
- 2. 10/21/13 REVISED PER USACE COMMENT
- 3. 11/15/13 REVISED PER WETLAND A, WETLAND ME FLAGS

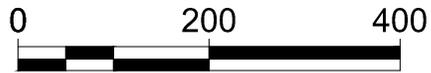
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REFERENCE: NWS-2013-1067  
 APPLICANT: PMF INVESTMENTS  
 PROPOSED PROJECT: BELLINGHAM RETAIL  
 LOCATION: 4084 PACIFIC AVENUE  
 DATE: 11/15/13

AREA OF DISTURBANCE: 546,925 (12.56 AC)  
 EARTHWORK VOLUMES:  
 CUT: 504 CY  
 FILL: 134,100 CY  
 TOTAL: 133,596 CY

WETLAND AREA  BUFFER (100')  BUFFER (80') 

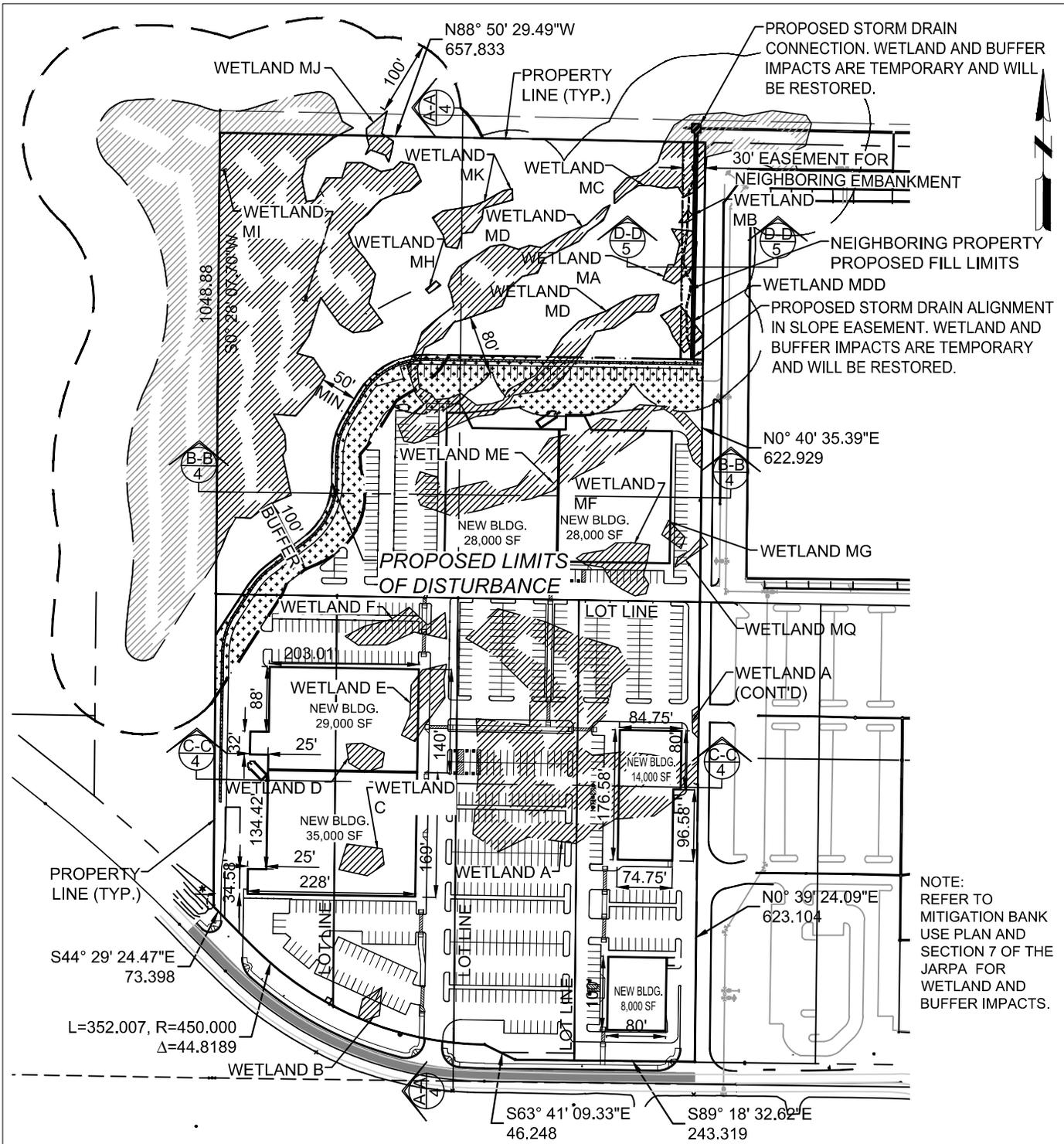


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1. 9/18/13 PREPARED FOR USACE SUBMITTAL
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4096300-130715.00





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 DATE: 11/15/13

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 EARTHWORK VOLUMES:  
 CUT: 504 CY  
 FILL\*: 134,100 CY  
 TOTAL: 133,596 CY  
 \*FILL WILL BE LOCALLY SOURCED, CLEAN IMPORTED MATERIAL.

WETLAND AREA



MITIGATED BUFFER AREA



0 200 400

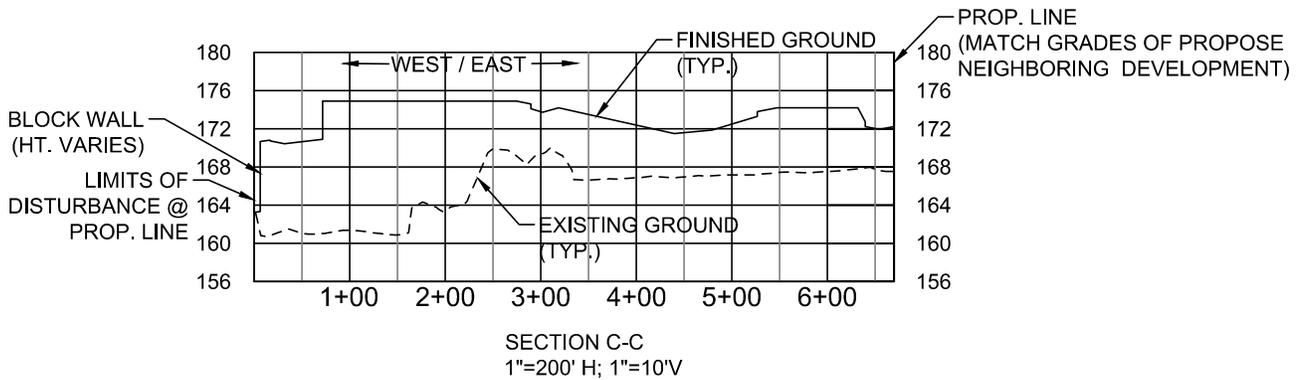
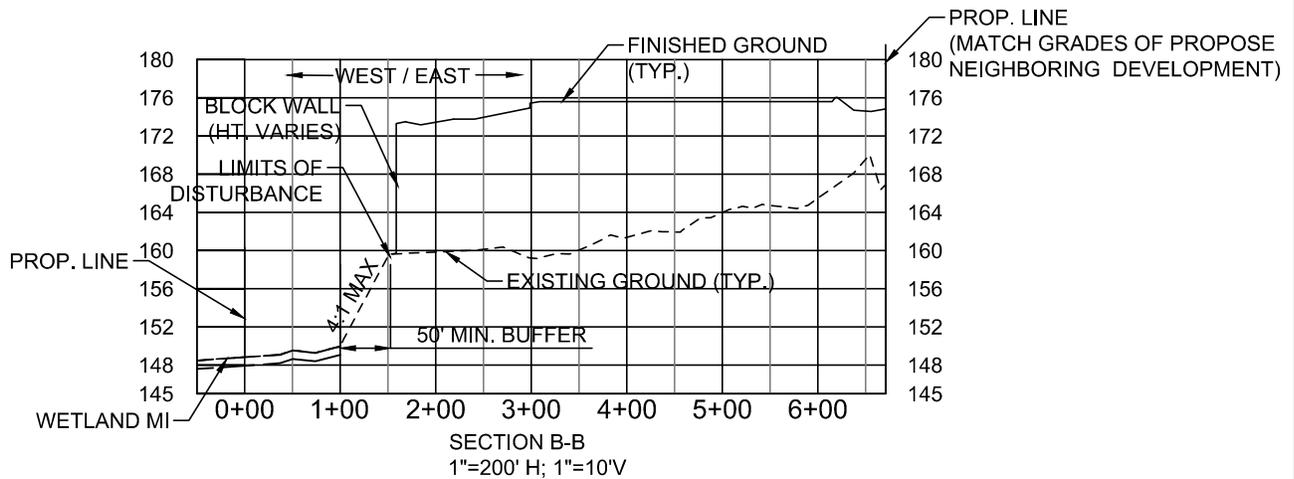
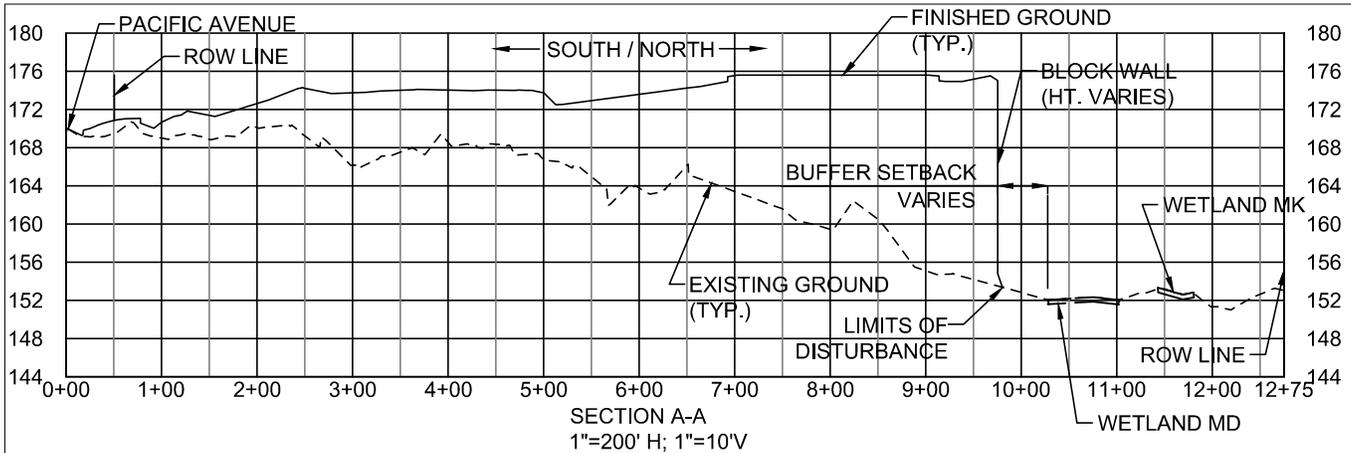


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Sheet 4 of 7

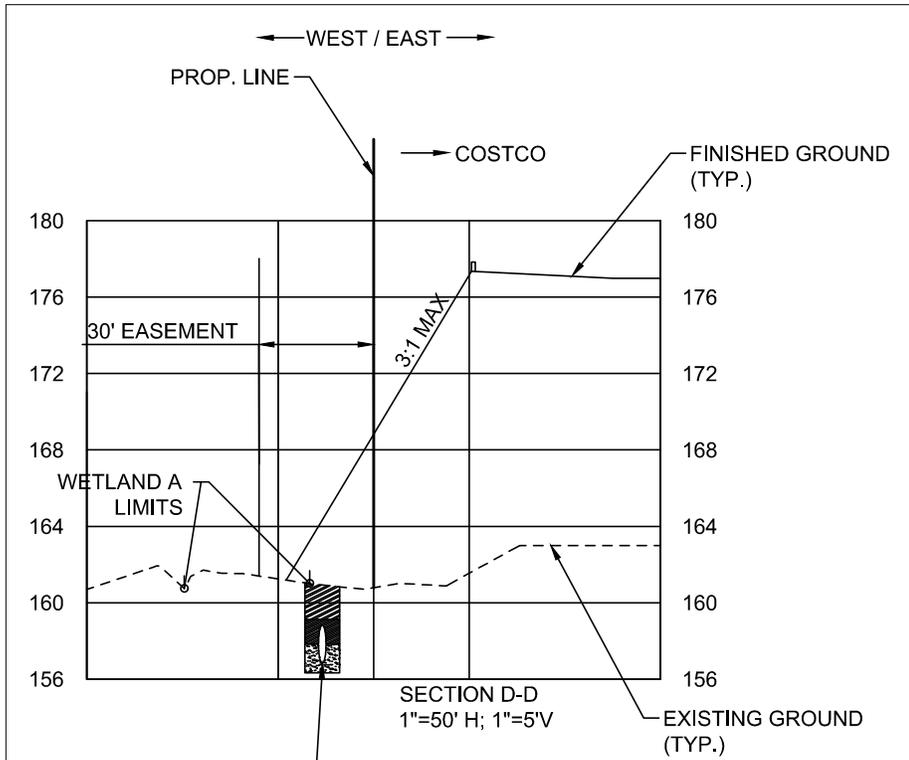
**Mead & Hunt**



REFERENCE: NWS-2013-1067  
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 PROPOSED PROJECT: BELLINGHAM RETAIL  
 LOCATION: 4084 PACIFIC AVENUE  
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 FILL: 134,100 CY  
 TOTAL: 133,596 CY

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STORM DRAIN BY  
PMF INVESTMENTS, DISCHARGE  
FROM SITE TO OUTFALL IN  
DIVISION/MAHOGANY ROW

**NOTES:**

1. CLAY DAMS TO BE INSTALLED IN TRENCH AT EDGES OF WETLANDS TO PREVENT TRENCH FROM DRAINING WETLANDS.
2. ALL IMPACTS BY PMF INVESTMENTS WITHIN EASEMENT ARE TEMPORARY.
3. IMPACTS FROM EMBANKMENT SLOPE BY COSTCO WILL BE PERMANENT AND WILL BE MITIGATED UNDER THEIR PERMIT.

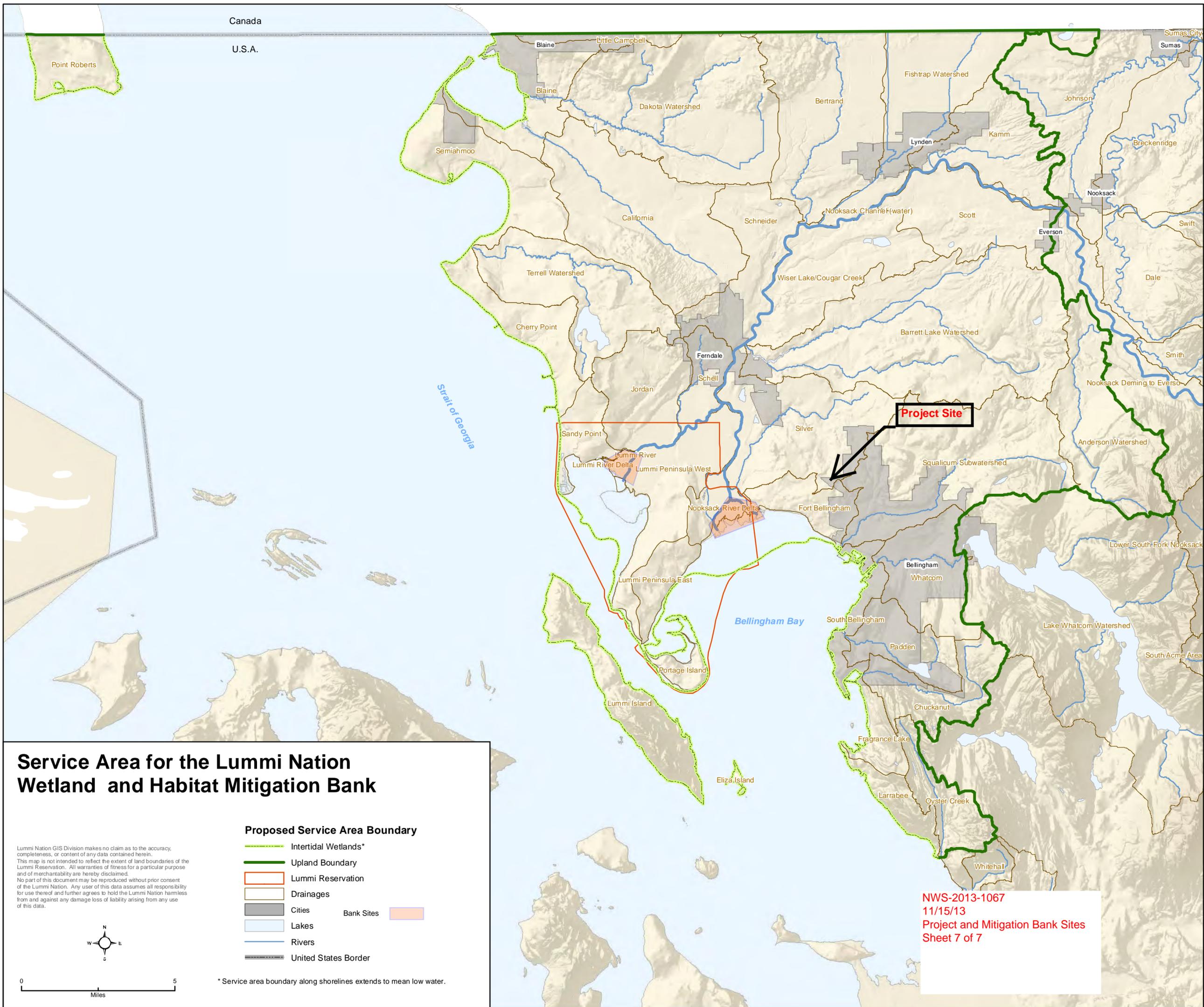
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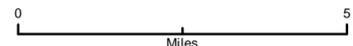


# Service Area for the Lummi Nation Wetland and Habitat Mitigation Bank

Lummi Nation GIS Division makes no claim as to the accuracy, completeness, or content of any data contained herein. This map is not intended to reflect the extent of land boundaries of the Lummi Reservation. All warranties of fitness for a particular purpose and of merchantability are hereby disclaimed. No part of this document may be reproduced without prior consent of the Lummi Nation. Any user of this data assumes all responsibility for use thereof and further agrees to hold the Lummi Nation harmless from and against any damage loss of liability arising from any use of this data.

### Proposed Service Area Boundary

- Intertidal Wetlands\*
- Upland Boundary
- Lummi Reservation
- Drainages
- Cities
- Lakes
- Rivers
- United States Border
- Bank Sites



\* Service area boundary along shorelines extends to mean low water.

**NWS-2013-1067**  
**11/15/13**  
**Project and Mitigation Bank Sites**  
**Sheet 7 of 7**