



US Army Corps
of Engineers
Seattle District

Joint Public Notice



Proposed Thurston County In-lieu Fee Mitigation Program

US Army Corps of Engineers
Regulatory Branch
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Attention: Ms. Gail M. Terzi, Project Manager

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Shorelands and Environmental
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Attention: Ms. Patricia Johnson

Public Notice Date: 17 April, 2013
Expiration Date: 17 May, 2013

Reference No.: NWS-2013-363
Name: Thurston County Water Resources ILF

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received a proposal to establish the Thurston County In-lieu Fee Mitigation Program. The Corps will evaluate the program in accordance with 33 CFR Part 332, *Compensatory Mitigation for Losses of Aquatic Resources*. Compensatory Mitigation, including in-lieu fee programs, is authorized under section 404 of the Clean Water Act (33 U.S.C. 1344), section 9 or 10 of the Rivers and Harbors Act of 1899 (33 USC 401 et. Seq.) and Public Law no. 108-136.

APPLICANT – Thurston County Water Resources Program (TCWRP)
929 Lakeridge Dr. SW
Bldg 4, Rm. 100
Olympia, WA 98502
Attention: Richard Doenges, Water Resources Planning Coordinator

Telephone: (360) 754-4106

IN-LIEU FEE PROGRAM OVERVIEW – The term “in-lieu fee program” refers to a program involving restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements. Similar to a mitigation bank, an In-lieu Fee (ILF) program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu fee program sponsor. The operation and use of an ILF program are governed by an ILF program instrument.

The program sponsor, TCWRP, has submitted a program prospectus dated March, 2013, entitled *Thurston County In-Lieu Fee Prospectus*. The Thurston County ILF Mitigation Program is an ILF program being proposed as a means to meet the requirements for compensatory mitigation associated with projects, which may be permitted by the Corps, Ecology, and/or local governments. If the program is approved, it would provide an alternative to permittee-responsible mitigation.

During or shortly after the 30-day comment period for this public notice, the Corps and Ecology will convene an Interagency Review Team (IRT) and invite the appropriate federal, state, local and Tribal entities to participate. This team will work with TCWRP to create a watershed-based instrument and legal agreement that specifies the

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terms and conditions of the ILF instrument, such as, but not limited to, watershed-based aquatic resource objectives, procedures for defining service areas and accounting for credits, legal obligations, default and closure provisions, reporting protocols, and financial accounting requirements. If the instrument is approved, individual mitigation plans will be prepared as ILF project sites are identified. These plans would be subject to a joint Ecology/Corps Public Notice and incorporated as amendments to the Thurston County ILF Mitigation Program instrument. Additional representatives may be invited to join the IRT during review of individual mitigation projects.

LOCATION – The proposed Thurston County ILF Mitigation Program would be applicable for aquatic resource impacts within the Deschutes River and Nisqually River watersheds (Figure 1).

SERVICE AREA – The service area(s) of an ILF program is the geographic area(s) within which impacts can be mitigated by the ILF program as designated in its instrument. The service areas identified in the prospectus for the Thurston County ILF Mitigation Program include portions of Water Resource Inventory Areas 11 (Nisqually) and 13 (Deschutes). The Deschutes watershed service area extends from the Bald Hills in the southeast corner of Thurston County to the northwest where it flows into Puget Sound through Henderson Inlet to the northeast, Budd Inlet, and Eld Inlet to the northwest. The Nisqually watershed service area extends from Alder Lake in the southeast corner of Thurston County along the county line to the northeast through the Nisqually Estuary where it discharges into Puget Sound. These are the proposed areas in which the ILF would be operated and administered (Figure 1). The TCWRP will develop a project portfolio that identifies potential mitigation projects. A prioritization strategy for selecting compensatory mitigation sites (called ILF-receiving sites) and activities is included in the compensation planning framework and discussed in Section 11 of the prospectus.

PROPOSED ILF PROGRAM DESCRIPTION – The complete Thurston County ILF Mitigation Program prospectus is available for review at the above-listed Corps and Ecology offices and may also be found at the following internet addresses:

<http://www.ecy.wa.gov/mitigation/ilf.html>

<http://www.nws.usace.army.mil/> (select Regulatory/Permits, then select Public Notices)

EVALUATION – The Corps and Ecology are 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 identify program aspects that need to be addressed during the ILF program review process and in the development of the ILF instrument. Public comments will assist in developing facts upon which to base a decision by IRT member agencies and Tribes as to whether or not to authorize the proposed ILF program. For accuracy and completeness of the record, all comments should be submitted in writing with sufficient detail to furnish a clear understanding of the comment.

The Corps' decision as to whether or not to authorize the proposed ILF program 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.

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this proposed ILF program will be accepted and made part of the record and will be considered in determining whether it would be in the public

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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 ILF sponsor's name and reference number as shown below. All e-mail comments should be sent to gail.m.terzi@usace.army.mil at the Corps and pjoh461@ecy.wa.gov at Ecology.

Conventional mail comments should be sent to the U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Gail M. Terzi, Post Office Box 3755, Seattle, Washington 98124-3755 and/or to the Department of Ecology, , Attention: Ms. Patricia Johnson, Post Office Box 47600, Olympia, Washington 98504-7600.

Either conventional mail or e-mail comments must include the sponsor's name and reference number, as shown below, 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. Please include the following name and reference number with any comments:

Thurston County ILF; NWS-2013-363

Enclosure: Figures (3)

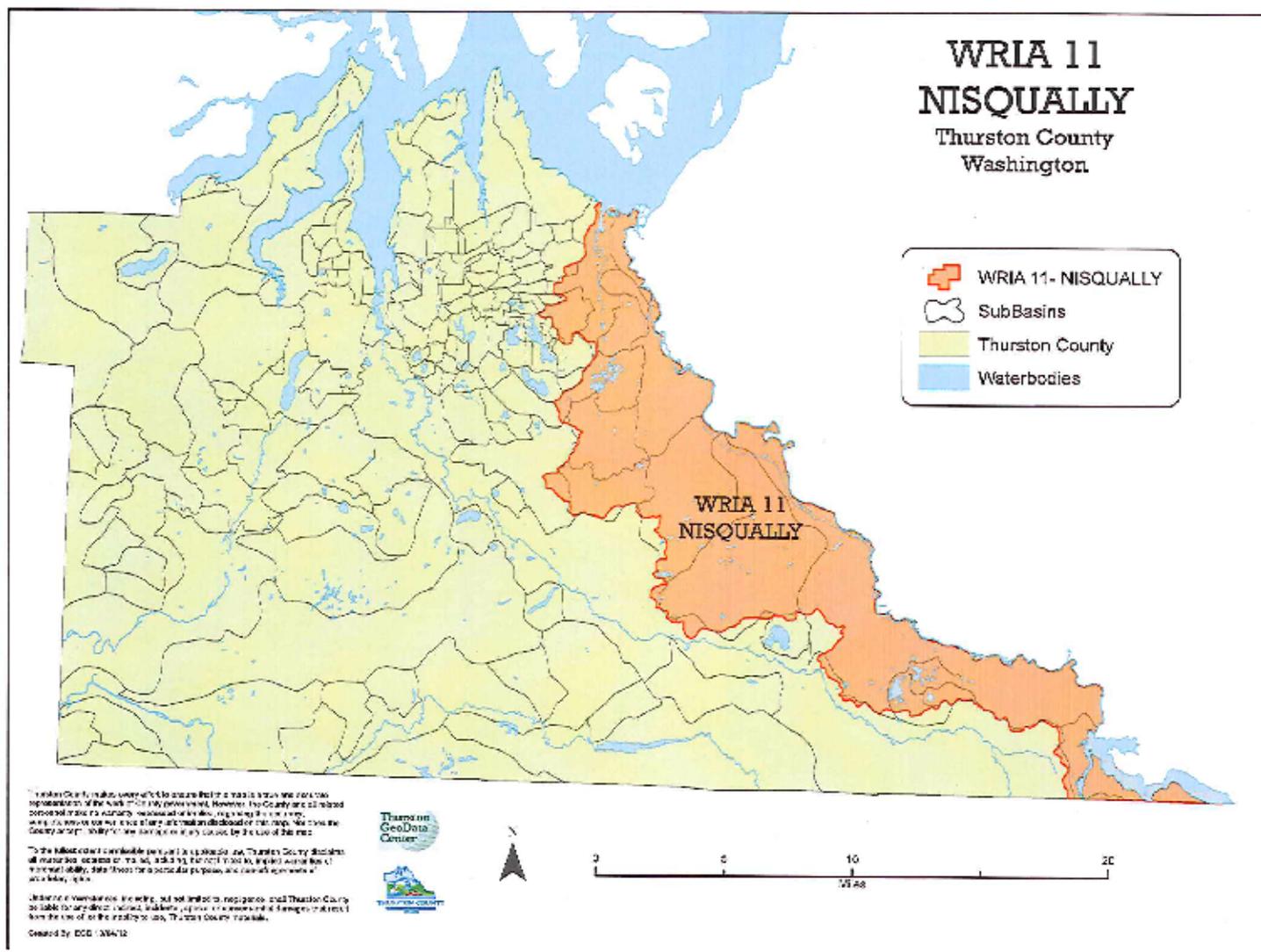


Figure 2. Thurston County In-lieu Fee Mitigation Program – Nisqually Watershed

