US Army Corps of Engineers
Seattle District

WASHINGTON STATE DEPARTMENT OF ECOLOGY

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: (206) 764-6912
ATTN: Rebecca McAndrew,
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: May 13, 2013
Expiration Date: June 12, 2013

Reference No.: NWS-2013-396
Name: WA St Dept of Transportation

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 April 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: Washington State Department of Transportation
ATTN: Mr. John Maas
Post Office Box 330310
Mail Stop NB82-0138
Seattle, Washington 98133-9710
Telephone: (206) 440-4545

LOCATION: In wetlands and an unnamed tributary to Duffner Creek near the City of Lynden, Whatcom County, Washington.

WORK: The Washington State Department of Transportation (WSDOT) proposes to improve freight movement at the State Route (SR) 539 U.S.-Canadian border by separating freight traffic from passenger vehicles. A truck lane would be added to match into the proposed Canadian truck processing facility, as well as a Nexus lane for passenger vehicles. The existing lanes would be widened from 11 feet to 12 feet and the shoulder would be widened to 14 feet. The work would permanently impact 0.22 acre of Washington State Department of Ecology Category III and 0.83 acre Category IV, palustrine emergent, depressional wetland. Short-term temporary wetland impacts total 0.34 acre. Impacts occur to farmed wetlands. Temporary impacts to the unnamed tributary to Duffner Creek are less than 0.01 acre. Permanent buffer impacts are 0.29 acre and temporary buffer impacts are 0.04 acre. The buffer impacts are to mowed herbaceous vegetation or tilled fields.

The functions provided by the impacted wetlands include flood flow alteration, sediment removal, nutrient and toxicant removal, organic matter production and export, general habitat suitability, and aquatic invertebrate habitat.

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PURPOSE: To improve freight traffic mobility on SR 539 between the U.S. and Canada.

ADDITIONAL INFORMATION: If issued, this permit would be valid for five years. 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 under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

MITIGATION: WSDOT avoided and minimized impacts to wetlands by locating stormwater ponds outside of wetlands, steepening fill slopes, and reducing shoulder widths. This reduced impacts by 0.86 acre.
To compensate for unavoidable project impacts of 1.05 acres, WSDOT would mitigate by purchasing 1.02 credits at the Lummi Nation Wetland and Habitat Mitigation Bank (mitigation bank). All of the impacted functions would be provided at the mitigation bank at higher levels than the impacted functions.

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.

The Federal Highway Administration (FHWA), as the lead agency for ESA consultation, has determined that the project would have no effect on 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 proposed action would impact EFH in the project area.

The FHWA, as the lead agency for a determination regarding EFH, has determined that the project will not adversely affect EFH species.

CULTURAL RESOURCES: The FHWA, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Officer (SHPO) and Native American Tribes as appropriate. The FHWA has determined that the project would not affect any historic properties. The SHPO issued a letter of concurrence on July 24, 2012.

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.

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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.

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 alternative 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. The project is located outside of the Shoreline Management Act 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.

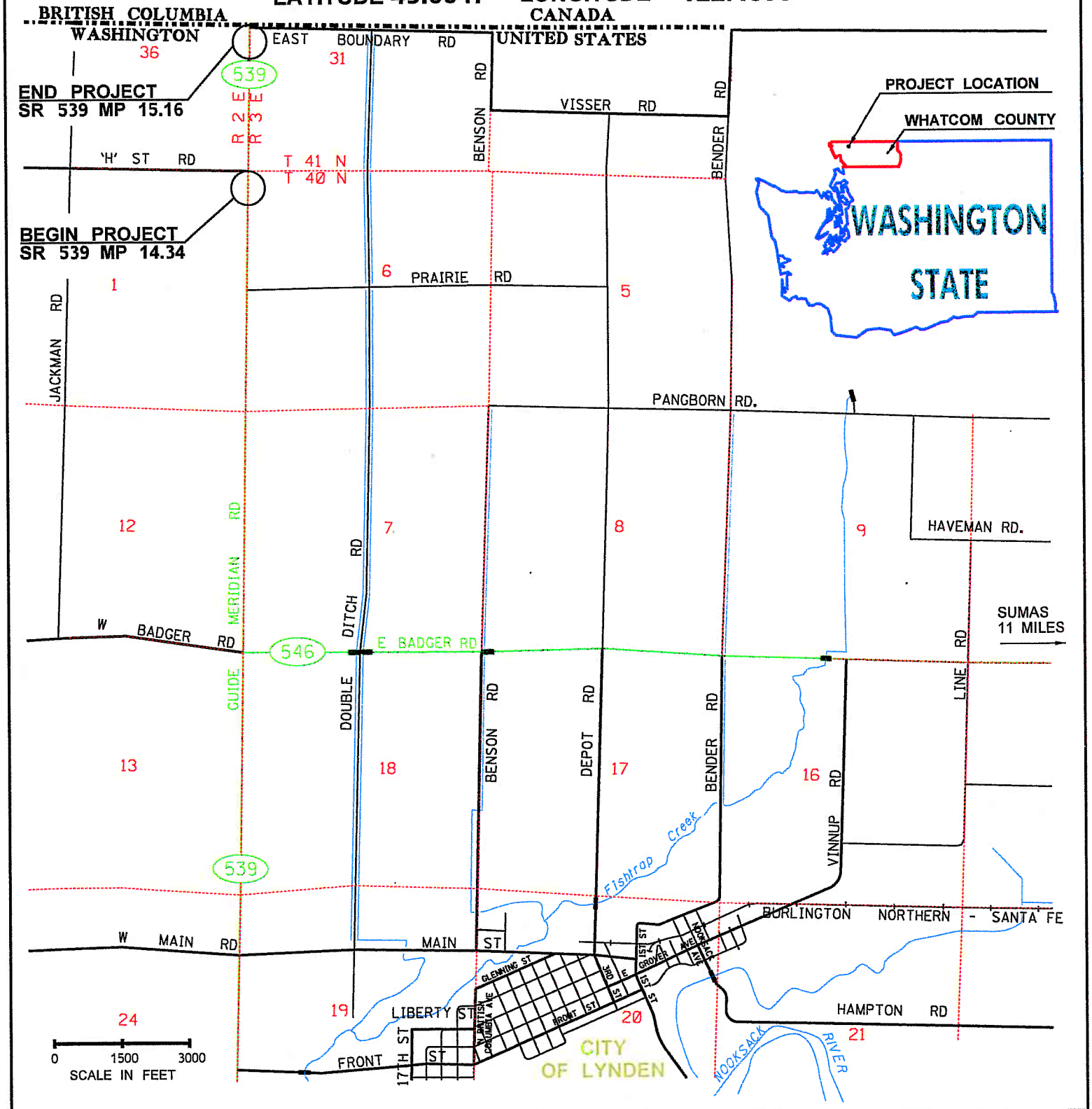
CORPS COMMENTS: All e-mail comments should be sent to rebecca.e.mcandrew@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Rebecca McAndrew, Post Office Box 3755, Seattle, Washington 98124-3755. All comments received will become 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: Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

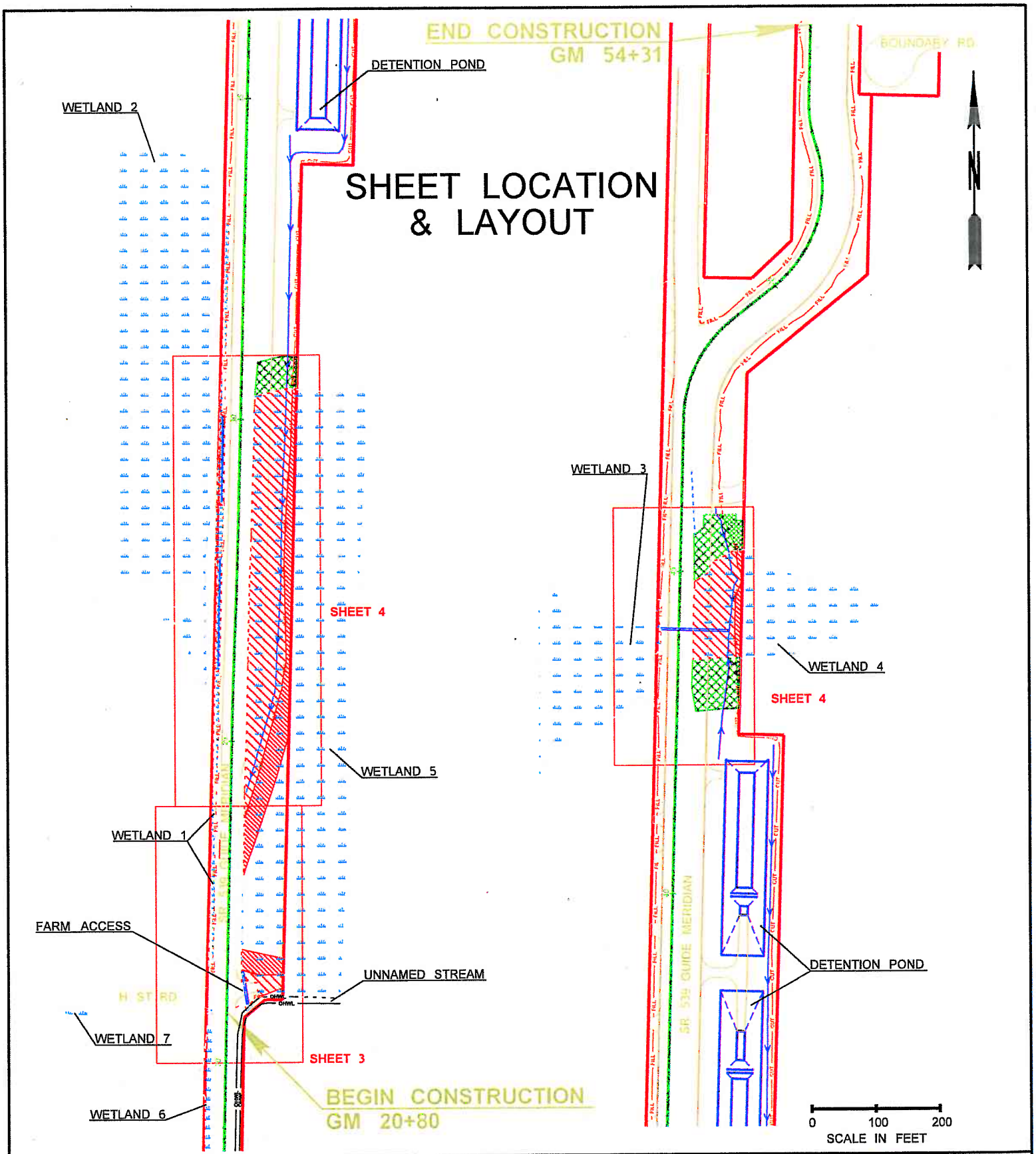
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: WA St Dept of Transportation, NWS-2013-396

Encl: Figures (6)

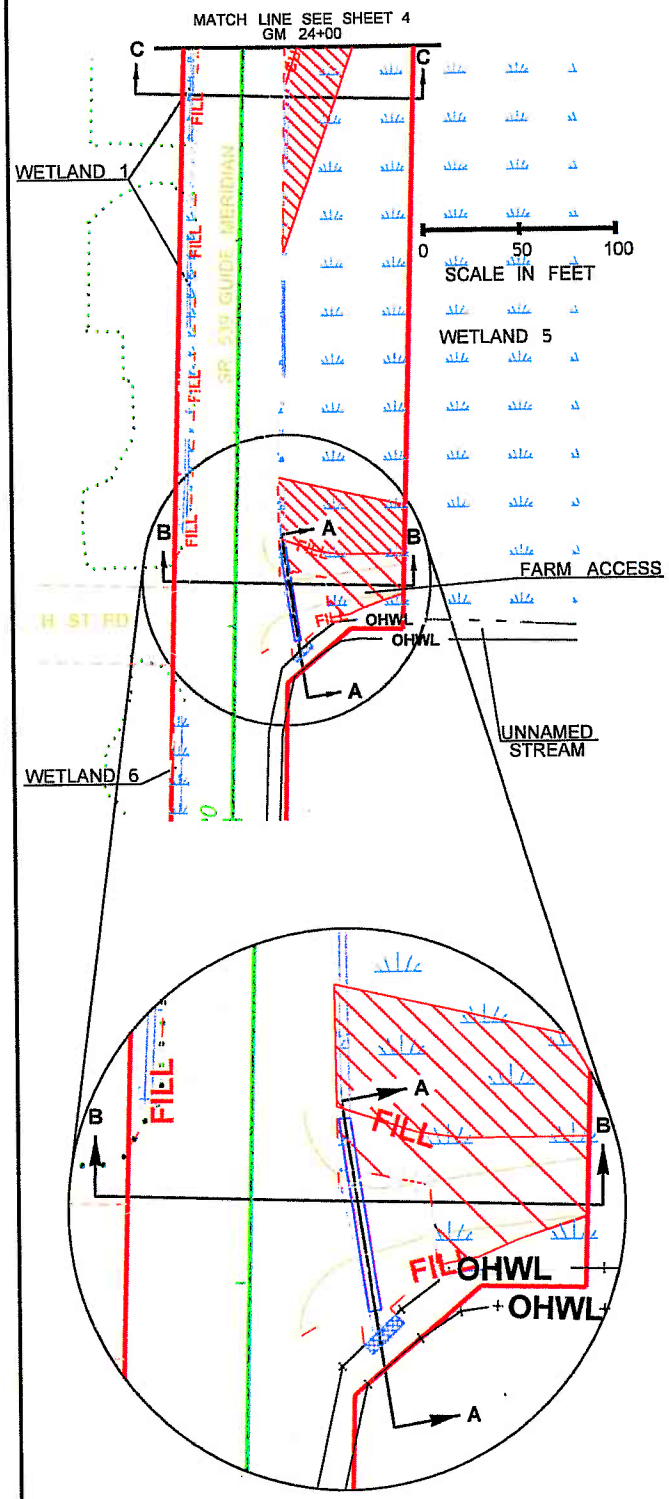
SR 539 LYNDEN ALDERGROVE PORT OF ENTRY IMPROVEMENTS
MP 14.34 TO 15.16 WIN A53915A
LATITUDE 49.0047° LONGITUDE -122.4850°

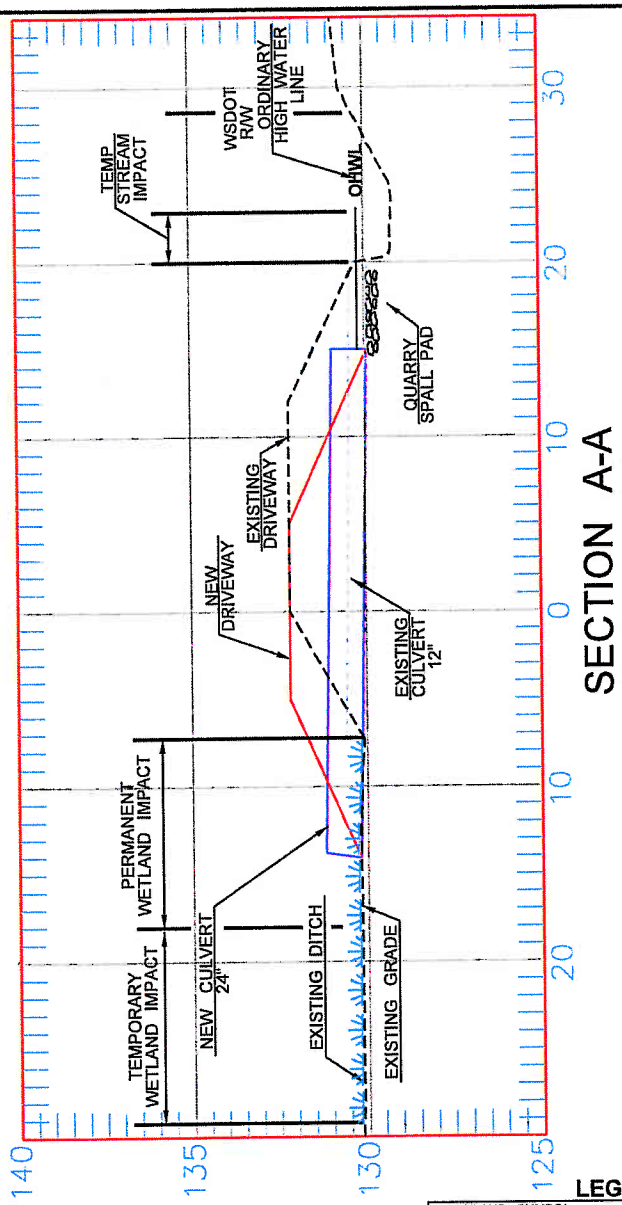


PURPOSE:	REFERENCE: NWS-2013-396	Washington State Department of Transportation
PROPOSED: Add Additional North Bound Lane and Spur	APPLICANT: WSDOT	
LOCATION: SR 539 Milepost 14.34 to Milepost 15.16	COUNTY: Whatcom	
DATUM: NAVD 88	NEAR: Lynden	
ADJACENT PROPERTY OWNERS: See List Provided in Application	WATER BODY: N/A	
	DATE: April 2013	SHEET: 1 OF: 6



PURPOSE: Port Of Entry Improvements	**REFERENCE:** NWS-2013-396	Washington State Department of Transportation
PROPOSED: Add Additional North Bound Lane and Spur	**APPLICANT:** WSDOT	
LOCATION: SR 539 Milepost 14.34 to Milepost 15.16	**COUNTY:** Whatcom	
DATUM: NAVD 88	**NEAR:** Lynden	
ADJACENT PROPERTY OWNERS: See List Provided in Application	**WATER BODY:** N/A	
	DATE: April 2013	**SHEET:** 2 **OF:** 6





SECTION A-A

LEGEND

WETLAND SYMBOL	
WETLAND BOUNDARY	
WETLAND MITIGATION BUFFER	
WSDOT RIGHT OF WAY	
CITY / COUNTY RIGHT OF WAY	
ORDINARY HIGH WATER LINE	OHWL
FILL LINE	FILL
CUT LINE	CUT
NEW ALIGNMENT CENTERLINE	
NEW EDGE OF PAVEMENT	
EXISTING EDGE OF PAVEMENT	
NEW DITCH BOTTOM	
EXISTING DITCH	
NEW CULVERT	
EXISTING CULVERT	
NEW CATCH BASIN	
EXISTING CATCH BASIN	
PERMANENT WETLAND IMPACT	
TEMPORARY WETLAND IMPACT	
PERMANENT WETLAND BUFFER IMPACT	
TEMPORARY WETLAND BUFFER IMPACT	
TEMPORARY STREAM IMPACT	

IMPACT QUANTITIES ACRES	WETLAND 1	WETLAND 5	UNNAMED STREAM
DOE CATEGORY	IV	IV	F
WETLAND AREA	0.16	~ 10	N/A
PERMANENT WETLAND IMPACT	0.06	0.76	N/A
TEMPORARY WETLAND IMPACT	0.00	.31	N/A
PERMANENT WETLAND BUFFER IMPACT	0.00	0.07	N/A
TEMPORARY WETLAND BUFFER IMPACT	0.00	0.01	N/A
TEMPORARY STREAM IMPACT	0.00	0.00	<0.01

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COUNTY: Whatcom
NEAR: Lynden
WATER BODY: N/A
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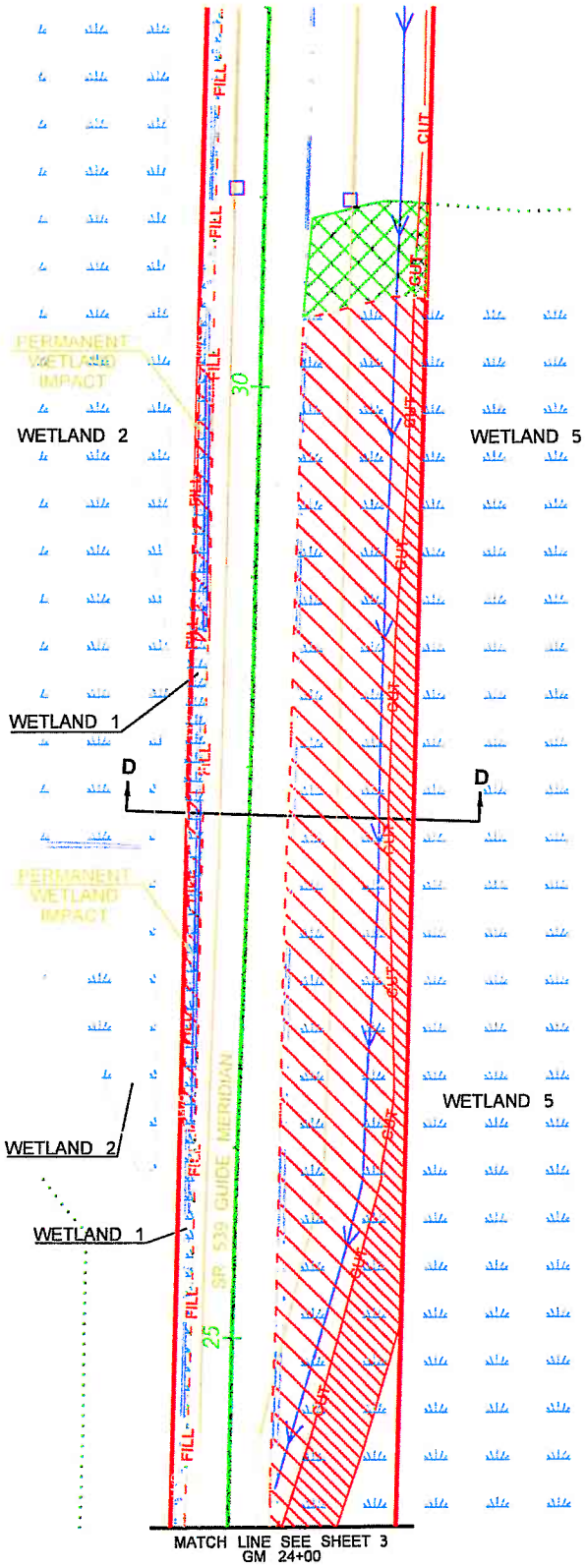
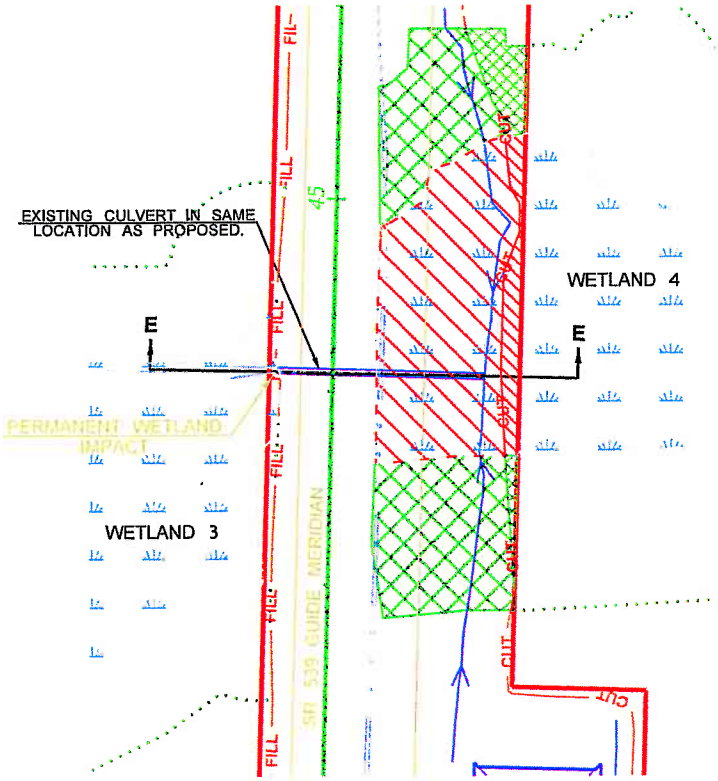
Washington State Department of Transportation

SHEET: 3 **OF:** 6





0 50 100
SCALE IN FEET

IMPACT QUANTITIES ACRES	WETLAND 3	WETLAND 4
DOE CATEGORY	IV	III
WETLAND AREA	~ 4.0	0.80
PERMANENT WETLAND IMPACT	<0.01	0.22
TEMPORARY WETLAND IMPACT	0.00	0.03
PERMANENT WETLAND BUFFER IMPACT	0.00	0.22
TEMPORARY WETLAND BUFFER IMPACT	0.00	0.03

LEGEND

- WETLAND SYMBOL
- WETLAND BOUNDARY
- WETLAND MITIGATION BUFFER
- WSDOT RIGHT OF WAY
- CITY / COUNTY RIGHT OF WAY
- ORDINARY HIGH WATER LINE — OHWL
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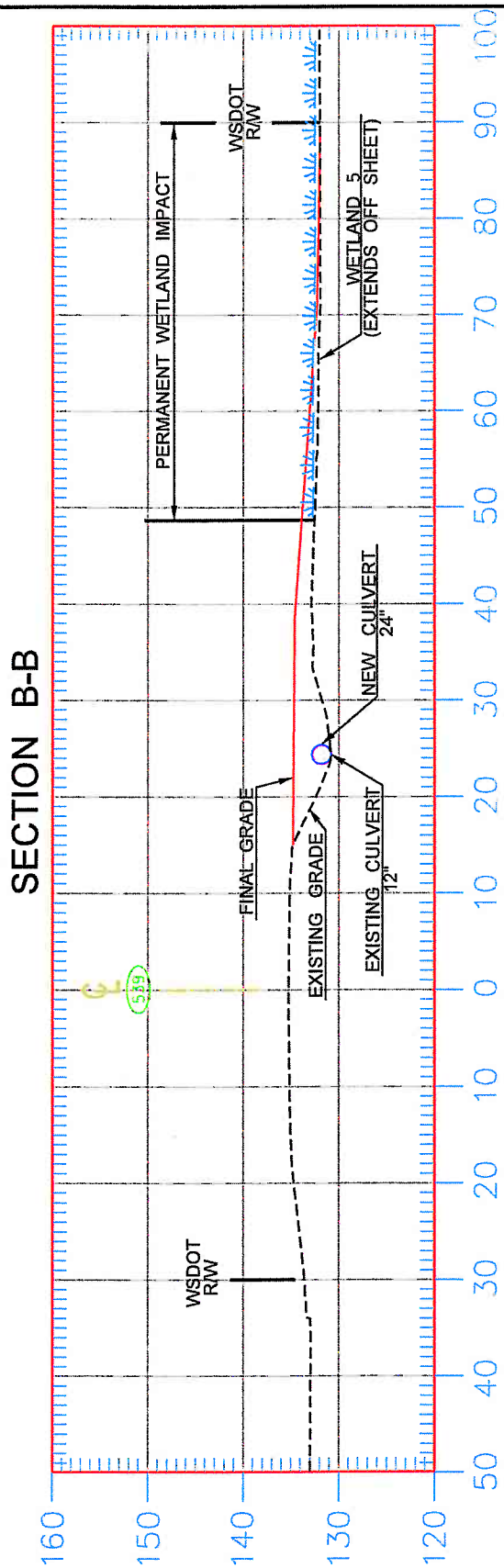

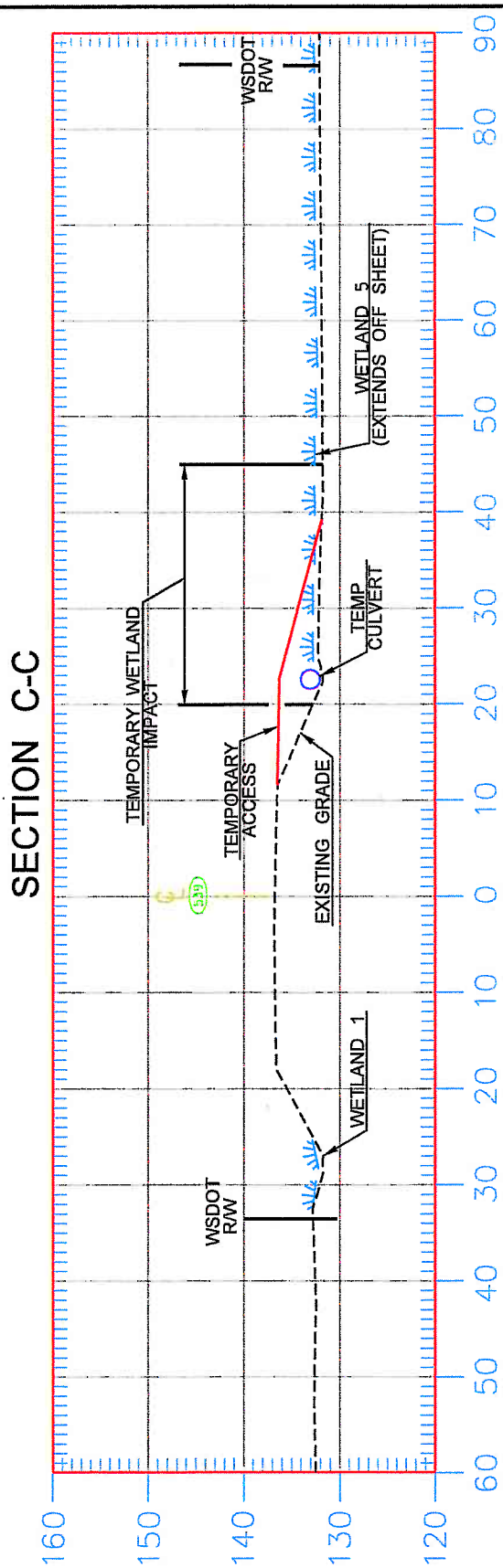

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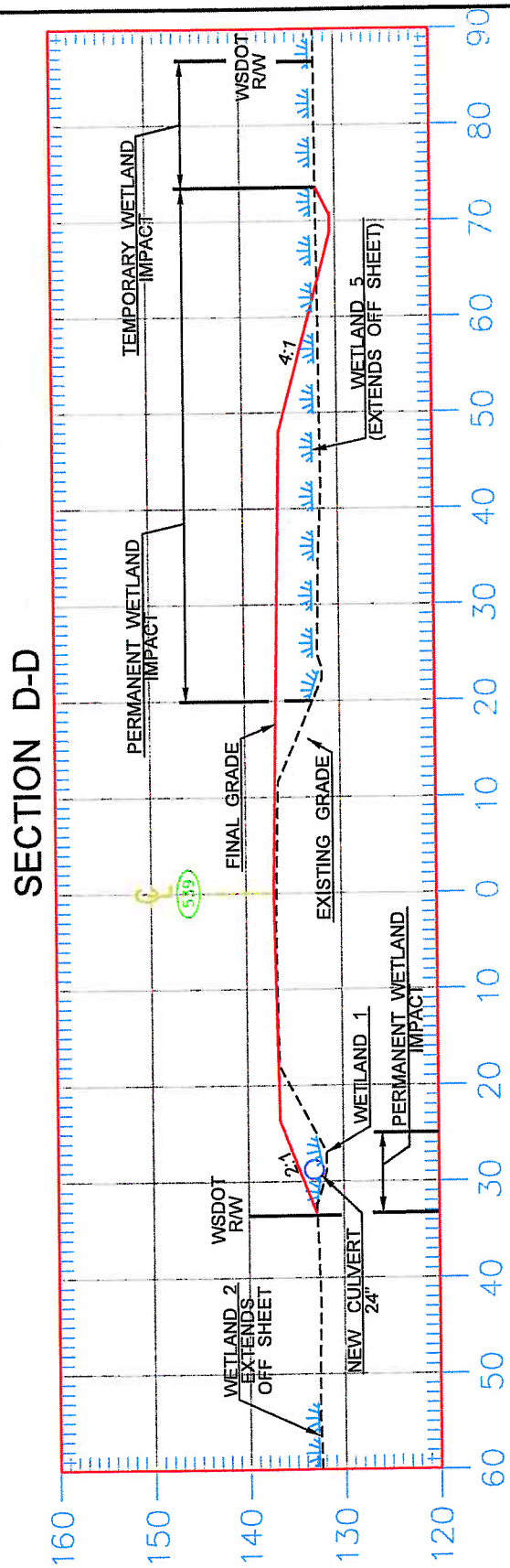

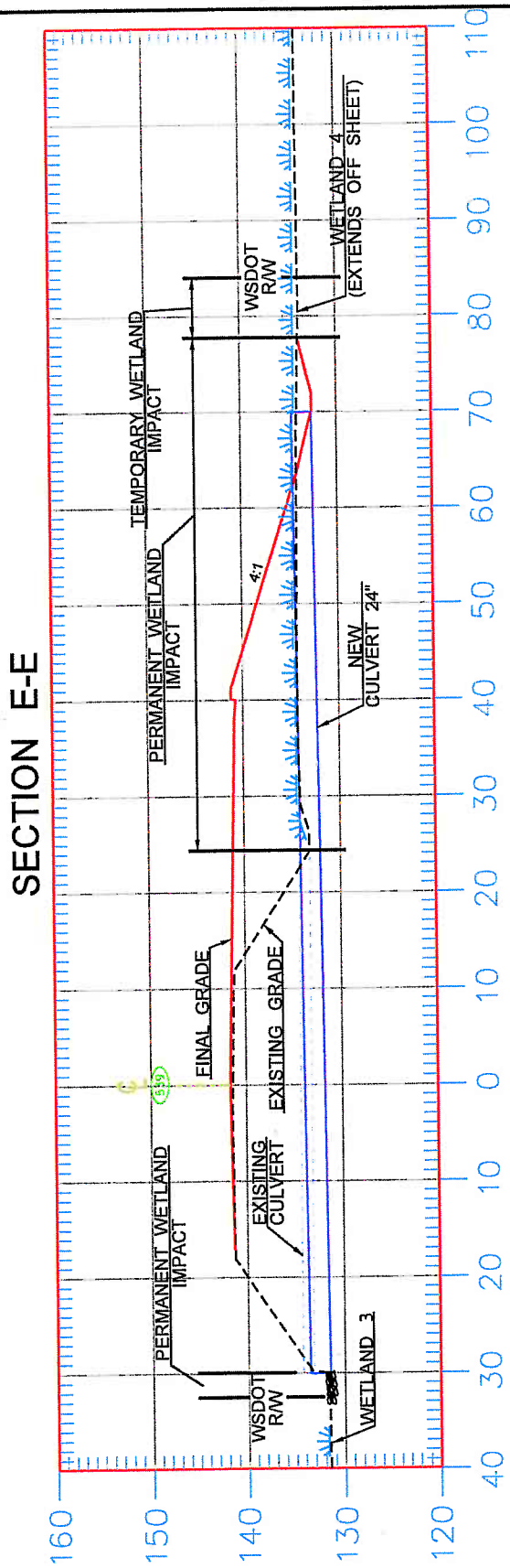

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SHEET: 6 OF: 6