



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Proposal for a Wetland Mitigation and Conservation Bank

**U.S. Army Corps of Engineers,  
Seattle District  
Regulatory Branch, CENWS-OD-RG  
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ATTN: Gail Terzi**

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SEA Program  
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**Public Notice Date:** August 22, 2013  
**Expiration Date:** September 21, 2013  
**Reference No.:** NWS-2013-00794  
**Name:** Coweeman River Wetland and  
Conservation Bank

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and Washington Department of Ecology (Ecology) are considering a proposal to establish the Coweeman River Wetland and Conservation Bank (Coweeman Bank), in Cowlitz County, Washington.

**BANK SPONSOR** – Victor Woodward  
Habitat Bank, LLC  
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Kirkland, Washington 98033-0354  
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victorw@habitatbank.com

**LOCATION** – The proposed project is located east of the city of Kelso, Washington along the Coweeman River in Cowlitz County, Washington within portions of Section 36, Township 8 North, Range 2 West and Section 31, Township 8 North, Range 1 West. The Coweeman River is a tributary to the Cowlitz River located within the Cowlitz River Watershed (Water Resource Inventory Area [WRIA] 26). The project location is shown on the attached Figure 1.

The site is comprised of six parcels, totaling 298.54 acres. Owners of the parcels include the City of Kelso (parcels W13601001, 24125) and several individual landowners (W13602008, W13608001, W13605001, and W13605002). Additionally, approximately 19.7 acres (parcel WE3101003) may also be included in the Bank site.

All parcels involved in the Coweeman Bank will remain the property of the current landowner. The bank sponsor will enter into contracts with the landowners to develop a mitigation bank on the described parcels. As a condition of the contract, the landowners would agree to place a conservation easement on the property and ensure that all future land uses are consistent with the easement.

**MITIGATION BANKING** – 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/or 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 and agency approved “service area”. The document that addresses the bank process is the Mitigation Banking Instrument (MBI). The MBI is a contract that is created by the bank sponsor, in cooperation with the Interagency Review Team (IRT), which includes the Corps, Environmental Protection Agency (EPA), Washington State Department of Ecology (Ecology), and other federal, tribal, state and local agencies. The MBI contains the

legal contract between the bank sponsor and the IRT agencies, and the technical and procedural elements of constructing, operating, and maintaining the bank. Prior to development of the MBI, a prospectus is submitted to the IRT agencies to determine the general feasibility of the bank. This public notice is requesting comments on the prospectus.

**PROJECT DESCRIPTION** – The proposed bank site contains a diversity of habitat types including the Coweeman River, a fish-bearing stream, associated riparian uplands, a forested/scrub-shrub/emergent/aquatic bed depressional wetland and emergent depressional wetland within the floodplain, mature and potentially old growth forests, and seasonal tributary streams with associated forested slope/riverine wetlands. With the exception of a forested hillside area, all of the habitat types are in a degraded state from historic logging practices, removal of riparian habitat, cattle grazing, agricultural practices, and diking.

The proposed project location was chosen based on the identified priority restoration objectives for wetlands and other aquatic areas within the Coweeman and Cowlitz Watersheds, as well as the Lower Columbia River Basin restoration objectives for historical floodplain environments.

The goal of the Coweeman Bank is to re-establish, create, rehabilitate, enhance, and preserve wetland functions across the site, as well as, restore and create riparian habitat and off-channel rearing and refuge habitat along this reach of the Coweeman River. The conceptual design strategy for the site is shown on the attached Figure 4. The key elements of the design are:

- Create additional habitat within the floodplain by excavating higher elevation upland areas around existing wetland areas
- Create off-channel/side-channel fish habitat areas at key points along the Coweeman River
- Rehabilitate and/or enhance existing wetland areas by removing cattle, removing drain tiles and ditches, and planting native vegetation
- Address high temperature levels within the Coweeman system by planting the riparian areas, created and existing wetland habitat areas, and off-channel habitat to provide shading
- Increase mainstem channel complexity through the installation of woody debris and/or create bench/shelf habitat along the mainstem of the Coweeman River by reshaping the riverbank in key locations
- Remove riprap and debris previously placed along and within the river to stabilize the riverbank
- Preserve priority upland forested habitat from logging activities.

The Bank project will also be reviewed by the National Oceanic and Atmospheric Administration /National Marine Fisheries Service (NMFS) as a fish conservation bank for Section 7 actions under the Endangered Species Act (ESA). If NMFS signs the MBI, the bank will be approved to provide compensatory mitigation, when appropriate, for impacts to species within their jurisdiction. In addition, the U.S. Fish and Wildlife Service (USFWS) will consider the bank, if authorized, for ESA Section 7 mitigation requirements to address impacts to species within their jurisdiction.

We are seeking comment on the proposed goals and conceptual design of the project. A more detailed description of the proposal is available in *Coweeman River Wetland and Conservation Bank Prospectus*, dated August 2013. This prospectus is available for inspection at the above-listed Corps office and the Department of Ecology Headquarters and can be downloaded at the following Internet addresses:

<http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/public-notice.html>

[http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Public\\_Notices](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Public_Notices)

**SERVICE AREA** – The service area of a mitigation bank is the geographic area over which credits may be used for compensatory mitigation. The sponsor has proposed a service area for this bank that includes the Cowlitz River Watershed (WRIA 26) and its major tributaries below Mayfield Dam, as well as the 12-digit Hydrologic Unit Code

sub-basins along the Columbia River between River Mile 78 near Kalama and River Mile 56 near Longview. We are seeking comments on the proposed service area. The proposed service area may be increased or decreased based on public comments and comments from the IRT. The proposed service area for this bank is shown on the attached Figure 5.

**PURPOSE** – The purpose of the Coweeman 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 in the service area of the bank. 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 IRT to develop the MBI in accordance with the Federal rule, 33 CFR Parts 325 and 332 and 40 CFR Part 230, *Compensatory Mitigation for Losses of Aquatic Resources*; and the state rule, Chapter 173-700 WAC, *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 websites:

<http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html>, or

[http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Mit\\_Options](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Mit_Options)

If you are interested in receiving updates from Ecology concerning wetland mitigation banking in the state, please join our e-mail list at:

<http://listserv.wa.gov/archives/wetland-mitigation-banking.html>

**ENDANGERED SPECIES** – The ESA requires federal agencies to consult with the NMFS and/or USFWS pursuant to Section 7 of 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). If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

**CULTURAL RESOURCES:** A historic cultural resources assessment will be conducted within the proposed bank site area and coordinated with the Washington Department of Archaeology and Historic Preservation (DAHP) and interested consulting parties. The Corps will review the latest published version of the National Register of Historic Places, lists of properties determined eligible for the historic register, and other sources of information.

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. Public comments will assist in developing facts on which to base a decision by the IRT as to whether or not to authorize

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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.

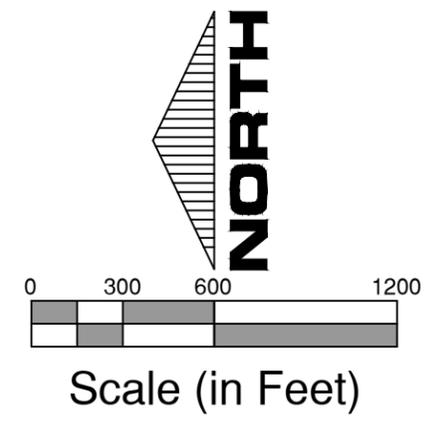
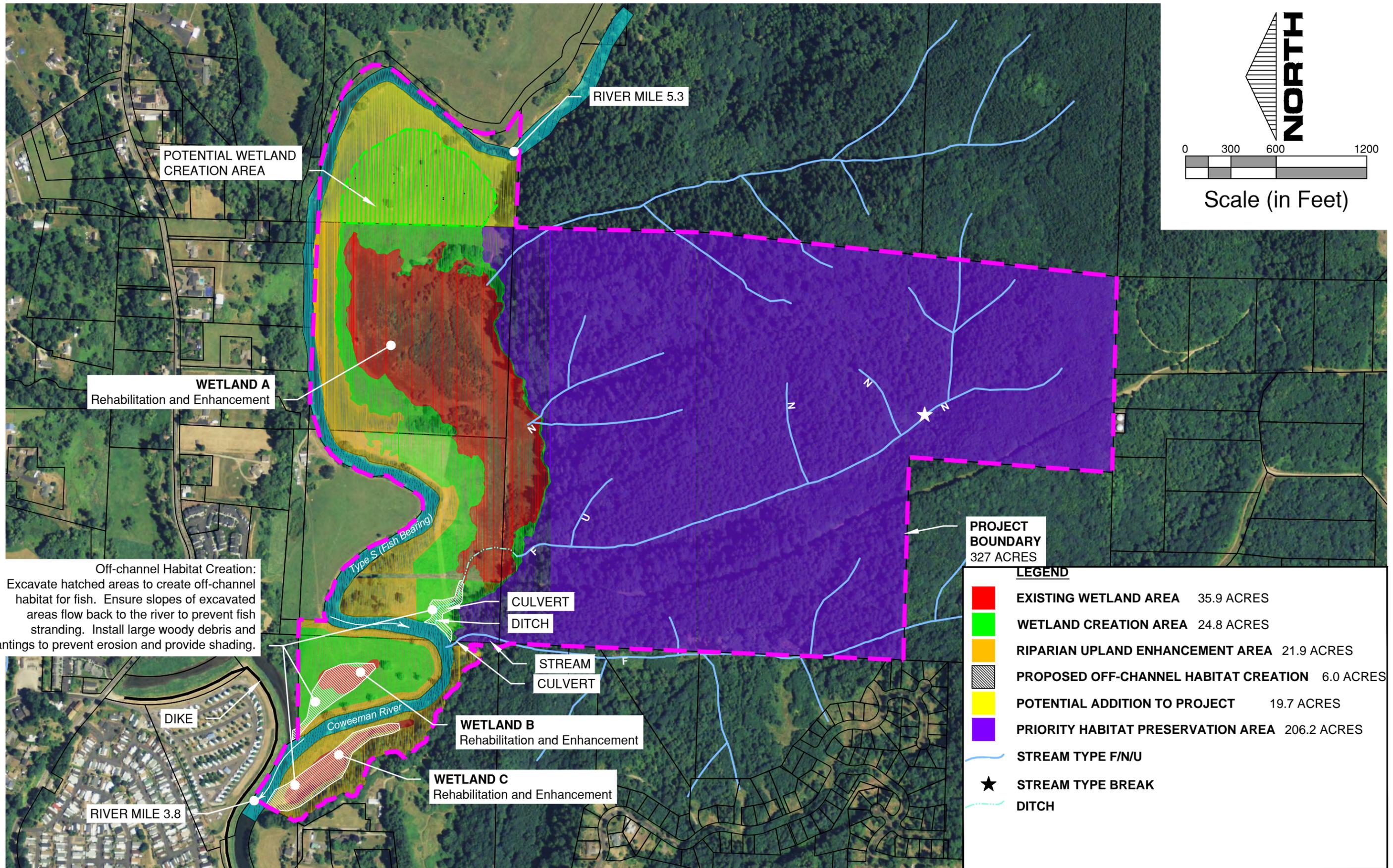
COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this proposal will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. E-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the reference number NWS-2013-00794.

All e-mail comments should be sent to [gail.m.terzi@usace.army.mil](mailto:gail.m.terzi@usace.army.mil) at the Corps, and/or [kate.thompson@ecy.wa.gov](mailto:kate.thompson@ecy.wa.gov) at Ecology. Conventional mail comments should be sent to one of the addresses at the top of this public notice. Both conventional mail or e-mail comments must include "Coweeman River Wetland and Conservation Bank, NWS-2013-00794" 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.

Encl: 3 Figures



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**Off-channel Habitat Creation:**  
Excavate hatched areas to create off-channel habitat for fish. Ensure slopes of excavated areas flow back to the river to prevent fish stranding. Install large woody debris and plantings to prevent erosion and provide shading.

**PROJECT BOUNDARY**  
327 ACRES

**LEGEND**

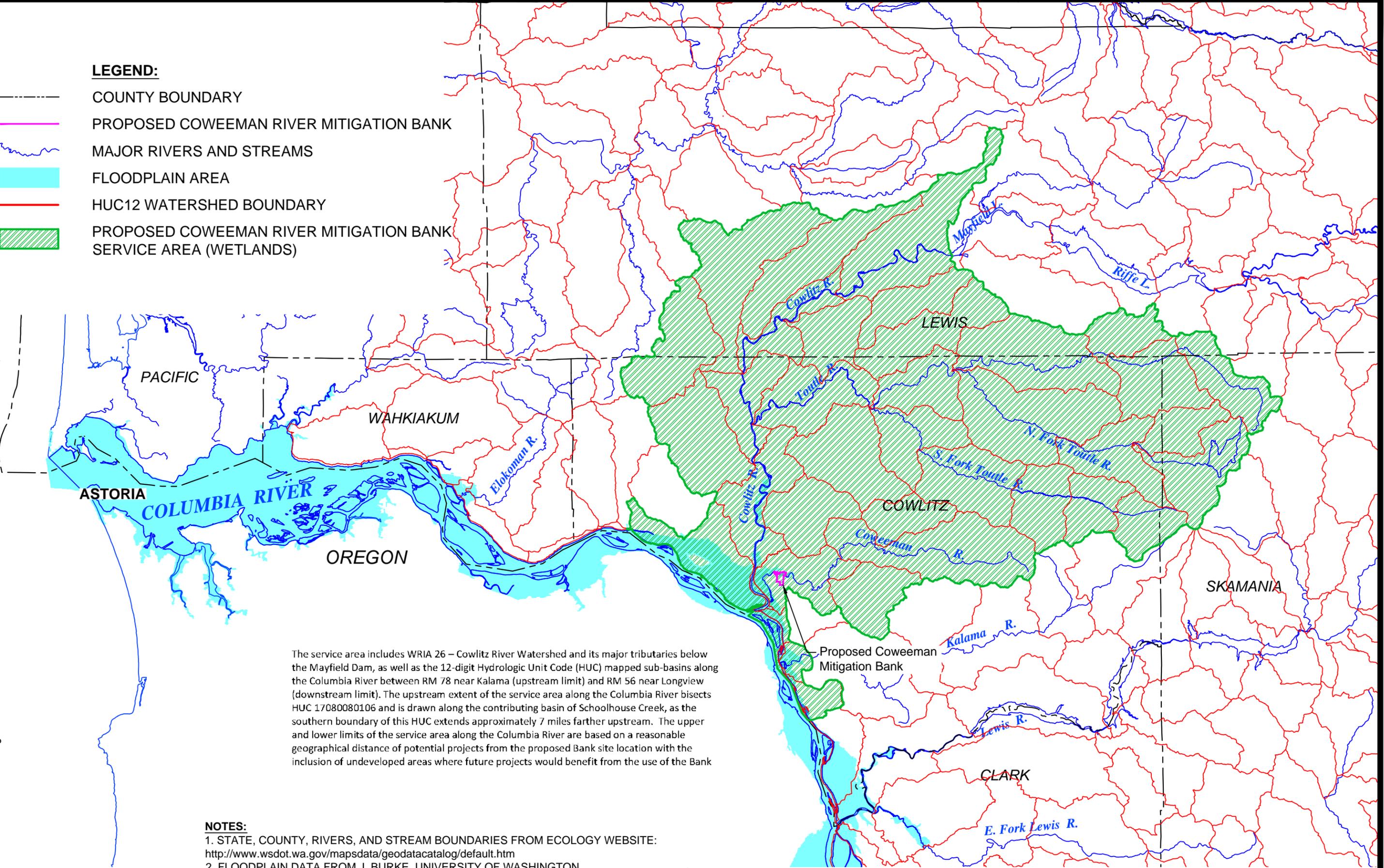
<span style="color: red;">■</span>	<b>EXISTING WETLAND AREA</b>	35.9 ACRES
<span style="color: green;">■</span>	<b>WETLAND CREATION AREA</b>	24.8 ACRES
<span style="color: orange;">■</span>	<b>RIPARIAN UPLAND ENHANCEMENT AREA</b>	21.9 ACRES
<span style="background-color: #cccccc; border: 1px solid black;">■</span>	<b>PROPOSED OFF-CHANNEL HABITAT CREATION</b>	6.0 ACRES
<span style="color: yellow;">■</span>	<b>POTENTIAL ADDITION TO PROJECT</b>	19.7 ACRES
<span style="color: purple;">■</span>	<b>PRIORITY HABITAT PRESERVATION AREA</b>	206.2 ACRES
<span style="color: blue;">—</span>	<b>STREAM TYPE F/N/U</b>	
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**LEGEND:**

-  COUNTY BOUNDARY
-  PROPOSED COWEEMAN RIVER MITIGATION BANK
-  MAJOR RIVERS AND STREAMS
-  FLOODPLAIN AREA
-  HUC12 WATERSHED BOUNDARY
-  PROPOSED COWEEMAN RIVER MITIGATION BANK SERVICE AREA (WETLANDS)

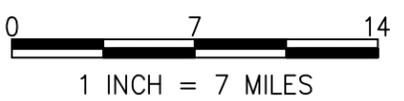
PACIFIC OCEAN



The service area includes WRIA 26 – Cowlitz River Watershed and its major tributaries below the Mayfield Dam, as well as the 12-digit Hydrologic Unit Code (HUC) mapped sub-basins along the Columbia River between RM 78 near Kalama (upstream limit) and RM 56 near Longview (downstream limit). The upstream extent of the service area along the Columbia River bisects HUC 17080080106 and is drawn along the contributing basin of Schoolhouse Creek, as the southern boundary of this HUC extends approximately 7 miles farther upstream. The upper and lower limits of the service area along the Columbia River are based on a reasonable geographical distance of potential projects from the proposed Bank site location with the inclusion of undeveloped areas where future projects would benefit from the use of the Bank

**NOTES:**

1. STATE, COUNTY, RIVERS, AND STREAM BOUNDARIES FROM ECOLOGY WEBSITE:  
<http://www.wsdot.wa.gov/mapsdata/geodatacatalog/default.htm>
2. FLOODPLAIN DATA FROM J. BURKE, UNIVERSITY OF WASHINGTON.
3. HUC12 WATERSHED BOUNDARIES FROM USGS WEBSITE:  
<http://www.water.usgs.gov/wsc/cat/17080001.html>.
4. BASE MAP PREPARED BY ECOLOGICAL LAND SERVICES, INC., JUNE 2013.



ECOLOGICAL LAND SERVICES, INC.

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**Coweeman Mitigation Bank  
 Figure 5  
 Proposed Service Area**