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: March 18, 2014
Expiration Date: April 17, 2014

Reference No.: NWS-2014-103
Name: The RJ Group

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 February 26, 2014. 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: The RJ Group
222 Grand Avenue, Suite B
Bellingham, Washington 98225
Attention: Ms. Carrie Veldman
Telephone: (360) 733-5760

AGENT: Northwest Ecological Services, LLC
1229 Cornwall Avenue, Suite 313
Bellingham, Washington 98225
Attention: Ms. Vikki Jackson
Telephone: (360) 739-9484

LOCATION: In wetlands on property south of Horton Road (east of Cordata Parkway) at Bellingham, Washington.

WORK: Fill 2.14 acres of wetlands.

PURPOSE: Provide residential facilities in the north Bellingham (Cordata) vicinity.

ADDITIONAL INFORMATION: A Public Notice for a combined residential and commercial project was issued on May 30, 2012, under the applicant name Tin Rock Development (Corps reference NWS-2010-1144). The application was withdrawn. Based on clarification of project details, the Corps determined that the commercial portion of the project was independent of the residential portion and that the projects could be permitted independently. A revised application for a commercial development, submitted by The RJ Group, has been received. The permit request for the residential project will be processed under Corps reference number NWS-2010-1144.

The project involves filling and grading 2.14 acres of Category III palustrine emergent wetlands onsite for construction of buildings, roads, utilities, and stormwater treatment facilities. See the attached project drawings for details. 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: To compensate for impacts to wetlands and 3.26 acres of buffer impacts, the applicant has proposed to enhance 1.63 acres of buffers on site. The proposed mitigation also involves creation of 2.14 acres of wetlands, enhancement of 8.32 acres of wetlands, and enhancement of 1.99 acres of buffers at an off-site location (Riley Site). Additional information on mitigation is available on request.

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 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 not 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 District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. A historic properties investigation has been conducted within the permit area, and the remains of a historic homestead were identified. The applicant has agreed to avoid this historic site. The Corps completed consultations with the Washington State Department of Archeological and Historic Preservation and local tribes on March 17, 2011, as part of the permit review process for the original application. The Corps determined that there would be no historic properties affected by this undertaking. There are no changes to the Area of Potential Effect for the revised project. Section 106 of the National historic Preservation Act compliance has been completed.

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.

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 U.S.

SOURCE OF FILL MATERIAL: The source of the fill material will be on site soils and clean fill from a commercial source.

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 proposal is outside of the Shorelines Substantial Management Area. The State Environmental Policy Act lead agency is the City of Bellingham.

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.

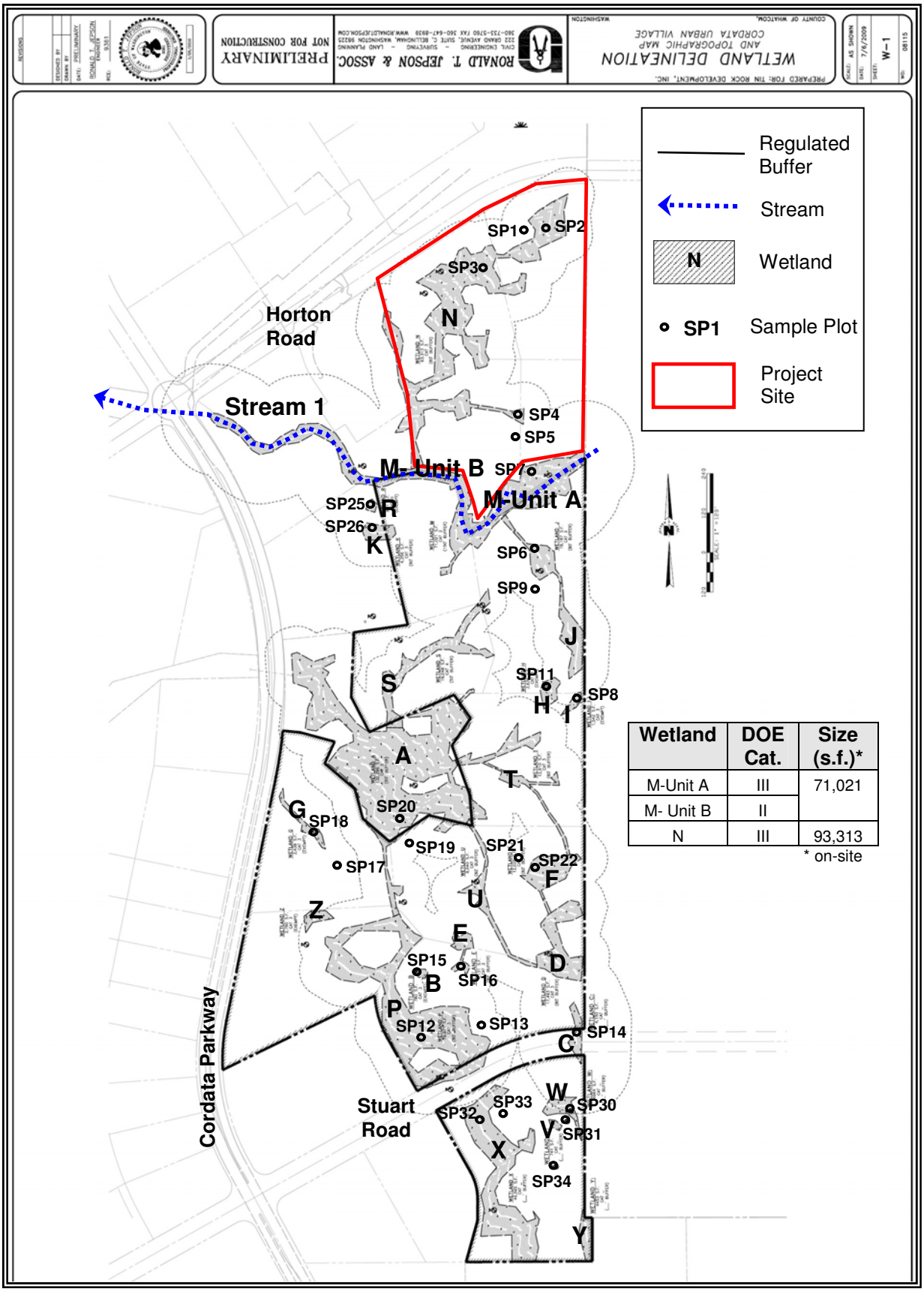
CORPS COMMENTS: All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Randel Perry, P.O. Box 3755, Seattle, Washington 98124-3755.

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, P.O. 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: The RJ Group; NWS-2014-103.

Encl: Figures (13)

Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** Corps Ref# NWS-2014-103 **Vicinity Map**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 1 of 13



Wetland	DOE Cat.	Size (s.f.)*
M-Unit A	III	71,021
M- Unit B	II	
N	III	93,313

* on-site

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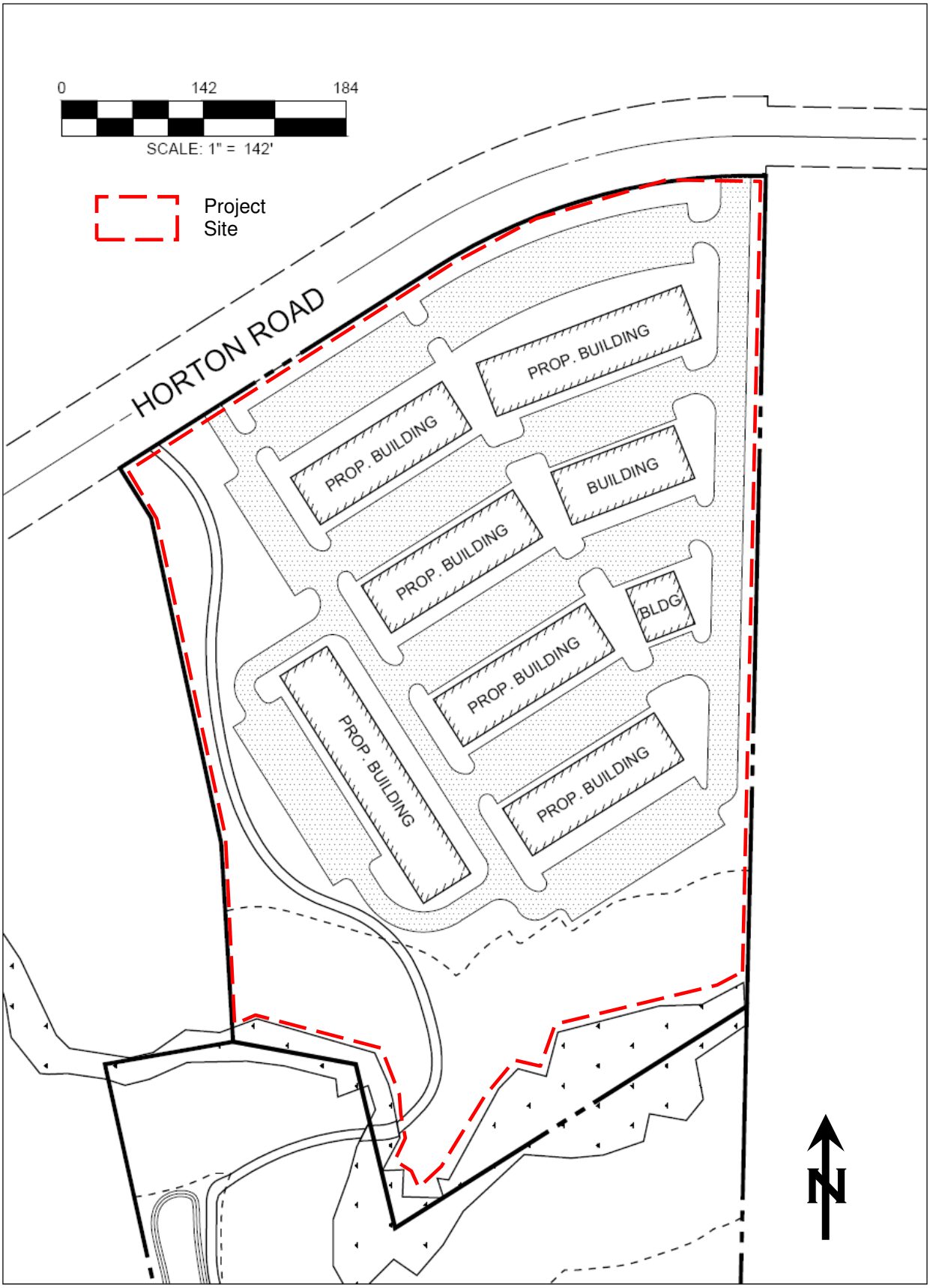
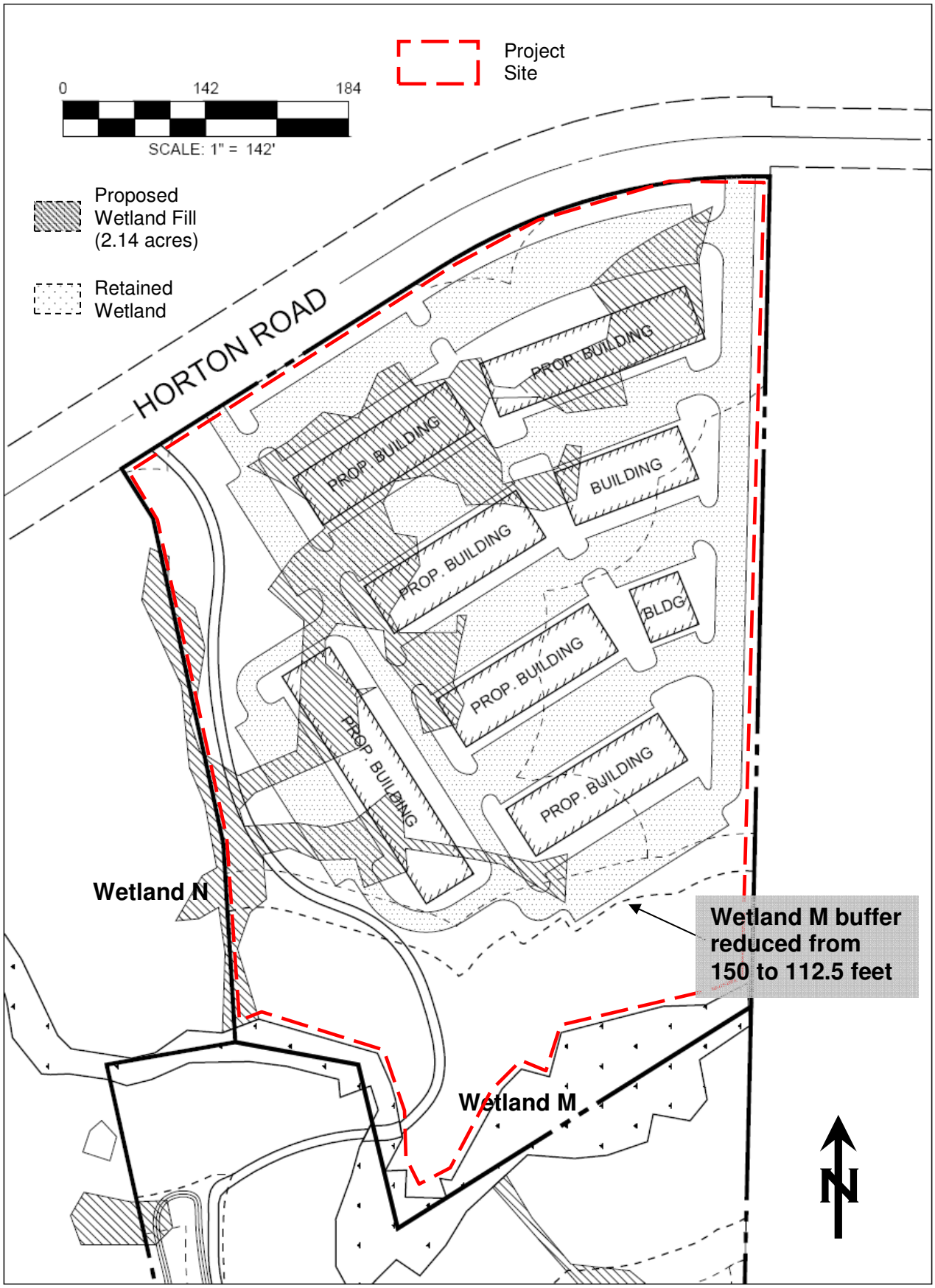
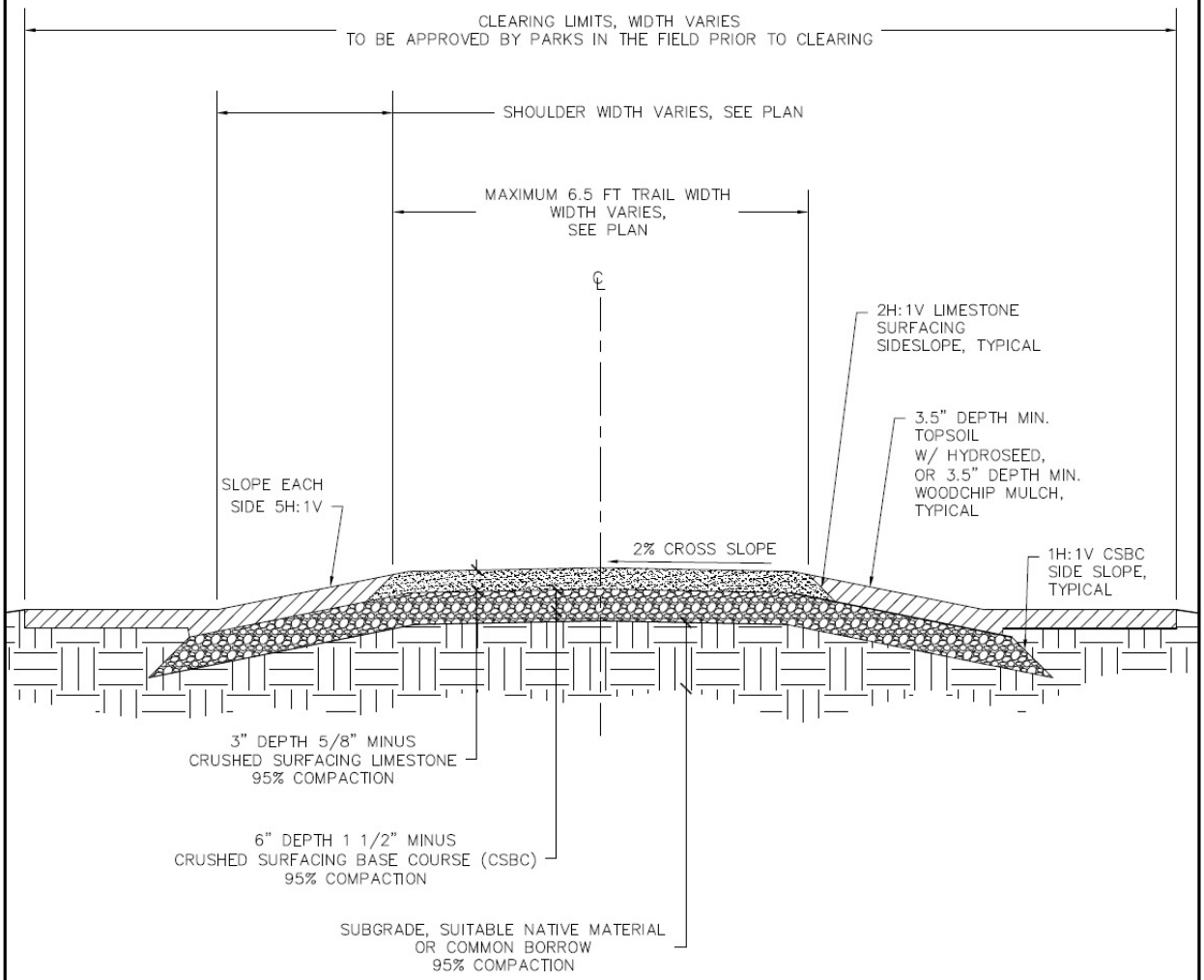


Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Proposed Site Plan**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 3 of 13



Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Impacts Map**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 4 of 13

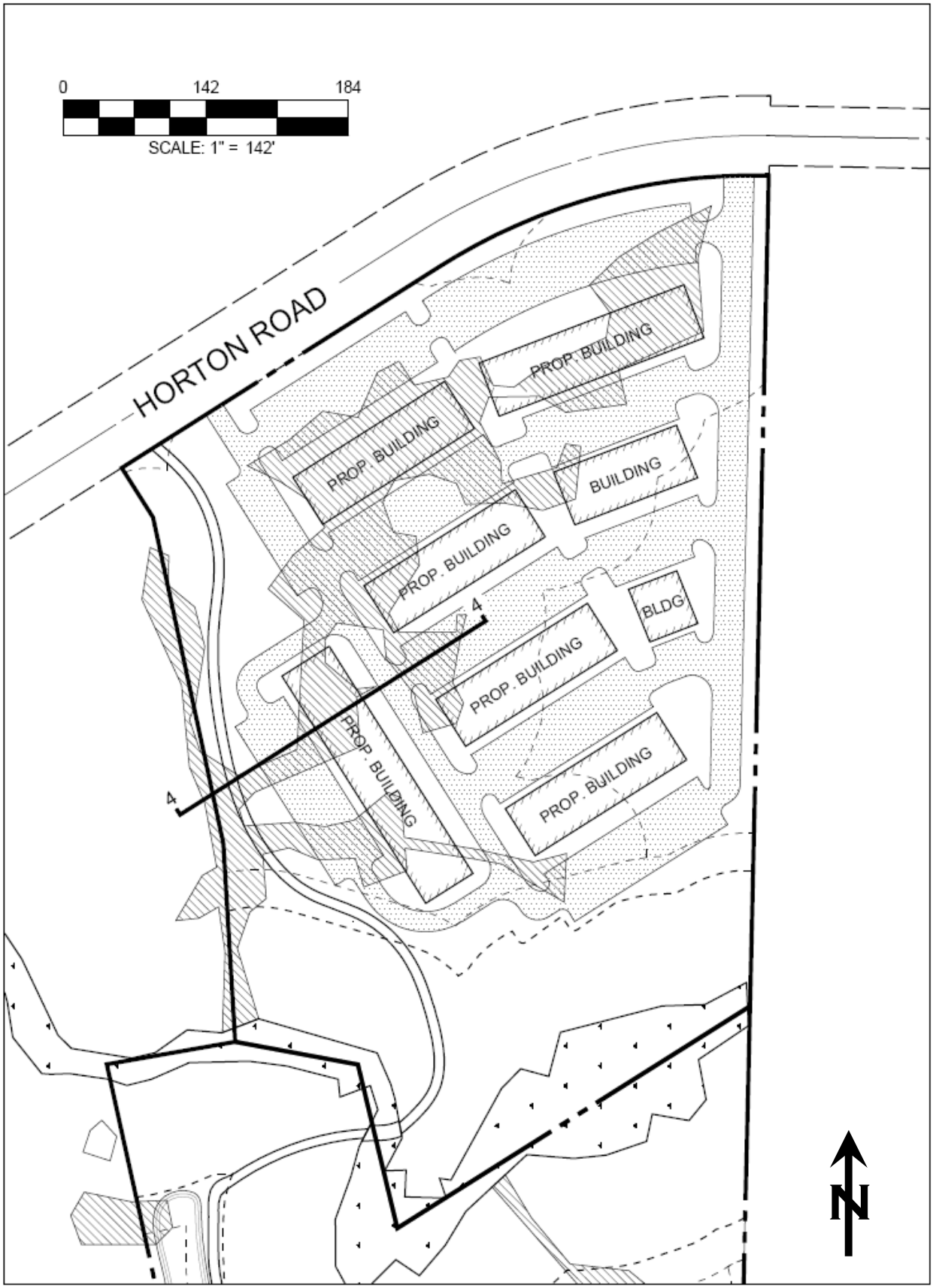


NOTES:

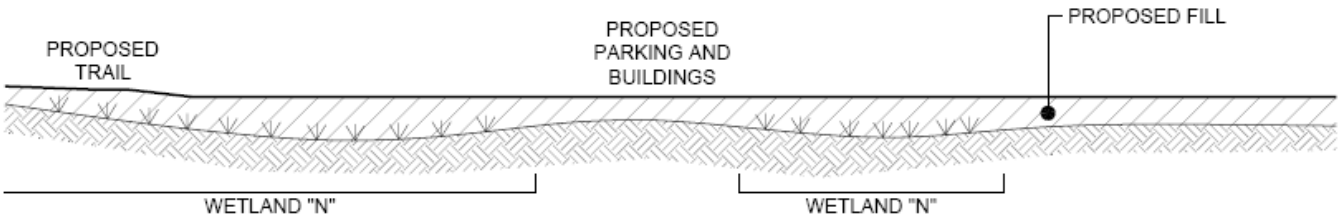
A. TRAIL DETAIL SHOWN DOES NOT INCLUDE STORMWATER DESIGN. STORMWATER DESIGN MUST BE COMPLETED IN ACCORDANCE WITH APPLICABLE CODES.
B. DRAINAGE DITCH PARALLEL TO TRAIL MAY BE REQUIRED FOR STORMWATER DESIGN. MINIMUM DITCH WIDTH IS 3 FT. OR AS APPROVED BY PARKS MANAGER. SLOPE EACH SIDE OF CENTERLINE OF DITCH WITH MAXIMUM SIDE SLOPE OF 4H:1V OR AS OTHERWISE NOTED.
C. WHERE TRAIL IS LOCATED OVER BURIED UTILITIES, THE ENTIRE UTILITY TRENCH SHALL BE BACKFILLED WITH IMPORTED GRAVEL AND COMPACTED TO 95% MAXIMUM DENSITY.
D. SECTION SHOWN IS FOR TYPICAL CONDITIONS, TRAIL MAY BE MODIFIED TO ACCOMMODATE SITE SPECIFIC REQUIREMENTS.
E. CRUSHED SURFACING BASE COURSE DEPTH AND SIZE OF AGGREGATE SHOWN IS MINIMUM REQUIREMENT. ACTUAL DEPTH OF AGGREGATE MAY VARY PER SITE SPECIFIC CONDITIONS.
F. STAKE TRAIL ALIGNMENT AND TRAIL CLEARING LIMITS IN THE FIELD BEFORE CLEARING. VIOLATORS WILL BE FINED. SEE BMC13.40.150.
G. SUBGRADE COMPACTION MUST BE CERTIFIED BY A GEOTECHNICAL ENGINEER.
H. TRAIL WIDTH SHOWN IS MAXIMUM WIDTH. WIDTH MAY VARY ACCORDING TO SITE SPECIFIC PLAN.

PARKS AND RECREATION DESIGN AND DEVELOPMENT	CITY OF BELLINGHAM NARROW TRAIL Scale: NTS	DRAWING 2505.02

Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Secondary Trail Cross Section**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 5 of 13



Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Wetland Fill** **Cross Section Location**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 6 of 13



SECTION A

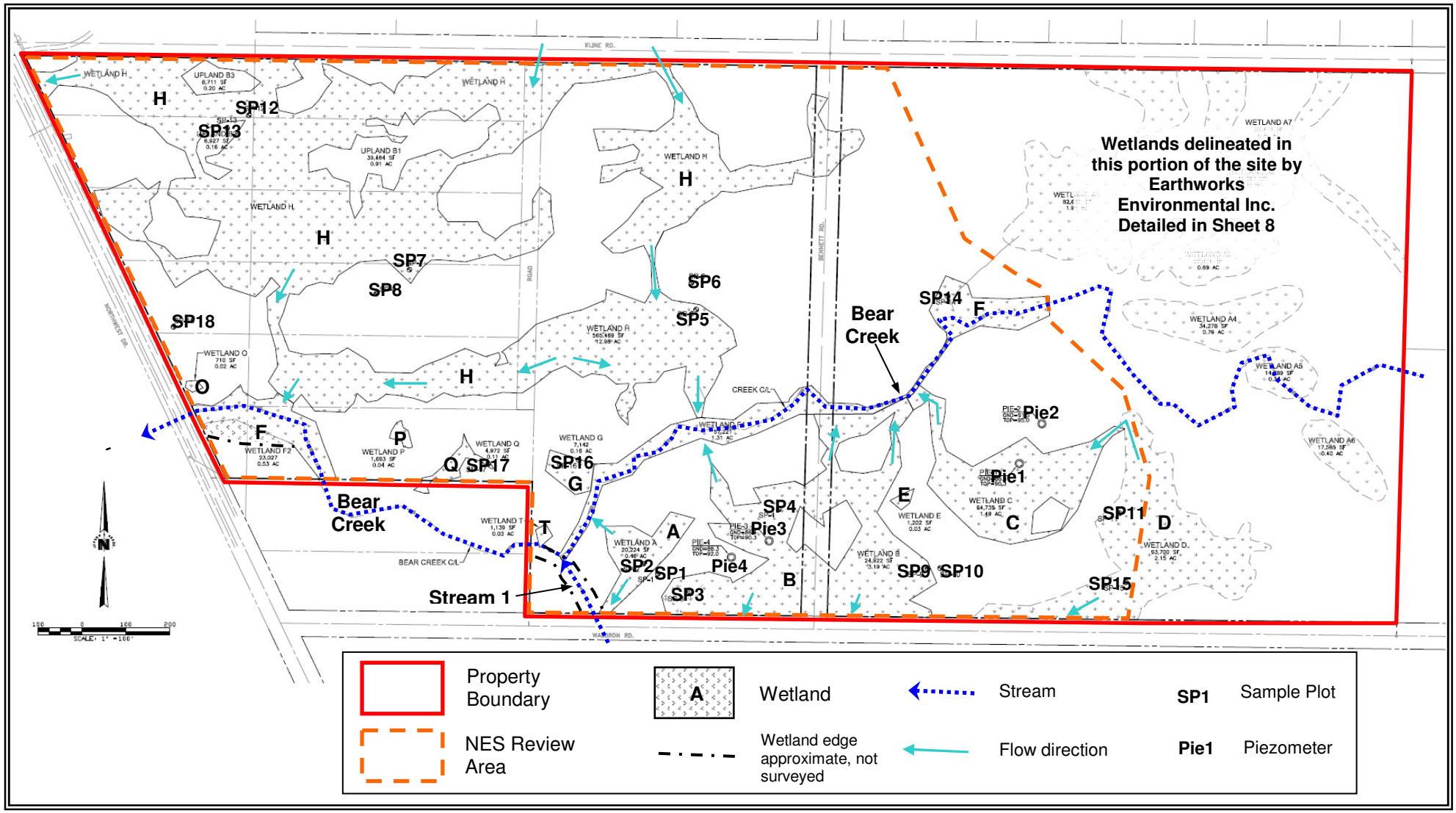
NTS

NOTES:

1. ALL PROPOSED WETLAND FILLS ARE OF DEPRESSIONAL WETLANDS THAT ARE NOT CONNECTED TO ANY REMAINING CRITICAL AREAS. NO CULVERTS ARE PROPOSED TO MAINTAIN SURFACE HYDROLOGY.

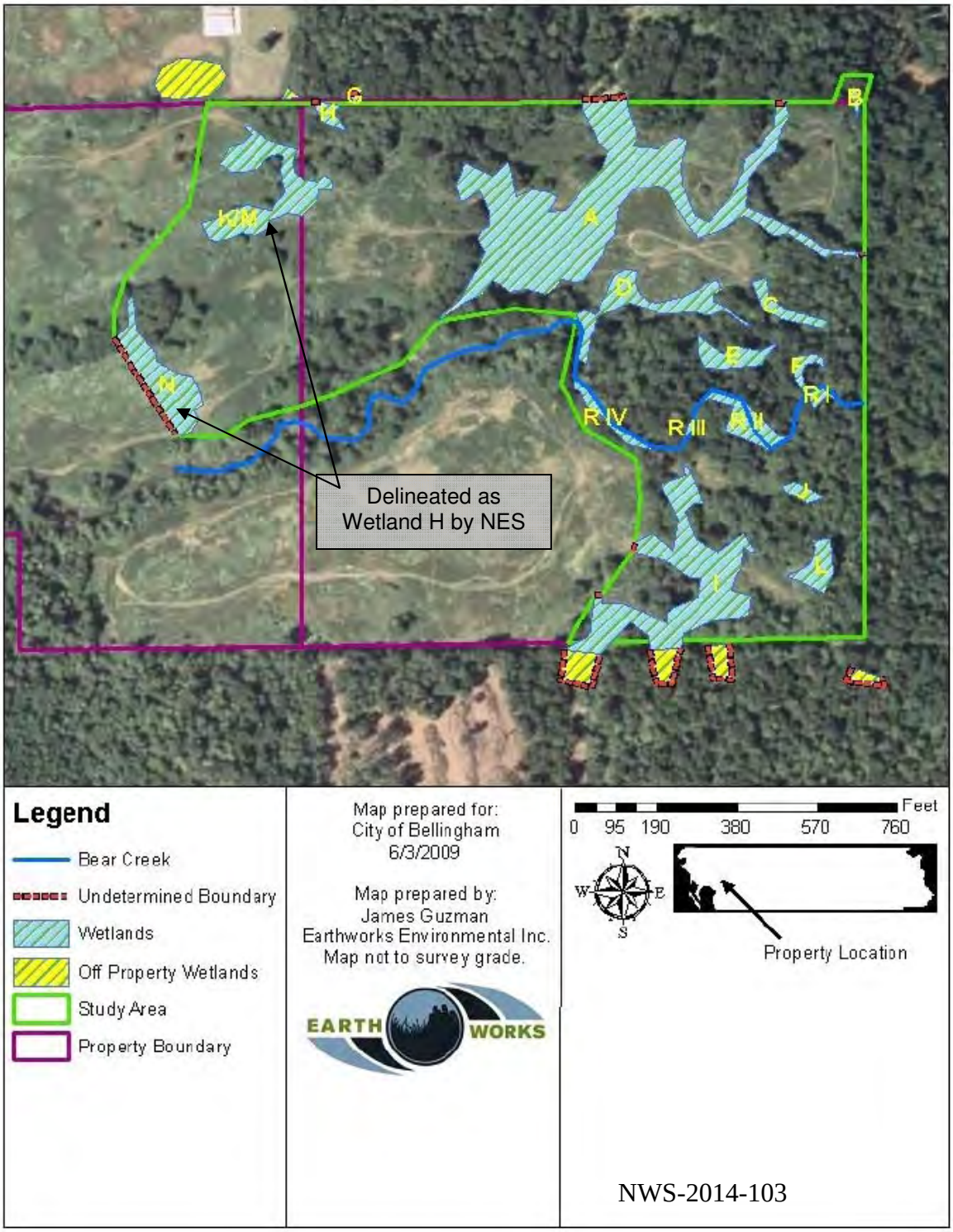
2. PROPOSED GRADES SHOWN ARE CONCEPTUAL. FINAL DEPTHS TO BE DETERMINED DURING FINAL ENGINEERING.

Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Wetland Fill Cross Section**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 7 of 13



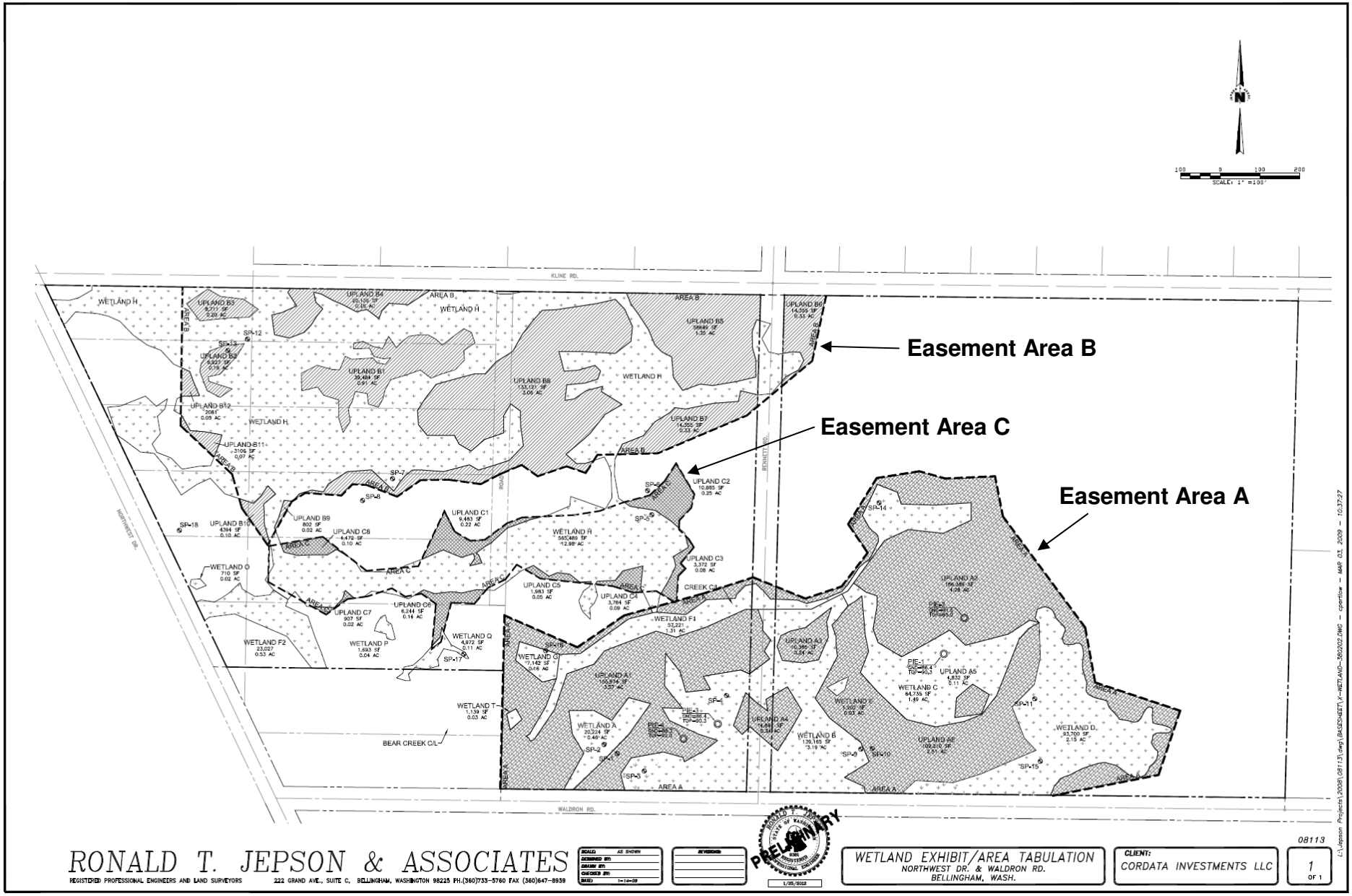
Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Bear Creek Preserve Wetland Map**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 8 of 13

Figure 1. Wetland and stream map within the study area (portions of Whatcom County tax parcels #380202-333346 and 380202-150361).

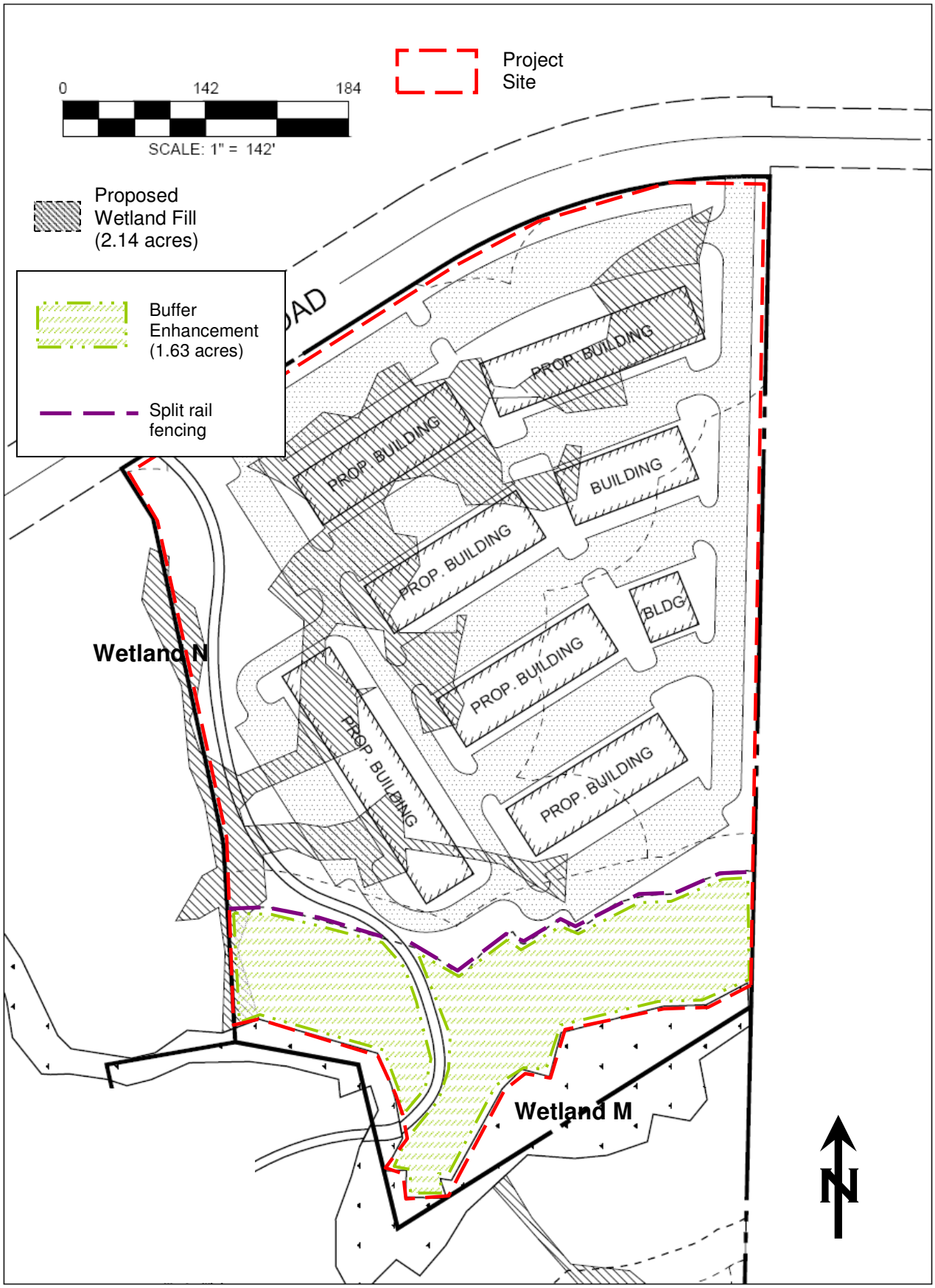


NWS-2014-103

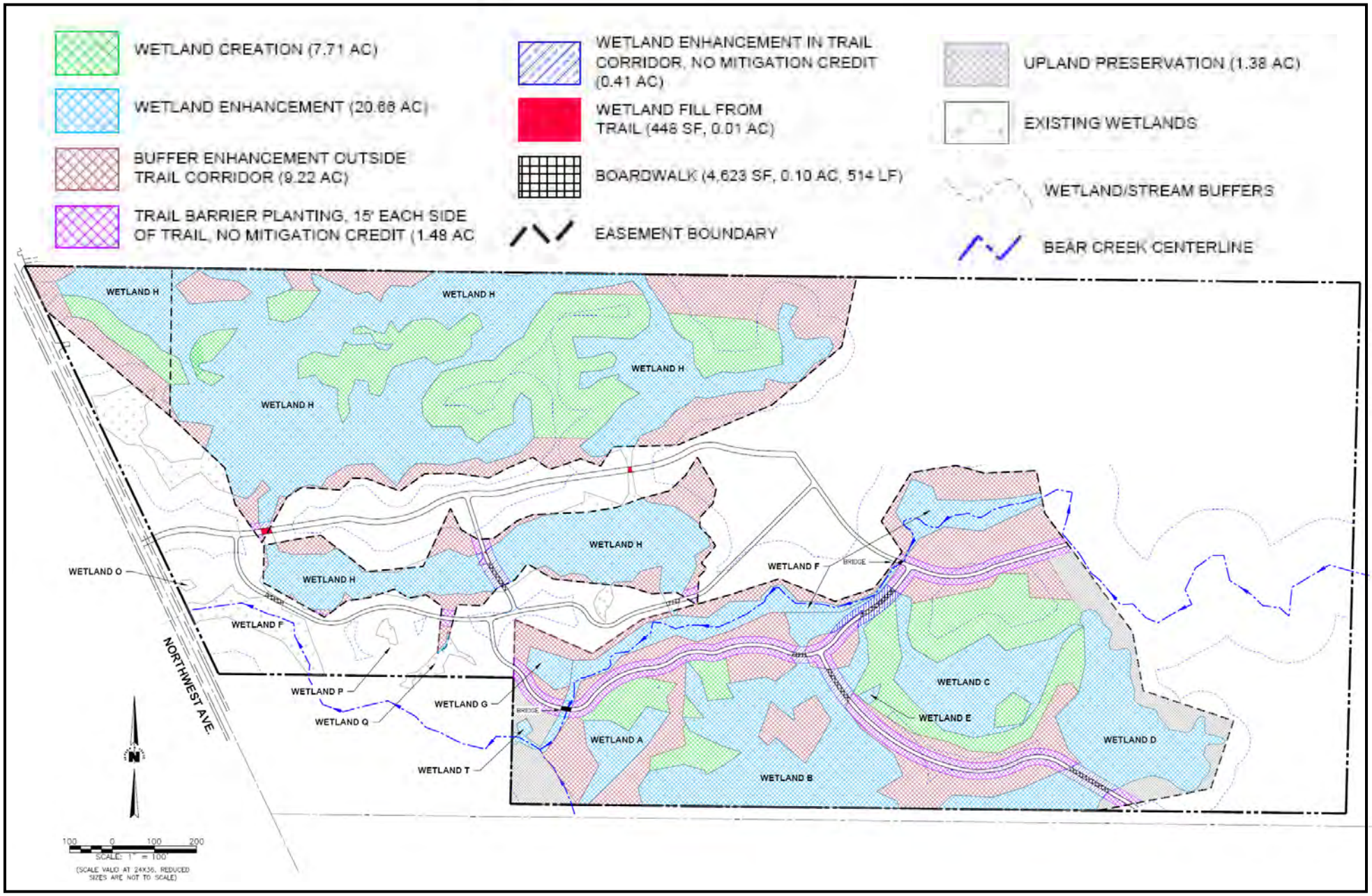
Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** **Wetland Map for East Section of Bear Creek Preserve from Earthworks Recon**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 9 of 13



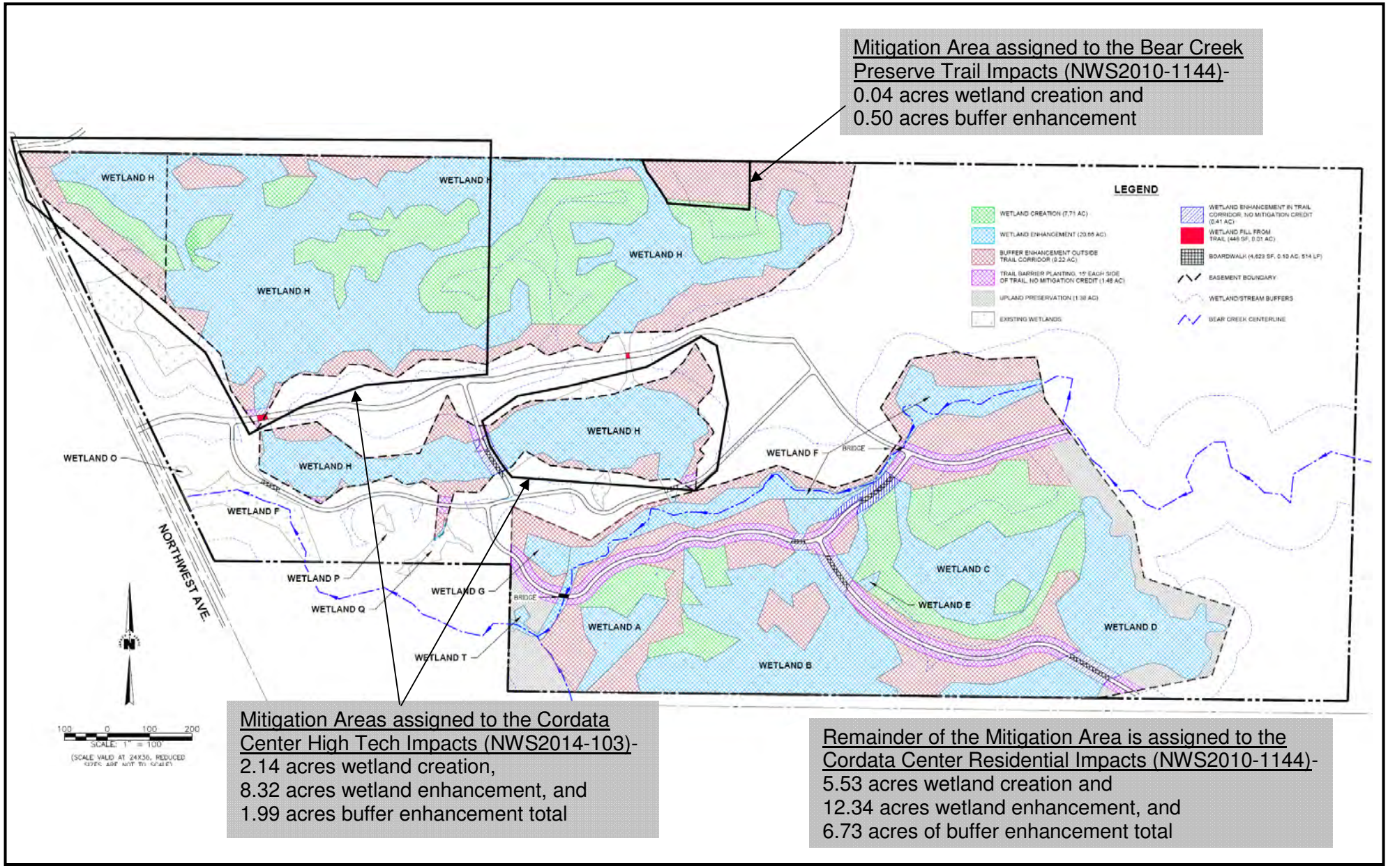
Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Easement Map**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 10 of 13



Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **On-site Mitigation Map**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 11 of 13



Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** NWS-2014-103 **Off-site Mitigation Map**	**In:** Wetlands **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 12 of 13



Purpose: Commercial Development **Applicant:** The RJ Group **Project #:** NWS-2014-103 **Adjacent Prop. Owners:** See JARPA **Date:** 02/26/2014	**Cordata Center High Tech** **Off-site Mitigation Map With Individual Project Mitigation Areas**	**In:** Wetlands NWS-2014-103 **Location:** Cordata Parkway, Bellingham, **Sec/Twp/Rng:** 1 and 12/38N/02E **County:** Whatcom **State:** WA Sheet 13 of 13