



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (360) 734-3156
ATTN: Mr. Randel Perry, Project Manager

Public Notice Date: August 21, 2015
Expiration Date: September 20, 2015
Reference: NWS-2015-472
Name: Lummi Commercial Company

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated July 2015. The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA).

APPLICANT: Lummi Commercial Company
Attention: Mr. Richard Jefferson
2751 Haxton Way #1
Bellingham, Washington 98226
Telephone: (360) 758-4223

AGENT: Northwest Ecological Services, LLC
Attention: Ms. Michelle Bodtke
1911 C Street
Bellingham, Washington 98225
Telephone: (360) 734-9484

LOCATION: In wetlands abutting Silver Creek on Lummi Indian Nation lands near Ferndale, Washington.

WORK: Place fill in 2.22 acres of wetlands to construct a fuel station and convenience store with associated infrastructure.

PURPOSE: Provide transportation services to cars and long-haul trucks to increase the economic stability of the Lummi Nation and its people.

ADDITIONAL INFORMATION: The applicant proposes to fill 2.22 acres of Category II and III palustrine emergent wetlands to construct a fuel station and convenience store with associated infrastructure. Work will be conducted by mechanical equipment; temporary sediment and erosion controls will be utilized to protect downstream waters. Post-construction stormwater will be treated on-site.

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: As mitigation for the wetland impacts described above, the applicant proposes the purchase of 2.22 credits from the Lummi 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. 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). 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. There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. 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.

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. The fill material will be clean pit run gravel obtained from a commercial source and soils from the site.

ADDITIONAL EVALUATION: The Lummi Indian Nation is reviewing this work for compliance with the applicable Federal water quality standards pursuant to Section 401 of the CWA.

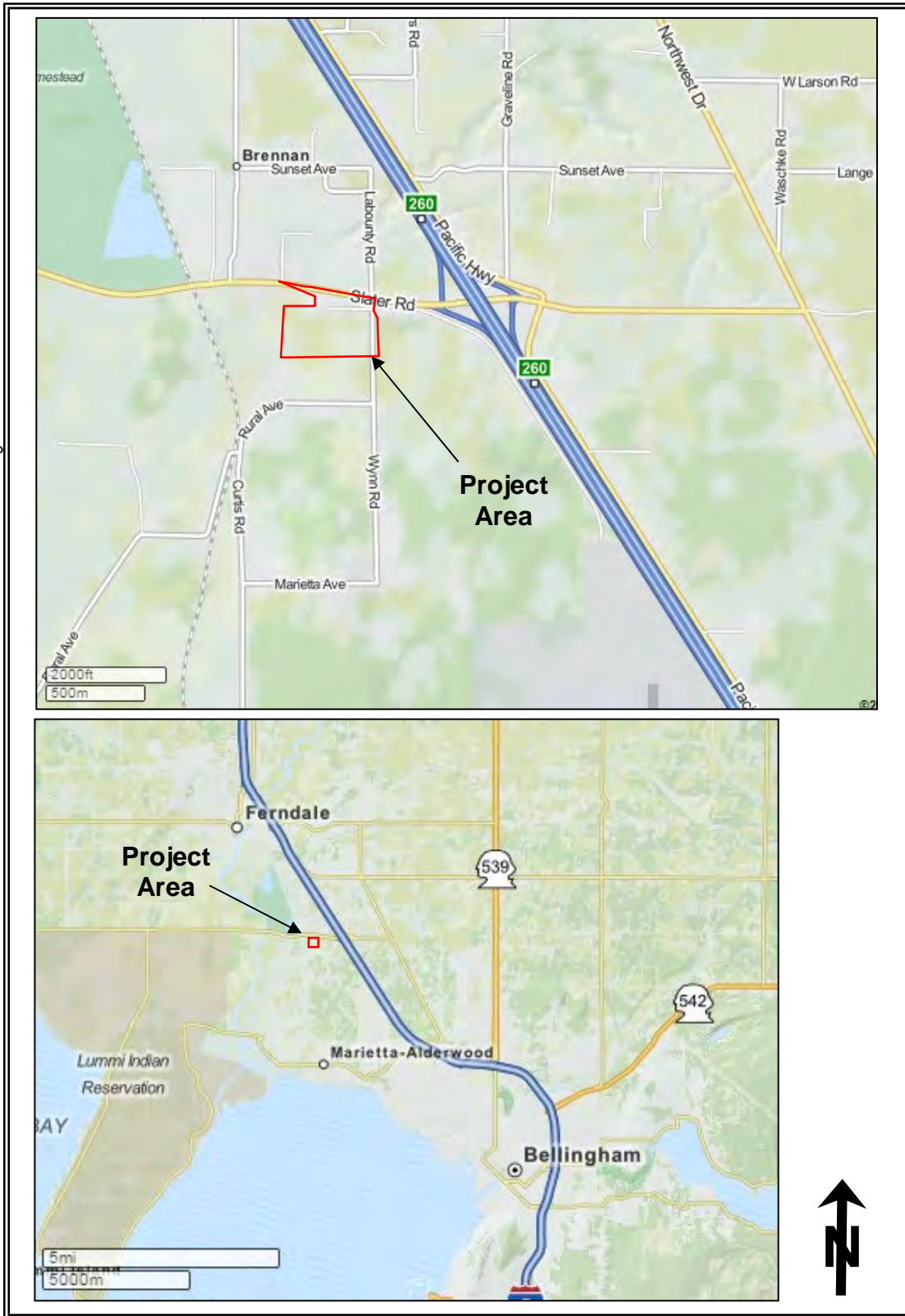
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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.


All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington 98124-3755. Both conventional mail and/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. Please include the following name and reference number:

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Lummi Commercial Company, NWS-2015-472.

Encl: 6 Figures

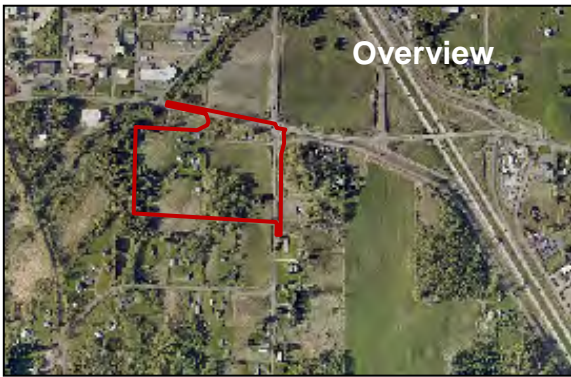
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<p>ECOLOGICAL</p>  <p>NORTHWEST</p>	<p>Vicinity Map (MapQuest)</p> <p>Lummi Fuel Station Bank Use Plan</p> <p>Corps Ref# NWS-2015-472</p>	<p>Figure 1 of 6</p> <p>REVISED July 2015</p>
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Detail



Overview

2,000 ft

300 ft

 Project Area



ECOLOGICAL



NORTHWEST

Aerial Photographs

Lummi Fuel Station
Bank Use Plan

Corps Ref# NWS-2015-472

Figure 2

of 6





REVISED
July 2015




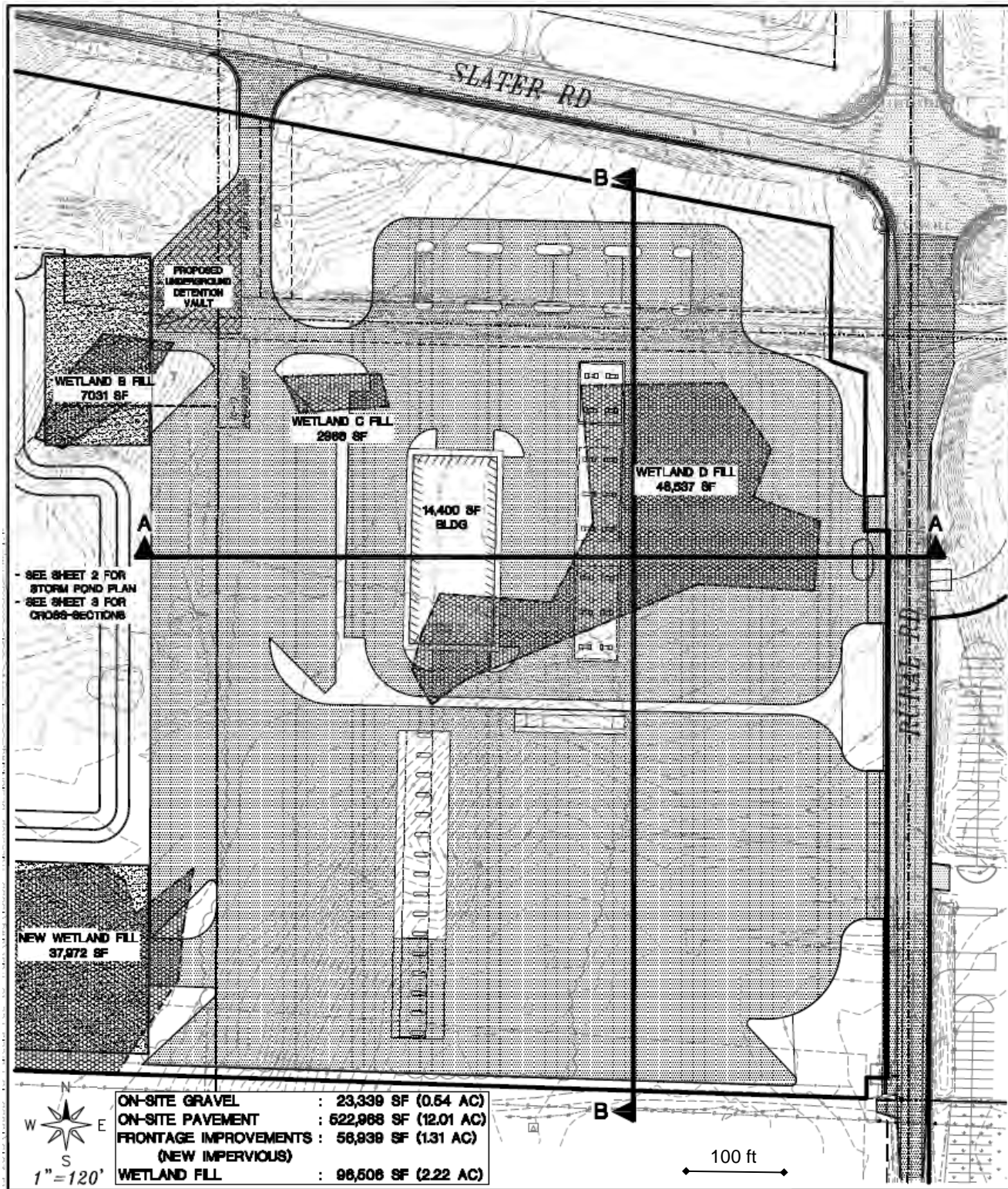
300 ft



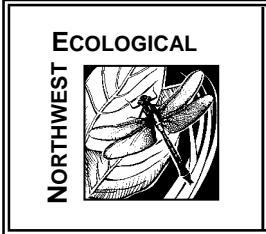
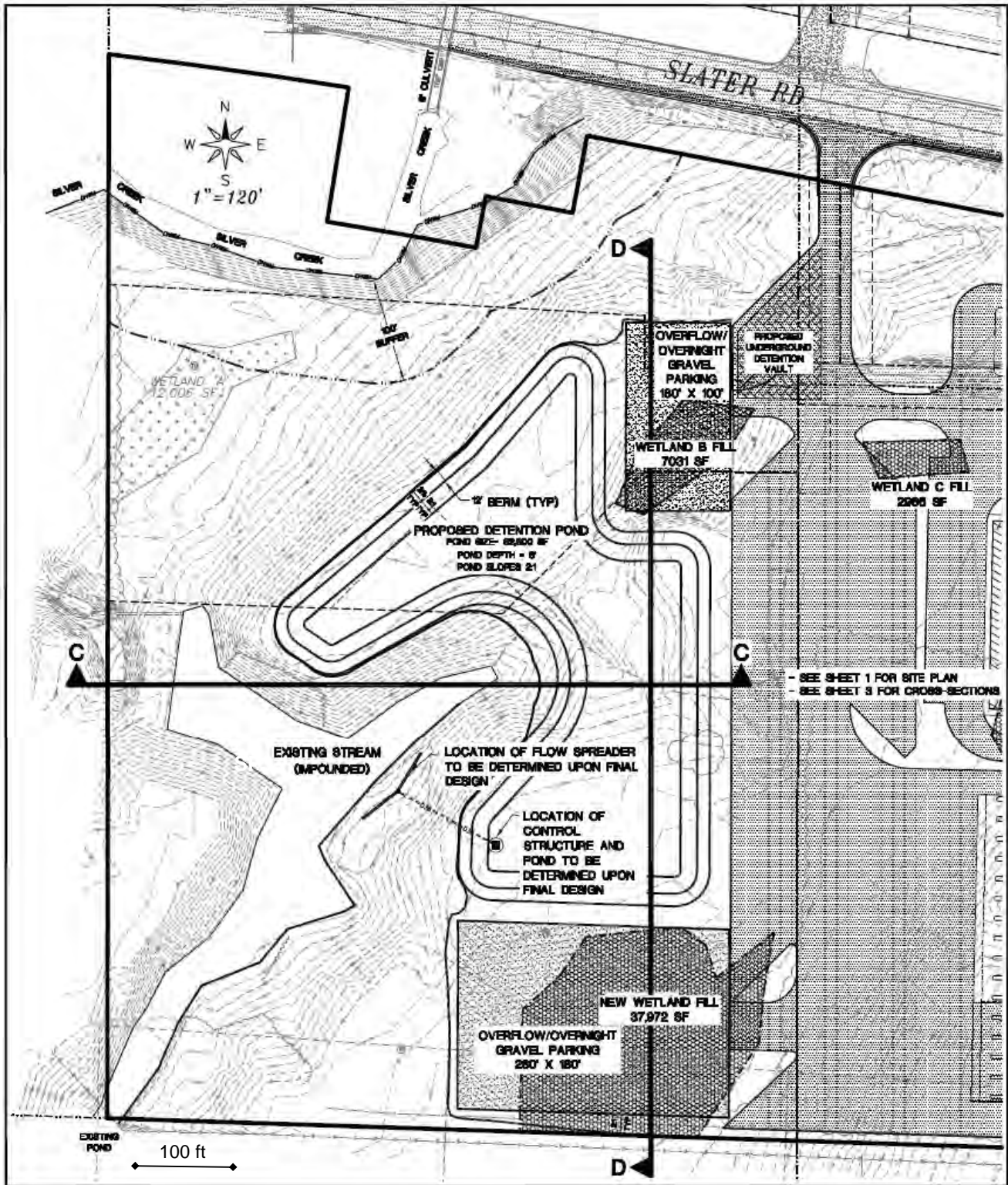
Note: Wetland boundaries are approximate. For surveyed boundaries, see Conceptual Site Plan.

-  Project Area
-  Wetlands
-  Streams
-  Culvert

<p>ECOLOGICAL</p> 	<p align="center">Wetland Existing Conditions (Delineated by Raedeke Assoc.)</p> <p align="center">Lummi Fuel Station Bank Use Plan Corps Ref# NWS-2015-472</p>	<p align="center">Figure 3 of 6</p> <p align="center">REVISED July 2015</p>
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	<p>Conceptual Site Plan (1 of 2) (LDES, Inc.)</p> <p>Lummi Fuel Station Bank Use Plan Corps Ref# NWS-2015-472</p>	<p>Figure 4 of 6</p> <p>REVISED July 2015</p>
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Conceptual Site Plan (2 of 2)

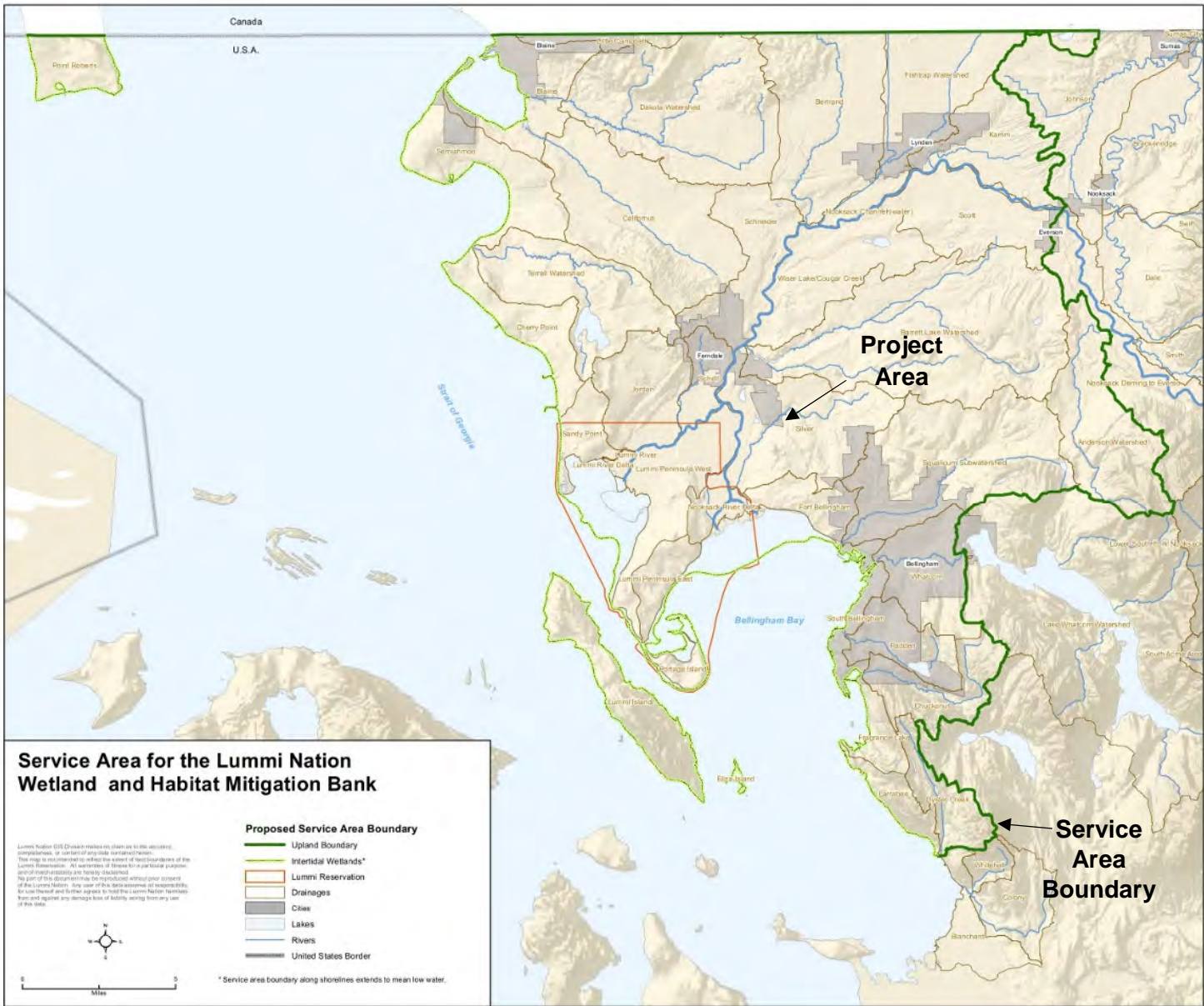
(LDES, Inc.)


Lummi Fuel Station
Bank Use Plan

Corps Ref# NWS-2015-472

Figure 5
of 6

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July 2015



<p>ECOLOGICAL</p> <p>NORTHWEST</p> 	<p>Service Area and Review Area</p> <p>Lummi Fuel Station Bank Use Plan</p> <p>Corps Ref# NWS-2015-472</p>	<p>Figure 6</p> <p>of 6</p> <p>REVISED</p> <p>July 2015</p>
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