



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: Mr. 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:** September 8, 2015

**Expiration Date:** October 8, 2015

Reference No.: NWS-2015-737

Name: Mersey, LLC

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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 U.S. as described below and shown on the enclosed drawings dated July 30, 2015. 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:** Mersey, LLC  
ATTN: Ms. Carrie Veldman  
222 Grand Avenue, Suite C  
Bellingham, Washington 98225  
Telephone: (360) 738-9033

**AGENT:** Normandeau Associates, Inc.  
ATTN: Mr. Patrick Trogher  
1904 Third Avenue, Suite 1010  
Seattle, Washington 98101  
Telephone: (206) 577-1108

**LOCATION:** In wetlands adjacent to unnamed tributaries of West Fork Bear Creek at Bellingham, Washington.

**WORK:** Fill 4.92 acres of wetlands.

**PURPOSE:** Provide residential facilities in the North Bellingham vicinity.

**ADDITIONAL INFORMATION:** The project involves construction of single family and multi-residential units, roads, utilities, and stormwater treatment facilities on a 70.5-acre site. The project will result in the filling of 4.92 acres of Category II, III, and IV palustrine emergent, scrub-shrub, and forested wetlands. An additional 1.10 acres of indirect impact to wetlands will occur from proximity of the development to existing wetlands with a resulting reduction in wetland functions. Post construction stormwater will be treated on-site. See the attached project drawings for details.

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 5.22 acres of buffer impacts, the applicant has proposed to on-site creation (establishment) of 7.50 acres of wetlands; enhancement of 3.90 acres of existing wetlands; preservation of 0.66 of an acre of wetlands; preservation of 7.07 acres of existing high quality riparian upland habitat; enhancement of 11.52 acres of buffers; and 6.73 acres of uplands in the wetland mitigation area. Note: 0.69 of an acre of existing roadway will be removed and the area restored. 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. Historic properties are recorded near the proposed project. Because of its location on the landscape there is a high likelihood that unknown historic properties occur in the project area. An historic properties investigation will be required during the permit application review. 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.

NWS-2015-737, Mersey, LLC

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 United States.

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.

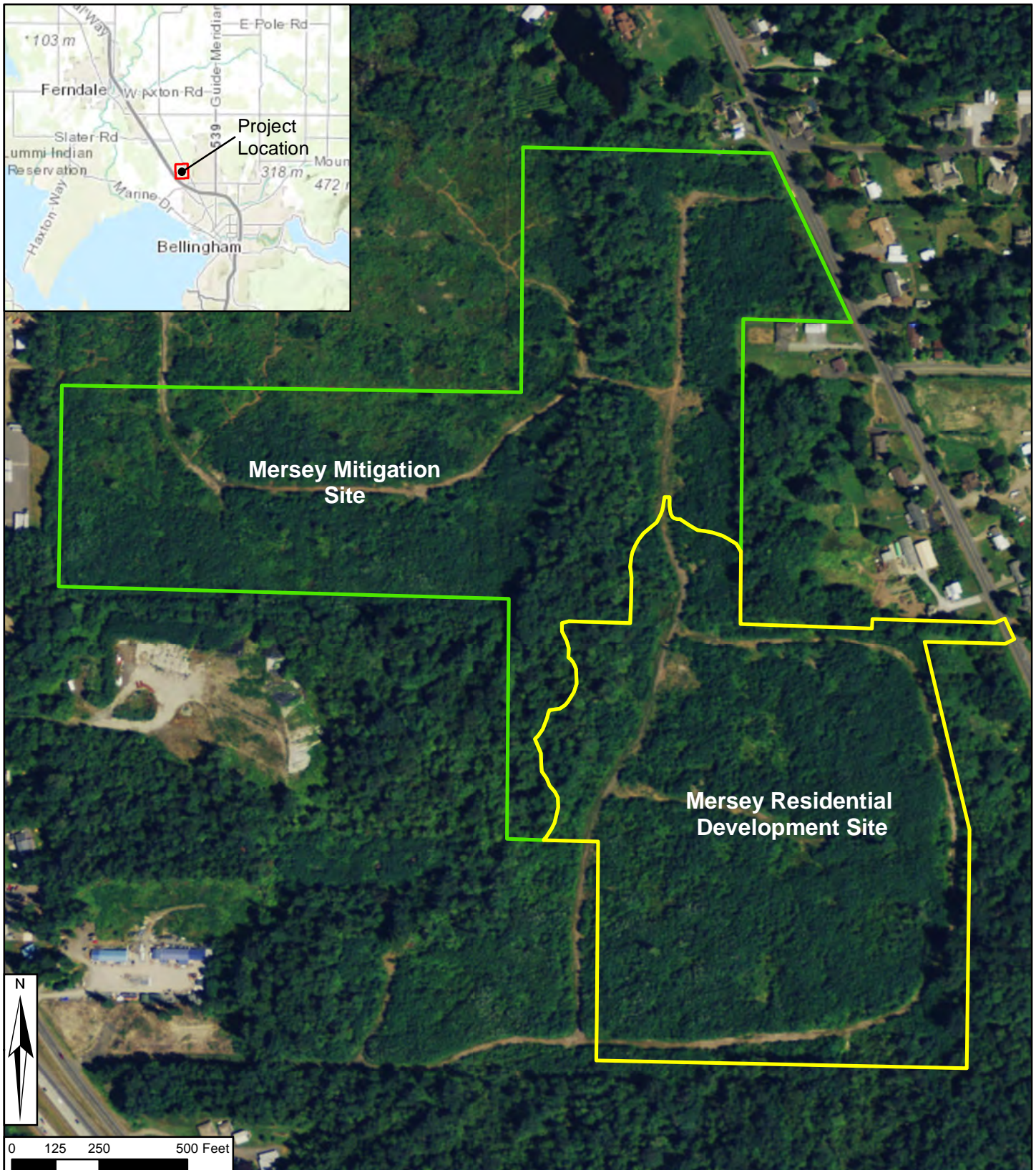
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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](mailto: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](mailto: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: Mersey, LLC, Corps Reference Number NWS-2015-737.

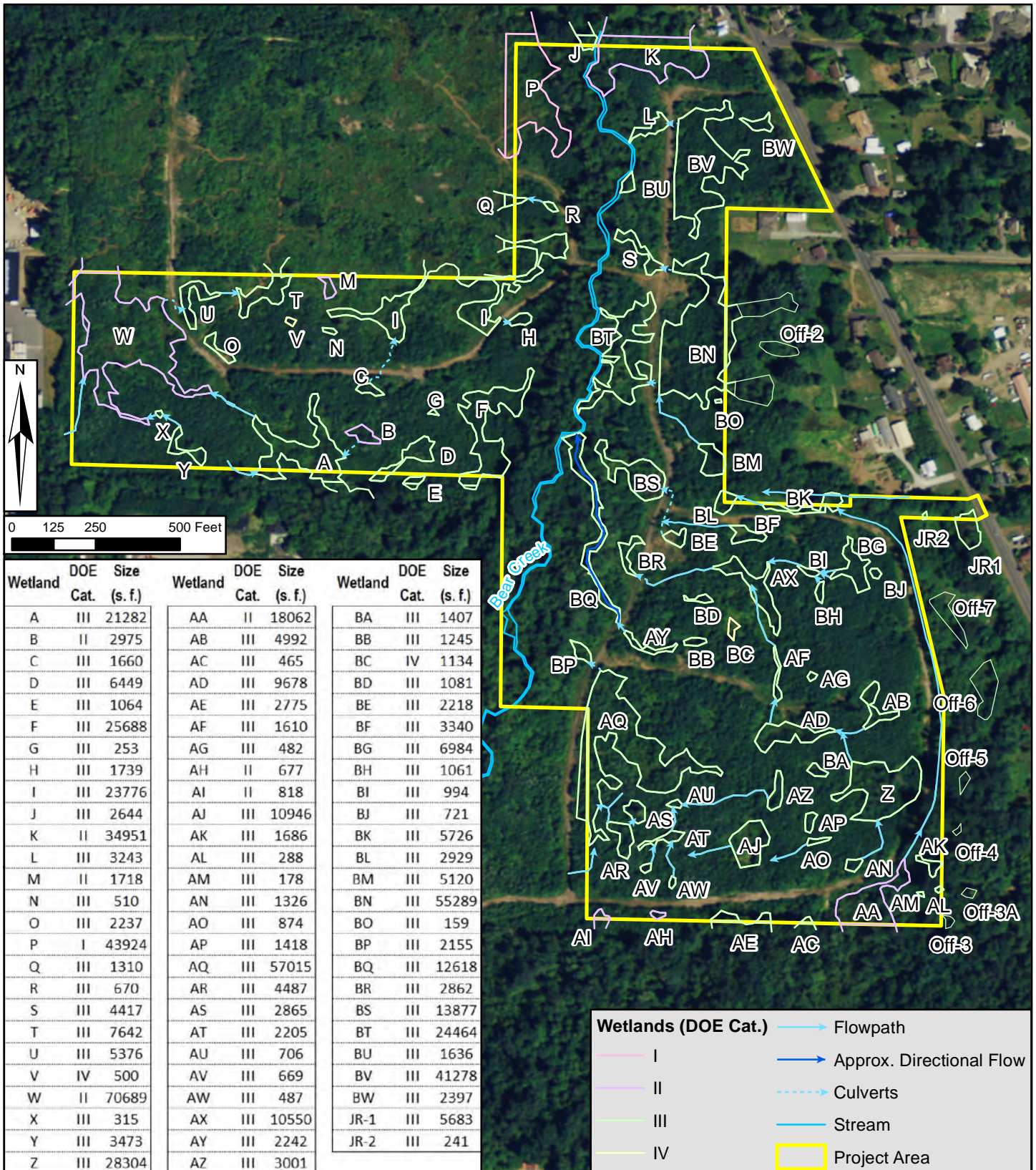
Encl: Figures (9)



REFERENCE:  
 APPLICANT: The RJ Group  
 ADJACENT PROPERTY OWNERS:  
 See JARPA  
 LAT/LONG:  
 48.79768 N lat. / -122.51734 W long.

Project Vicinity  
 Corps Ref# NWS-2015-737  
 PAGE 1 OF 9      DATE: 7/30/2015  
 1904 Third Avenue  
 Suite 1010  
 Seattle, WA 98101-1126  


PROPOSED PROJECT: Mersey Residential Development  
 IN: Bellingham  
 NEAR/AT: West of Northwest Road, approx. ¼ mile north of West Bakerview Road. I-5 is approx. ¼ mile to the west.  
 COUNTY: Whatcom  
 STATE: Washington



Wetland	DOE Cat.	Size (s. f.)	Wetland	DOE Cat.	Size (s. f.)	Wetland	DOE Cat.	Size (s. f.)
A	III	21282	AA	II	18062	BA	III	1407
B	II	2975	AB	III	4992	BB	III	1245
C	III	1660	AC	III	465	BC	IV	1134
D	III	6449	AD	III	9678	BD	III	1081
E	III	1064	AE	III	2775	BE	III	2218
F	III	25688	AF	III	1610	BF	III	3340
G	III	253	AG	III	482	BG	III	6984
H	III	1739	AH	II	677	BH	III	1061
I	III	23776	AI	II	818	BI	III	994
J	III	2644	AJ	III	10946	BJ	III	721
K	II	34951	AK	III	1686	BK	III	5726
L	III	3243	AL	III	288	BL	III	2929
M	II	1718	AM	III	178	BM	III	5120
N	III	510	AN	III	1326	BN	III	55289
O	III	2237	AO	III	874	BO	III	159
P	I	43924	AP	III	1418	BP	III	2155
Q	III	1310	AQ	III	57015	BQ	III	12618
R	III	670	AR	III	4487	BR	III	2862
S	III	4417	AS	III	2865	BS	III	13877
T	III	7642	AT	III	2205	BT	III	24464
U	III	5376	AU	III	706	BU	III	1636
V	IV	500	AV	III	669	BV	III	41278
W	II	70689	AW	III	487	BW	III	2397
X	III	315	AX	III	10550	JR-1	III	5683
Y	III	3473	AY	III	2242	JR-2	III	241
Z	III	28304	AZ	III	3001			

**Wetlands (DOE Cat.)**

- I (pink line)
- II (purple line)
- III (green line)
- IV (yellow line)

**Flowpath**

- (blue arrow) Approx. Directional Flow
- (dotted blue arrow) Culverts
- (solid blue line) Stream

**Project Area**

- (yellow outline)

REFERENCE: NWS-2015-737

APPLICANT: The RJ Group

ADJACENT PROPERTY OWNERS:  
See JARPA

LAT/LONG:  
48.79768 N lat. / -122.51734 W long.

Wetland Map: Overview

PAGE 2 OF 9      DATE: 7/30/2015

1904 Third Avenue  
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Seattle, WA 98101-1126

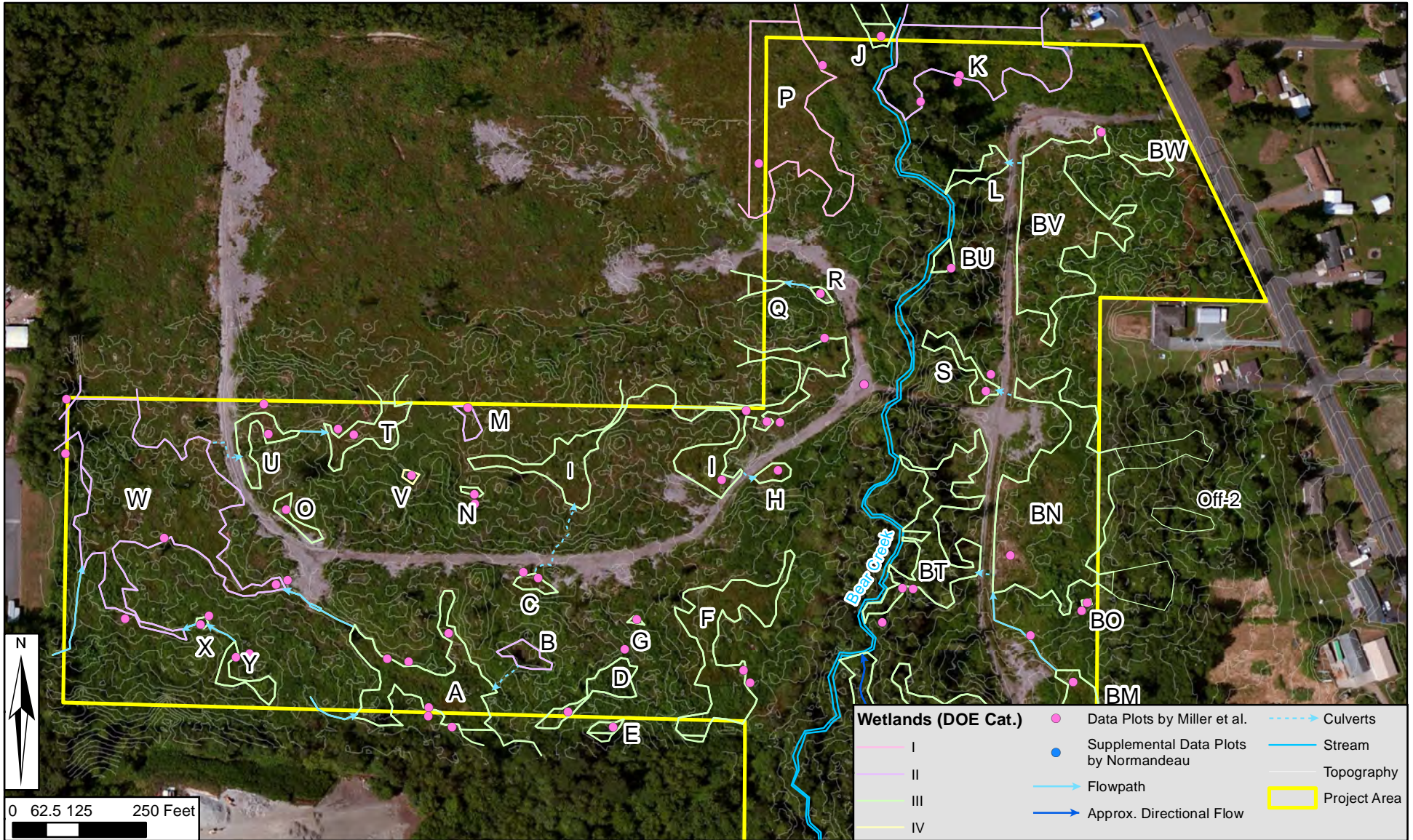
PROPOSED PROJECT: Mersey Residential Development

IN: Bellingham

NEAR/AT: West of Northwest Road, approx. ¼ mile north of West Bakerview Road. I-5 is approx. ¼ mile to the west.

COUNTY: Whatcom

STATE: Washington



REFERENCE: NWS-2015-737

APPLICANT: The RJ Group

ADJACENT PROPERTY OWNERS: See JARPA

LAT/LONG: 48.79768 N lat. / -122.51734 W long.

Wetland Map: North

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DATE: 7/30/2015

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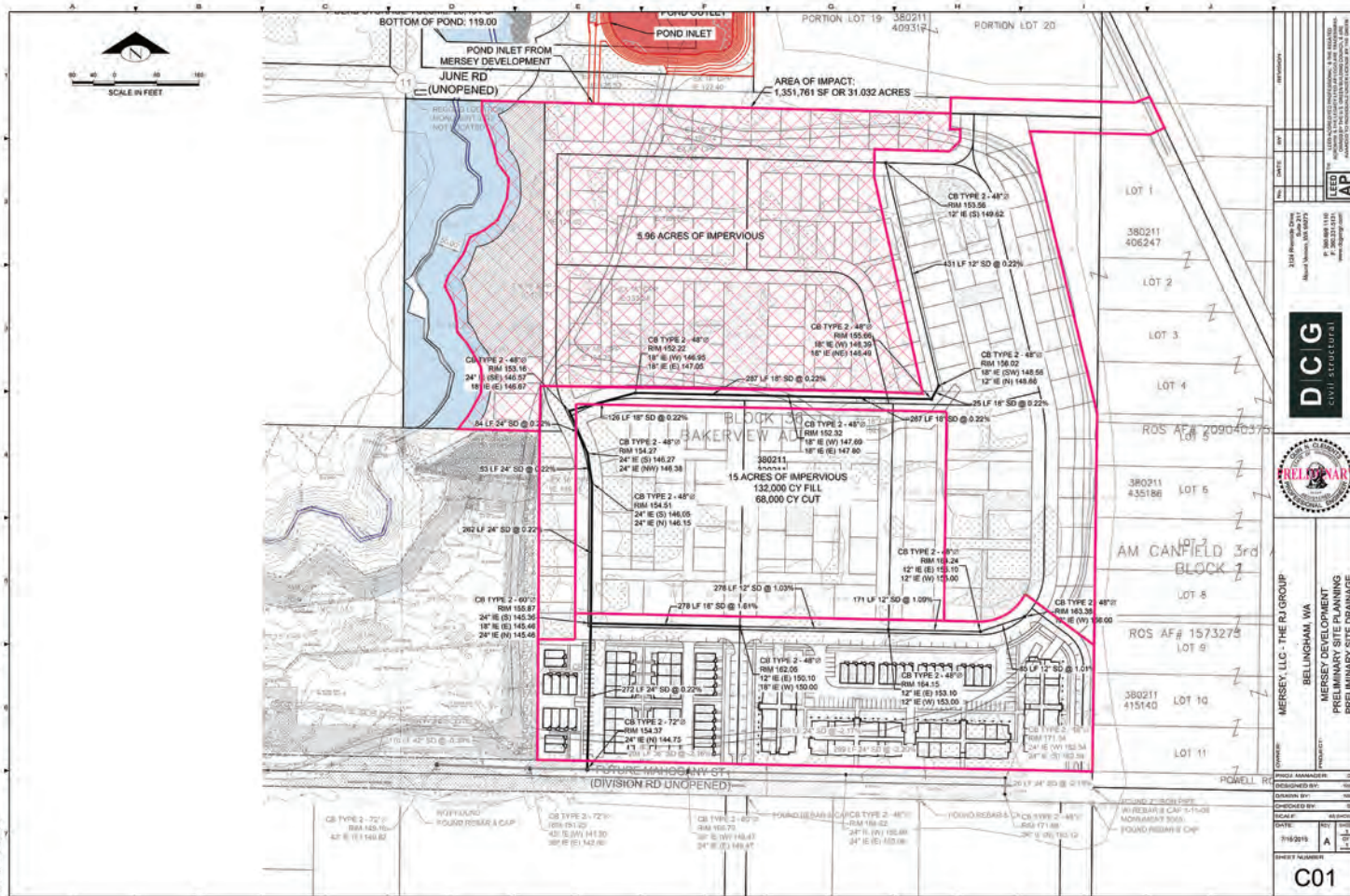
Wetland Map: South

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1904 Third Avenue  
 Suite 1010  
 Seattle, WA 98101-1126

**NORMANDEAU ASSOCIATES**  
 Environmental Consultants

PROPOSED PROJECT: Mersey Residential Development  
 IN: Bellingham  
 NEAR/AT: West of Northwest Road, approx. ¼ mile north of West Bakerview Road. I-5 is approx. ¼ mile to the west.  
 COUNTY: Whatcom  
 STATE: Washington



REFERENCE: NWS-2015-737

APPLICANT: The RJ Group


ADJACENT PROPERTY OWNERS:  
See JARPA

LAT/LONG:  
48.79768 N lat. / -122.51734 W long.

Site Plan South

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1904 Third Avenue  
Suite 1010  
Seattle, WA 98101-1126

  
**NORMANDEAU ASSOCIATES**  
 Environmental Consultants

PROPOSED PROJECT: Mersey Residential Development

IN: Bellingham

NEAR/AT: West of Northwest Road, approx. 1/4 mile north of West Bakerview Road. I-5 is approx. 1/4 mile to the west.

COUNTY: Whatcom

STATE: Washington

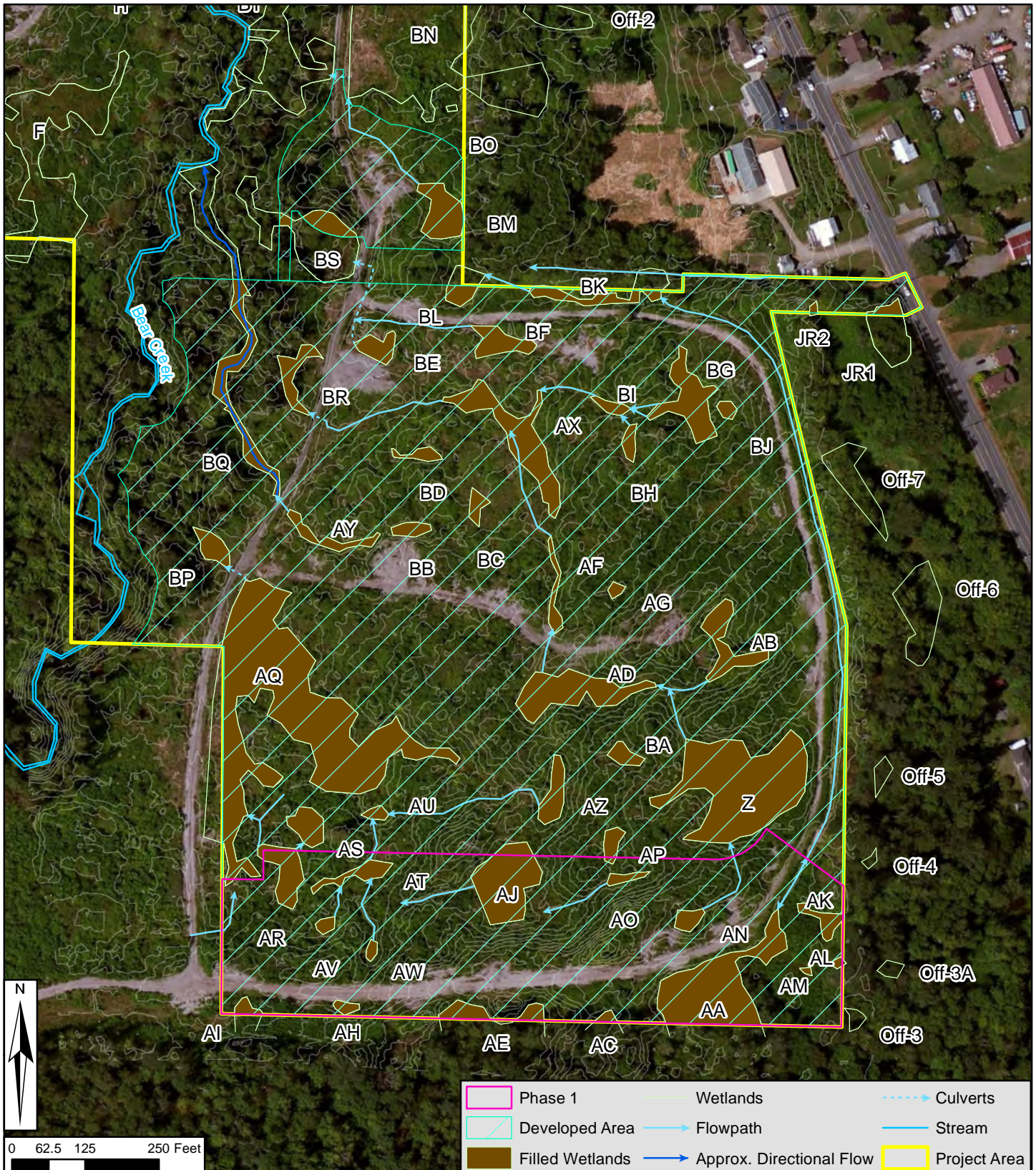





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Site Plan North  
~~Mitigation Plan~~  
 PAGE 8 OF 8 of 9 DATE: 7/30/2015  
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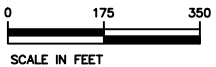
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 APPLICANT: The RJ Group  
 ADJACENT PROPERTY OWNERS:  
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 48.79768 N lat. / -122.51734 W long.

Wetland Impacts  
 (Direct)  
 PAGE 7 OF 9      DATE: 7/30/2015  
 1904 Third Avenue  
 Suite 1010  
 Seattle, WA 98101-1126  


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 IN: Bellingham  
 NEAR/AT: West of Northwest Road, approx. 1/4 mile north of West Bakerview Road. I-5 is approx. 1/4 mile to the west.  
 COUNTY: Whatcom  
 STATE: Washington

Wetland	Total Fill (acres)	Phase 1 Fill (acres)	Wetland	Indirect (acres)
Z	0.65		BK	0.04
AA	0.41	0.41	BL	0.03
AB	0.11		BN	0.33
AC	0.01	0.01	BO	0.004
AD	0.22		BQ	0.07
AE	0.06	0.06	BS	0.26
AF	0.04		BT	0.20
AG	0.01		JR-1	0.09
AH	0.02	0.02	Off-3	0.02
AI	0.02	0.02	Off-4	0.01
AJ	0.25	0.25	Off-5	0.01
AK	0.04	0.04	Off-7	0.04
AL	0.01	0.01		
AN	0.03	0.03		
AO	0.02	0.02		
AP	0.03	0.03		
AQ	1.31			
AR	0.10	0.10		
AS	0.07			
AT	0.05	0.05		
AU	0.02			
AV	0.02	0.02		
AW	0.01	0.01		
AX	0.24			
AY	0.05			
AZ	0.07			
BA	0.03			
BB	0.03			
BC	0.03			
BD	0.02			
BE	0.05			
BF	0.08			
BG	0.16			
BH	0.02			
BI	0.02			
BJ	0.02			
BK	0.07			
BL	0.03			
BM	0.12			
BP	0.05			
BQ	0.16			
BR	0.07			
BS	0.06			
JR-1	0.02			
JR-2	0.01			
<b>Total</b>	<b>4.92</b>	<b>1.08</b>	<b>Total</b>	<b>1.10</b>

<p>REFERENCE: NWS-2015-737</p> <p>APPLICANT: The RJ Group</p> <p>ADJACENT PROPERTY OWNERS: See JARPA</p> <p>LAT/LONG: 48.79768 N lat. / -122.51734 W long.</p>	<p>Impact Summary Table</p>	<p>PROPOSED PROJECT: Mersey Residential Development</p> <p>IN: Bellingham</p> <p>NEAR/AT: West of Northwest Road, approx. ¼ mile north of West Bakerview Road. I-5 is approx. ¼ mile to the west.</p> <p>COUNTY: Whatcom</p> <p>STATE: Washington</p>
	<p>PAGE 8 OF 9</p> <p>DATE: 7/30/2015</p> <p>1904 Third Avenue Suite 1010 Seattle, WA 98101-1126</p> 	



**Legend**

NWS-2015-737

	Wetland Creation/Establishment	7.50 acres		Buffer Enhancement (exterior)	11.52 acres
	Wetland Enhancement	3.90 acres		Upland Enhancement (interior)	6.73 acres
	Wetland Preservation	0.66 acres		Riparian Preservation South	2.29 acres
	Riparian Preservation North	4.78 acres		Culvert to be Removed	

Mersey Residential Development  
 Draft Mitigation Plan  
 July 30, 2015  
 Sheet 9 of 9