



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 (306) 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: April 1, 2016
Expiration Date: May 1, 2016

Reference No.: NWS-2016-140
Name: Lynden, City of

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 March 4, 2016. The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. 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: City of Lynden
Attention: Mark Sandal
300 4th Street
Lynden, Washington 98264
Telephone: (360) 354-3446

AGENT: Widener and Associates
Attention: Ross Widener
10108 32nd Avenue West, Suite D
Everett, Washington 98204
Telephone: (425) 348-3059

LOCATION: In wetlands abutting unnamed tributaries of the Nooksack River at Lynden, Whatcom County, Washington.

WORK: Fill 0.98 of an acre of wetlands to extend an existing road.

PURPOSE: Improve access to downtown Lynden from Hannegan Road.

ADDITIONAL INFORMATION: The applicant proposes to place fill in 0.98 of an acre of Category III palustrine emergent wetlands and 0.20 of an acre of wetland buffers to extend River Road from 6th Street (west side of project) to Hannegan Road (east side). Total new road length would be 900 linear feet. The project would include a 10-foot wide trail on the south side of the road, a 6-foot wide sidewalk on the north side, and stormwater improvements.

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: The applicant has proposed to create 0.96 of an acre of Category III wetland contiguous with onsite wetlands and enhance 4.0 acres of existing wetlands. The mitigation will include enhancement of 1.23 acres of uplands to create forested wetland buffer and enhancement of 2.04 acres of wetland which will be designated as buffer. Wetland creation and enhancement includes mitigation to compensate for wetlands used as buffers.

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 Highways Administration, as the lead agency for ESA consultation, will consult with the NMFS and/or the USFWS as required under Section 7 of the ESA if necessary.

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 Federal Highways Administration, as the lead agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary.

CULTURAL RESOURCES: The Federal Highways Administration, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Officer and Native American Tribes 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

NWS-2016-140, Lynden, City of

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 onsite soils and commercial pits (gravel).

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 the subject of Shorelines Substantial Development Permit being processed by City of Lynden.

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. 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: 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: NWS-2016-140, Lynden, City of

Encl: Figures (7)

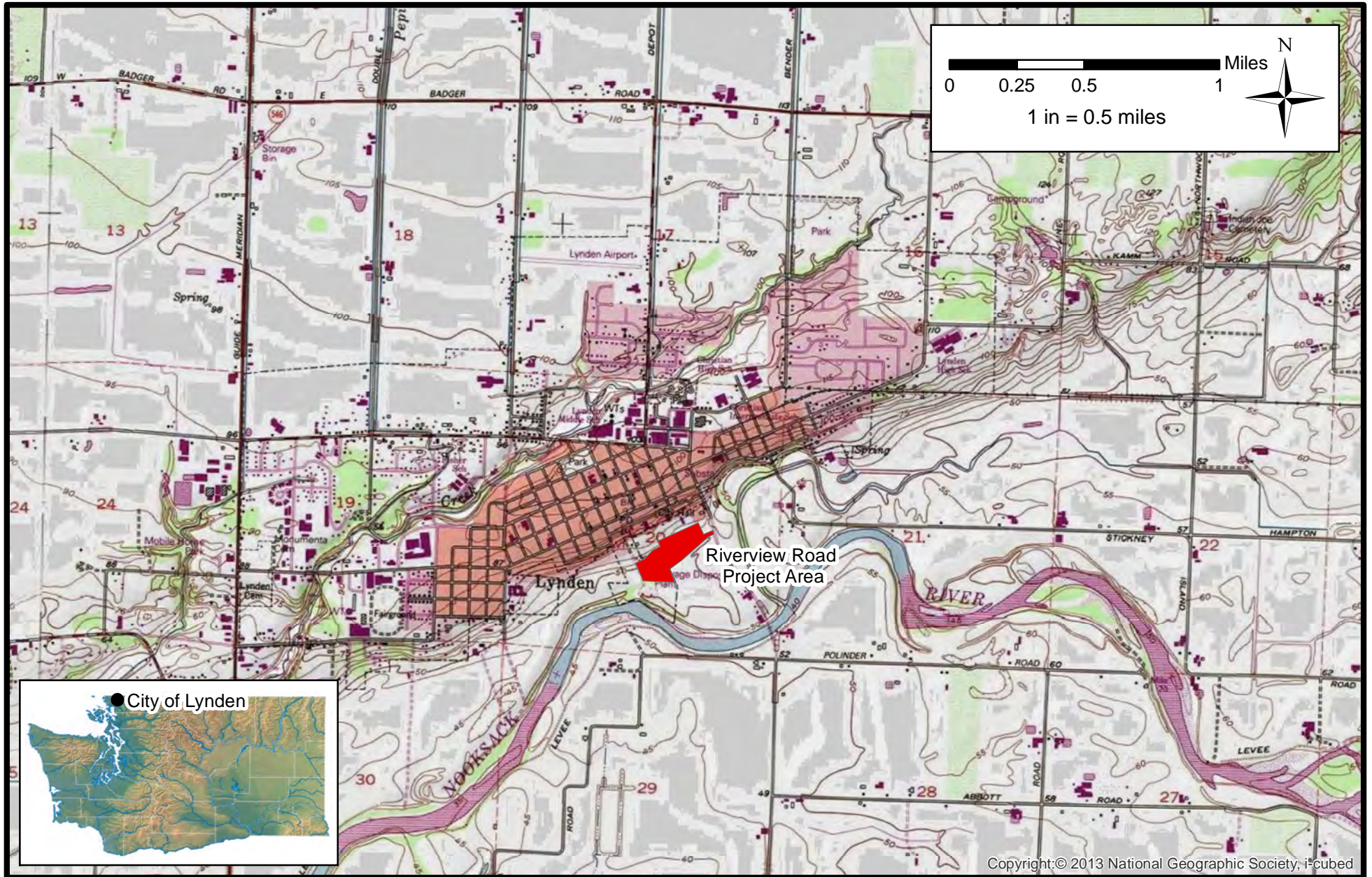


Figure 1: Vicinity Map

REFERENCE NUMBER: NWS-2016-140

APPLICANT: City of Lynden

LAT/LONG: Approx. 48.94109 N/ -122.44916 W

LEGAL DESCRIPTION: 40 North 3 East Section 20

ADJACENT PROPERTY OWNERS:

- 400320422251 - Whatcom County Housing Authority
- 400320431174 - Daniel and Terri Noteboom
- 400320319231 - Peter Vanorum
- 400320351252 - Northpac Development

PROPOSED PROJECT: Riverview Road

Gap Elimination

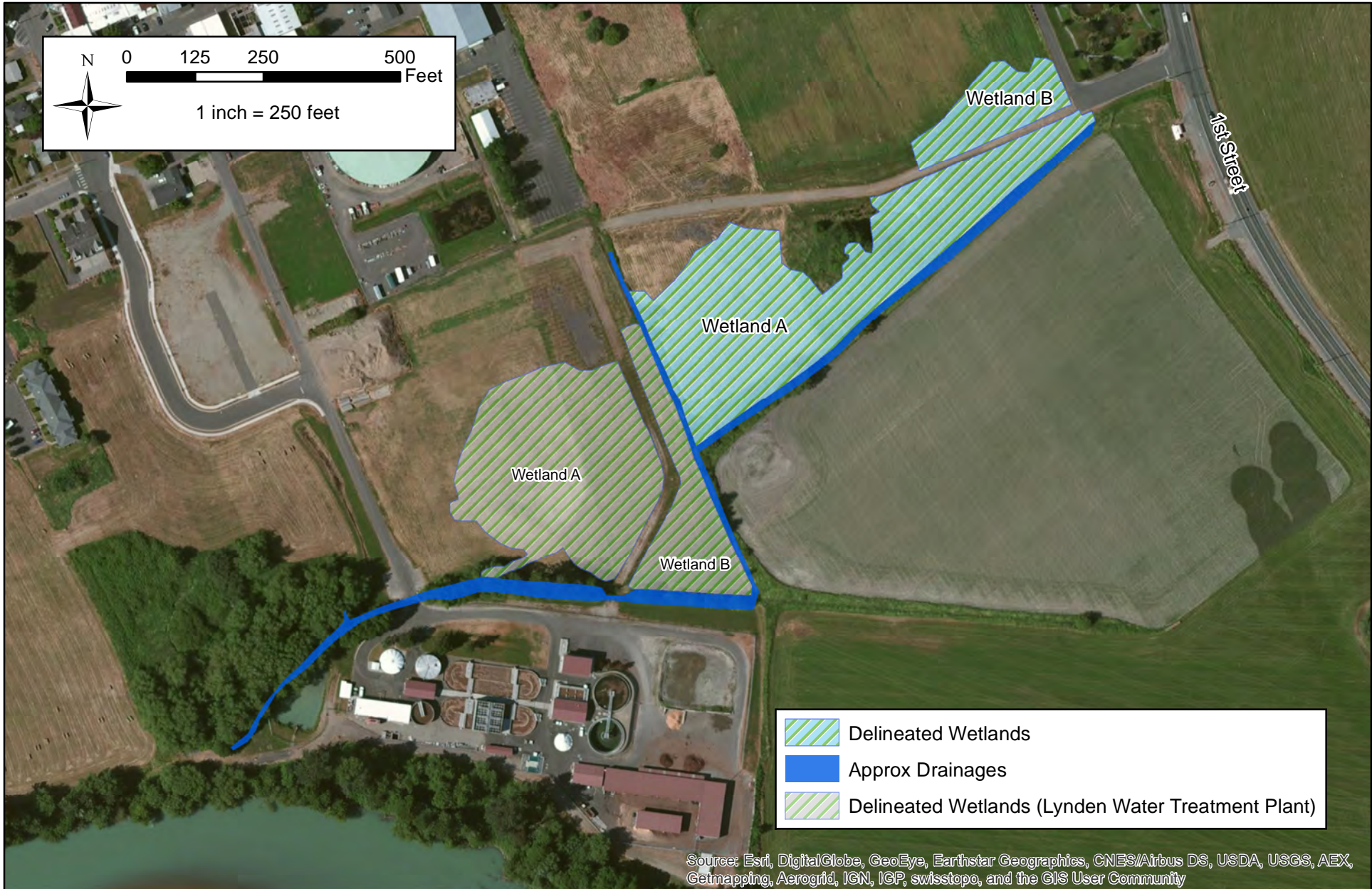
NEAR/AT: City of Lynden

COUNTY: Whatcom

STATE: WA

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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Figure 2: Existing Conditions

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Gap Elimination

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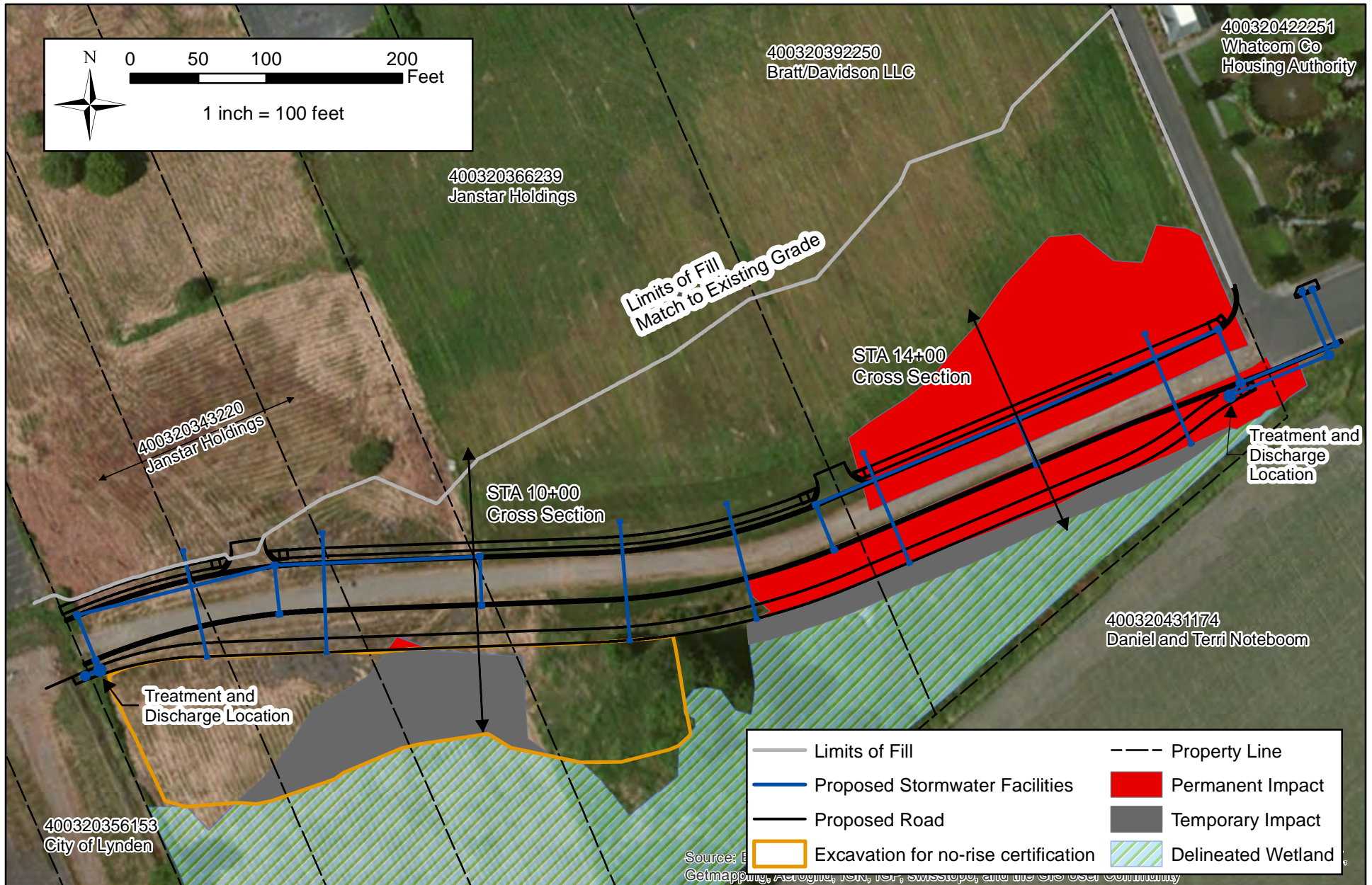


Figure 3: Plan View

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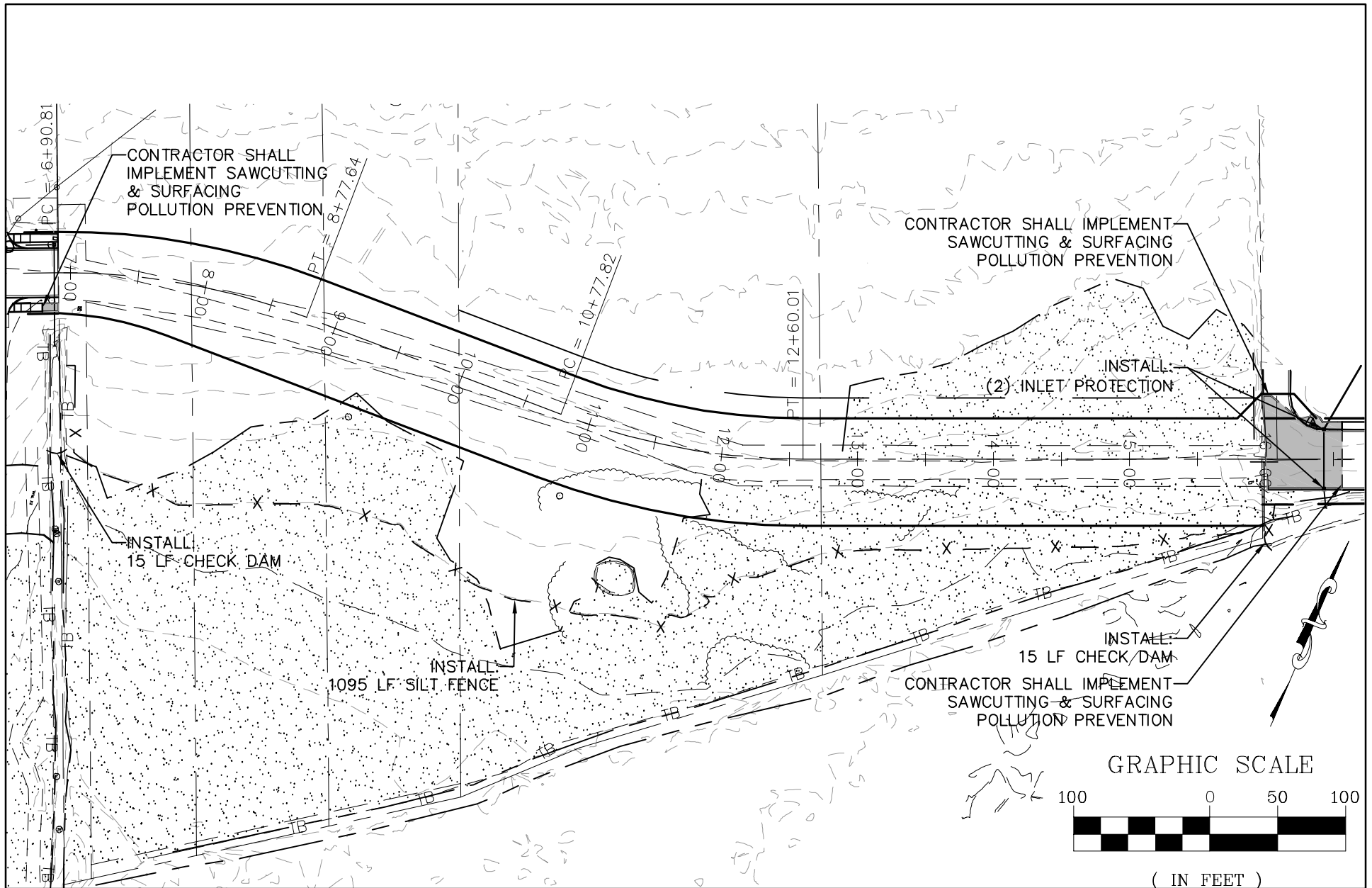


Figure 4: TESC Plans

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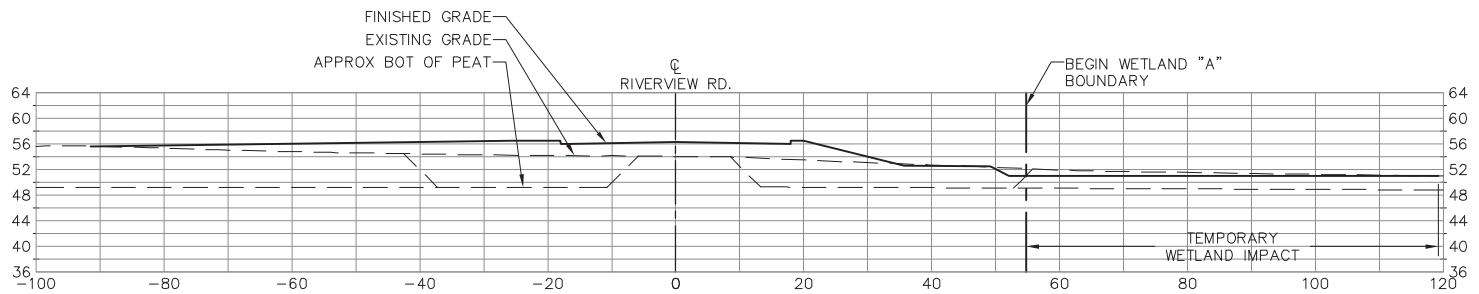
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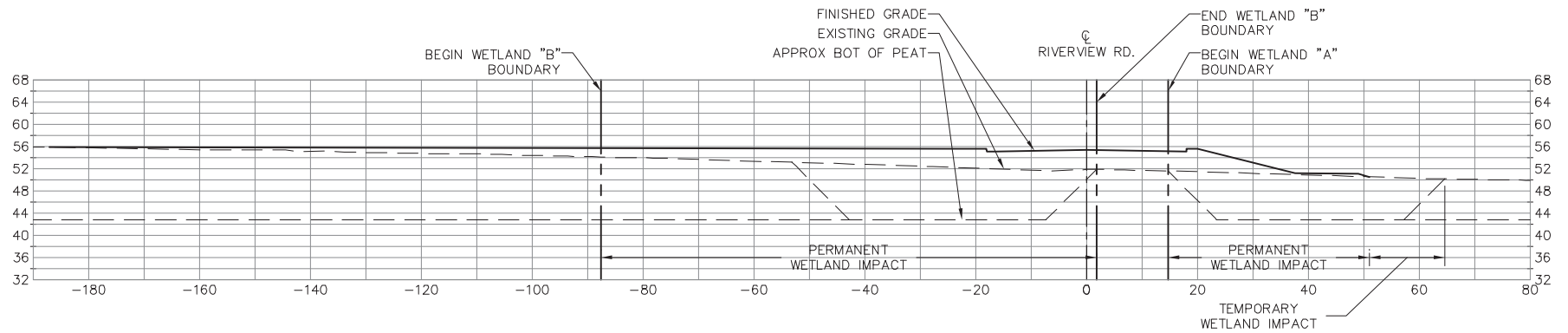
STATE: WA

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RIVERVIEW RD. - STA 10+00



RIVERVIEW RD. - STA 14+00

Figure 5: Cross Sections

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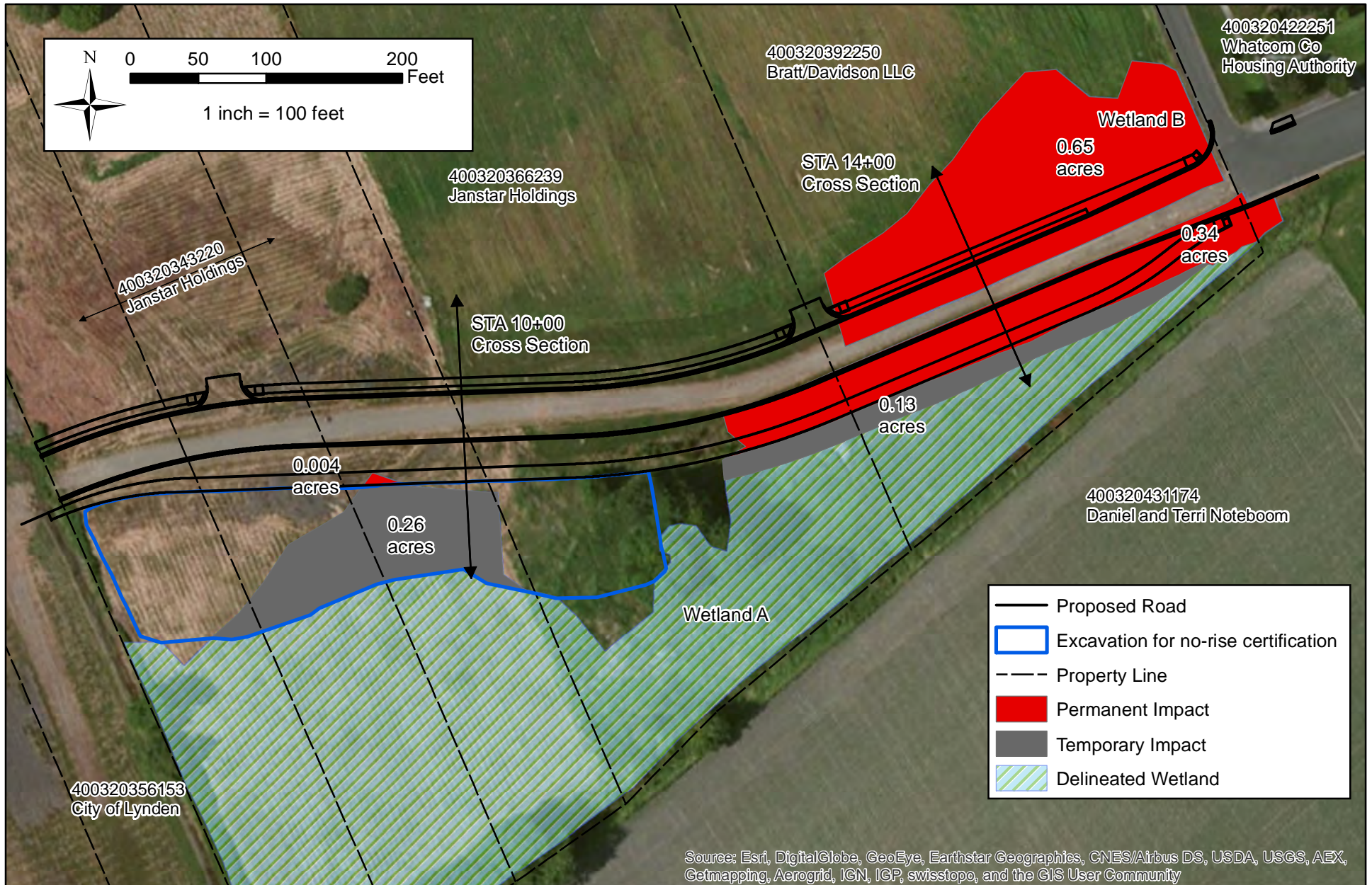


Figure 6: Wetland Impacts

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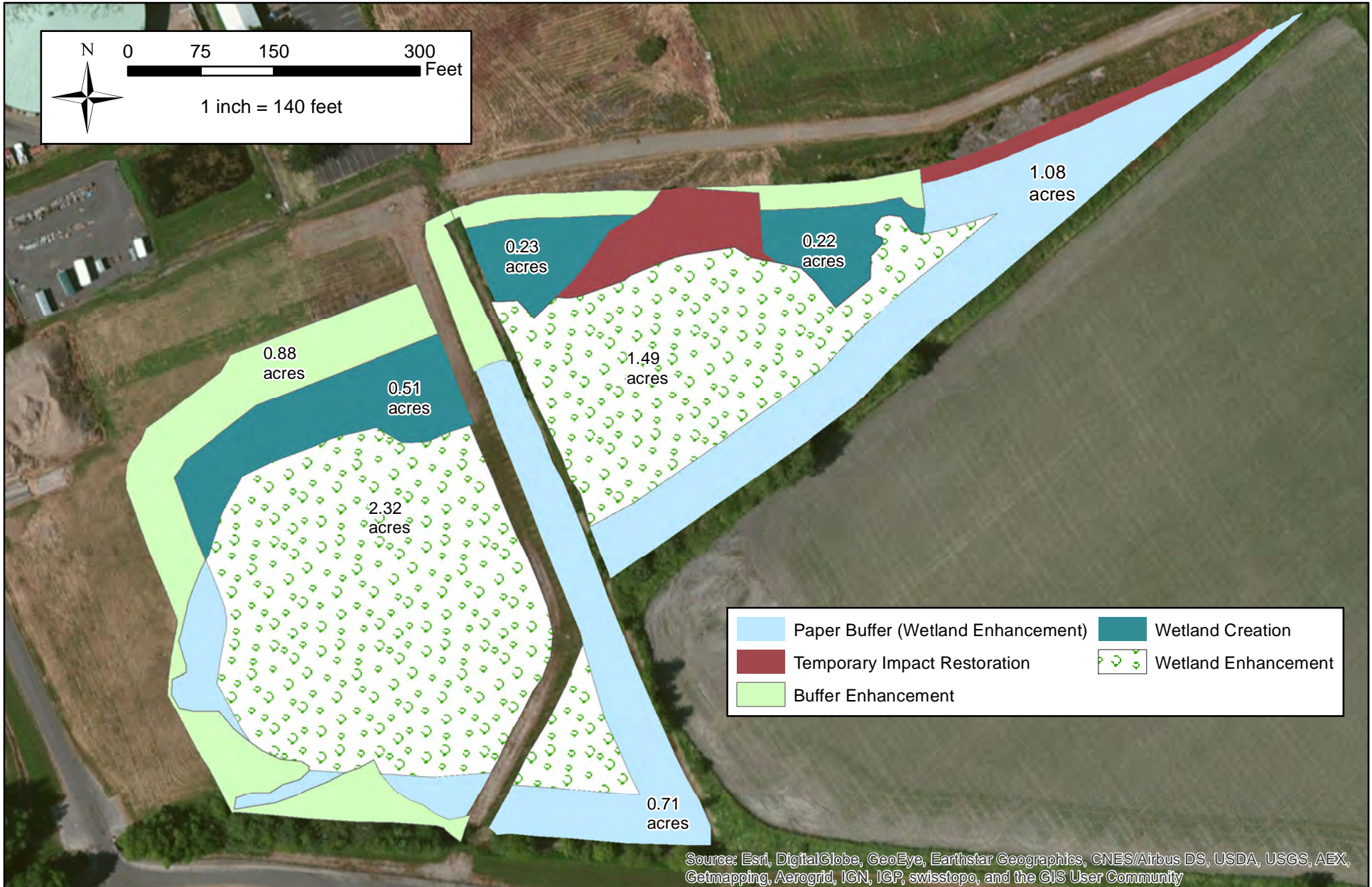


Figure 7: Proposed Mitigation

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