



US Army Corps  
of Engineers  
Seattle District

# Public Notice

## Of In Lieu Fee Program Addendums

### US Army Corps of Engineers

Regulatory Branch  
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Attention: Suzanne Anderson

**Public Notice Date:** Feb 27, 2017

**Expiration Date:** Mar 26, 2017

Reference No.: NWS-2009-495  
Name: King County Mitigation  
Reserves In Lieu Fee Program (Elliott  
Bridge and Skyway/Taylor Creek Sites)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) is soliciting comments and information necessary to evaluate any impacts on the public interest from the proposed inclusion of the Elliott Bridge Reach Off-channel Habitat and Floodplain Reconnection Project (Elliott Bridge Mitigation Plan) and the Taylor Creek Headwaters Wetland Preservation Mitigation Project (Skyway/Taylor Creek Mitigation Plan) as two In Lieu Fee (ILF) mitigation receiving sites that have been selected for funding through the King County Mitigation Reserves Program, In Lieu Fee Program (KC ILF). King County is the program sponsor, and the KC ILF Program Instrument was authorized on March 12, 2012.

King County is proposing to modify their ILF Program Instrument by adding the Elliott Bridge Mitigation Plan and the Skyway/Taylor Creek Mitigation Plan. The Mitigation Plans have been developed in accordance with 33 CFR Parts 325 and 332.2, and they describe project elements, performance measures, and maintenance and monitoring plans for implementation and long-term management of the Elliott Bridge Mitigation Project and the Skyway/Taylor Creek Mitigation Project.

**ILF PROGRAM SPONSOR CONTACT:** King County Mitigation Reserves Program, In Lieu Fee Program  
Megan Webb, Mitigation Reserves Program Manager  
King County Water and Land Resources Division  
Department of Natural Resources and Parks  
King Street Center, KSC-NR-0600  
201 South Jackson Street, Room 600  
Seattle, Washington 98104-3855  
(206) 477-3865  
[Megan.Webb@Kingcounty.gov](mailto:Megan.Webb@Kingcounty.gov)

**LOCATIONS:** The locations for the Elliott Bridge Project and the Skyway/Taylor Creek Project were chosen based on identified priority preservation and restoration objectives within the Lake Washington-Cedar-Sammamish Watershed (WRIA 8).

The Elliott Bridge Project site is located in the Lower Cedar River Sub-basin of WRIA 8, east of Renton in unincorporated King County, Washington; latitude 47.4683° North, longitude -122.1400° West. It is located just west (downstream) of 154<sup>th</sup> Place Southeast (Elliott Bridge), east of 149<sup>th</sup> Avenue Southeast, north of State Route 169, and south of Southeast Jones Road (see attached Figure 1. Elliott Bridge Vicinity Map). The project site consists of 13 small residential parcels (approximately 11.5 acres total), split between the right and left banks of the Cedar River, between River Mile (RM) 5.3 and 5.6. The properties are owned by King County for use by the KC ILF.

The Skyway/Taylor Creek Project site is located in the Taylor Creek Sub-basin of WRIA 8, southeast of Seattle in the Bryn Mawr-Skyway neighborhood of unincorporated King County, Washington; latitude 47.5016° North, longitude -122.2552° West. It is located just west of Renton Avenue South, east of a City of Seattle powerline right-of-way, north of 66<sup>th</sup> Lane South, and south of South 112<sup>th</sup> Street (see attached Figure 2. Skyway/Taylor Creek Vicinity Map). The project site is approximately 11 acres in total, and is comprised of four undeveloped residential parcels which are owned by King County for use by the KC ILF. The site includes a portion of Taylor Creek which drains directly to Lake Washington.

WORK: This is not an application for work in waters of the United States (U.S.).

Elliott Bridge Project: The Corps verified a Nationwide Permit (NWP) 27 for construction of the Elliott Bridge Project on April 13, 2015 (Corps Reference NWS-2014-1024), and re-verified the NWP 27 on March 28, 2016 (see attached Figure 3, Elliott Bridge Reach off-Channel Habitat and Floodplain Reconnection). After preliminary approval from the KC ILF Program Interagency Review Team, King County constructed the Elliott Bridge Project at the risk of subsequently receiving comments on the mitigation plan design or crediting, which may necessitate resolution. The majority of the Elliott Bridge Project was constructed in summer/fall 2015, and work (including installation/construction of the scour pool forming structure in the Cedar River) was completed by fall 2016.

The Elliott Bridge Project is located in the riparian zone and historic floodplain of the Cedar River. It consists of 13 residential parcels totaling approximately 11.5 acres split between the right and left banks of the Cedar River. The parcels were previously developed for residential purposes, but all of the houses and other structures were demolished and removed after King County purchased the parcels. The Elliott Bridge mitigation area on the Right Bank of the Cedar River (Right Bank) consists of six small parcels. Prior to construction of the Elliott Bridge Project, these parcels were primarily lawns and residential landscaping with a few mature conifers and a limited number of native and ornamental trees. The Elliott Bridge mitigation area on the Left Bank (Left Bank) consists of seven small parcels. Prior to construction of the Elliott Bridge Project, a stand of mature conifers occupied a portion of three of these parcels. Although some of those trees were cut to construct the off-channel habitat features, the majority of mature trees were retained to provide shade, and woody material from the cut trees was used to create habitat features onsite. The remaining Left Bank mitigation area was generally open and dominated by reed canary grass and other grasses that had filled in after removal of the houses and structures.

The Elliott Bridge Project removed historic fill to restore active floodplain and create wetland habitat, constructed a side channel to provide refuge for migrating fish during high flows, constructed a scour structure to create and sustain pool habitat suitable for an adult salmonid holding area, and enhanced wetland, riparian, river margin, and upland habitats. As described in the *In Lieu Fee Mitigation Plan, Elliott Bridge Reach Off-Channel Habitat and Floodplain Reconnection Project*, dated January 2017, the project was to:

- Establish 2.65 acres of wetland (0.49 acre on the Left Bank, 2.16 acres on the Right Bank);
- Enhance 0.62 acre of wetland on the Left Bank;
- Establish 1.02 acres of off-channel aquatic habitat on the Left Bank;
- Establish 0.28 acre of river margin habitat on the Right Bank;
- Enhance 0.90 acre of riparian habitat on the Left Bank;
- Enhance 3.33 acres of upland habitat (2.18 acres on the Left Bank, 1.15 acres on the Right Bank);
- Remove 300 linear feet of rock revetment along the Right Bank of the river;
- Install woody habitat features (e.g. snags, wood piles, and downed logs) on both Left and Right Banks; and
- Install a scour pool forming structure in the Cedar River.

King County will monitor and maintain the Elliott Bridge Project according to the terms of the Mitigation Plan, which will be appended to the KC ILF Program Instrument. The ecological benefits provided by the Elliott Bridge Project will work synergistically with several adjacent mitigation and restoration projects and publically owned open space to create a corridor along the Cedar River where wildlife and native plant communities can thrive. Taken together, the Elliott Bridge Project, other adjacent mitigation areas, and the surrounding land in public ownership will create nearly 90 acres of contiguous habitat and open space on the Left Bank and six acres of contiguous habitat and open space on the Right Bank of the Cedar River.

Skyway/Taylor Creek Project: The Skyway/Taylor Creek site consists of four residential parcels, all of which are owned by King County. The majority of the 11-acre site is undisturbed, it provides ecological resources that are documented as being highly valued, and the site is at risk for residential development and timber harvest. The site includes three small seasonal tributary streams and a major portion of the Category I Wetland that constitutes the headwaters of Taylor Creek (see attached Figure 4 Buffer Enhancement Planting Taylor Creek Headwaters Wetland Preservation Site). The wetland has a mosaic of forested, scrub-shrub, and emergent plant communities. The surrounding uplands on the site are forested with a mix of coniferous and deciduous species. Implementation of the Skyway/Taylor Creek Mitigation Plan will preserve these resources in perpetuity. As described in the *In Lieu Fee Mitigation Plan, Taylor Creek Headwaters Wetland Preservation Mitigation Project*, dated January 2017, the project proposes to:

- Preserve 3.76 acres of rare and unique Category I Wetland;
- Preserve 7.23 acres of associated forested upland area; and
- Enhance 0.24 acre of forested upland.

Preservation and buffer enhancement activities at the Skyway/Taylor Creek site do not require a Department of the Army permit. King County will monitor and maintain the Skyway/Taylor Creek Project according to the terms of the Mitigation Plan, which will be appended to the KC ILF Program Instrument. Ongoing monitoring and maintenance activities include detecting and controlling non-native invasive species, and detecting and repairing human intrusions and vandalism on the Skyway/Taylor Creek site. This project will significantly contribute to protecting and preserving the headwaters of Taylor Creek, one of the few direct tributaries to Lake Washington used by ESA-listed Chinook salmon. In addition, the project will complement nearby park and conservation areas to improve and protect fish and wildlife habitat, water quality and hydrologic functions, and aquatic resources in the Taylor Creek watershed.

PURPOSE: The purpose of the Elliott Bridge and Skyway/Taylor Creek KC ILF mitigation plans and receiving sites is to provide compensatory mitigation for adverse aquatic ecosystem impacts associated with activities authorized by the Corps, Ecology and other regulatory entities that occur within the Cedar River/Lake Washington Service Area.

ADDITIONAL INFORMATION: The In Lieu Fee Mitigation Plans entitled *Elliott Bridge Reach Off-Channel Habitat and Floodplain Reconnection Project*, dated January 2017, and *Taylor Creek Headwaters Wetland Preservation Mitigation Project*, dated January 2017, are available for review at the above-listed Corps office and at the King County Mitigation Reserves Program, In Lieu Fee Program office, King Street Center, 201 South Jackson Street, Room 600, Seattle, Washington 98104. The Mitigation Plans can be downloaded at the following internet address:

<http://www.kingcounty.gov/services/environment/water-and-land/wetlands/mitigation-credit-program/Public-Notice.aspx>

**AUTHORITY:** Issuance of a Public Notice regarding proposed ILF receiving sites is required pursuant to: “*Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*,” (Federal Mitigation Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 325 and 332). As stated previously, this is not an application for work in waters of the United States. The Corps verified a NWP 27 for construction activities on the Elliott Bridge site on April 13, 2015, and re-verified the NWP 27 on March 28, 2016. Preservation and buffer enhancement activities at the Skyway/Taylor Creek site do not require a Department of the Army permit.

**COMPLIANCE WITH OTHER FEDERAL LAWS:** During the processing of the Elliott Bridge Project NWP 27 (verified April 13, 2015; re-verified March 28, 2016), the proposed work was reviewed under the *Endangered Species Act*, Section 7; the *Magnuson-Stevens Fishery Conservation and Management Act - Essential Fish Habitat*; and the *National Historic Preservation Act*, Section 106. The project was determined to be in compliance with these laws, so no further action is required for the Elliott Bridge Project. Preservation and buffer enhancement activities at the Skyway/Taylor Creek site do not require a Department of the Army permit.

**EVALUATION:** 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 incorporation of these two proposed receiving sites into the KC ILF program. This proposal is to modify the KC ILF Program Instrument to add the Elliott Bridge Mitigation Plan and the Skyway/Taylor Creek Mitigation Plan; it is not an application for work in waters of the U.S. In evaluating this proposal, the Corps will consider any comments received. 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.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the incorporation of these two proposed receiving sites into the KC ILF program. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**COMMENT AND REVIEW PERIOD:** Conventional mail or e-mail comments 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 these addendums to the KC ILF Program Instrument. 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 ILF Program name and reference number as shown below. Either conventional mail or e-mail comments must include the ILF Program 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 the Corps no later than the expiration date of this public notice to ensure consideration.

**COMMENTS:** All e-mail comments should be sent to [suzanne.l.anderson@usace.army.mil](mailto:suzanne.l.anderson@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Suzanne Anderson, 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.

**IN LIEU FEE PROGRAM NAME AND REFERENCE NUMBER:** To ensure proper consideration of all comments, responders must include the following in lieu fee program name and reference number in the text of their comments: King County Mitigation Reserves ILF Program (Elliot Bridge and Skyway/Taylor Creek Sites); NWS-2009-495.

Figures (4)

# Vicinity Map

## Elliott Bridge Mitigation Project

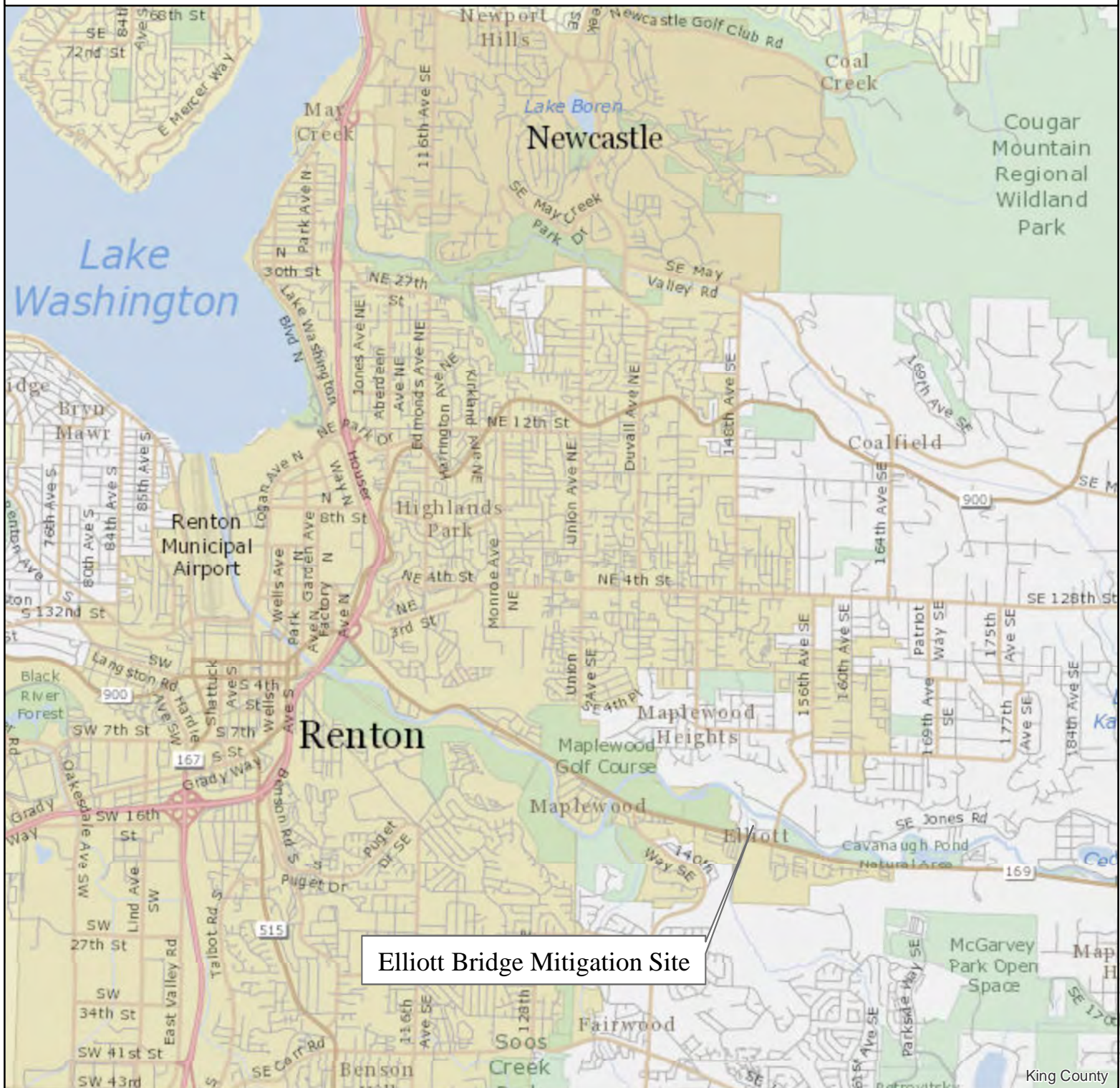
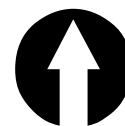
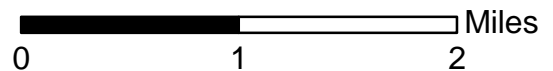


Figure 1



NWS-2009-495





# Vicinity Map

## Taylor Creek Headwaters Wetland Preservation Site



Taylor Cr. Headwaters Property



Incorporated Cities



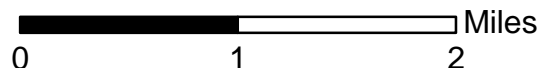
Major Roads



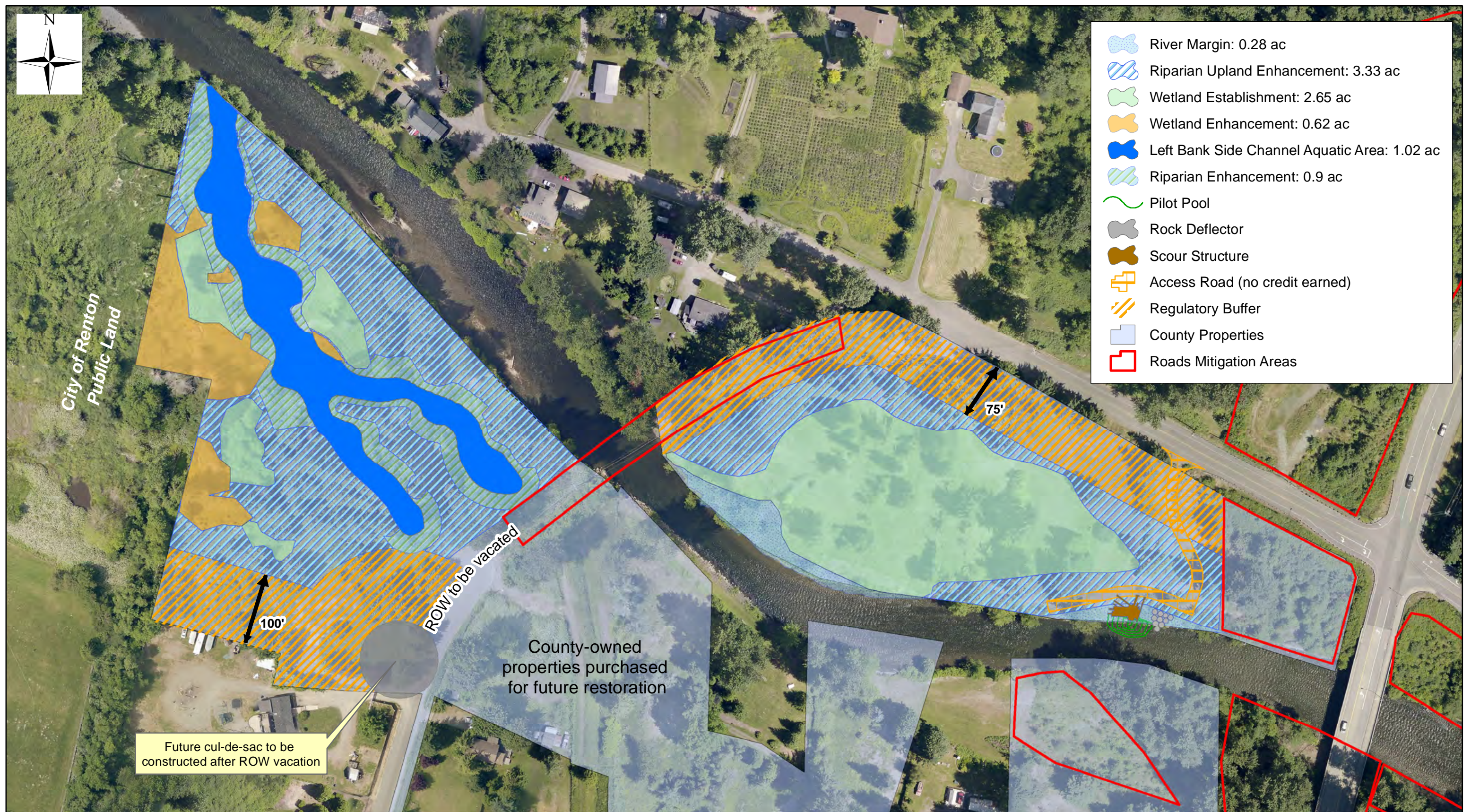
King County

Figure 2

NWS-2009-495







## Regulatory Buffers and Mitigation Credit Areas

### *Elliott Bridge Reach Off-Channel Habitat and Floodplain Reconnection*

**Figure 3**

110 55 0 110 220 330 440 Feet



# Buffer Enhancement Planting Taylor Creek Headwaters Wetland Preservation Site







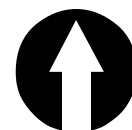
-  TCH Property Boundary
-  Wetland A (extends offsite)
-  Planting Area (0.24 acre)
-  Streams

Figure 4

NWS-2009-495



0 250 500 Feet