



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 (206) 764-6985
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 23, 2008
Expiration Date: May 23, 2008

Reference No.: NWS-2008-290-NO
Name: Sumas Properties

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. 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: Sumas Properties
335 Park Place, Suite G-110
Kirkland, Washington 98033
ATTN: Mr. Bruce Thompson
Telephone: (425) 889-1000

AGENT: Douglass Consulting
3518 Fremont Avenue North, #536
Seattle, Washington 98103
ATTN: Ms. Desiree Douglass
Telephone: (206) 545-7394

LOCATION: 601A West Front Street, Sumas, Washington

WORK: Fill 4.60 acres of wetlands.

PURPOSE: Expand existing wood treatment facility.

ADDITIONAL INFORMATION – Project involves the filling and grading of a total of 6 acres of the subject property for construction of buildings, roads, utilities, and stormwater treatment facilities. Wetlands targeted for fill are palustrine emergent systems previously used for agricultural purposes. Wetland fill is requested to provide area for expanding facilities contiguous to existing wood treatment facilities. Wetlands have previously been filled in Area B of the project site for past expansion activities.

MITIGATION: To compensate for impacts to wetlands and buffers, the applicant has proposed rehabilitation of 13 acres of wetlands and associated buffers, previously drained and used for agriculture, at an offsite location.

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 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 U.S. Army Corps of Engineers (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. Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent and the subject property has been so extensively modified by historic development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

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 United States.

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 application, being processed by the City of Sumas.

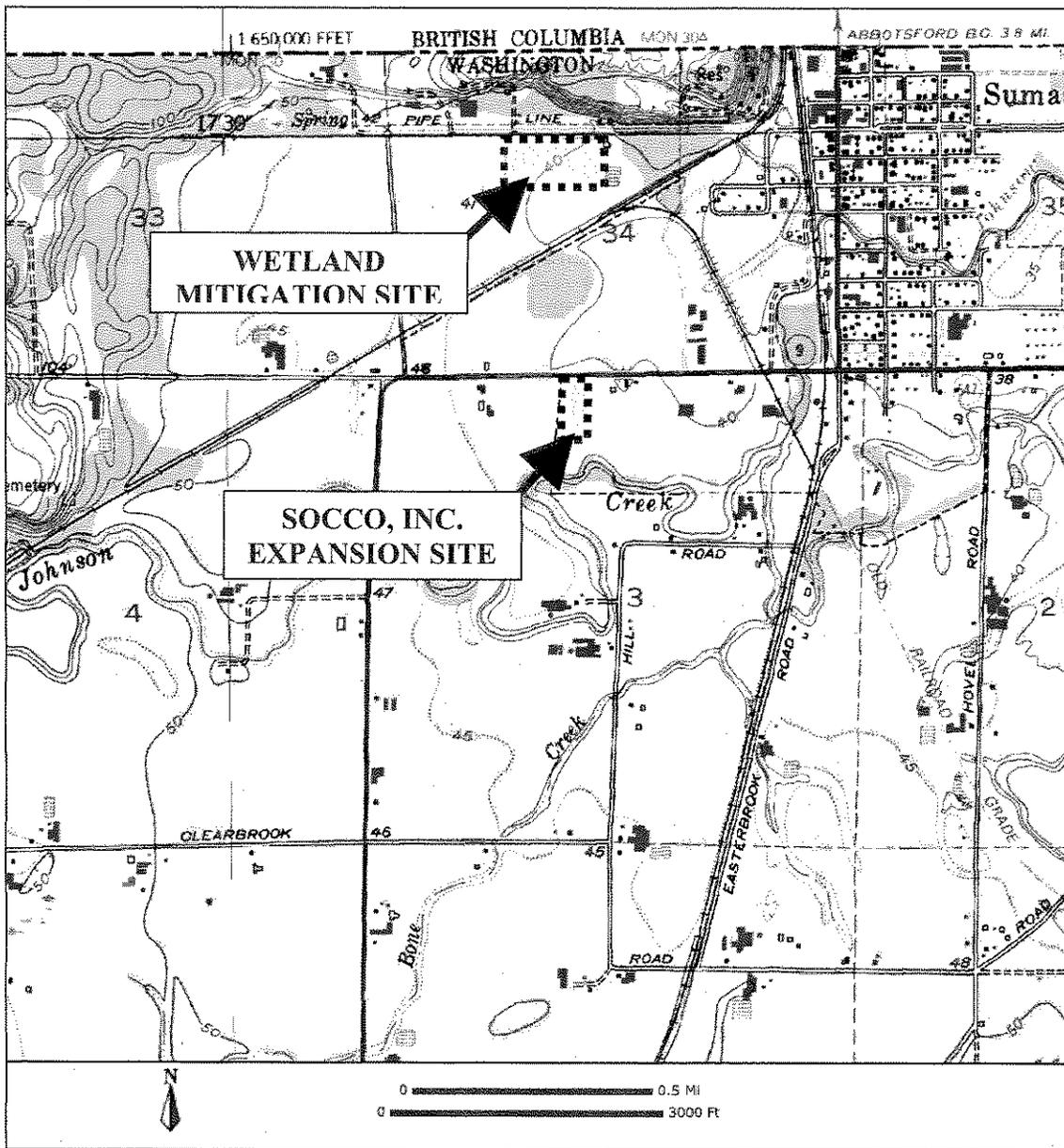
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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 commentor'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, Attn: Randel Perry, Post Office 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: Department of Ecology, Attn: 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: Sumas Properties, Corps Reference # NWS-2008-290-NO.

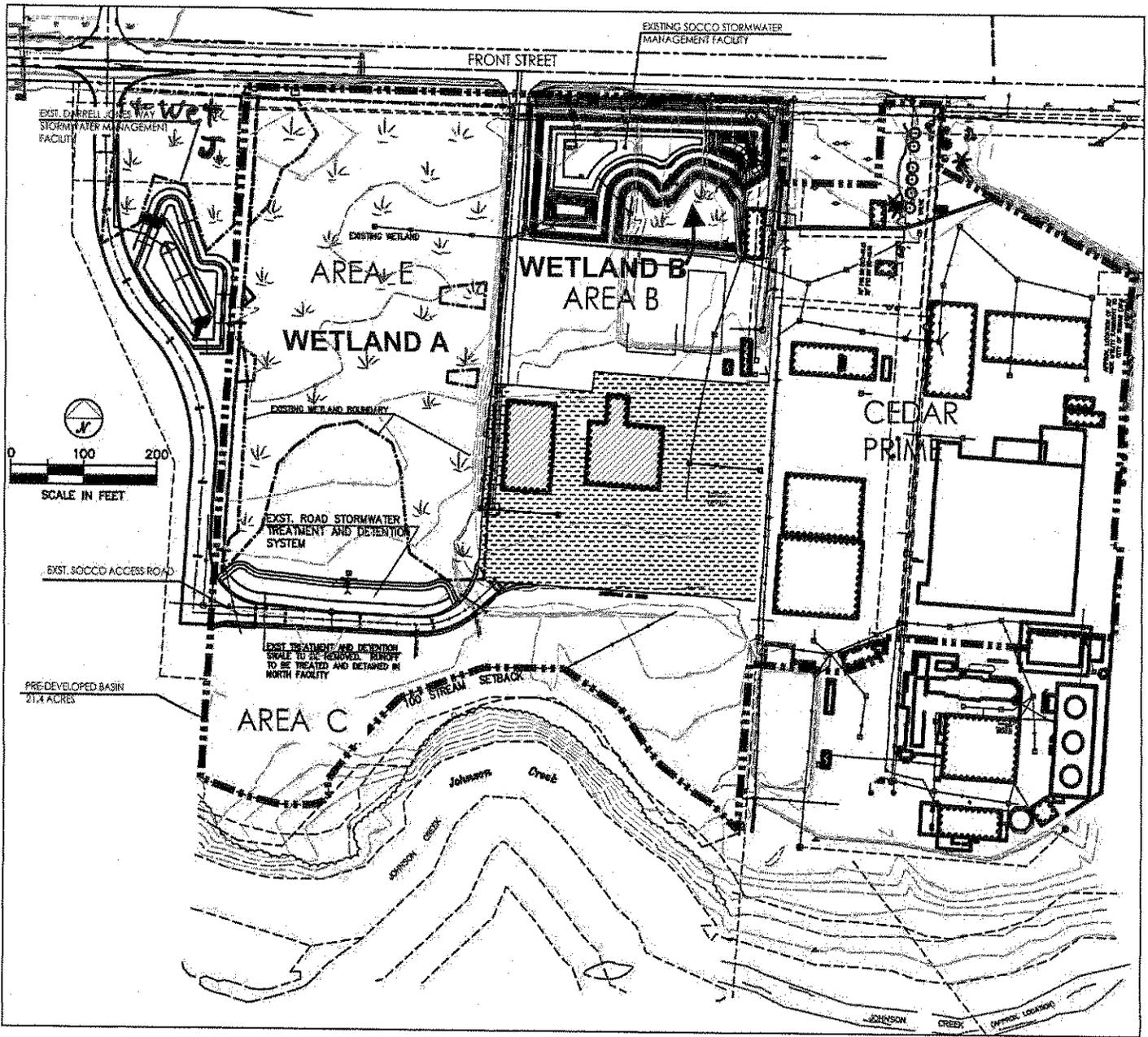
Encl: Figures (9)



48° 59' 31.83"
122° 16' 36.34"

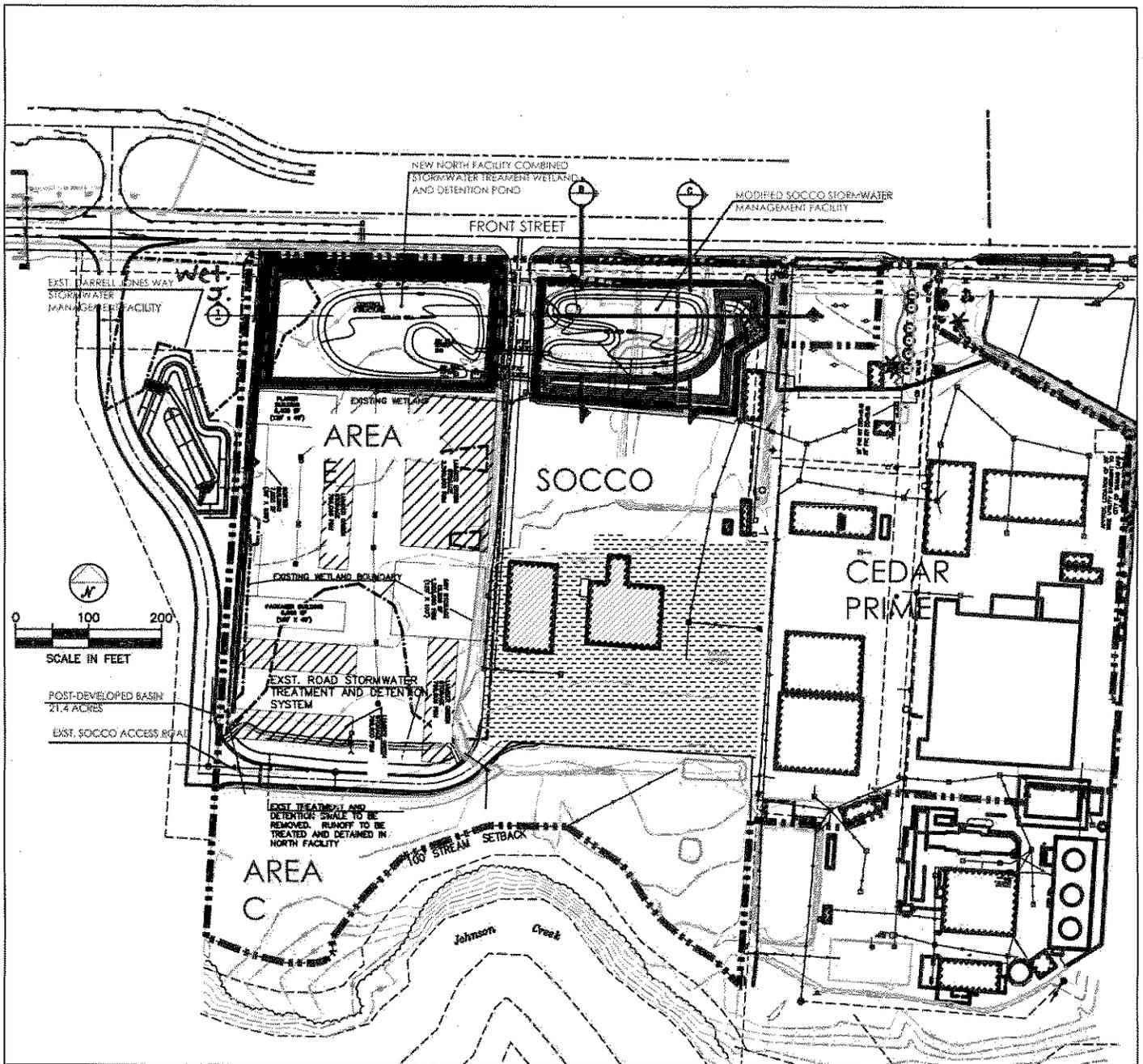
NWS-2008-290-NO

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|--------------------------------|--|--|---|
| VICINITY MAP | PROPOSED: WETLAND FILL PURPOSE: SOCCO FACILITY EXPANSION USACE REFERENCE: | DATE: 2/15/08 |  |
| DOUGLASS CONSULTING | APP. BY: SUMAS PROPERTIES, LLC AT: SUMAS, WHATCOM CTY, WA, T40N R4E Sec 03 WATERWAY: FLOODPLAIN WETLANDS ADJACENT TO ROADSIDE DITCH DRAINING TO JOHNSON CREEK | SCALE: 1" = 2000' | |
| | | JOB NO: SOCC0003 Sheet 1 of 9 | |

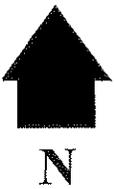


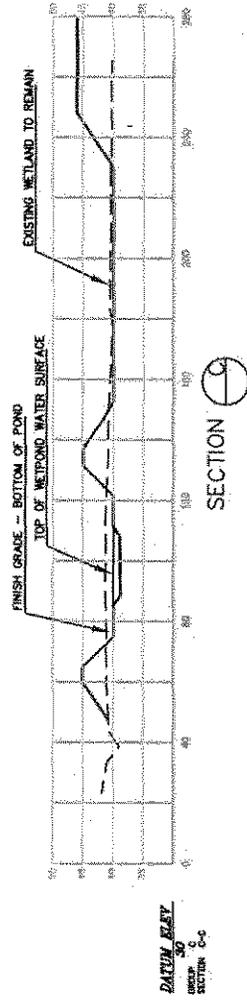
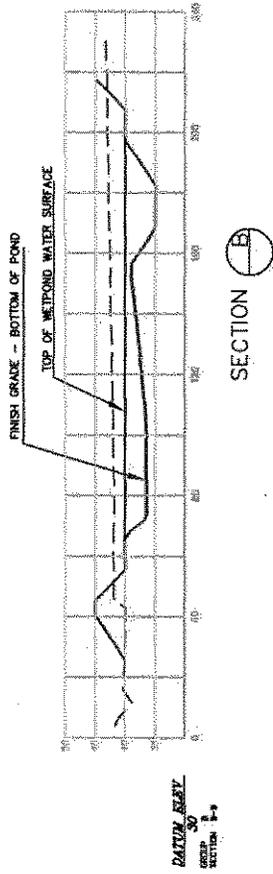
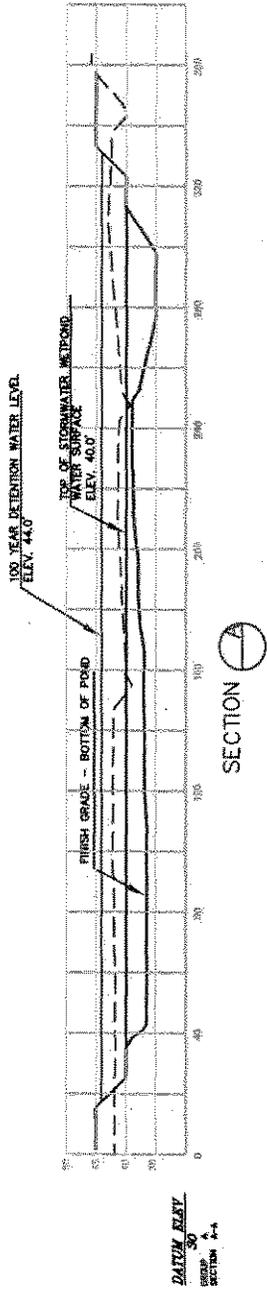
NWS-2008-290-NO

| | | | | |
|--|--|---|---|---|
| <p>EXISTING CONDITIONS MAP</p> | | <p>PROPOSED: WETLAND FILL PURPOSE: SOCCO FACILITY EXPANSION USACE REFERENCE:</p> | <p>DATE: 2/15/08</p> |  |
|  | | <p>APP. BY: SUMAS PROPERTIES, LLC AT: SUMAS, WHATCOM CTY, WA, T40N R4E Sec 03 WATERWAY: FLOODPLAIN WETLANDS ADJACENT TO ROADSIDE DITCH DRAINING TO JOHNSON CREEK</p> | <p>SCALE: 1" = 200'</p> | |
| <p>DOUGLASS CONSULTING</p> | | | <p>JOB NO: SOCC0003</p> <p>Sheet 2 of 9</p> | |



NWS-2008-290-NO

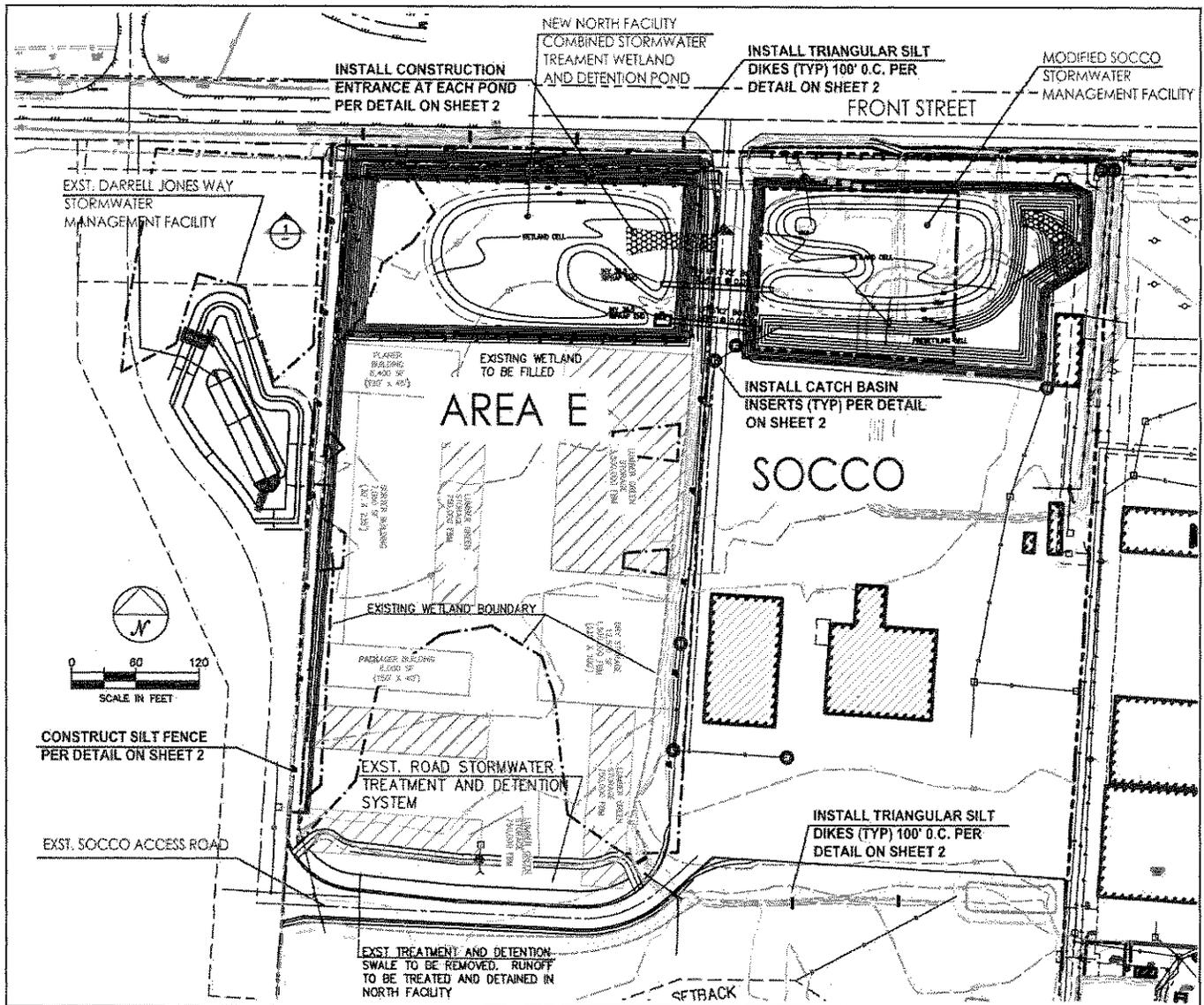
| | | | | |
|--|--|---|--|---|
| <p>SITE PLAN</p> | | <p>PROPOSED: WETLAND FILL PURPOSE: SOCCO FACILITY EXPANSION USACE REFERENCE:</p> | <p>DATE: 2/15/08</p> |  |
|  <p>DOUGLASS CONSULTING</p> | | <p>APP. BY: SUMAS PROPERTIES, LLC AT: SUMAS, WHATCOM CTY, WA, T40N R4E Sec 03 WATERWAY: FLOODPLAIN WETLANDS ADJACENT TO ROADSIDE DITCH DRAINING TO JOHNSON CREEK</p> | <p>SCALE: 1" = 200'</p> | |
| | | | <p>JOB NO: SOCC003 Sheet 3 of 9</p> | |



NWS-2008-290-NO

| | | | |
|-----------------------------------|--|--|--|
| <p>SITE CROSS SECTIONS</p> | <p>PROPOSED: WETLAND FILL PURPOSE: SOCCO FACILITY EXPANSION USACE REFERENCE:</p> | | <p>DATE: 2/15/08</p> |
| | <p>APP. BY: SUMAS PROPERTIES, LLC AT: SUMAS, WHATCOM CTY, WA, T40N R4E Sec 03 WATERWAY: FLOODPLAIN WETLANDS ADJACENT TO ROADSIDE DITCH DRAINING TO JOHNSON CREEK</p> | | <p>SCALE: H 1" = 60'; V 1" = 30'</p> <p>JOB NO: SOCC0003</p> |
| <p>DOUGLASS CONSULTING</p> | <p>Sheet 4 of 9</p> | | |





NWS-2008-290-NO

STORMWATER POLLUTION PREVENTION PLAN

PROPOSED: WETLAND FILL
PURPOSE: SOCCO FACILITY EXPANSION
USACE REFERENCE:

DATE: 2/15/08

SCALE:
 1" = 150'

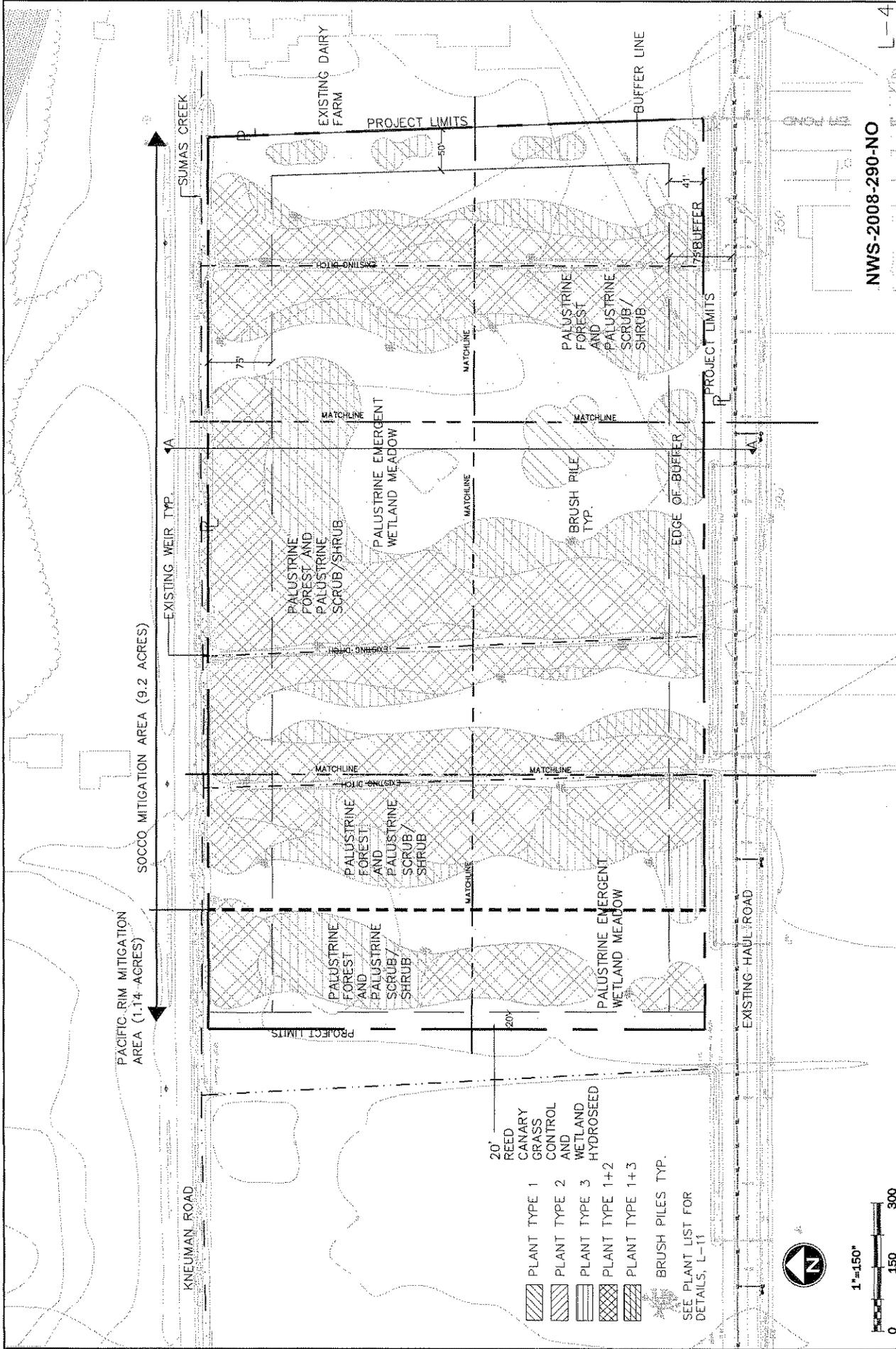
JOB NO:
 SOCC0003

Sheet 5 of 9



DOUGLASS CONSULTING

APP. BY: SUMAS PROPERTIES, LLC
AT: SUMAS, WHATCOM CTY, WA, T40N R4E Sec 03
WATERWAY: FLOODPLAIN WETLANDS
 ADJACENT TO ROADSIDE DITCH DRAINING TO
 JOHNSON CREEK



20'
 REED
 CANARY
 GRASS
 CONTROL
 AND
 WETLAND
 HYDROSEED
 PLANT TYPE 1
 PLANT TYPE 2
 PLANT TYPE 3
 PLANT TYPE 1+2
 PLANT TYPE 1+3
 BRUSH PILES TYP.
 SEE PLANT LIST FOR
 DETAILS, L-11

1"=150'
 0 150 300

PREPARED BY:

 j.a. brennan
 ASSOCIATES PLLC
 Landscaping, Architecture & Planning

FIGURE:
 WETLAND MITIGATION PLAN

PROPOSED: WETLAND FILL
 PURPOSE: SOCCO FACILITY EXPANSION

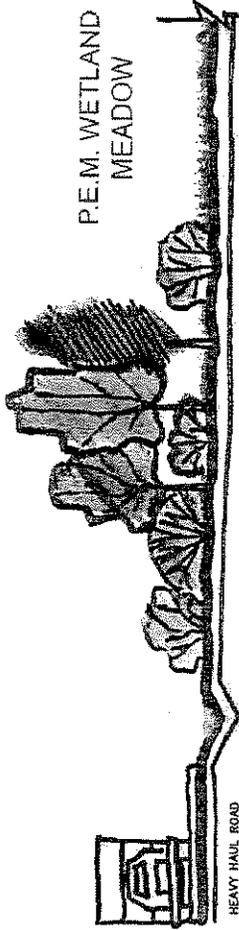
APP. BY: SUMAS PROPERTIES, LLC
 AT: SUMAS, WHATCOM COUNTY, WA, T40N R4E, SEC 03
 WATERWAY: FLOODPLAIN WETLANDS ADJACENT TO
 ROADSIDE DITCH THAT DRAINS TO JOHNSON CREEK.

REFERENCE:
 NWS-2008-290-NO

DATE: 2/15/08
 SCALE: 1"=150'
 JOB NUMBER: SOCCO0003

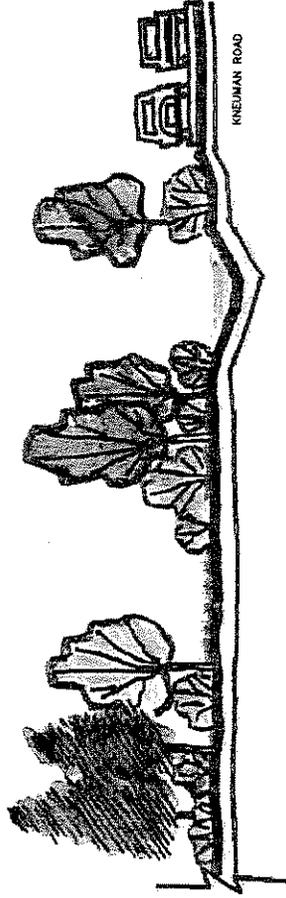
SHEET 6 OF 9

PALUSTRINE FOREST AND
PALUSTRINE
SCRUB/SHRUB HABITAT



P.E.M. WETLAND
MEADOW

PALUSTRINE FOREST AND
PALUSTRINE
SCRUB/SHRUB HABITAT

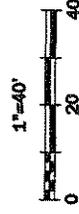


HEAVY HAUL ROAD

KNEIMAN ROAD

NORTH/SOUTH SECTION AA

1:40 SCALE



NWS-2008-290-NO

L-13

PREPARED BY:

FIGURE:

PROPOSED: WETLAND FILL
PURPOSE: SOCCO FACILITY EXPANSION

DATE:

2/15/08

SHEET

7

DOUGLASS
CONSULTING



NORTH SOUTH
SECTION

APP. BY: SUMAS PROPERTIES, LLC
AT: SUMAS, WHATCOM COUNTY, WA, T4CN R4E, SEC 03
WATERWAY: FLOODPLAIN WETLANDS ADJACENT TO
ROADSIDE DITCH THAT DRAINS TO JOHNSON CREEK.

SCALE:

1"=40'

JOB NUMBER:

50000003

OF

9

PACIFIC RIM RELOAD MITIGATION PLANT LIST

2/1/2008

| SYMBOL | QUANTITY | BOTANICAL NAME | COMMON NAME | SIZE | CONDITION | SPACING |
|-----------------------------|----------|----------------------------|-------------------|-------|-----------|----------|
| PLANT TYPE 1 (TREES) | | | | | | |
| AR | 611 | ALNUS RUBRA | RED ALDER | 1 gal | CONTAINER | 12' o.c. |
| AI | 611 | ALNUS SINUATA | SITKA ALDER | 1 gal | CONTAINER | 12' o.c. |
| B | 612 | BETULA OCCIDENTALIS | WATER BIRCH | 1 gal | CONTAINER | 12' o.c. |
| PS | 93 | PICEA SITCHENSIS | SITKA SPRUCE | 2 gal | CONTAINER | 20' o.c. |
| TP | 94 | THUJA PLICATA | WESTERN RED CEDAR | 2 gal | CONTAINER | 20' o.c. |
| TI | 94 | TSUGA HETEROPHYLLA | WESTERN HEMLOCK | 2 gal | CONTAINER | 20' o.c. |

Planting Notes: Bold text indicates primary species within the plant mix. Mix is to be comprised of 70% primary species, split evenly between all primary species. The remaining 30% of the Mix is to be split evenly between the secondary species.

Plant individual species in groups of 5 -10 plants within each planting area.

PLANT TYPE 2

| | | | | | | |
|----|------|------------------------------------|--------------------|-------|--------------|---------|
| CS | 2122 | CORNUS STOLONIFERA | RED TWIG DOGWOOD | 18" | LIVESTAKE | 4' o.c. |
| LI | 1123 | <i>LONICERA INVOLUCRATA</i> | BLACK TWINBERRY | 1 gal | CONTAINER | 4' o.c. |
| P | 2122 | POPULUS TRICHOCARPA | BLACK COTTONWOOD | 18" | LIVESTAKE | 4' o.c. |
| SH | 2122 | SALIX HOOKERIANA | HOOKER'S WILLOW | 18" | LIVESTAKE | 4' o.c. |
| S | 2122 | SALIX LUCIDA SSP. LASIANDRA | PACIFIC WILLOW | 18" | LIVESTAKE | 4' o.c. |
| S | 2123 | SALIX SESSILIFOLIA | SOFT LEAVED WILLOW | 18" | LIVESTAKE | 4' o.c. |
| S | 2123 | SALIX SITCHENSIS | SITKA WILLOW | 18" | LIVESTAKE | 4' o.c. |
| SD | 1124 | SPIRAEA DOUGLASII | HARDHACK | 2'-3' | BR/TRANS GRD | 4' o.c. |

Planting Notes: Bold text indicates primary species within the planting mix. Mix is to be comprised of 85% primary species, split evenly between all primary species. Italic text indicates secondary species. The remaining 15% of the Mix is to be split evenly between the secondary species.

Plant individual species in groups of 5 -15 plants within each planting area.

PLANT TYPE 3

| | | | | | | |
|----|------|------------------------------------|------------------|---------|--------------|---------|
| P | 410 | PHYSOCARPUS CAPITATUS | PACIFIC NINEBARK | 1 gal | CONTAINER | 4' o.c. |
| PT | 1916 | POPULUS TRICHOCARPA | BLACK COTTONWOOD | 18" | LIVESTAKE | 4' o.c. |
| R | 547 | <i>RIBES BRACTEOSUM</i> | STINK CURRANT | 2'-3' | BR/TRANS GRD | 4' o.c. |
| R | 547 | <i>ROSA NUTKANA</i> | NOOTKA ROSE | 12"-18" | BR/TRANS GRD | 4' o.c. |
| RS | 548 | <i>RUBUS SPECTABILIS</i> | SALMONBERRY | 2'-3' | BR/TRANS GRD | 4' o.c. |
| SL | 1916 | SALIX LUCIDA SSP. LASIANDRA | PACIFIC WILLOW | 18" | LIVESTAKE | 4' o.c. |
| S | 1916 | SALIX SCOULERIANA | SCOULER'S WILLOW | 18" | LIVESTAKE | 4' o.c. |
| S | 411 | SAMBUCUS RACEMOSA | RED ELDERBERRY | 1 gal | CONTAINER | 4' o.c. |

Planting Notes: Bold text indicates primary species within the planting mix. Mix is to be comprised of 70% primary species, split evenly between all primary species. Italic text indicates secondary species. 20% of mix is to be comprised of secondary species. Plain text indicates tertiary species. The remaining 10% of the Mix is to be split evenly between the tertiary species.

Plant individual species in groups of 5 -15 plants within each planting area.

WETLAND MEADOW SEED MIX

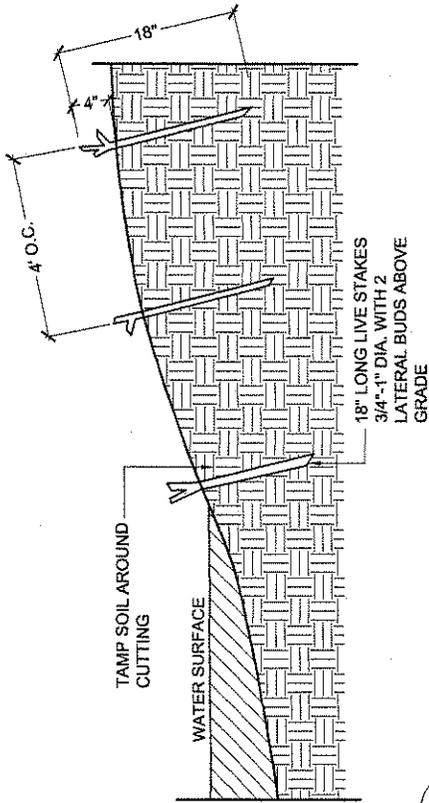
| SYMBOL | QUANTITY | BOTANICAL NAME | COMMON NAME |
|--------|----------|-----------------------------|-----------------------|
| | 15% | CAREX OBNUPTA | SLOUGH SEDGE |
| | 25% | JUNCUS ENSIFOLIUS | DAGGER LEAF RUSH |
| | 5% | FESTUCA RUBRA var. ROEMERII | ROEMER'S RED FESCUE |
| | 10% | SCIRPUS MICROCARPUS | SMALL-FRUITED BULRUSH |
| | 15% | GLYCERIA OCCIDENTALIS | WESTERN MANNAGRASS |
| | 15% | AGROSTIS EXERATA | SPIKE BENTGRASS |
| | 15% | HORDUM BRANCHYANTHERUM | MEADOW BARLEY |

Note: Seed shall be applied at a rate of 18.55 pounds per acre. No noxious weeds will be permitted. The seed mixture shall be no less than 98% pure, and shall have a minimum germination rate of 90%. Hydroseed or broadcast seed as conditions dictate. All areas in project limits to be hydroseeded, except 3' diameter mulch circles at each 1' and 2 gal plant.

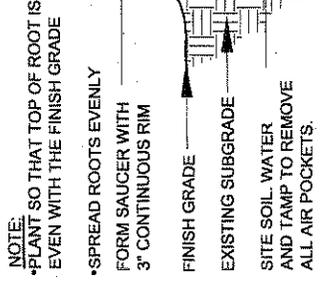
L-11

| | | | | |
|---|---|-----------------|--------------------|-------------|
| WETLAND MITIGATION PLANT LIST PREPARED BY:  a. brennan associates LLC Landscape Architects & Planners | PROPOSED: WETLAND FILL PURPOSE: SOCCO FACILITY EXPANSION | NWS-2008-290-NO | DATE: 2/15/2008 | SHEET 8 |
| | | | | SCALE: |
| | | | | JOB NUMBER: |

APP. BY: SUMAS PROPERTIES, LLC
 AT: SUMAS, WHATCOM COUNTY, WA
 WATERWAY: WETLANDS ADJACENT TO ROADSIDE
 DITCH THAT DRAINS TO JOHNSON CREEK.

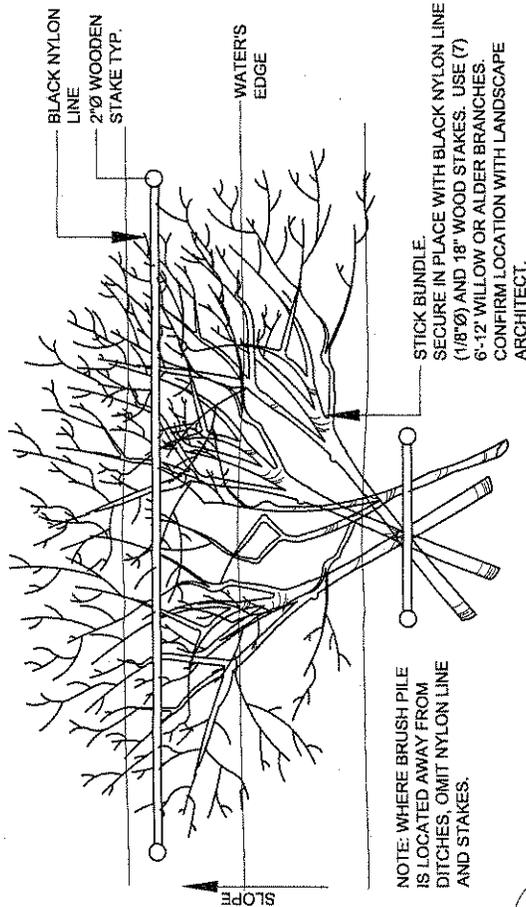


A LIVE STAKE TYP.
SCALE= 1/2"=1'-0"

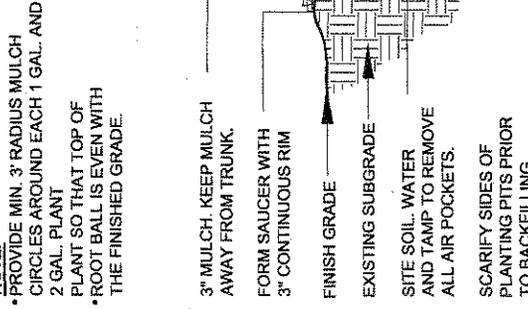


NOTE:
 •PLANT SO THAT TOP OF ROOT IS EVEN WITH THE FINISH GRADE
 •SPREAD ROOTS EVENLY
 •FORM SAUCER WITH 3" CONTINUOUS RIM
 •FINISH GRADE
 •EXISTING SUBGRADE
 •SITE SOIL. WATER AND TAMP TO REMOVE ALL AIR POCKETS.

B BARE ROOT SHRUB PLANTING TYP.
SCALE= 1/4"=1'-0"



C BRUSH PILE TYP.
SCALE= 1/4"=1'-0"



D SHRUB/SMALL TREE TYP.
SCALE= 1/4"=1'-0"

PREPARED BY:



DOUGLASS CONSULTING

WETLAND MITIGATION DETAILS

PROPOSED: WETLAND FILL
 PURPOSE: SOCCO FACILITY EXPANSION NWS-2008-290-NO

APP. BY: SUMAS PROPERTIES, LLC
 AT: SUMAS, WHATCOM COUNTY, WA, T40N R4E, SEC 03
 WATERWAY: FLOODPLAIN WETLANDS ADJACENT TO
 ROADSIDE DITCH THAT DRAINS TO JOHNSON CREEK.

DATE: 2/15/08

SCALE: 1"=50'

JOB NUMBER:
SOCC0003

SHEET 9

OF 9

L12