



US Army Corps  
of Engineers  
Seattle District



WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

# Joint Public Notice

## Proposal for a Wetland Mitigation and Habitat Conservation Umbrella Bank

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**Public Notice Date: February 11, 2021**  
**Expiration Date: March 11, 2021**

**Reference No.:** NWS-2019-1001  
**Name:** Port of Seattle Wetland  
Mitigation and Habitat  
Conservation Umbrella Bank

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and Washington Department of Ecology (Ecology) are considering a proposal to establish the *Wetland Mitigation and Habitat Conservation Umbrella Bank* (Bank) at sites located at and near Seattle, King County, Washington.

**BANK SPONSOR CONTACT:** **Port of Seattle**  
P.O. Box 1209  
Seattle, Washington 98111  
Contact: Mr. Jon Sloan  
Email: sloan.j@portseattle.org  
(206) 787-3675

**LOCATION:** The proposed Umbrella Bank includes three initial Bank Sites located at and near Seattle, King County, Washington; in the Lower Green River, Duwamish Estuary, and Nearshore subwatersheds of Water Resources Inventory Area (WRIA) 9 Green/Duwamish and Central Puget Sound Watershed (see attached **Figures 1 and 2**).

The 12-acre **Terminal 25 South Site** would be located on the southeast bank of the East Waterway (the segment of the Lower Duwamish Waterway east of Harbor Island), north of South Spokane Street and south of the active Terminal 25 container cargo facility, at 2917 East Marginal Way South in Seattle, Washington. The site is located in the northeast quarter of Section 18, Township 24 North, Range 4 East in the southwest corner of Parcel No. 7666207905; Latitude 47.573033°, Longitude -122.343434° (see attached **Figure 4**).

The 13.5-acre **Terminal 117 Site** would be located along the Lower Duwamish Waterway shoreline from river mile (RM) 4.1 to RM 4.5. The site is bordered by the South Park Marina to the north, Dallas Avenue South to the northwest, the Boeing South Park facility to the southwest, and Lower Duwamish Waterway to the east. The site is located in Section 33, Township 24 North, Range 4 East; Latitude 47.526404°, Longitude -122.310730° (see attached **Figure 6**).

The 34.1-acre **Auburn Site** would be located south of South 277th Street, just east of the intersection of 45th Street Northeast and I Street Northeast in Auburn approximately 28 RMs upstream from the mouth of the Green-

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Duwamish River at Elliott Bay. A City of Auburn right-of-way crosses the 34-acre site, splitting the property into a northern portion (6.3 acres) and a southern portion (28.7 acres). The site is located in Section 31, Township 22 North, Range 5 East; Latitude 47.349972°, Longitude -122.218031° (see attached **Figure 8**).

The Prospectus for this proposed mitigation bank, entitled *Wetland Mitigation and Habitat Conservation Umbrella Bank Prospectus*, dated January 2021, includes several additional potential future mitigation and conservation sites located along the Duwamish Waterway and Elliott Bay shoreline (see attached **Figures 3 and 10**).

**MITIGATION BANKING:** Mitigation banks provide an alternative to traditional permittee-responsible compensatory mitigation. Mitigation banks offer an opportunity to implement compensatory mitigation at a regional scale in advance of impacts. Mitigation banks establish “credits” through restoring, creating, enhancing and/or preserving wetlands and other aquatic resources. These credits can then be sold to future permit applicants who need to offset the adverse environmental impacts of projects with wetland and aquatic resource impacts that would occur within the bank’s designated and agency approved “service area”. The Mitigation Bank Instrument (MBI) is the document that defines the Bank. It is a legal document that is created in cooperation between the Bank Sponsor and the Interagency Review Team (IRT). The IRT includes the Corps and Ecology as Co-Chairs, and may also include the Environmental Protection Agency, and other Federal, Tribal, State, and local agencies. The MBI contains the legal language between the Bank Sponsor and the agencies, and the technical and procedural elements of constructing, operating, and maintaining the Bank. The first stage of developing a MBI is reviewing the Prospectus of the mitigation bank proposal.

**PROJECT DESCRIPTION:** The purpose of this public notice is to receive public comment on the Prospectus for this proposed mitigation bank entitled *Wetland Mitigation and Habitat Conservation Umbrella Bank Prospectus* dated January 2021.

The Prospectus states that the Umbrella Mitigation Bank’s overall goals are to rehabilitate ecological functions and restore priority habitat to support the needs of the Green/Duwamish and Central Puget Sound Watershed. The conceptual goals for the three proposed initial Mitigation Bank Sites (see attached **Figure 2**) are described below.

The 12-acre **Terminal 25 South Site** (see attached **Figure 5**) includes the southeast bank of the East Waterway, the segment of the Lower Duwamish Waterway east of Harbor Island. Historically the site included cold storage and seafood processing facilities, which were removed in 2004. In 2006, the Port removed the decking from a 2-acre creosote-treated wood dock. The site is currently vacant and contains paved and unpaved portions which are used for parking and construction staging. Approximately 950 creosote-treated wood piling, concrete rubble, concrete bulkhead, concrete apron, and concrete decking remain in the intertidal and subtidal footprint of the former dock. The Bank would re-establish up to 10 acres of riparian, emergent marsh, mudflat, and subtidal habitat and provide off-channel fish habitat. The design footprint may be modified to expand the project by up to 3.6 acres (see attached **Figures 4 and 5**). Restoration at the proposed site would involve the removal of on-site creosote piles, debris, fill, and riprap; excavation to intertidal and subtidal elevations; installation of intertidal marsh and riparian buffer plantings; and installation of anchored large wood.

The 13.5-acre **Terminal 117 Site** includes shoreline along the Lower Duwamish Waterway (see attached **Figure 7**). Historically the site was used for an asphalt shingle manufacturing plant. Plant structures and some contaminated soil were removed in 1996-1997, and contamination clean-up activities were conducted in 1999 and 2006. Currently, the majority of the site is unvegetated. The Bank would restore up to 13.5 acres of emergent marsh, mudflat, and riparian areas, and up to 2,050 linear feet of shallow and deeper subtidal habitat along the shoreline, and would provide off-channel fish habitat. Restoration at the proposed site would involve the removal of fill; placement of some riprap for bank stabilization; grading including bankline re-grading; and installation of intertidal and riparian buffer plantings.

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The 34.1-acre **Auburn Site** is contiguous with an existing Port of Seattle mitigation area which is protected in perpetuity by a restrictive covenant (see attached **Figure 9**). Historically the proposed Bank site had been used for agriculture. Currently, there are no structures on the Bank site, and it is predominately vegetated by grasslands with some forested areas. There are five Category III wetlands on the bank site. Wetland A, the largest wetland, extends eastward onto the adjacent mitigation area. The on-site wetlands total slightly more than 10 acres and they are dominated by reed canarygrass. The Bank would enhance approximately 8 acres of wetland, re-establish approximately 14.8 acres of wetland, and enhance and preserve 10.7 acres of buffer habitat. The Bank would excavate uplands to re-establish emergent, shrub-scrub, and forested wetland habitat; remove invasive vegetation and install native plants; and relocate a drainage ditch to support flood storage connection to the Green-Duwamish River.

**CONSERVATION BANK:** The Bank project will also be reviewed by the National Oceanic and Atmospheric Administration / National Marine Fisheries Service (NMFS) as a fish conservation bank for Section 7 actions under the Endangered Species Act (ESA). If NMFS signs the MBI, the Bank will be approved to provide compensatory mitigation, when appropriate, for impacts to species within their jurisdiction. In addition, the U.S. Fish and Wildlife Service (USFWS) may consider the Bank, if authorized, for ESA Section 7 mitigation requirements to address impacts to species within their jurisdiction.

**PROSPECTUS AVAILABILITY:** The Prospectus is available for review at the above-listed Corps and Ecology offices and can be downloaded at the following internet addresses:

<https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Wetland-mitigation-banking/Public-notice>

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PublicNotices.aspx>

**SERVICE AREA:** The service area of a mitigation bank is the geographic area over which its credits may be used for compensatory mitigation. The Sponsor has proposed a service area for this Bank that would be located within King County and would include portions of Seattle, Tukwila, Renton, Auburn, Kent, and unincorporated King County. It would include the Lower Green River, Duwamish Estuary and Elliott Bay shoreline, and Nearshore subwatersheds within WRIA 9 (see attached **Figure 11**). Each Bank site may be associated with its own portion of the larger service area within the lower Green-Duwamish watershed. Potential future sites along Elliott Bay that improve marine shoreline functions through overwater cover and in-water structure removal and sites in the Duwamish Estuary subwatershed that provide marine and estuarine habitat functions are intended to offset marine and estuarine impacts along the Elliott Bay shoreline, Duwamish estuary, and Nearshore subwatersheds. The Auburn mitigation site would provide freshwater wetland functions intended to offset freshwater wetland impacts within the Lower-Green Duwamish watershed. We are seeking comments on the proposed service area. The proposed service area may be increased or decreased based on public and IRT comments.

**PURPOSE:** The purpose of a mitigation bank 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 bank's service area. The use of bank credits as future compensatory mitigation would depend on case-by-case approval by the involved regulatory agencies after determining that the use of bank credits would be consistent with all applicable rules and policies of the agencies.

**ADDITIONAL INFORMATION:** The Bank Sponsor will work with the IRT to develop the MBI in accordance with the Federal Mitigation Rule, 33 CFR Parts 325 and 332 and 40 CFR Part 230, *Compensatory Mitigation for Losses of Aquatic Resources*; and the State Rule, Chapter 173-700 WAC, *Wetland Mitigation Banks*: as well as

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other applicable State, local, and Federal requirements. For additional information on wetland mitigation banking within Washington State, please refer to the following websites:

<https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Wetland-mitigation-banking>

<http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/Mitigation.aspx>

If you are interested in receiving updates from the Washington State Department of Ecology concerning wetland mitigation banking in the state, please join their e-mail list at:

<http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=WETLANDS-INFORMATION&A=1>

**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). If the Corps determines that the proposed action may adversely affect EFH for Federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS.

**CULTURAL RESOURCES:** An historic properties investigation will be conducted within the areas of the three proposed Umbrella Bank sites, and it will be coordinated with the Washington Department of Archaeology and Historic Preservation. The Corps will review the latest published version of the National Register of Historic Places, lists of properties determined eligible for the historic register, and other sources of information. The Corps 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 regarding, historic properties and sites of religious and cultural significance at or near the three proposed Bank sites. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]) with any Tribe that has information or concerns with historic properties in the area of the three proposed Bank sites.

**EVALUATION:** The Corps and Ecology are 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 identify project aspects that need to be addressed during the bank review process and in the development of the MBI. Public comments will assist the IRT to determine whether or not to authorize the proposed Bank. 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.

**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 mitigation bank name and reference number as shown below. Either conventional mail or e-mail comments must include the mitigation bank 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.

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**CORPS COMMENTS:** All e-mail comments should be sent to [amanda.n.nadjkovic@usace.army.mil](mailto:amanda.n.nadjkovic@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Amanda Nadjkovic, 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:** All e-mail comments should be sent to [kate.thompson@ecy.wa.gov](mailto:kate.thompson@ecy.wa.gov). Conventional mail comments should be sent to: Washington State Department of Ecology, Attention: Kate Thompson, P.O. Box 47600, Olympia, Washington 98504-7600.

**Ecology has extended their public comment period and will accept comments, whether conventional mail or e-mail, no later than 30 days past the expiration date of this public notice.**

**MITIGATION BANK NAME AND REFERENCE NUMBER:** To ensure proper consideration of all comments, responders must include the following mitigation bank name and reference number in the text of their comments:

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Figures (11)

Figure 1: Vicinity Map

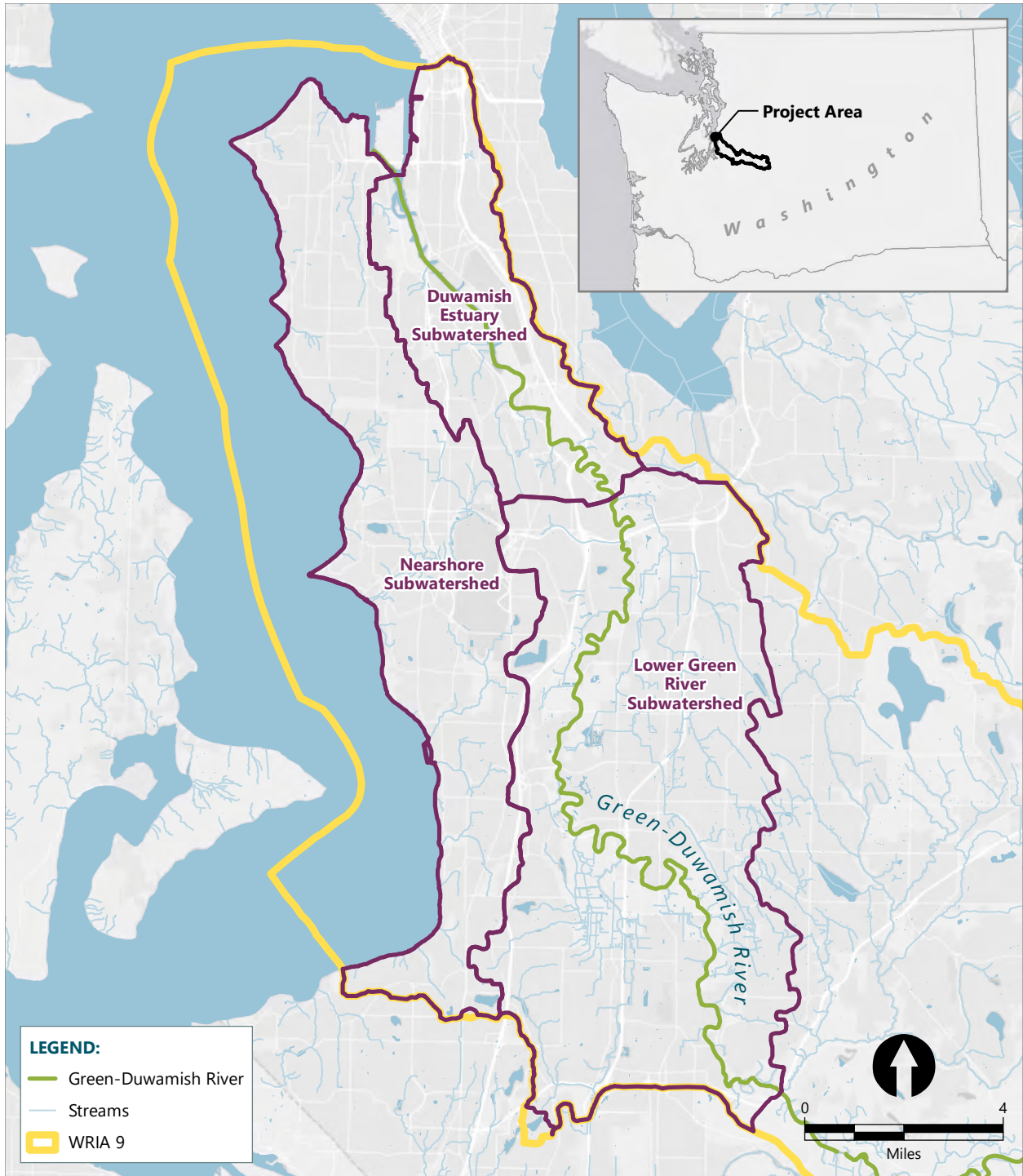




Figure 2: Proposed Initial Mitigation and Conservation Sites

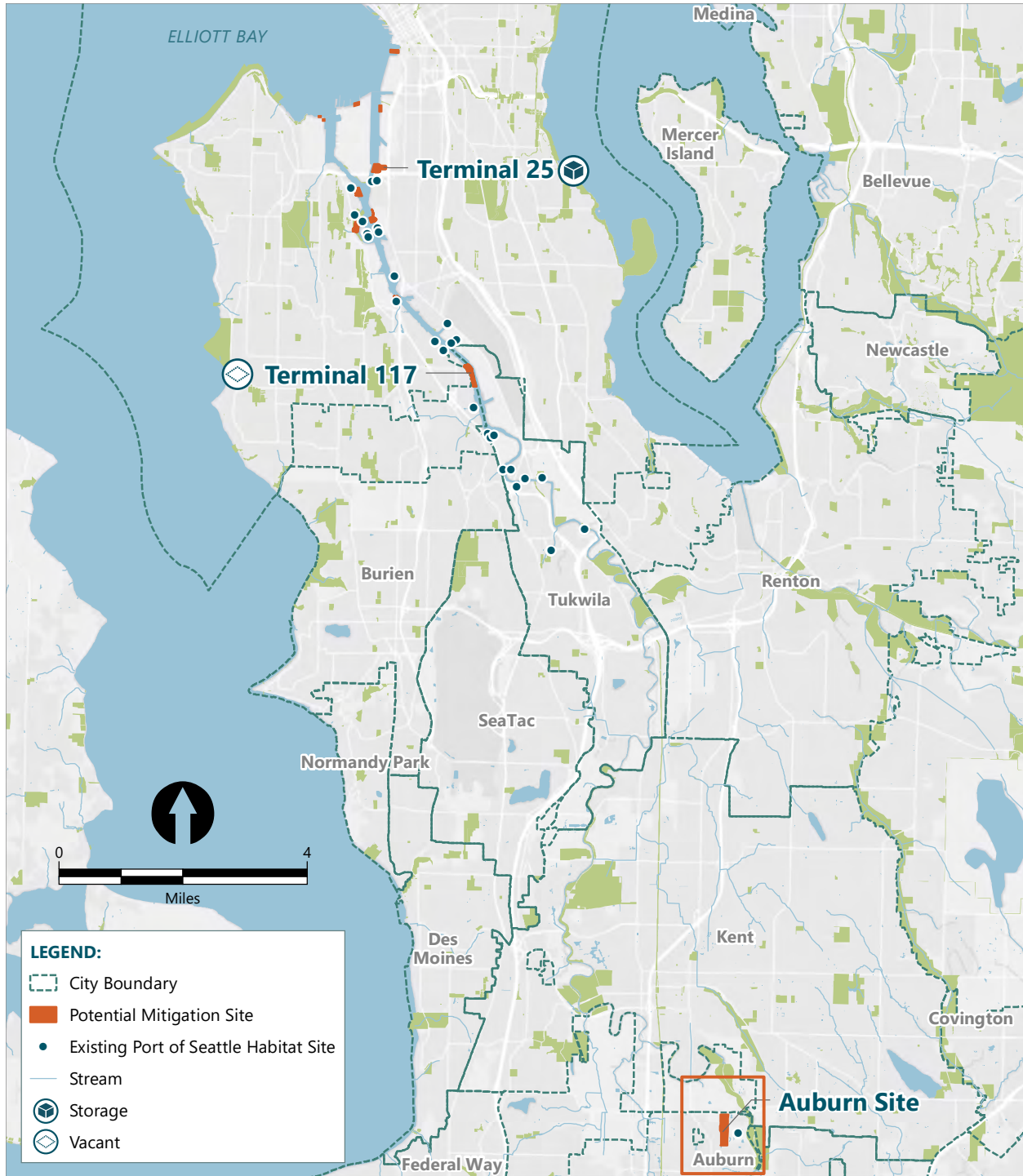


Figure 3: Proposed Mitigation and Conservation Sites





Figure 4: Terminal 25 Existing Conditions





Figure 5: Terminal 25 Concept Design





Figure 6: Terminal 117 Existing Conditions



Figure 7: Terminal 117 Concept Design





Figure 8: Auburn Site Existing Conditions

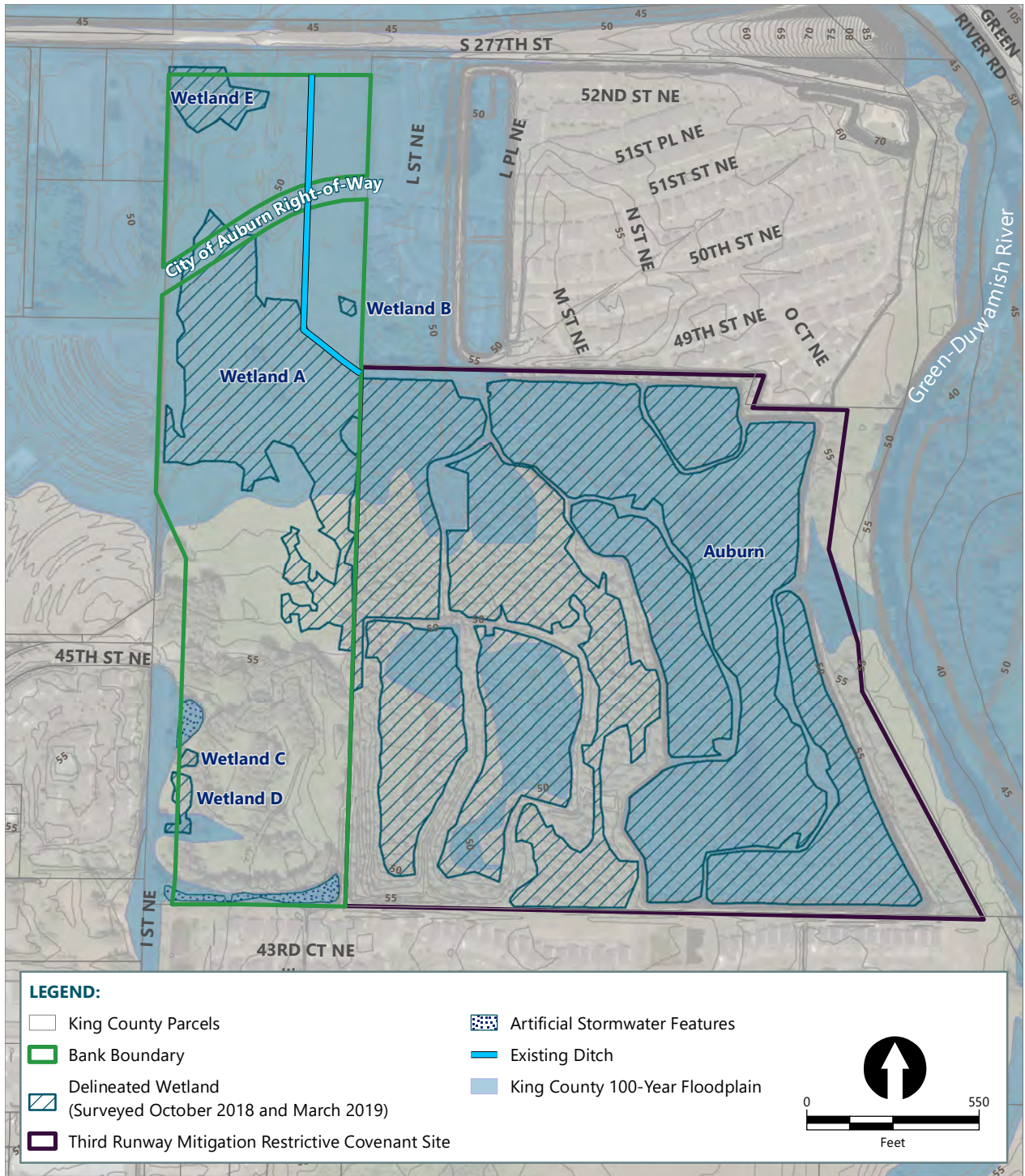




Figure 9: Auburn Site Concept Design

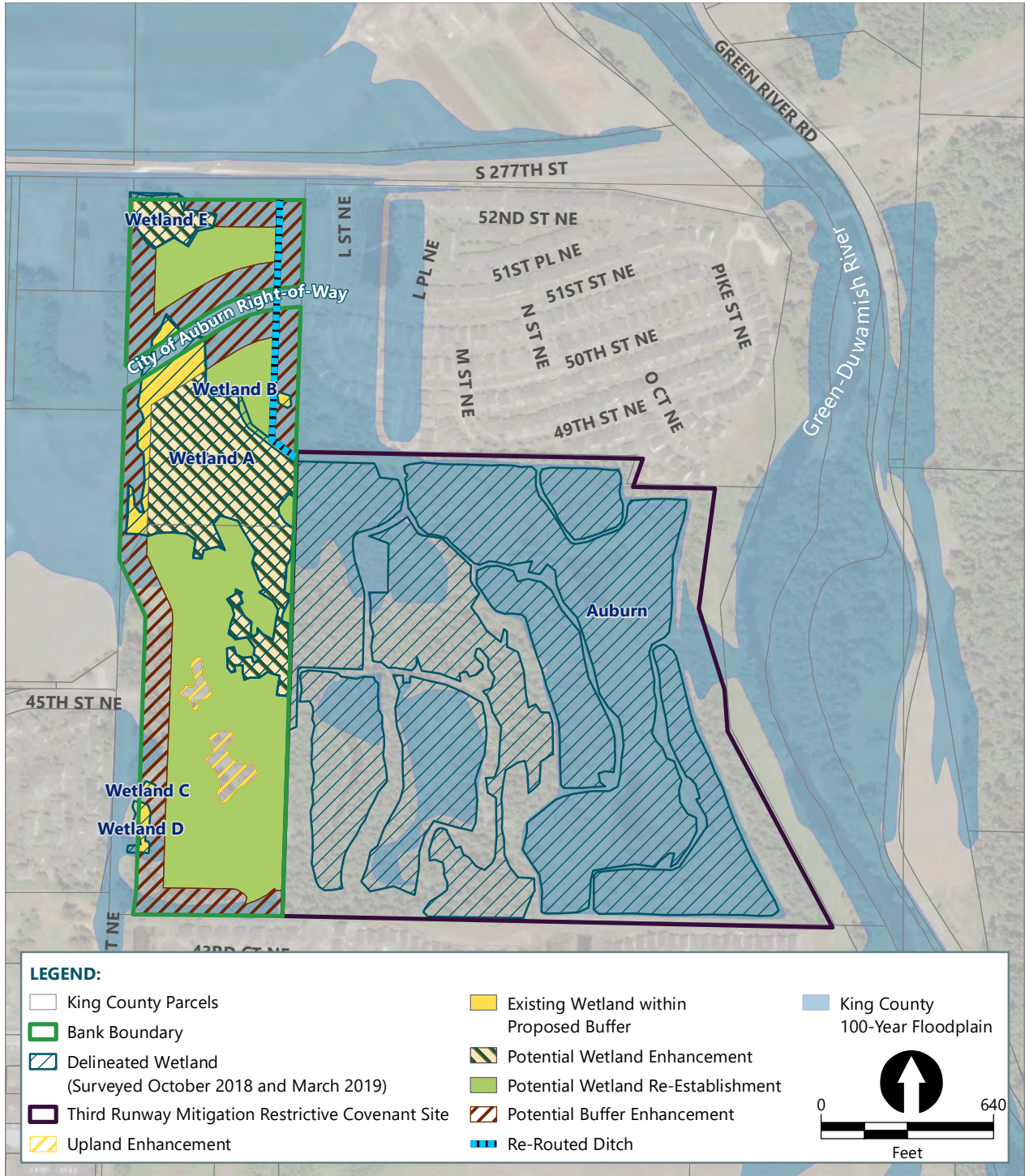


Figure 10: Proposed Future Mitigation and Conservation Sites

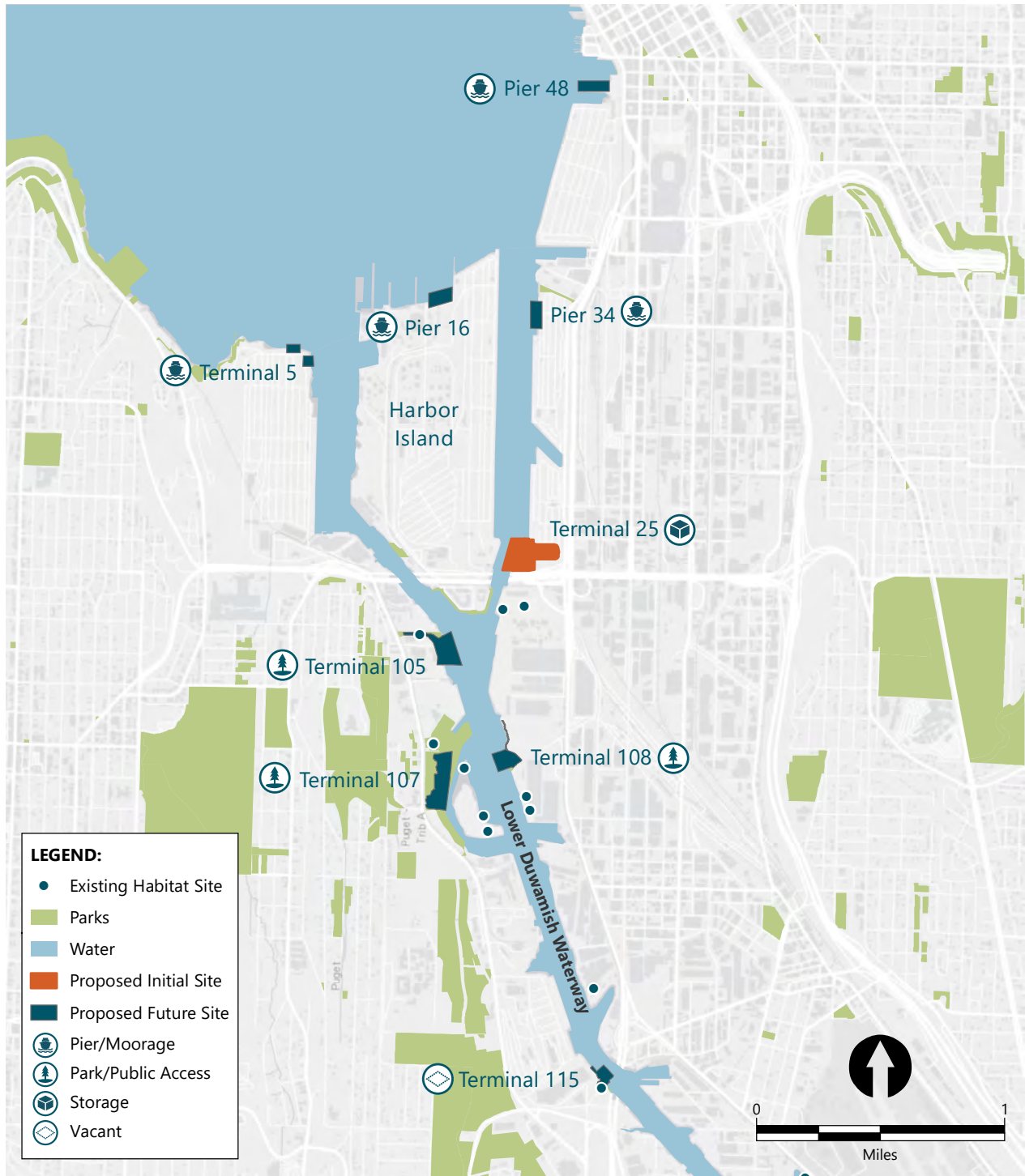


Figure 11: Proposed Service Area Watersheds

