



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 –REVISION

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (360) 734-3156
Attn: Randel Perry, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6076
Attn: SEA Program, Federal Permit
Coordinator

Revision Date: February 28, 2019
Expiration Date: March 15, 2019

Original Public Notice Date:
April 10, 2018

Reference No.: NWS-2018-168
Name: Mersey LLC

REVISION: This notice revises the mitigation proposed for the project as described in a Corps/Ecology Joint Public Notice dated April 10, 2018.

As compensation for the filling of 1.28 acres of wetlands to construct commercial, retail, and light industrial buildings and attendant features (the Pacific Place project), the applicant previously proposed purchase of 1.53 credits from the Lummi Nation Wetland and Habitat Mitigation Bank to compensate for the permanent loss of wetlands. However, the Tribe has placed a moratorium on sales of credits with no indication of when credits would again be available to commercial interests. The applicant has proposed the following revised mitigation approach (as shown on the attached mitigation drawings dated January 2019):

On-site Buffer Enhancement. Buffer enhancement includes 0.49 of an acre of enhancement plantings in the retained buffer of Wetland G. Enhancements include the planting of native evergreen trees to increase species diversity and year-round canopy cover. Shrub plantings would be installed closer to the edge of the buffer to provide screening from the built environment and prevent invasive material from becoming established. Removal of invasive plant material (such as blackberry) would also occur as needed.

Off-site Wetland Creation and Enhancement. The applicant proposes to utilize excess mitigation constructed at the Riley Open Space site for the RJ Group's Cordata Center Residential project (U.S. Army Corps of Engineers' (Corps) reference number NWS-2010-1144) and the Cordata Center Hi Tech project (Corps reference number NWS-2014-103). The mitigation would include 0.50 of an acre of wetland creation and 1.25 acres of wetland enhancement.

Both the on-site buffer enhancement and wetland creation and enhancement actions would occur in the Bear Creek subbasin of the Silver Creek watershed.

Off-site Preservation. The applicant proposes preservation on four parcels located west of the un-developed right-of-way for Creighton Road in Ferndale, Washington. The parcels total 23.4 acres in size. The proposed preservation includes 10.9 acres wetland and 3.8 acres upland for a total of 14.7 acres. The wetland areas include 19.61 acres of palustrine emergent Category II wetlands (Wetland B), 16.59 acres of palustrine forested Category III wetlands (Wetland L), 0.02 of an acre of palustrine emergent/scrub-shrub/forested Category II wetlands (Wetland M), and 0.02 of an acre of palustrine forested Category III wetlands (Wetland N). These wetlands occur in an area zoned for industrial development under City of Ferndale code. The preservation site is in the Tennant

NWS-2018-168, Mersey LLC

Creek subbasin of the Silver Creek watershed.

All other information shown on Public Notice NWS-2018-168 remains unchanged.

EVALUATION – CORPS: 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 Clean Water Act. 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.

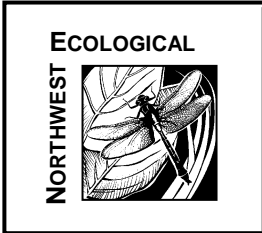
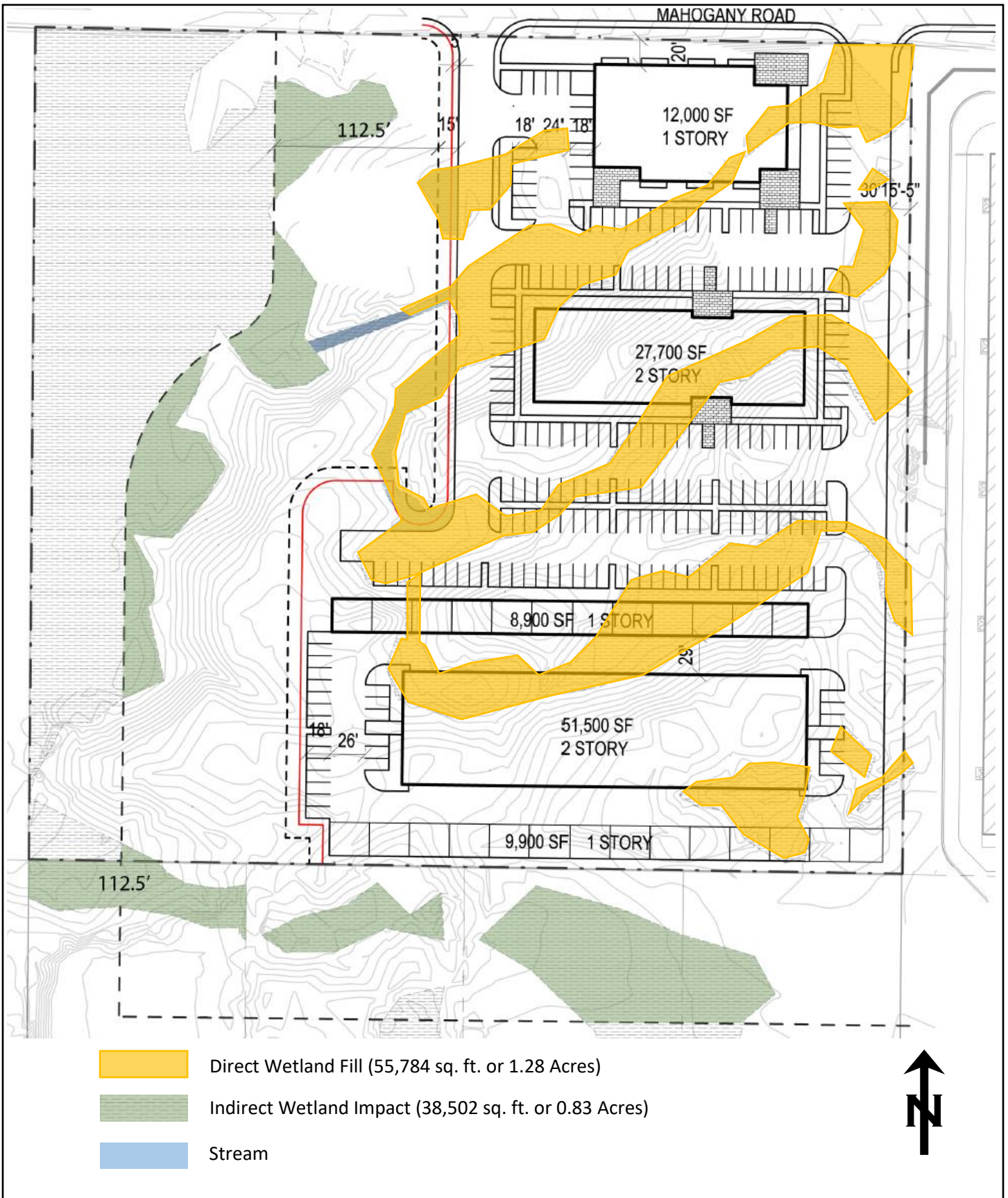
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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: Randel Perry, Post Office 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: Federal Permit Coordinator, Post Office 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-2018-168 Mersey LLC (Pacific Place)

Encl: 8 Figures

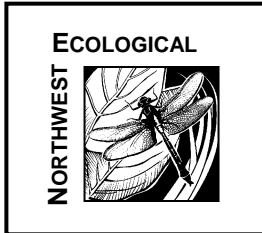
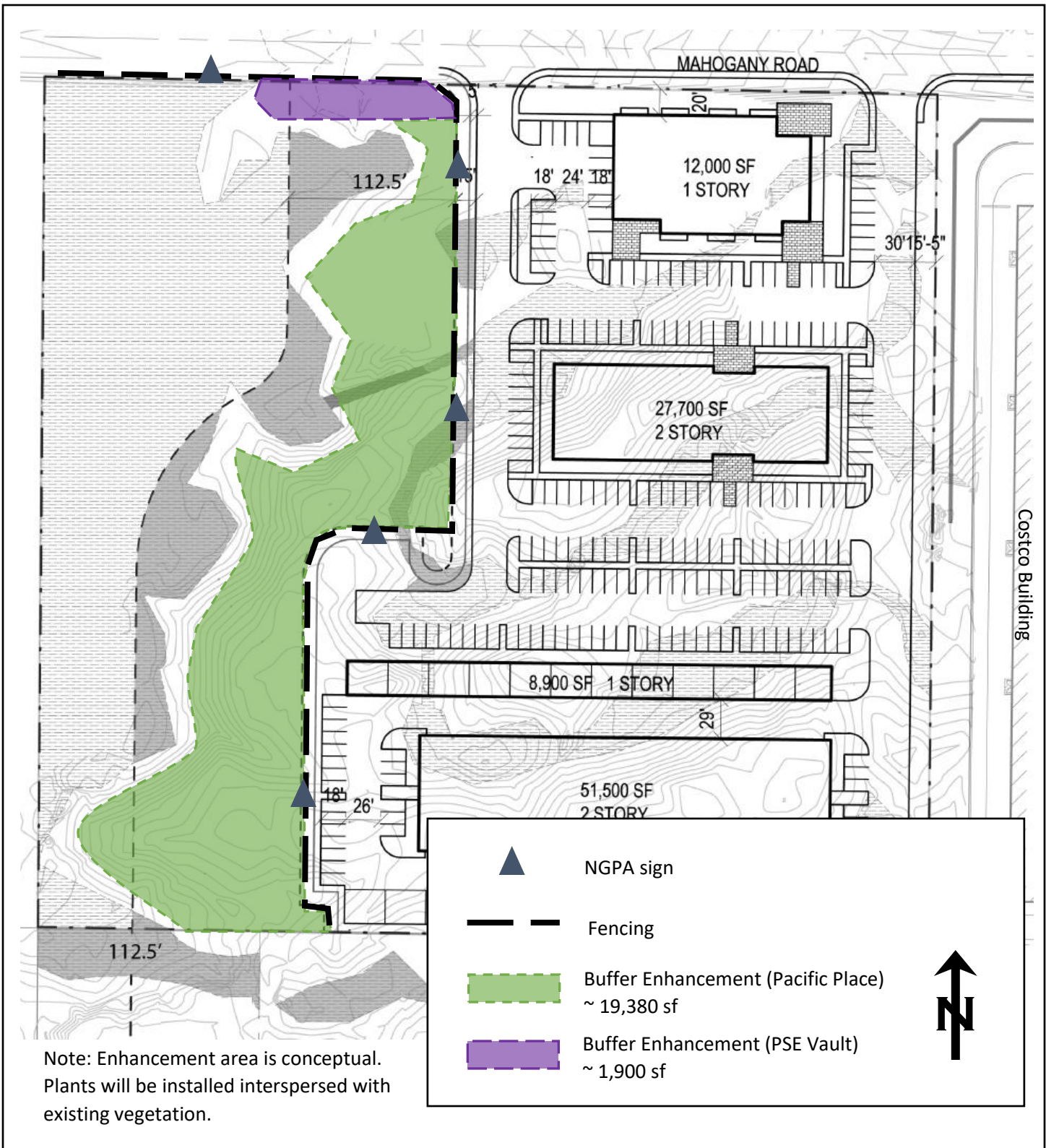


Proposed Impact Map
(Drawing by Communita Atlier)

NWS-2018-168 Pacific Place
Mitigation Plan

Figure 3 of 8

Jan 2019

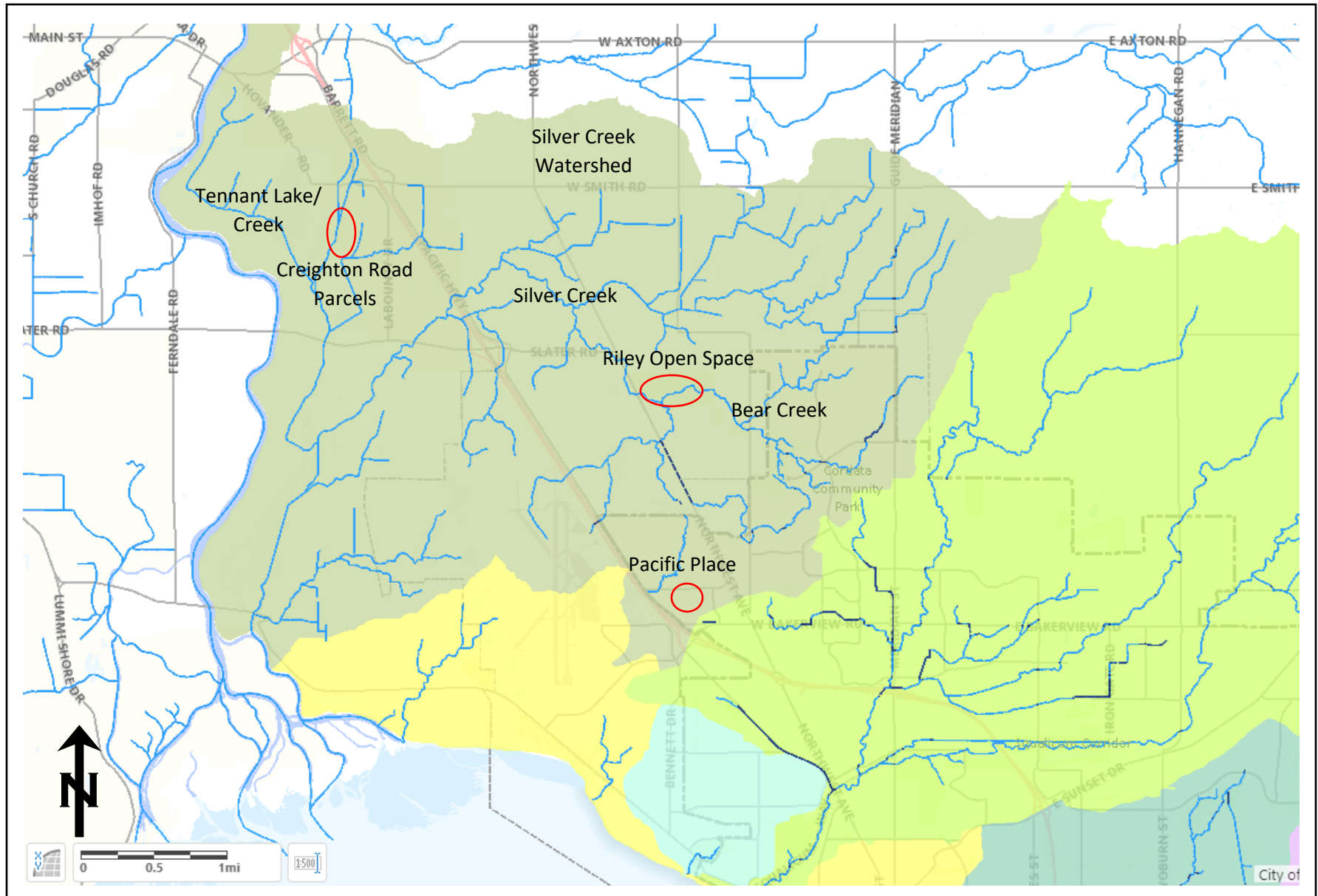



On-site Mitigation Map
(Drawing by Communita Atlier)

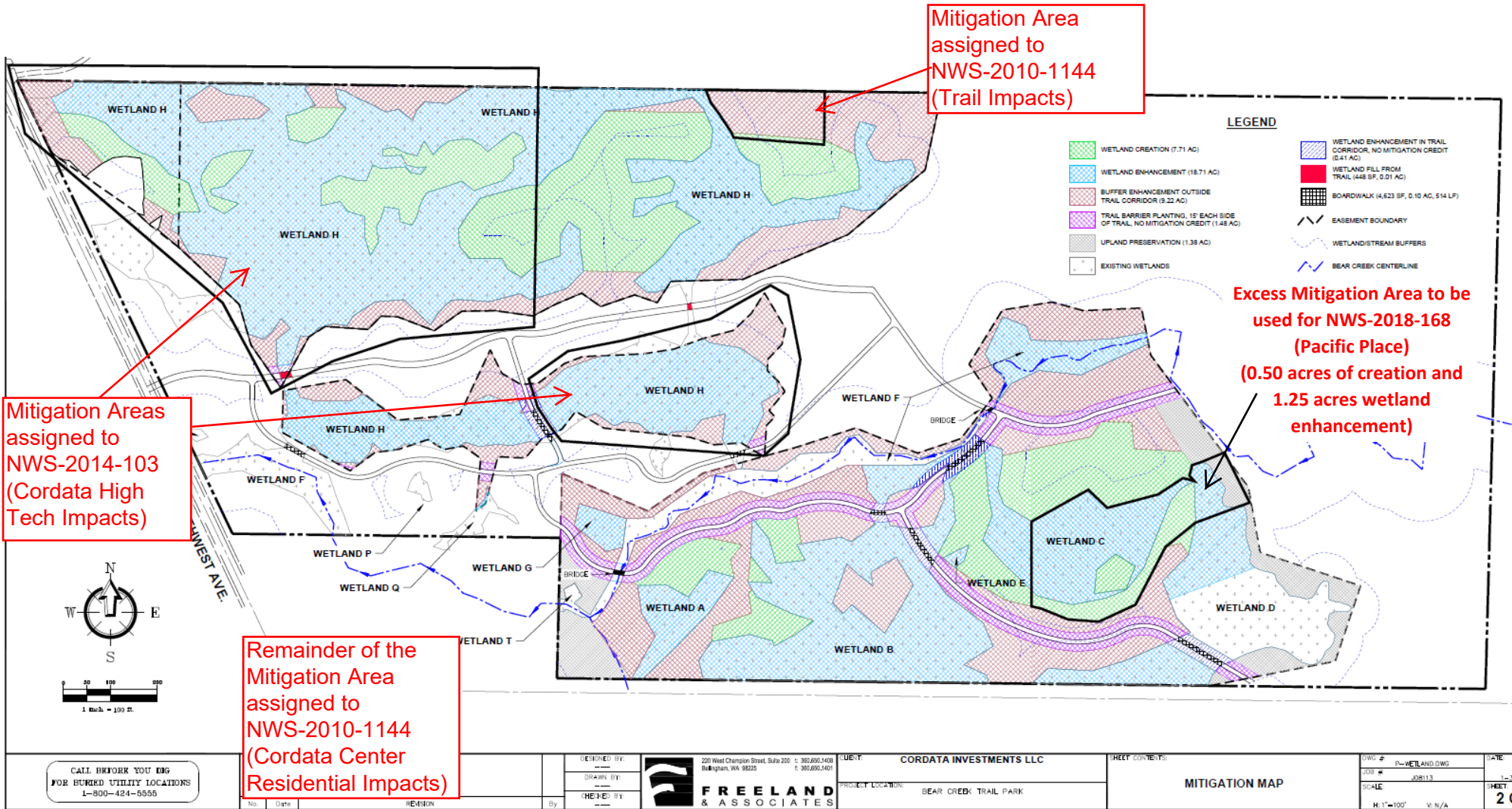
NWS-2018-168 Pacific Place
Mitigation Plan

Figure 4 of 8

Jan 2019

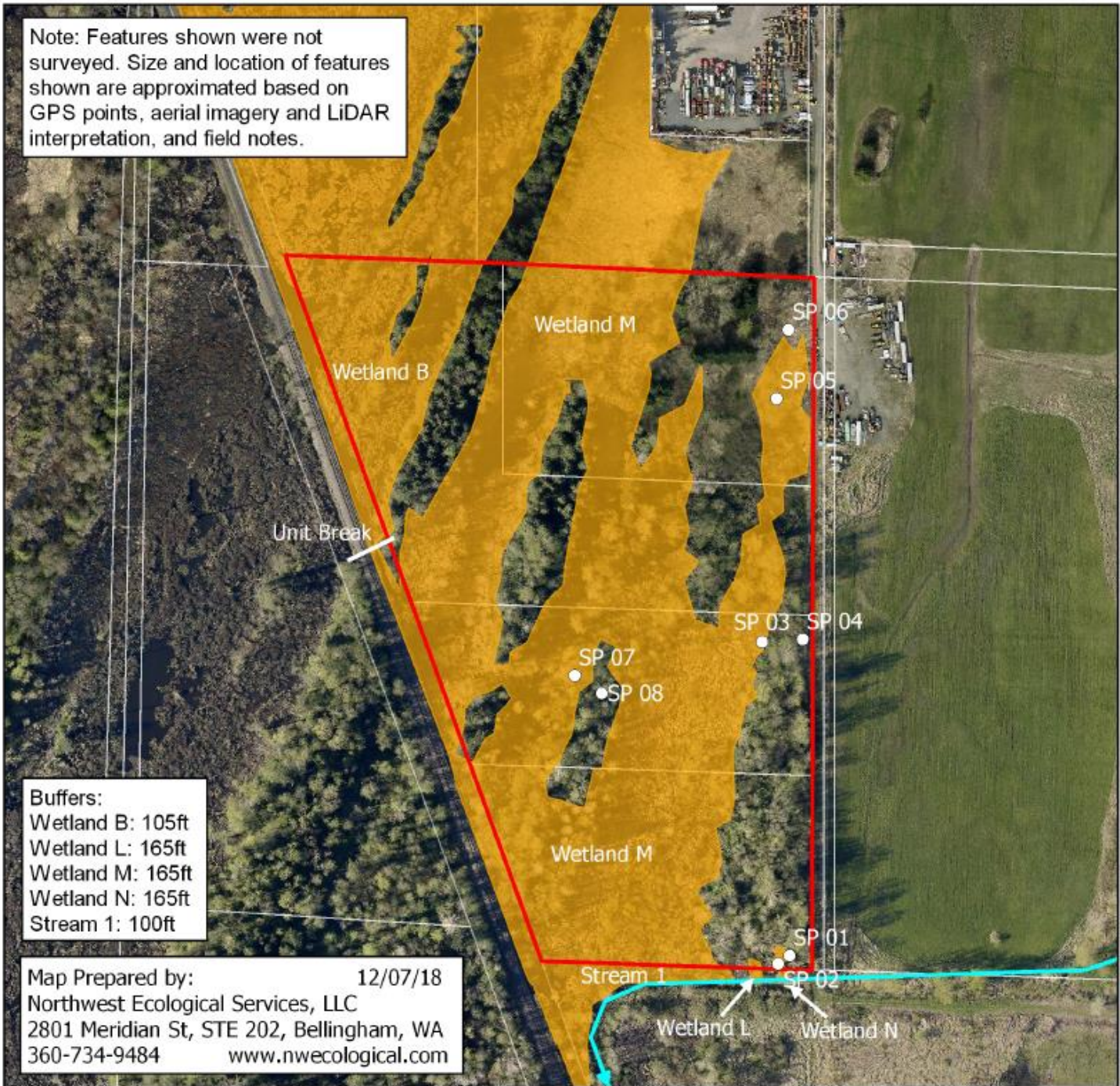


<p>ECOLOGICAL</p> <p>NORTHWEST</p> 	<p align="center">Silver Creek Watershed Map (City IQ Maps)</p> <p>NWS-2018-168 Pacific Place Mitigation Plan</p>	<p align="center">Figure 5 of 8</p> <p align="center">Jan 2019</p>
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Purpose: Commercial /Retail Applicant: Mersey LLC Project #: NWS-2018-168 Adjacent Prop. Owners: See JARPA Date: Jan 2019	Pacific Place Off-site Mitigation Map (Riley Open Space)	In: Wetlands Location: Mahogany Avenue, Bellingham, Sec/Twp/Rng: 11/38N/02E County: Whatcom State: WA <p style="text-align: right;">Figure 6 of 8</p>
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Note: Features shown were not surveyed. Size and location of features shown are approximated based on GPS points, aerial imagery and LiDAR interpretation, and field notes.



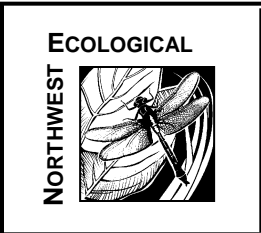
Buffers:
 Wetland B: 105ft
 Wetland L: 165ft
 Wetland M: 165ft
 Wetland N: 165ft
 Stream 1: 100ft

Map Prepared by: 12/07/18
 Northwest Ecological Services, LLC
 2801 Meridian St, STE 202, Bellingham, WA
 360-734-9484 www.nwecological.com

- Review Area
- Stream 1
- Sample Plots
- Site Wetlands



*Wetland buffers encompass all on-site upland

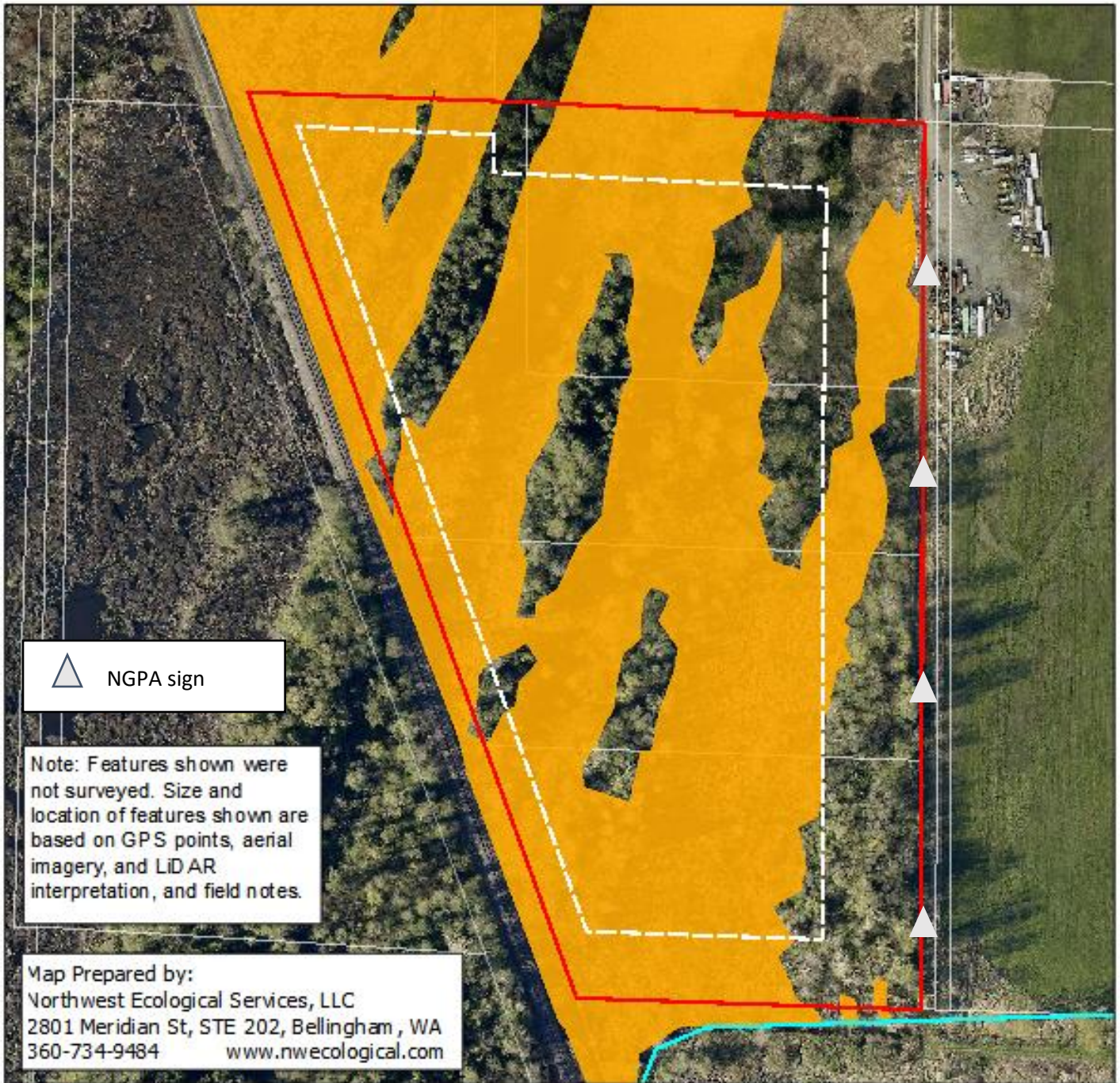


Creighton Road Existing Conditions Map

NWS-2018-168 Pacific Place
Mitigation Plan

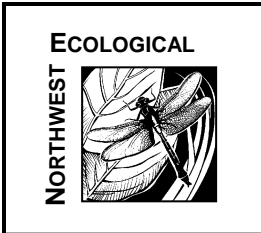
Figure 7 of 8

Jan 2019



- Review Area
- Wetland
- Preservation Area with Paper Buffer
 14.7 Acres
 (10.9 acres wetland & 3.8 acres upland)

Aerial Photo: Whatcom County 2013



Preservation Area Map

NWS-2018-168

Pacific Place
Mitigation Plan

Figure 8 of 8

Jan 2019