



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 Bank

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 316-3156
ATTN: Ms. Amanda Barbieri

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6749
ATTN: Ms. Kate Thompson

Public Notice Date: April 2, 2020
Expiration Date: May 2, 2020

Reference No.: NWS-2019-997
Name: Shoalwater Bay Indian Tribe
(Shoalwater Bay Mitigation Bank)

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 Shoalwater Bay Mitigation Bank (Bank) near Tokeland, Pacific County, Washington.

BANK SPONSOR CONTACT: Shoalwater Bay Indian Tribe
Attention: Holly Blake
Post Office Box 130
Tokeland, Washington 98590
Telephone: (360) 267-8211

LOCATION: The proposed 523-acre Bank site is located in Water Resource Inventory Area (WRIA) 24 within the Smith Creek – Frontal Willapa Bay subbasin of the Willapa River Basin, in the north end of Willapa Bay, on Kindred Island, near Tokeland, Pacific County, Washington. The proposed site is located south of State Route (SR) 105 in Section 2, Township 14 North, Range 11 West Willamette Meridian, at the coordinates 46° 43' 13.5876" N, 123° 59' 18.6576" W (see attached **Figure 1. Vicinity Map**). The site is bounded to the north by Teal Duck Slough, to the east by Willapa Bay, to the south by Kindred Slough, and to the west by SR 105, and includes all or portions of 17 parcels (see attached **Figure 3. Parcel Map**).

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 Sponsor and the Interagency Review Team (IRT), which 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 an 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 *Shoalwater Bay Mitigation Bank Revised Prospectus* dated March 2020.

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In the Prospectus, the listed conceptual goals of the Bank are to: restore historic tidal, estuarine processes to freshwater wetland areas; provide a self-sustaining tidal estuarine wetland and slough complex that will not require maintenance; and improve hydrologic, water quality, and habitat functions.

The 523-acre Bank site includes Teal Duck Slough and associated freshwater wetlands, which are protected from tidal inundation by a dike and tidegate; outboard estuarine wetland and aquatic habitats of Willapa Bay; most of Kindred Island; and steep forestlands along the northern site boundary (see attached **Figure 2. Existing Conditions**). The Bank site excludes the 20-acre Ghost Dike Advance Mitigation project located at the east end of Kindred Island. The Bank site is currently owned and administrated by the Shoalwater Bay Indian Tribe (see attached **Figure 3. Parcel Map**), and it is undeveloped, save for the dike and tidegate. Historically the Bank site was used for commercial timber harvesting, agriculture, pasture lands, and shellfish storage.

To restore historic tidal processes, the conceptual design for the Bank site includes breaching the dike and removing the tidegate at Teal Duck Slough; and removing other man-made features that inhibit wetland functions such as ditches and fill (see attached **Figure 4. Conceptual Site Plan**). Although the wetlands onsite have not yet been formally delineated, the dike breach and tidegate removal are expected to restore tidal influence to approximately 189 acres of freshwater wetlands currently protected by the dike, resulting in a shift in hydrogeomorphic (HGM) classes from freshwater riverine to estuarine. The Bank project would also restore wetland and upland vegetation to provide habitat connectivity between tidal channel, low marsh, high marsh, and upland shoreline habitat. After tidal exchange is restored, vegetation communities would eventually shift into a more salt-tolerant species composition, and salmonids and other aquatic species would gain access to lower Teal Duck Slough within the site. Kindred Island would be enhanced by removing existing nonnative plant species and establishing native vegetative communities. Upland forest along the northeastern Bank boundary would be preserved from logging, providing upland habitat within the Bank. In total, the Bank Sponsor estimates there is the potential to re-establish, rehabilitate, enhance, and preserve approximately 523 acres of wetland and upland habitats on the Bank site.

PROSPECTUS AVAILABILITY: The Prospectus can be downloaded at the following internet addresses. If you do not have internet access and would like to request a paper copy of the prospectus, please contact Ms. Amanda Barbieri at (206) 316-3156.

<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 credits may be used for compensatory mitigation. The Sponsor has proposed a service area for this Bank that would encompass the Washington portion of the Columbia River Littoral (Drift) Cell (CRDC) (see attached **Figure 5. Proposed Service Area**). The CRDC has been defined as low-lying marine shoreline areas between Tillamook Head in Oregon and Point Grenville in Washington. The inland extent of the proposed service area is defined by the mapped tsunami inundation area, except where major rivers drain to the CRDC where the service area boundary is truncated at major bridges to limit the service area to a coastal geomorphic setting. 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 the 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 service area of the bank. 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.

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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 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 (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. 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: A historic properties investigation will be conducted within the proposed Bank site area and 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 with historic properties in the area. 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 proposed Bank area.

EVALUATION: The Corps and Ecology are soliciting comments from interested parties, including the public; Federal, State, and local agencies and officials; Indian Tribes; 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 authorizing the work would not be contrary to the public interest. 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 commenter's name, address, and phone number.

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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 Amanda.N.Barbieri@usace.army.mil
Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch,
Attention: Ms. Amanda Barbieri, 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 kath461@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.

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:

Shoalwater Bay Mitigation Bank; NWS-2019-997

Encl: Figures (5)

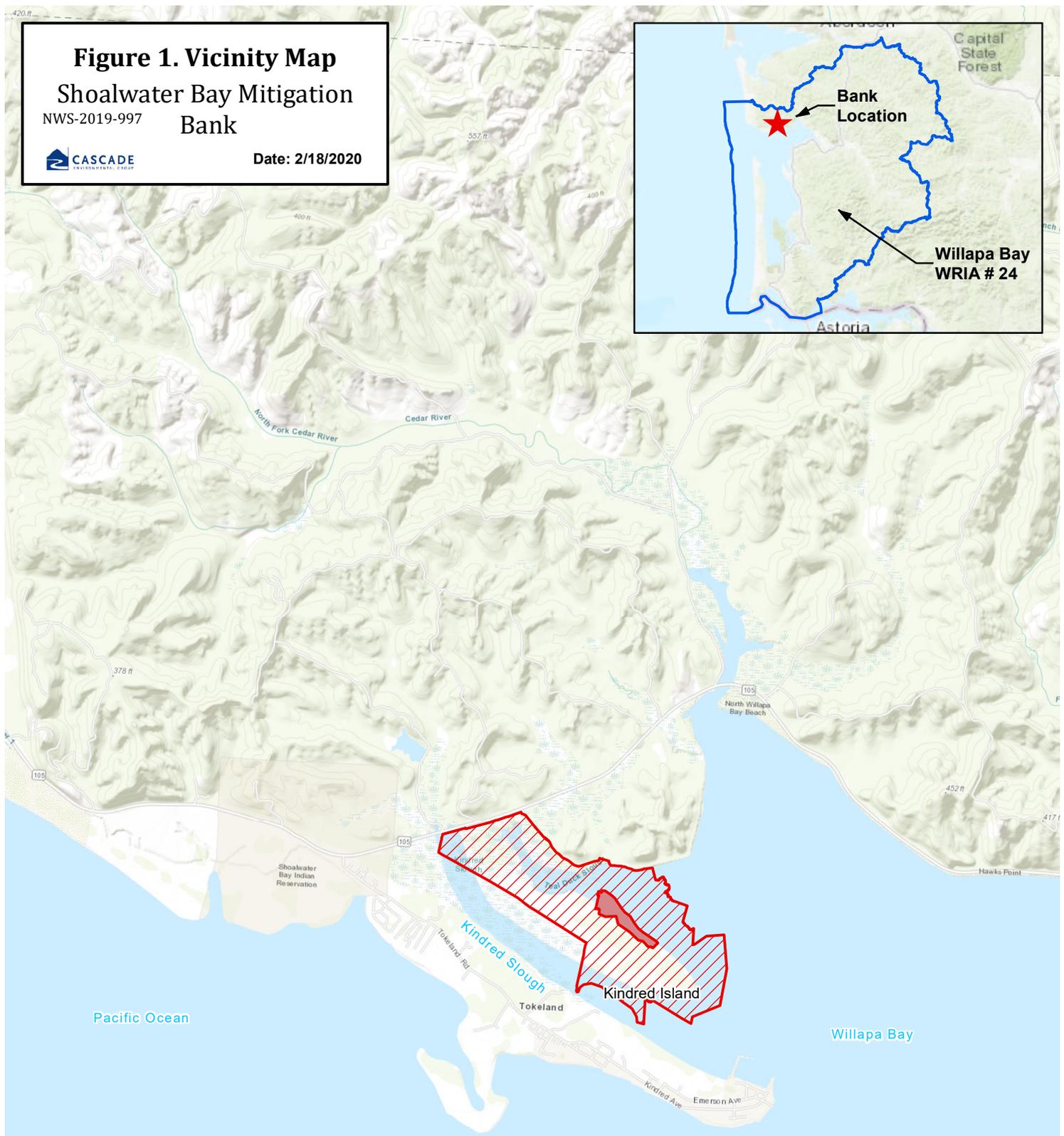
Figure 1. Vicinity Map

Shoalwater Bay Mitigation Bank

NWS-2019-997



Date: 2/18/2020



Legend



Proposed Mitigation Bank Location



Ghost Dike Advanced Mitigation Project (Separate Project)

Scale: 1 inch = 1 mile



Data Source: ESRI, 2020; Dept. of Ecology, 2015.

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Figure 2. Existing Conditions

Shoalwater Bay Mitigation Bank

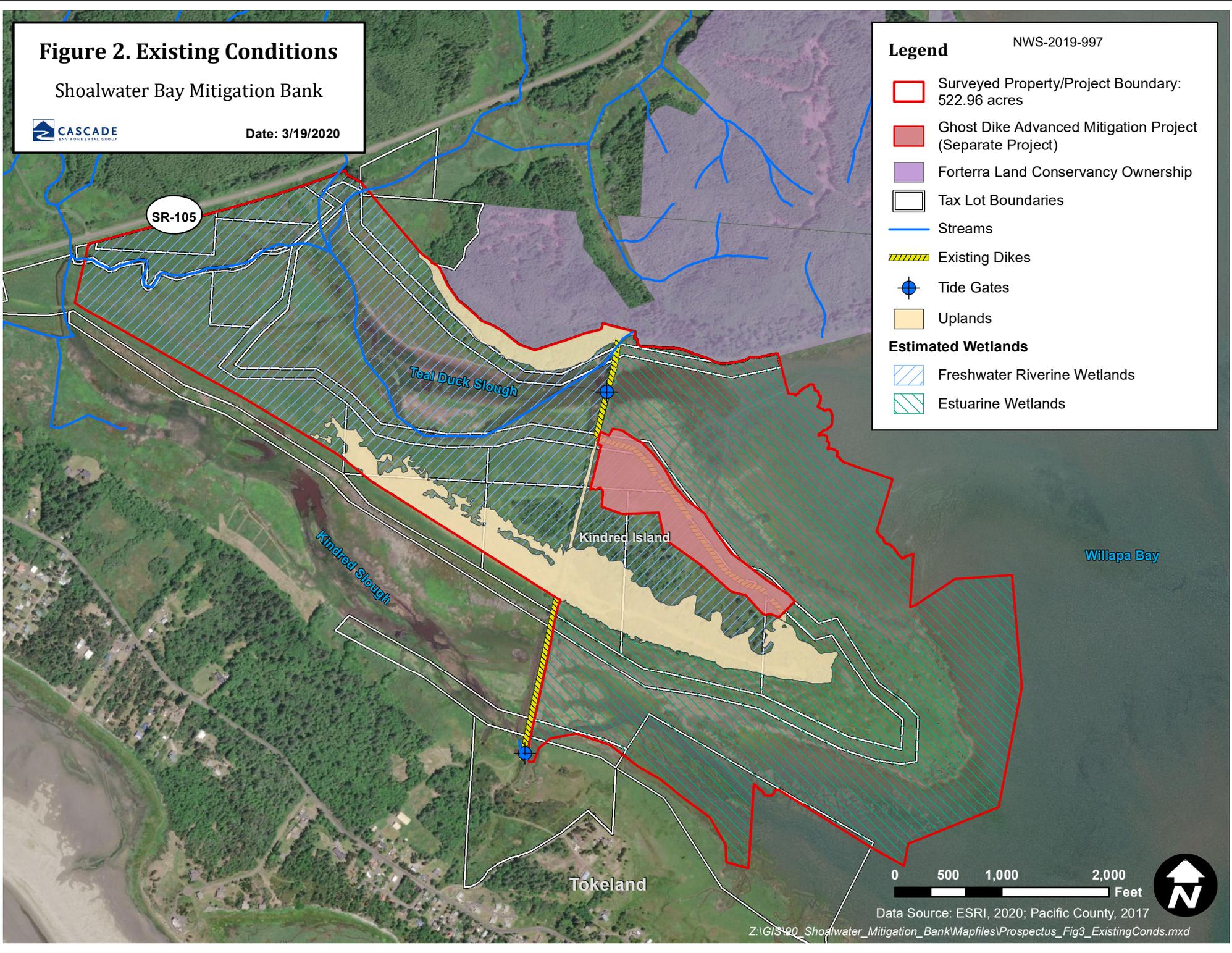


Date: 3/19/2020

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Legend

- Surveyed Property/Project Boundary: 522.96 acres
- Ghost Dike Advanced Mitigation Project (Separate Project)
- Forterra Land Conservancy Ownership
- Tax Lot Boundaries
- Streams
- Existing Dikes
- Tide Gates
- Uplands
- Estimated Wetlands**
 - Freshwater Riverine Wetlands
 - Estuarine Wetlands



Data Source: ESRI, 2020; Pacific County, 2017

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Figure 3. Parcel Map

Shoalwater Bay Mitigation Bank



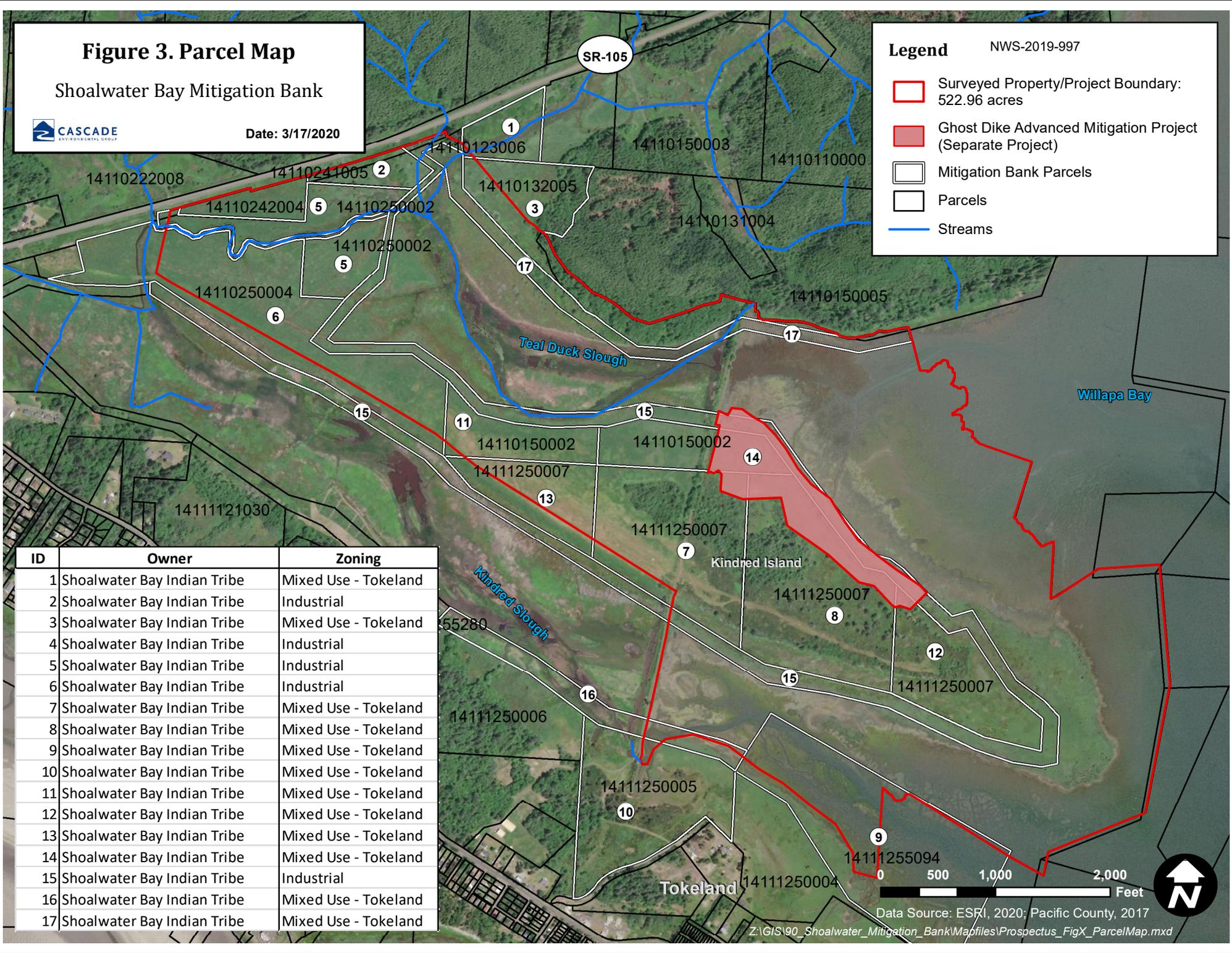
Date: 3/17/2020

Legend

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- Surveyed Property/Project Boundary: 522.96 acres
- Ghost Dike Advanced Mitigation Project (Separate Project)
- Mitigation Bank Parcels
- Parcels
- Streams

ID	Owner	Zoning
1	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
2	Shoalwater Bay Indian Tribe	Industrial
3	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
4	Shoalwater Bay Indian Tribe	Industrial
5	Shoalwater Bay Indian Tribe	Industrial
6	Shoalwater Bay Indian Tribe	Industrial
7	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
8	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
9	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
10	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
11	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
12	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
13	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
14	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
15	Shoalwater Bay Indian Tribe	Industrial
16	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland
17	Shoalwater Bay Indian Tribe	Mixed Use - Tokeland



Data Source: ESRI, 2020; Pacific County, 2017

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Figure 4. Conceptual Site Plan

Shoalwater Bay Mitigation Bank

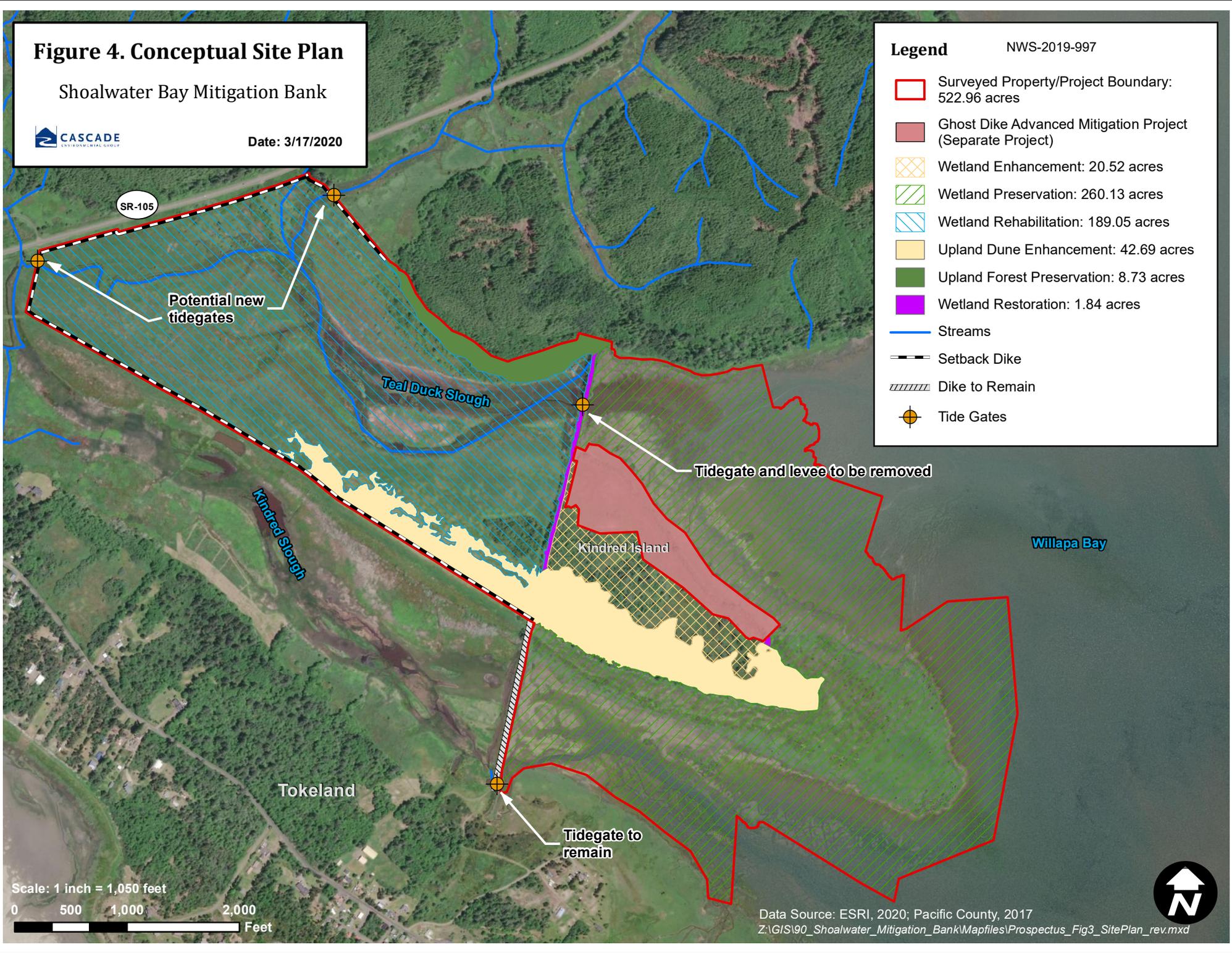


Date: 3/17/2020

Legend

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- Surveied Property/Project Boundary: 522.96 acres
- Ghost Dike Advanced Mitigation Project (Separate Project)
- Wetland Enhancement: 20.52 acres
- Wetland Preservation: 260.13 acres
- Wetland Rehabilitation: 189.05 acres
- Upland Dune Enhancement: 42.69 acres
- Upland Forest Preservation: 8.73 acres
- Wetland Restoration: 1.84 acres
- Streams
- Setback Dike
- Dike to Remain
- Tide Gates



Scale: 1 inch = 1,050 feet
0 500 1,000 2,000 Feet

Data Source: ESRI, 2020; Pacific County, 2017
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Figure 6. Proposed Service Area

Shoalwater Bay Mitigation Bank



Date: 3/17/2020

Legend NWS-2019-997

- Proposed Bank Service Area
- WRIA Boundaries

Proposed Shoalwater Bay Mitigation Bank

Scale: 1 inch = 7 miles



Data Source: ESRI, 2020; Dept. of Ecology, 2017; FEMA, 2017
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