



US Army Corps
of Engineers
Seattle District

Public Notice

Of In-Lieu Fee Program Addendum

US Army Corps of Engineers
Regulatory Branch
4735 E. Marginal Way S., Building 1202
Seattle, Washington 98134-2388
Telephone (206) 316-3094
Attention: Mae Ancheta, Project
Manager

Public Notice Date: March 7, 2025
Expiration Date: April 7, 2025

Reference No.: NWS-2009-495
Name: King County Mitigation
Reserves In-Lieu Fee Program
(Boise Creek Mitigation Project)

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 Boise Creek Mitigation Project (BC Mitigation Project) as an In-Lieu Fee (ILF) mitigation receiving site that has 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 **Boise Creek Mitigation Plan** (Mitigation Plan) December 9, 2024. The Mitigation Plan has been developed in accordance with 33 CFR Parts 325 and 332.2, and it describes project elements, performance measures, and maintenance and monitoring plans for implementation, and long-term management of the BC Mitigation Project.

ILF PROGRAM SPONSOR CONTACT: King County Mitigation Reserves Program, In-Lieu Fee Program
Attention: Megan Webb, Mitigation Reserves Program
King County Water and Land Resources Division
Department of Natural Resources and Parks
201 South Jackson Street, Room 6300
Seattle, Washington 98104-3855
Telephone: (206) 477-3865
Email: Megan.Webb@Kingcounty.gov

LOCATION: The proposed BC Mitigation Project site is located within the KC ILF's White/Puyallup River Service Area. It is located in Water Resource Inventory Area 10 (WRIA 10), southeast of the City of Enumclaw, in unincorporated King County; latitude 47.1852° North, longitude -121.9652° West (tax parcels 302007-9034 and 302007-9079). The BC Mitigation Project site is located on the left (south) bank of Boise Creek (WRIA 10.0057) and it is accessed from 284th Ave SE (see attached **Figure 1**). Boise Creek is a tributary to the White River and discharges into the White River at RM 23.3.

The location for the BC Mitigation Project was chosen based on criteria identified in the Compensation Planning Framework in the KC ILF Program Instrument. The proposed BC Mitigation Project site would be applicable for aquatic resource impacts within the White/Puyallup River Service Area.

IN-LIEU FEE PROGRAMS: ILF Programs provide an alternative to traditional permittee-responsible compensatory mitigation and offer an opportunity to implement compensatory mitigation at a regional scale. ILF projects typically involve larger, more ecologically valuable parcels, and more rigorous scientific and technical analysis, planning and implementation than permittee-responsible mitigation. ILF Programs establish “credits” through re-establishing, rehabilitating, establishing, enhancing, and/or preserving wetlands and other aquatic resources at designated mitigation sites. ILF Programs sell compensatory mitigation credits to permittees who need to offset their projects’ adverse impacts to wetland and aquatic resources located within the ILF Program’s designated “Service Area”. The Service Area (or Areas) of an ILF Program is the geographic area over which its credits may be used for compensatory mitigation. Once mitigation credits are sold to a permittee, the obligation to provide compensatory mitigation is then transferred to the ILF Program Sponsor (a governmental or non-profit natural resources management entity).

The establishment, operation, and use of an ILF Program are governed by its authorized ILF Program Instrument, and approved mitigation plans are added (appended) to the ILF Program Instrument. A group of representatives from Tribal, federal, state, and local regulatory and/or resource agencies, known as the Interagency Review Team (IRT), oversee the establishment and management of ILF Programs, including approval of mitigation receiving sites.

SUMMARY OF MITIGATION PLAN: This proposal is to modify the KC ILF Program Instrument to add the Boise Creek Mitigation Plan; it is not an application for work in waters of the United States (U.S.). For informational purposes, we are providing the public a summary of the Mitigation Plan being reviewed by the Corps and the KC ILF IRT.

The BC Mitigation Project is situated along Boise Creek, a high-priority tributary that is identified for protection and restoration in the *Salmon Habitat Protection and Restoration Strategy for Puyallup and Chambers Watersheds*. The property consists of two parcels totaling 5.191 acres.

The BC Mitigation Project would re-establish hydrologically connected riparian wetland, large wood, and other habitat features to improve floodplain function, benefiting fish and wildlife, hydrology, and water quality consistent with needs on Boise Creek identified in watershed planning documents. 2.609 acres of the 5.191-acre site would be credit-generating (see enclosed **Figure 2**. Mitigation Credit Areas). As described in the *In-Lieu Fee Mitigation Plan, Boise Creek Mitigation Project*, dated December 9, 2024, the project proposes to:

- Re-establish 0.547 acre of palustrine emergent wetland;
- Re-establish 0.872 acre of scrub shrub wetland;
- Re-establish 1.190 acres of forested wetland;
- Enhance and preserve 2.35 acres of riparian upland; and
- Install woody habitat features (e.g., large wood structures, habitat wood piles, and snags).

The property is owned by King County and is available for use by KC ILF.

KC ILF would monitor and maintain the BC Mitigation Project according to the terms of the Mitigation Plan, which will be appended to the KC ILF Program Instrument 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*.

PURPOSE: The purpose of the KC ILF BC Mitigation Plan and receiving site is to provide compensatory

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mitigation for adverse aquatic ecosystem impacts associated with activities authorized by the Corps, Ecology, and other regulatory entities that occur within the White/Puyallup River Service Area where the receiving site is located. The use of KC ILF credits as compensatory mitigation depends on case-by-case approval by the involved regulatory agencies after determining that the use of KC ILF credits would be consistent with all applicable rules and policies of the agencies.

MITIGATION PLAN AVAILABILITY: The *In-Lieu Fee Mitigation Plan: Boise Creek Mitigation Project* dated December 9, 2024, is available for review at the above-listed Corps office.

The Boise Creek Mitigation Plan can be downloaded at the following internet address(es):

<https://kingcounty.gov/en/dept/dnrp/nature-recreation/environment-ecology-conservation/wetlands/mitigation-reserves-program/public-notice>

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 U.S. The Corps will evaluate the proposed construction activities and requirements for a Department of the Army permit.

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 proposal. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

NATIONAL ENVIRONMENTAL POLICY ACT: The National Environmental Policy Act requires Federal agencies to assess the environmental effects of proposed major Federal actions prior to making decisions. The federal action associated with this public notice is the amendment of the KC ILF Program Instrument which authorizes the Sponsor to sell credits to permittees to fulfill their compensatory mitigation requirements. If the instrument modification proposal progresses to the Sponsor’s submittal to the Corps of a complete draft amendment to the instrument, the Corps will use the comments received on this public notice to supplement an Environmental Assessment completed for the Corps’ decision on the KC ILF Program Instrument, dated March 12, 2012.

CULTURAL RESOURCES: 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 project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Nations in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

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 this proposed mitigation plan and receiving site into the KC ILF Program. This proposal is to modify the KC ILF Program Instrument to add the Boise 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

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support or opposition.

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 this addendum to the King County Mitigation Reserves Program 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, Mitigation Plan name, and reference number as shown below. Either conventional mail or e-mail comments must include the ILF Program name, Mitigation Plan 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 mae.p.ancheta@usace.army.mil. Conventional mail comments should be sent to:

U.S. Army Corps of Engineers
Regulatory Branch, Attention: Mae Ancheta
4735 E. Marginal Way S., Building 1202
Seattle, Washington 98134-2388

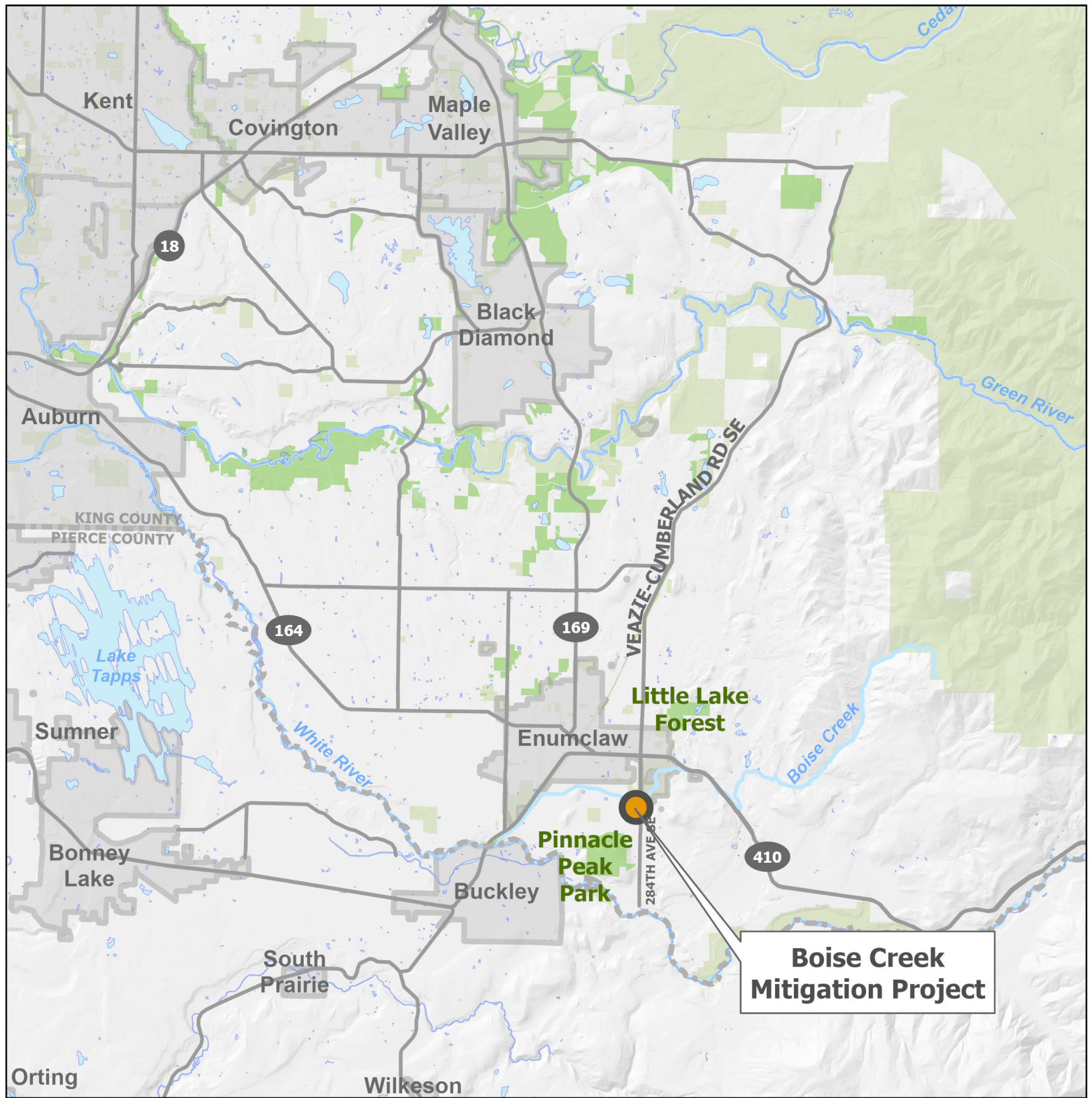
All comments received will become part of the administrative record and are subject to public release under the *Freedom of Information Act*, including any personally identifiable information such as names, phone numbers, and addresses.

IN LIEU FEE PROGRAM NAME, MITIGATION PLAN NAME, AND REFERENCE NUMBER:








To ensure proper consideration of all comments, responders must include the following In-Lieu Fee Program name, Mitigation Plan name, and reference number in the text of their comments:

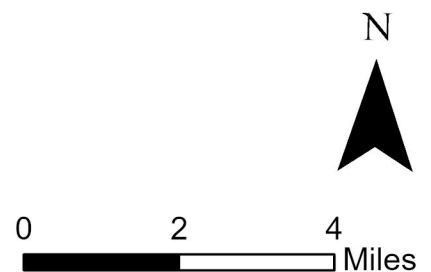
King County Mitigation Reserves ILF Program (Boise Creek Mitigation Plan); NWS-2009-495

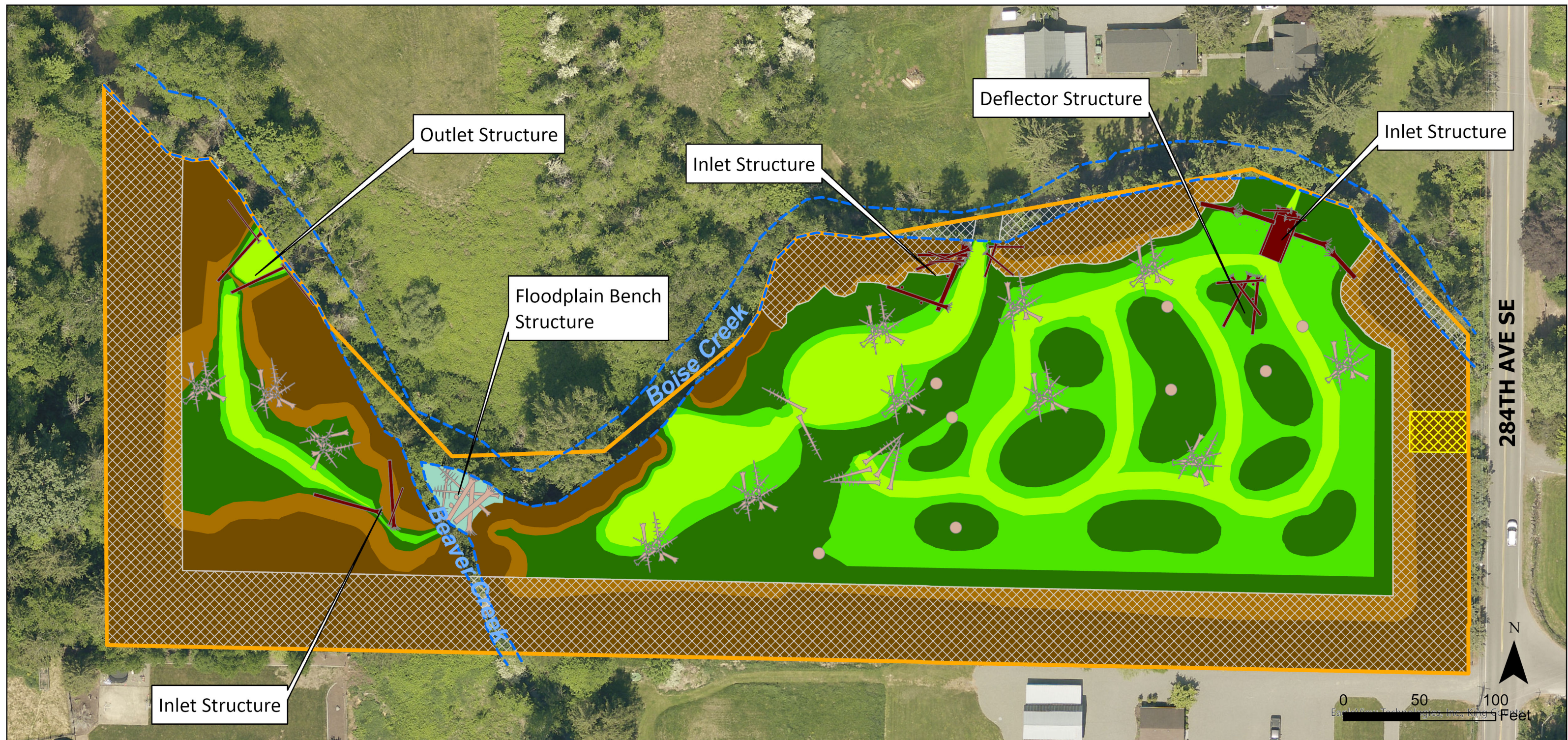
Encl: Figures (2)



Boise Creek Mitigation Project Vicinity Map

-  County Boundary
-  Streams
-  Incorporated Cities
-  Parks in King County
-  Streets
-  Public Land in King County
-  Open Water





Boise Creek Mitigation Project **Mitigation Credit Areas**

2023 Aerial Image

- | | | | |
|---|--|--|-------------------|
| Boise Creek Mitigation Project Site (5.191 ac)* | Scrub Shrub Wetland (0.872 ac) | Habitat Features Funded by Others | |
| Non-Credit Generating Perimeter | Forested Wetland (1.190 ac) | Floodplain Bench (0.030 ac) | Habitat Structure |
| Maintenance Parking Area | Riparian Upland Enhancement (0.488 ac) | Riparian Upland Preservation (1.862 ac) | Snag |
| OHWM | Large Wood Structure | Large Wood Structure | |
| Emergent Wetland (0.547 ac) | | | |

*Includes area below OHWM and on the right bank of Boise Creek.