



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

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

**Public Notice Date:** November 1, 2018  
**Expiration Date:** December 3, 2018

Reference No.: NWS-2018-724  
Name: Lummi Nation Planning and  
Public Works Dept.

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated July 6, 2018. The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA).

**APPLICANT:** Lummi Nation Planning and Public Works Department  
Attention: Mr. Tim Ellis  
2665 Kwina Road  
Bellingham, Washington 98226  
Telephone: (360) 312-2334

**AGENT:** Northwest Ecological Services, LLC  
Attention: Ms. Molly Porter  
2801 Meridian Street, Suite 202  
Bellingham, Washington 98225  
Telephone: (360) 734-9484

**LOCATION:** In wetlands adjacent to unnamed tributaries of the Lummi River at the Lummi Indian Nation Reservation near Bellingham, Whatcom County, Washington

**WORK:** Place fill in 5.93 acres of wetlands to construct two multi-purpose sports fields, a perimeter trail, parking, and associated infrastructure (restrooms, etc.).

**PURPOSE:** Provide fitness and recreational facilities for Tribal members.

**ADDITIONAL INFORMATION:** The applicant proposes to fill 5.93 acres of palustrine emergent Category IV wetlands to facilitate construction of Phase 1 of the Lummi Nation Community Park. In addition, 370 linear feet of drainage channel (ditch) would be filled and 1.02 acres of wetlands would be indirectly affected by lack of buffers. The project proposal includes construction of two multi-purpose sports fields, a perimeter trail, parking, and associated infrastructure (restrooms, etc.). Stormwater from the sports fields would be treated on site via stormwater filtration cartridges in catch basins prior to discharge into wetlands. Stormwater from parking areas would be treated by a bio-retention facility that would outlet via drains to Wetland B or roadside ditches. Water would be discharged into wetlands in order to maintain hydrology.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

The wetland boundaries shown on the project drawings have not yet been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines the boundaries of the wetland/waters are substantially inaccurate a new public notice may be published.

**MITIGATION:** As compensation for proposed lost wetland acreage and functions, the applicant has proposed on-site re-establishment of 0.68 of an acre of wetlands by removal of fill material and replanting with native trees and/or shrubs, enhancement of 2.97 acres of degraded wetland area through installation of native vegetation, and the purchase of 4.44 credits from the Lummi Nation Wetland and Habitat Mitigation Bank

**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. A preliminary determination indicates that the activity would have no effect on 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 impact EFH in the project area. The U.S. Army Corps of Engineers (Corps) has determined that the proposed action would not adversely affect designated EFH for Federally managed fisheries in Washington waters. No further EFH consultation is necessary.

**CULTURAL RESOURCES:** The Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. A historic properties investigation has been conducted within the permit area. No historic properties determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. The Corps invites responses to this public notice from Native American Tribes 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 Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

**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:** 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 U.S. Army Corps of Engineers 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. The fill material would be clean pit run gravel obtained from a commercial source and soils from the site.

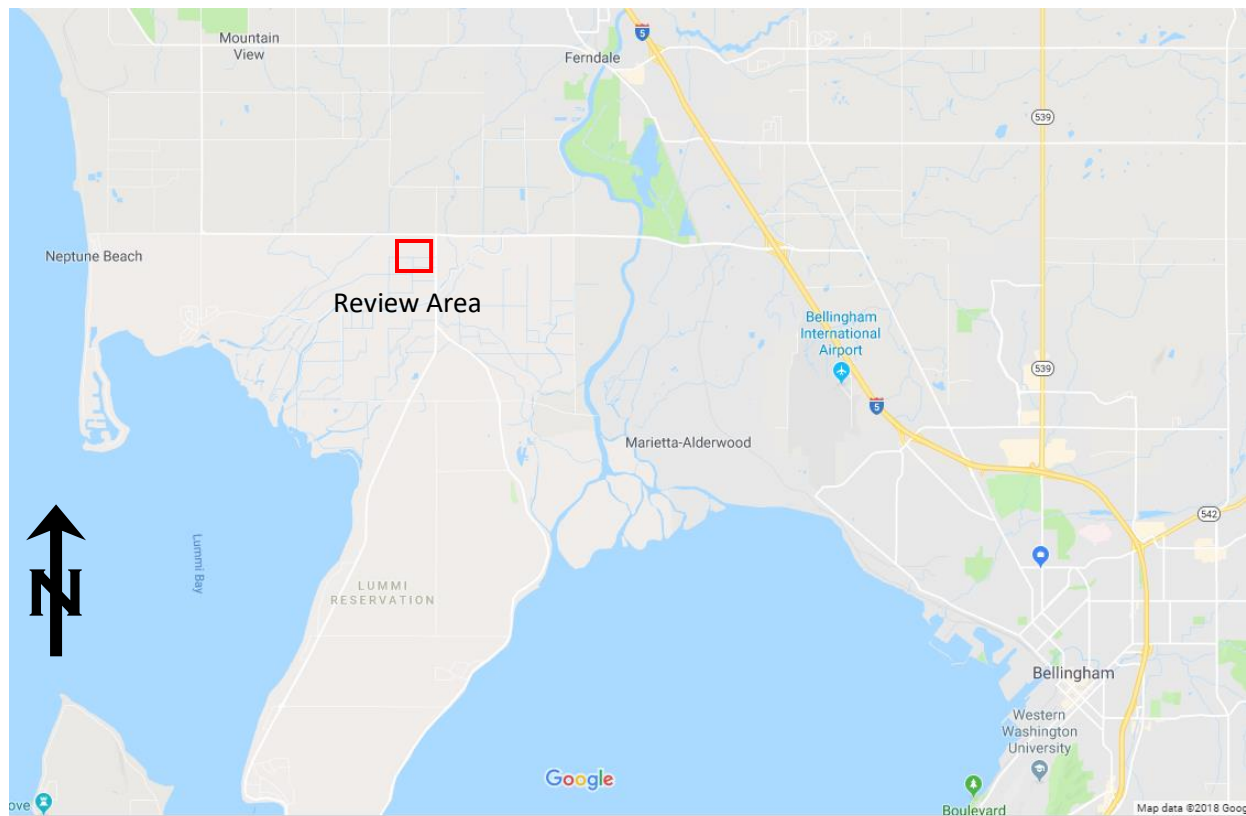
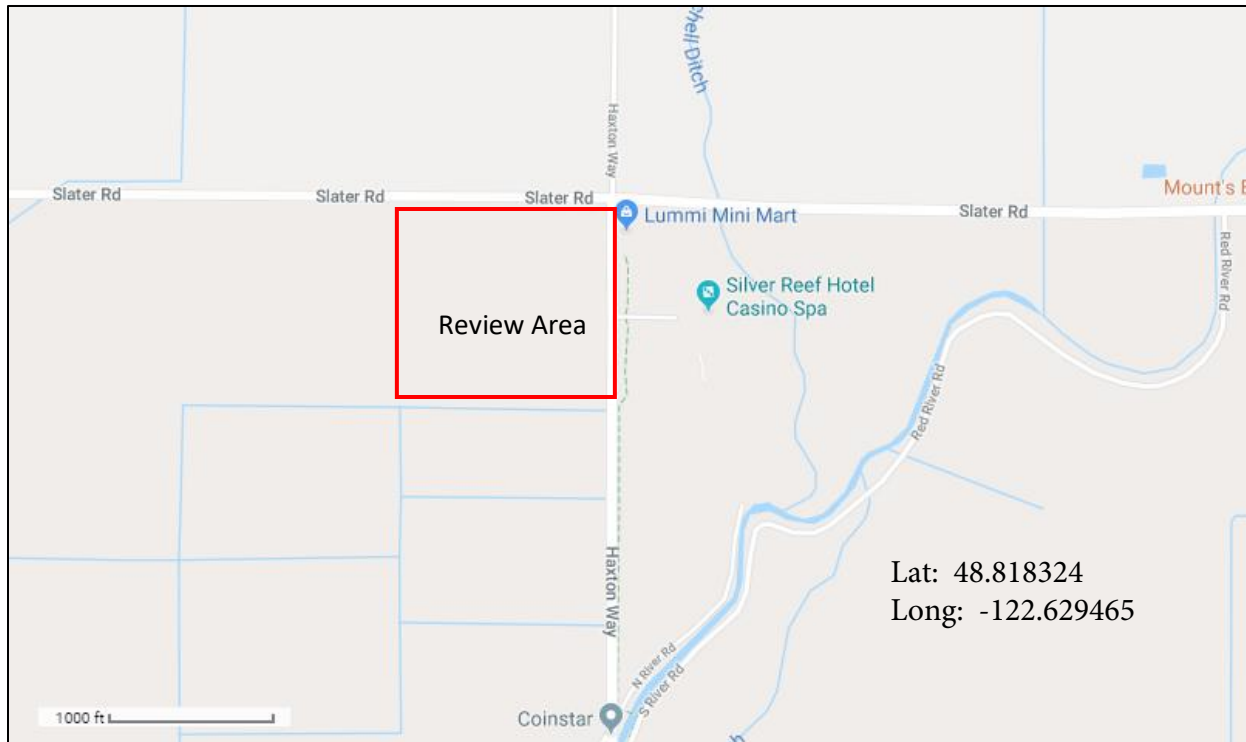
ADDITIONAL EVALUATION: The Lummi Indian Nation is reviewing this work for compliance with the applicable Federal water quality standards pursuant to Section 401 of the CWA.

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.

All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. 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. 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. 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. Please include the following name and reference number:

Lummi Nation Planning and Public Works Dept., Corps reference number NWS-2018-724

Encl: Figures (6 pages)

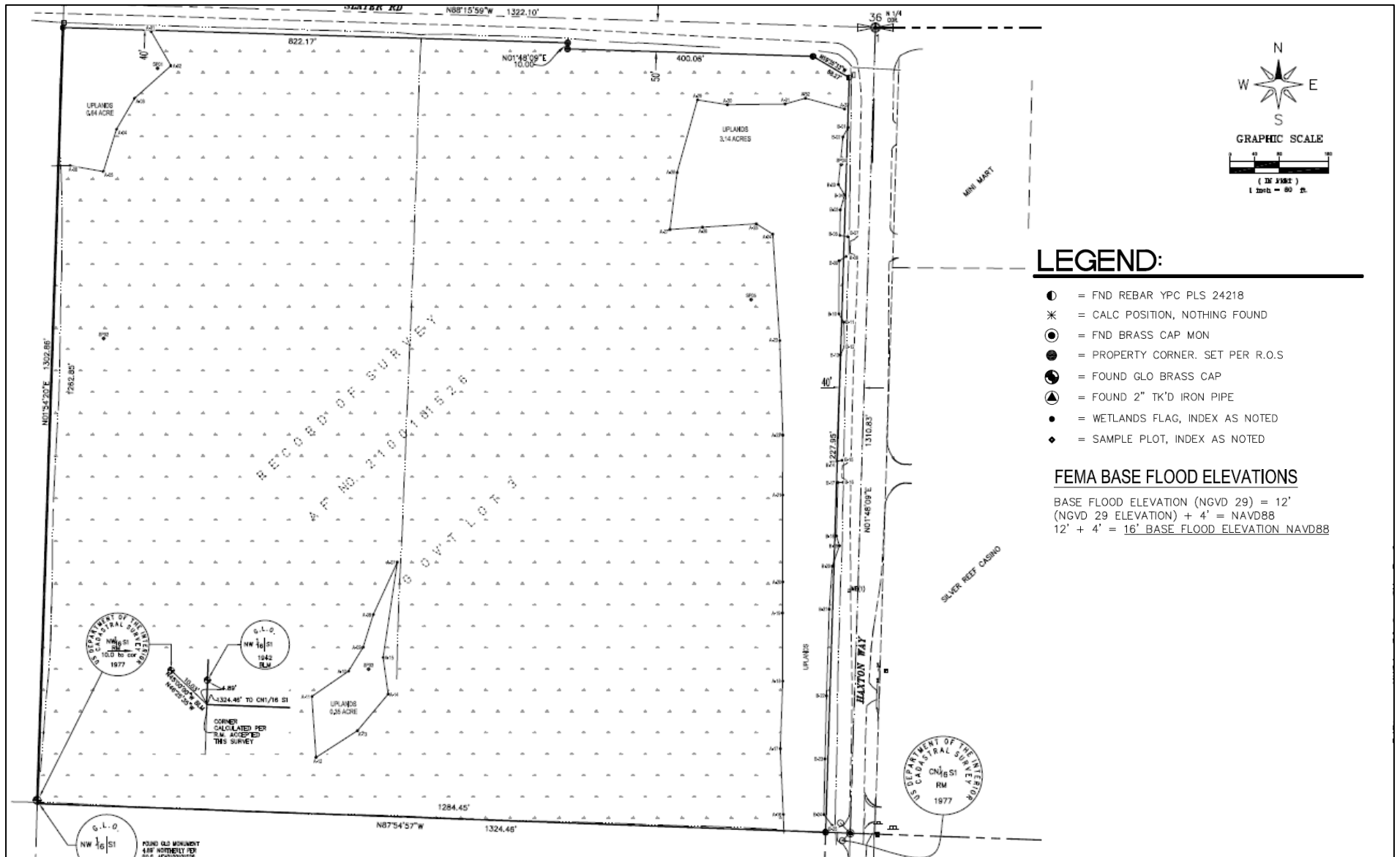


**Purpose:** Recreation  
**Applicant:** Lummi Nation Public Works  
**Project #:** NWS-2018-  
**Adjacent Prop. Owners:** See JARPA  
**Date:** 07/06/18

**Lummi Nation Community  
 Park- Phase I**

**Vicinity Map**

**In:** Wetlands  
**Location:** Slater Rd/Haxton Way, Bellingham  
**Sec/Twp/Rng:** 01/38N/01E  
**County:** Whatcom **State:** WA  
 Sheet 1 of 6

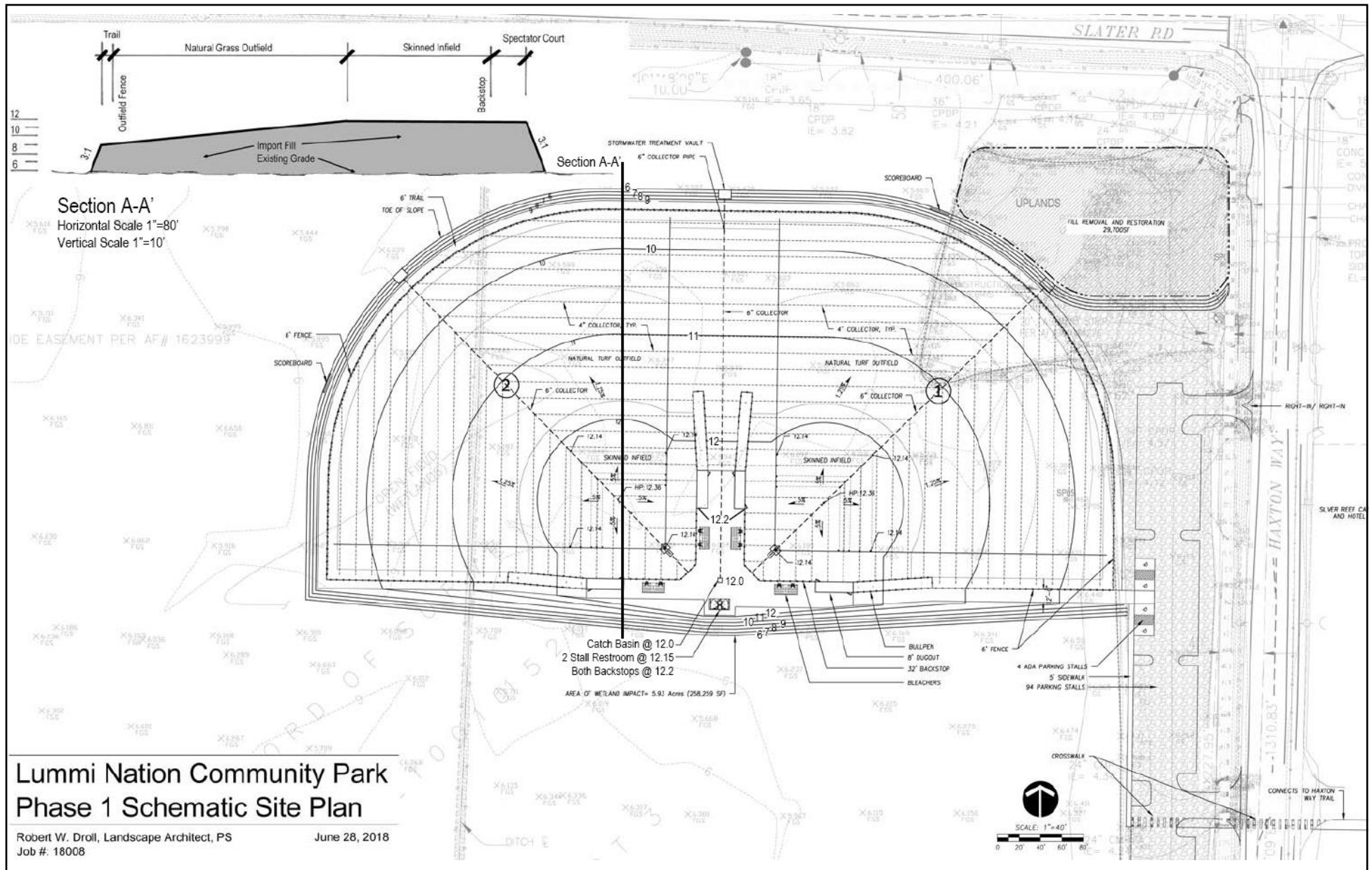


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**Wetland Map**

**In:** Wetlands  
**Location:** Slater Rd/Haxton Way, Bellingham  
**Sec/Twp/Rng:** 01/38N/01E  
**County:** Whatcom **State:** WA  
 Sheet 2 of 6

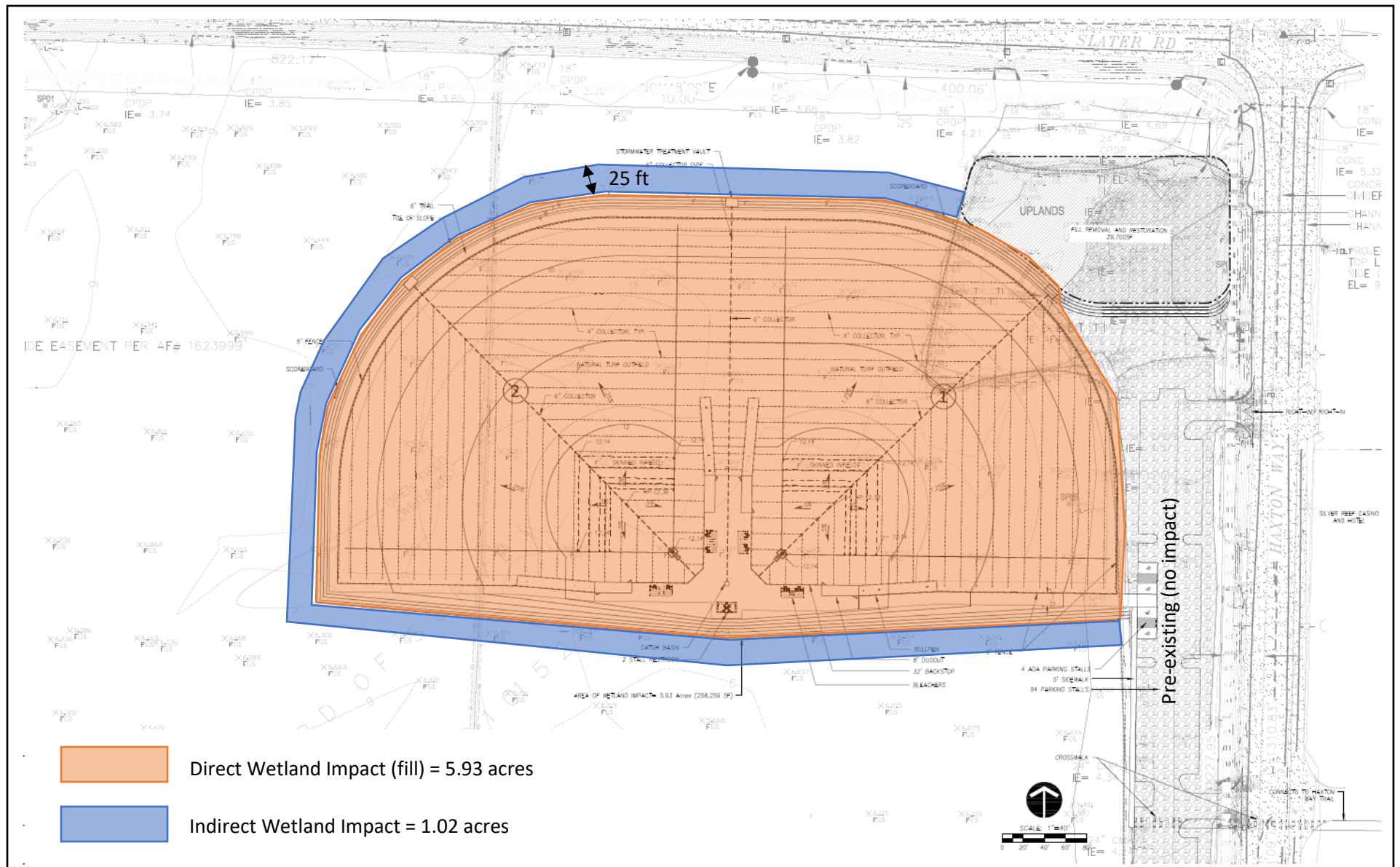


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**Lummi Nation Community  
Park- Phase I**  
  
**Proposed Site Plan  
and Cross Section**

**In:** Wetlands  
**Location:** Slater Rd/Haxton Way, Bellingham  
**Sec/Twp/Rng:** 01/38N/01E  
**County:** Whatcom **State:** WA  
Sheet 3 of 6





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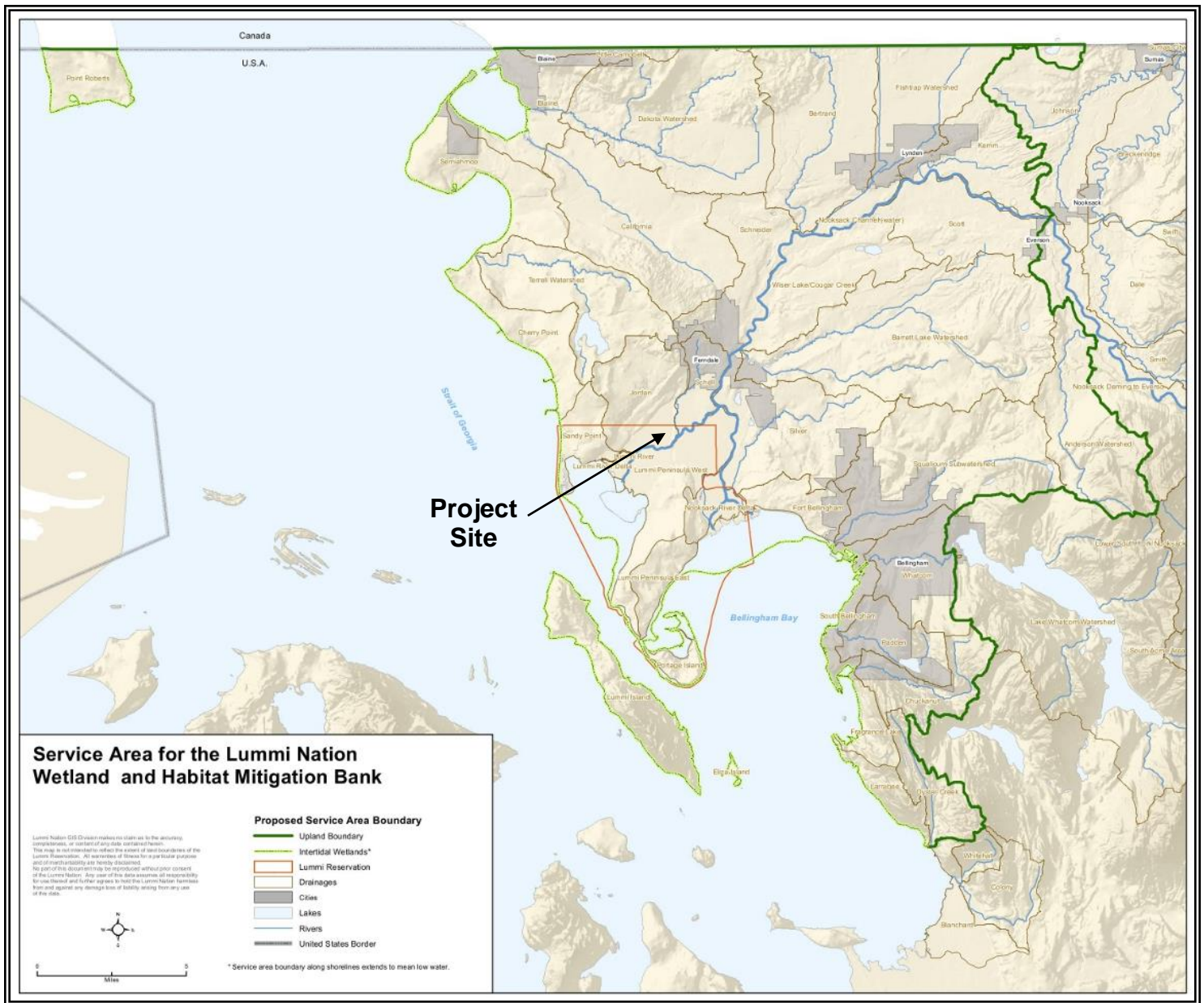
**Lummi Nation Community  
Park- Phase I**

**Impact Map**

**In:** Wetlands  
**Location:** Slater Rd/Haxton Way, Bellingham  
**Sec/Twp/Rng:** 01/38N/01E  
**County:** Whatcom **State:** WA  
**Sheet 4 of 6**







<p><b>Purpose:</b> Recreation  <b>Applicant:</b> Lummi Nation Public Works  <b>Project #:</b> NWS-2018-  <b>Adjacent Prop. Owners:</b> See JARPA  <b>Date:</b> 07/06/18</p>	<p><b>Lummi Nation Community Park- Phase I</b>   <b>Lummi Nation Bank Service Area</b></p>	<p><b>In:</b> Wetlands  <b>Location:</b> Slater Rd/Haxton Way, Bellingham  <b>Sec/Twp/Rng:</b> 01/38N/01E  <b>County:</b> Whatcom      <b>State:</b> WA  Sheet 6 of 6</p>
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