



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. Jenae Churchill

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: June 25, 2020
Expiration Date: July 27, 2020
Reference No.: NWS-2019-999
Name: Dragoon Lake Wetland
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 Dragoon Lake Wetland Mitigation Bank (Bank) near Deer Park, Spokane County, Washington.

BANK SPONSOR CONTACTS: Dragoon Lake LLC
Attention: John Lee Crow
4124 Andros Way
Oceanside, California 92056
Telephone: (509) 869-6122

Valencia Wetland Management LLC
Attention: Donna Collier
Post Office Box 1449
Priest River, Idaho 83856
Telephone: (208) 610-0251

LOCATION: The proposed 58-acre Bank site is located in the West Branch Little Spokane River Watershed, within the northwestern portion of Water Resource Inventory Area (WRIA) 55 (see attached **Figures 1 and 2**). It consists of two adjacent parcels located northwest of the City of Deer Park, Spokane County, WA (northeast quarter of northeast quarter of Section 34, Township 29 North, Range 42 E; Latitude 47.9715, Longitude -117.4839). One parcel is 8.22 acres, contains Spring Creek in the eastern portion of the site, and is bounded on the east by Short Road, and the north by Enoch Road (parcel number 29341.9039). The second 49.75 acre parcel has been used a pasture for decades and is bounded on the north by Enoch Road (assessor's parcel number 29341.9057).

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 Sponsors 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 sponsors 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.

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PROJECT DESCRIPTION: The purpose of this public notice is to receive public comment on the Prospectus for this proposed mitigation bank entitled *Dragoon Lake Wetland Mitigation Bank Revised Prospectus* dated May 19, 2020.

In the Prospectus, the listed conceptual goals of the Bank are to: protect existing wetland/stream resources, convert upland pasture areas to emergent and scrub-shrub wetlands, and provide for significant improvement of existing conditions in a manner that contributes to the long-term functioning of the watershed.

The 58-acre Bank site includes portions of Spring Creek and three wetland areas: Wetland A (Category II), “Spring Creek Riparian” wetland (Category II), and Wetland B “swale” (Category IV) (see attached **Figure 4**). All three wetland areas extend off the Bank site. Wetland A is associated with Spring Creek, and the on-site portion (6.37 acres) is dominated by emergent vegetation, with some native scrub-shrub and forest vegetation. The on-site portion of “Spring Creek Riparian” wetland (0.91 acre) is dominated by native shrubs, and the on-site portion of Wetland B (1.29 acres) is dominated by non-native grasses. Spring Creek enters the Bank site from two large culverts under Enoch Road near the junction with Short Road, and it flows southward across the northeast corner of Bank site. Within Wetland A the stream is wide and shallow and does not have an obvious ordinary high water mark. The stream continues offsite to the south, and flows adjacent to the east side of the Bank site. The remaining portion of the Bank site has been used for grazing and pasture grass production.

To create wetland habitat, the conceptual design for the Bank site includes invasive species control, excavation, and planting of native species to create three wetland habitats: 7.15 acres scrub-shrub, 22.84 acres emergent/seasonally flooded, and 17.5 acres deeper emergent/semi-permanently flooded (see attached **Figures 5a and 6a**). The existing Wetland A and “Spring Creek Riparian” wetland would be preserved and the existing Wetland B would be enhanced by planting native species and minor excavation for invasive species control; totaling approximately 8.6 acres. In total, the Bank Sponsors estimate there is the potential to create, enhance, and preserve approximately 56 acres of wetland habitat, and to preserve the existing creek and remaining upland habitat 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. Jenae Churchill at (206) 764-5527.

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

<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 Sponsors have proposed a primary service area for this Bank that would encompass seven WRIAs: WRIA 54 (Lower Spokane), WRIA 55 (Little Spokane), WRIA 56 (Hangman), WRIA 57 (Middle Spokane), WRIA 58 (Middle Lake Roosevelt), WRIA 59 (Colville), and WRIA 62 (Pend Oreille) (see attached **Figure 9a**). The Bank would like to include the southwest portion of Spokane County lying within WRIA 34 (Palouse) in the primary service area for financial reasons. The primary service area would include all or portions of five counties: Ferry, Lincoln, Pend Oreille, Spokane, and Stevens. The Sponsors also propose a secondary service area that would include four WRIAs: WRIA 51 (Nespelem), WRIA 52 (Sandpoil), WRIA 60 (Kettle), and WRIA 61 (Upper Lake Roosevelt). The secondary service area would include portions of four counties: Ferry, Okanogan, Pend Oreille, and Stevens. Impacts occurring within the secondary service area would require an increased mitigation ratio (credits to impacts). We are seeking comments on the proposed service areas. The proposed service areas may be increased or decreased based on public and IRT comments.

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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 bank's service area(s). 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 Sponsors 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 and sites of religious and cultural significance at or near the proposed Bank site 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 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.

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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 commenter'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.

CORPS COMMENTS: All e-mail comments should be sent to jenae.churchill@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Jenae Churchill, 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. 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.

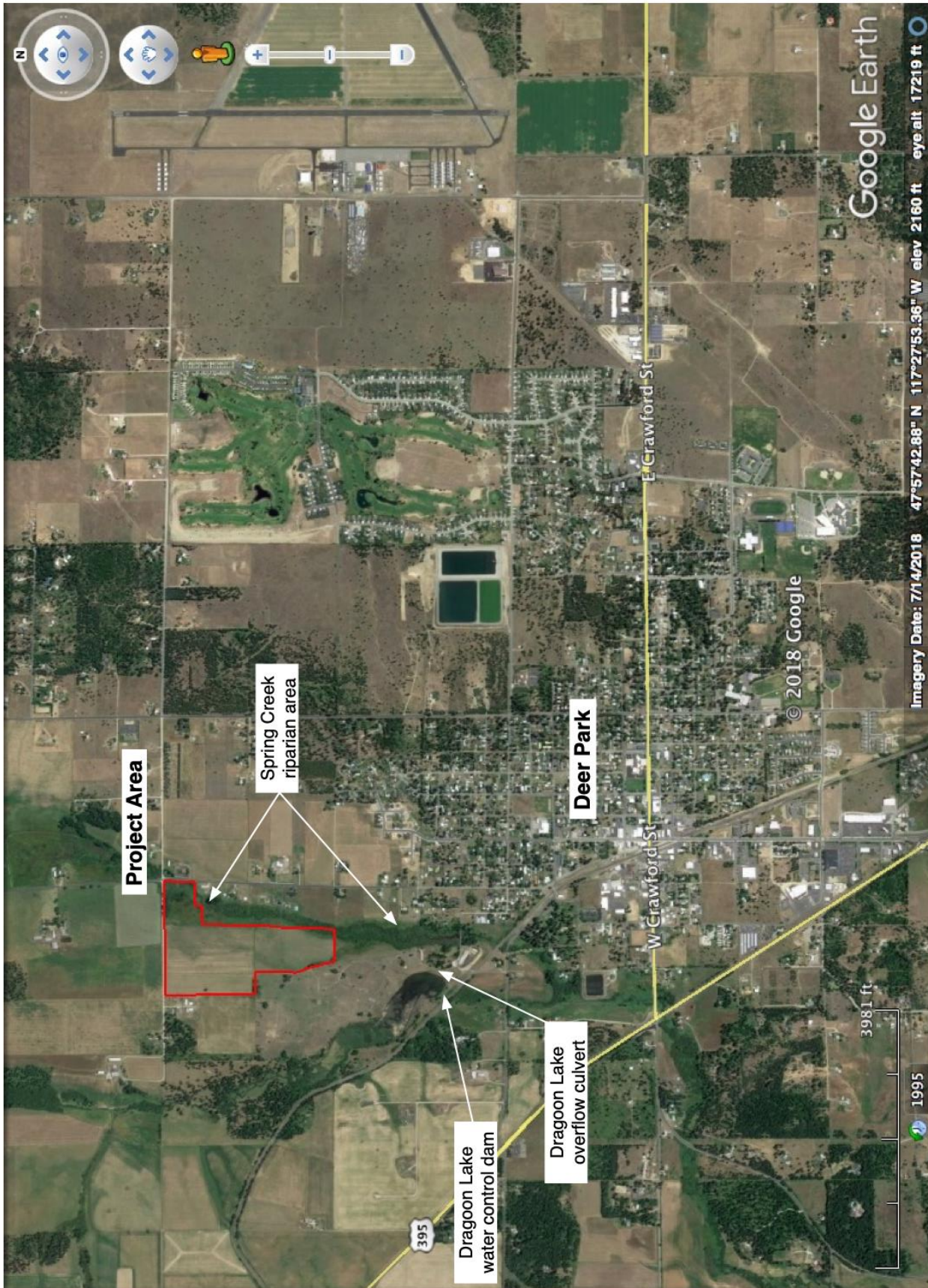
MITIGATION BANK NAME AND REFERENCE NUMBER: To ensure proper consideration of all comments, responders must include the following mitigation bank name and reference number in the text of their comments:

Dragoon Lake Wetland Mitigation Bank; NWS-2019-999



Project Area (57.97 acres)
 Parcels: 29341.9039, 29341.9057
 47°58'18.89"N, 117°29'2.92"W
 Northeast 1/4 of Northeast 1/4 of Section 34, T 29 North, R 42 E (W.M.)

Figure 1
Vicinity Map
Dragoon Lake Wetland Mitigation Bank



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 Parcels: 29341.9039, 29341.9057
 47°58'18.89"N, 117°29'2.92"W
 Northeast 1/4 of Section 34, Township 29 North, Range 42 E (W.M.)

Figure 2
Project Location Map
Dragoon Lake Wetland Mitigation Bank

