



**US Army Corps
Of Engineers**
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice

Proposed Mitigation Bank: Hyatt Wetlands Mitigation Bank

Date of Notice: January 11, 2013

Comment Due Date: February 11, 2013

30-Day Notice

We are soliciting comments on a proposed mitigation bank in Ada County, Idaho. The Hyatt Wetlands Mitigation Bank will modify the approved Umbrella Mitigation Banking Instrument, The Wetlands Banks of Idaho (File No. 2009-24) by adding a new mitigation bank under the terms and conditions of the umbrella bank. This new mitigation bank is described in detail in the July 24, 2012 [Mitigation Plan, Hyatt Wetlands Mitigation Bank](#), prepared by The Wetlands Group, LLC, located on our website under the heading "Current Public Notices" at <http://www.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>. If you do not have internet access and would like a copy of the mitigation plan, please call telephone 509-527-7150 and a copy may be mailed to you.

Mitigation Banks provide for the replacement of the functions provided by the wetlands and other aquatic resources which are lost as a result of impacts authorized under Section 404 of the Clean Water Act. Section 404 regulates the discharge of dredged or fill material in the nation's waters. Using appropriate methods, the newly established functions are quantified as mitigation credits, which are available for use by the bank sponsor or by other parties to compensate for adverse impacts (i.e. debits). The use of credits may only be authorized for the purpose of complying with Section 404 impacts when adverse impacts are unavoidable. Mitigation banks must have an approved mitigation plan and other assurances in place before any credits can be used to offset permitted impacts. Because of the higher likelihood of success and increased certainty associated with mitigation banks, mitigation banks are preferred over other forms of aquatic resource mitigation. For additional information on mitigation banking, See [Compensatory Mitigation of Losses of Aquatic Resources; Final Rule, 33 CFR Parts 325 and 332, April 10, 2008](#). This guide is available on our website.

Section 404 of the Clean Water Act requires a Department of the Army permit for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities that result in the discharge of dredged or fill material and destroy or degrade waters of the United States. Applicants who apply for a permit to fill aquatic resources are required to avoid and minimize as much as possible. Any remaining impacts must be offset with compensatory mitigation to replace lost aquatic resource functions.

This public notice provides the public with a chance to comment on a mitigation bank that will be developed under the terms and conditions of an already approved umbrella mitigation banking instrument. We are particularly interested in your comments on the service area, crediting and debiting procedures, credit release schedule, performance standards, financial assurance and long term protection of the mitigation bank wetlands.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344)

MITIGATION BANK SPONSOR: The Wetlands Group, LLC, 462 E. Shore Drive, Suite 140, Eagle, Idaho 83616. For additional information, contact Mr. Gary W. Howard at 208-375-5373.

LOCATION: The proposed mitigation bank is located northwest of the intersection of McMillian Road and Maple Grove Road, in the East ½ of Section 26 of Township 4 North, Range 1 East, near latitude 43.651520 N and longitude -116.296960 W, in Ada County, Idaho. The bank site is within a 10 acre parcel owned by the City of Boise of which 9.37 acres are uplands and 0.63 acres are emergent and scrub-shrub wetlands. The site is also immediately adjacent a 25 acre wetland known as the Hyatt Hidden Lakes Reserve, see Figures 1 and 2.

PROPOSED ACTIVITY: The bank sponsor developed the mitigation bank on 7.09 acres of uplands within the 10 acre parcel owned by the City of Boise. The existing 0.63 acres of wetland was not disturbed and is incorporated into the design but will not be part of the proposed mitigation bank. The mitigation plan consists of excavating the site down to an elevation which allows a free exchange of water from the Hyatt Hidden Lakes Reserve wetland into the mitigation bank site. Two 24-inch diameter culverts were installed to allow this exchange of water. The goal is to create 1.39 acres of palustrine emergent wetland (PEM), 2.97 acres of palustrine scrub-shrub wetland (SS) and 2.73 acres of palustrine forested wetland (PFO). The created wetlands would be designed to blend with the existing mosaic of natural wetlands and uplands in the vicinity and increase wildlife habitat within an urban setting. All excavated material was hauled to an upland site for disposal. The mitigation bank was constructed and planted in the fall of 2012. The service area for the mitigation bank would be the Lower Boise River watershed, 8-digit Hydrologic Unit Code 17050114 (see Figure 1).

PURPOSE: Develop a wetland mitigation bank for use by private, commercial and governmental entities to mitigate wetland impacts in the service area. The mitigation bank would provide compensation prior to permit impacts.

SERVICE AREA: The service area is a geographic area within which impacts can be mitigated at the mitigation bank. The bank sponsor proposes the service area identified in Section 4, Page 6 of the mitigation plan. The service area is mapped on Figure 1 in the mitigation plan, which is attached to this public notice.

CULTURAL RESOURCES: Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone-Paiute Tribes of the Duck Valley Reservation, to determine if there are any tribal historic or cultural interests within the project area.

TRIBAL TREATY RIGHTS and INTERESTS: Federal agencies acknowledge the federal trust responsibility arising from treaties, statues, executive orders and the historical relations between the United States and American Indian Tribes. The Federal Government has a unique trust relationship with federally recognized American Indian Tribes, including the Shoshone-Bannock and the Shoshone-Paiute Tribes. The Corps has a responsibility and obligation to consider and consult on potential effects to Tribal rights, uses and interests. The Corps further recognizes there may be a need for additional and ongoing consultation.

ENDANGERED SPECIES: No listed threatened or endangered species or designated critical habitats are known to exist in the project area. Coordination is currently being conducted with the U.S. Fish and

Wildlife Service (USFWS) to determine if the activity will have any effect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973.

ADDITIONAL INFORMATION: For additional information from the Corps of Engineers about the mitigation plan, you may call Greg Martinez at the Boise Regulatory Field Office at 208-345-2154.

EVALUATION: The decision to modify the umbrella banking instrument by adding the Hyatt Wetland Mitigation Bank will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit 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, consideration of property ownership and in general the needs and welfare of the people.

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 proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT PERIOD: The Corps of Engineers is soliciting comments from the general public, Federal, state and local agencies and officials, Indian Tribes and other interested parties to formulate parameters, terms and conditions for the final wetlands mitigation bank. Any comments received will be considered in discussion with the bank sponsor and members of the Inter-Agency Review Team to modify the mitigation plan.

Please mail all comments to:

U.S. Army Corps of Engineers
Gregory J. Martinez
Boise Regulatory Field Office
10095 West Emerald Street
Boise, Idaho 83704
greg.j.martinez@usace.army.mil

All submitted comments will be made part of the public record. The Corps will consider all comments in developing the final Hyatt Wetland Mitigation Plan.

Comments should be received no later than the comment due date of **February 11, 2013**, as indicated on this notice, to receive consideration.

David B. Barrows
Chief, Regulatory Division