



US Army Corps
of Engineers®

Seattle District

Supplemental Public Notice

Navigation Section
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US ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT FISCAL YEAR 2012 MAINTENANCE AND REPAIR OF OUTER BREAKWATER, NEAH BAY, WASHINGTON

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Seattle District (Corps) plans to conduct routine excavation and disposal activities associated with maintenance and repair of the Neah Bay Outer Breakwater in Neah Bay, Clallam County, Washington.

This Public Notice supplements the Public Notice of March 18, 2010. The currently proposed repair program has been revised and will have reduced environmental consequences compared to the fiscal year 2010 repair program. The revisions include a local source of rock, construction of a temporary road on the top of the breakwater that will be removed at completion of repairs, rock will be placed by a large excavator operating from the temporary road, delivery of the rock will be by truck, and the amount of repair work will be up to 1450 linear feet (from the original 1500 linear feet). There will not be any in-water work. More detail is given below.

The revised repair program (planned to occur in 2012 or later) is described below. The purpose of this Public Notice is to solicit comments on the revisions from interested persons, groups and agencies.

PURPOSE AND PROJECT OBJECTIVE

The breakwater was initially constructed in 1944. Repairs to the structure were performed in 1949, 1959, 1980, 1998, and 2002. Despite these repairs, the breakwater has continued to fail near the center reach due to poor stone interlock in the sections repaired in 1998 and 2002.

The outer breakwater at Neah Bay is subjected to ocean swell that propagates through the Strait of Juan de Fuca from Pacific Ocean. Typically, the swells can have significant wave heights up to 14 ft and wave periods of up to 20 seconds. These conditions cause significant overtopping of the breakwater and have historically resulted in repeated failure of the center reach of the breakwater between stations 21+00 and 60+00. The purpose of this project is to

repair the damaged sections (up to 1450 linear feet) of the breakwater in a manner that reduces the frequency of damage to the repaired areas and increases the overall stability of the structure.

AUTHORITY

The Rivers and Harbors Act of 20 June 1938 provides for a breakwater at Neah Bay. This structure is a rubble-mound breakwater approximately 8,000 feet long from the western shore of Neah Bay out to Waadah Island. The project's authorization included the construction and maintenance of the rock structure.

The currently proposed maintenance activities will be reviewed in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347); the Endangered Species Act of 1973 (16 U.S.C. 668a-668cc-6, 87 Stat. 884); Section 313 of the Clean Water Act of 1977 (33 U.S.C. 1323, 86 Stat. 816); Section 404 of the same Act (33 U.S.C. 1344); Section 307(c)(1) and (2) of the Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1456(c)(1) and (2), 86 Stat. 1280), and the National Historic Preservation Act of 1966 (16 U.S.C. 470, 80 Stat. 915).

FEDERAL MAINTENANCE AND REPAIR

The area of the breakwater to be repaired is up to 1450 linear feet. Repairs have been designed to achieve efficiency and minimize residual risk while resulting in the greatest stability and minimization of cost over the structure's life cycle which is expected to be at least 25 additional years. The approach for the breakwater repair is to minimize the amount of new armor stone placed along the breakwater cross section (tons of stone/ft of breakwater), while minimizing the rehandling of relic stone, and yet apply effective repairs such that the repaired breakwater functions during the 50-year design wave.

The project would repair up to 1450 linear feet (between Stations 40+00 to 55+00, see attached figure) near the middle reach of breakwater where the largest wave heights reach the structure.

MITIGATION

During the formulation of the project plan, much care was taken to reduce environmental impacts. Several impact avoidance and minimization measures have been incorporated into the repair plan, including:

1. To avoid impacts to juvenile salmon the work will be done in the dry and, if necessary, at low tide to avoid working in the water.
2. Rock will be placed using an excavator from the top of the breakwater. This will ensure accuracy of rock placement.
3. Appropriate sized equipment for the project would be utilized including excavators and transport trucks.
4. All equipment used on the breakwater would be cleaned prior to construction work.
5. Biodegradable hydraulic fluids would be used in machinery where appropriate.
6. Refueling would not occur near the shoreline or, if refueling near the breakwater is necessary, automatic shutoff valves will be utilized to avoid spills.
7. Construction equipment shall be regularly checked for drips or leaks.
8. At least one fuel spill kit with absorbent pads would be onsite at all times.

ENDANGERED SPECIES

The Endangered Species Act of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service identified several federally listed species which may occur in the project vicinity. Such species include, but are not limited to: Puget Sound Chinook salmon, Coastal/Puget Sound bull trout, Columbia River Chinook, Hood Canal summer-run chum salmon, Puget Sound steelhead, Steller sea lion, southern resident killer whale, marbled murrelet and eulachon.

The U.S. Army Corps of Engineers has evaluated potential impacts of the proposed action to listed species. A preliminary determination was made that the proposed work **may affect, but is not likely to adversely affect** or have **no effect** upon these listed species. Informal consultation under Section 7 of the Act was initiated, and letters of concurrence for the original project proposal were received from US Fish & Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on February 18th and February 16th of 2010 respectively.

CULTURAL AND HISTORIC RESOURCES

The National Historic Preservation Act (16 USC 470) requires that the effects of proposed Federal undertakings on sites, buildings structures, or objects included or eligible for the National Register of Historic Places must be identified and evaluated. The Neah Bay Outer Breakwater Repair project is Federal undertaking of the type which might affect historic properties. As such it is subject to the Section 106 process. The Corps, in order to comply with Section 106 of the NHPA has initiated historic properties studies for the proposed project. The APE (Area of Potential Effect) for the project was defined as the breakwater, access roads, and staging areas associated with this project. Since the proposed repair activities are confined to the previously constructed breakwater width and depth boundaries, little likelihood exists for the proposed project to impinge on an undisturbed historic property. There are no recorded properties listed in, or eligible for listing in the National Register of Historic Places (NRHP) within the project area of potential effects (APE).

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 to proceed with this work will be based on an evaluation of the probable impact of the proposed activity on the public interest. That 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; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic values, fish and wildlife values, flood hazards, flood plain 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.

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 effects of this activity. Any comments received will be considered by the Corps to determine whether to allow continued maintenance work at the breakwater. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act.

ADDITIONAL EVALUATION

The Makah Indian Nation and the Washington Department of Ecology have reviewed this work for compliance with the applicable water quality standards pursuant to Section 401 of the Clean Water Act. Letters from Ecology and the Makah Tribal Council were received on February 26th and March 17th of 2010, respectively, certifying this project under Section 401 of the CWA. As a Federal agency, the Corps will ensure the work is consistent with the Coastal Zone Management Program to the maximum extent practicable. A Coastal Zone Management Act consistency determination has been prepared.

An Environmental Assessment, (EA) and 404(b)(1) evaluation have been prepared for the original work and were finalized. They are available for review on the Seattle District's website, http://www.nws.usace.army.mil/ers/doc_table.cfm. The Corps will evaluate the revised work, in light of comments received from this public notice, to ensure NEPA compliance for the revised project

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 allow maintenance and repair to the breakwater. All email comments should be sent to Elizabeth.A.Chien@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Navigation Section, P.O. Box 3755, Seattle, WA 98124-3755. All comments must reach this office no later than the expiration date of this public notice to ensure consideration. Telephone inquiries should be directed to Elizabeth Chien, Project Manager, (206) 439-4533.

Elizabeth Chien
Project Manager
Navigation Section

