

PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION STUDY

APPENDIX J

ENVIRONMENTAL COMPLIANCE DOCUMENTATION

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503



RECEIVED

SEP 05 2006

Bernard L. Hargrave, Federal Project Manager
Puget Sound Nearshore Ecosystem Restoration Project
U.S. Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, Washington 98124-3755

Dear Mr. Hargrave:

Attached is the summary of U.S. Fish and Wildlife Service (USFWS) participation in the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) for federal fiscal year (FY) 2005. This Planning Aid Letter is being submitted to fulfill commitments under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et.seq.) for FY 2005. This Planning Aid Letter was prepared for the USFWS's Western Washington Fish and Wildlife Office by Curtis Tanner who provided the majority of USFWS support for PSNERP in FY 2005.

In general, USFWS remains satisfied with the direction of PSNERP. Federal funding for the GI Study has been lower than originally anticipated during the initial scoping the General Investigation Study. Despite this, good progress has been made towards study completion, and the release of interim work products has provided information that is useful in on-going coastal habitat restoration activities in Puget Sound and has helped define the direction and progress of the Study.

The key USFWS conclusions of this report are:

- We support the investment that PSNERP has made towards advancing early action projects.
- We are eager to see the results of Stage 2 and delivery of the Strategic Needs Assessment Report.
- We anticipate that emerging PSNERP work product will help inform our own restoration programs and endangered species recovery efforts.

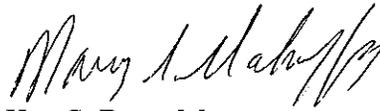
TAKE PRIDE[®]
IN AMERICA 

Bernard L. Hargrave

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We look forward to continued involvement in PSNERP, and to the opportunity to help contribute to this effort and benefit from its results. Please contact Curtis Tanner at (360) 902-2815 or Tom McDowell (360 753-9426) if you have any questions related to this Planning Aid Letter or our Fish and Wildlife Coordination Act activities for this project.

Sincerely,


for

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

Enclosures

Planning Aid Letter Attachment One:

Summary of FY 2005 Fish and Wildlife Coordination Act Activities for the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

Project Background

PSNERP General Investigation Study

The Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) is a large-scale, comprehensive initiative that affords a unique opportunity to tackle some of the foremost habitat restoration needs in Washington State's Puget Sound basin. Project goals are to identify significant ecosystem problems, evaluate potential solutions, and restore and preserve critical nearshore habitat. PSNERP is a partnership between the U.S. Army Corps of Engineers (Corps) and local sponsors. The Washington Department of Fish and Wildlife represents the local project sponsors. Other major project partners contributing to this effort with direct and in-kind support include other state and federal government agencies, Indian tribes, industries and environmental organizations.

In 2001, PSNERP initiated a Corps General Investigations Study (GI) designed to proceed through three stages, culminating with a final report to Congress in **Fall 2009** (Figure 1). In the first stage of the project, PSNERP partners have worked to develop tools and information necessary to complete the study, including a nearshore conceptual model, guidance for implementing restoration projects, and historic (c.a. 1850) shoreline maps. PSNERP is currently working to apply concepts and tools developed during Stage I to improve understanding of where and how important nearshore ecosystem processes have been altered by human activity in the Puget Sound basin. The outcome of Stage II will be a strategic needs assessment to identify “what is broken” in Puget Sound nearshore ecosystems. This characterization will examine evidence of changes in ecosystem processes at various scales; this assessment is essential to the formulation of a restoration plan in Stage III. It is anticipated that the GI will result in justification for implementation of specific large scale restoration projects, and possibly an Ecosystem Restoration Program authority for implementation by the Corps and others.

By assessing the most pressing restoration needs for different parts of Puget Sound, PSNERP hopes to provide guidance for other public and private entities such as Native American tribal governments, local governments, regional fisheries enhancement groups, salmon recovery lead entities, marine resource committees, non-profit conservation and advocacy groups, and local “friends” groups. The Corps and other PSNERP partners can then focus their efforts on those identified projects and other needs that are beyond the capacity of local partners and existing restoration programs.

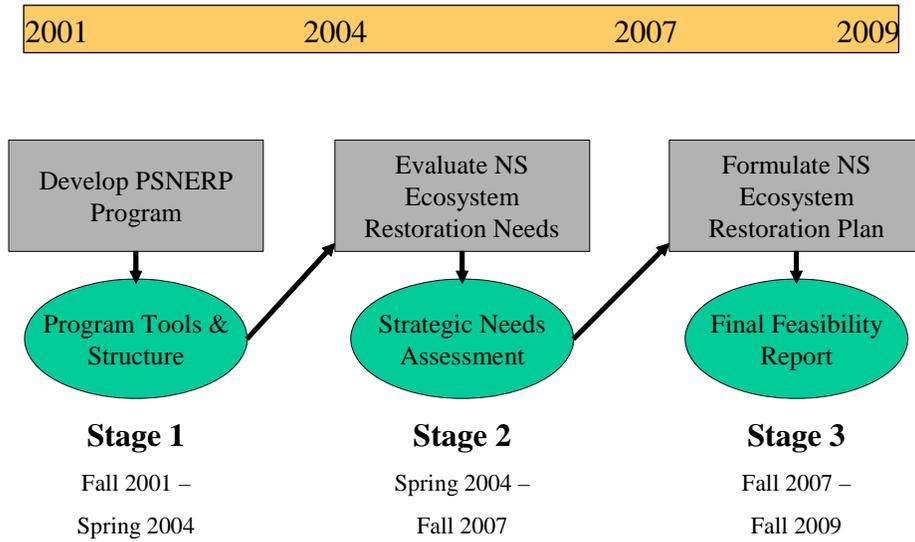


Figure 1: PSNERP Major Program Stages and Milestones

PSNERP and the Nearshore Partnership

Since initiation of the GI, PSNERP has attracted considerable attention and support from a diverse group of individuals and organizations interested and involved in improving the health of Puget Sound nearshore ecosystems and the biological, cultural, and economic resources they support. To recognize this broadening interest and mission, the name “Puget Sound Nearshore Partnership” was adopted by the program in 2004, and a program logo was commissioned (Figure 2). The intent of the PSNERP Steering Committee in doing so was to describe a growing and diverse group, and the work being undertaken which ultimately supports the goals of PSNERP, but is beyond the scope of the GI Study. Collaborating with the Puget Sound Action Team, the Nearshore Partnership seeks to implement portions of the PSAT Work Plan pertaining to nearshore habitat restoration issues. While the mission of PSNERP remains at the core of the Nearshore Partnership, restoration projects, information transfer, scientific studies and other activities can and should occur to advance understanding, and ultimately, the health of the Puget Sound nearshore beyond the original focus and scope of the on-going GI Study.

Current participants in the Puget Sound Nearshore Partnership include:

Interagency Committee for Outdoor
Recreation
King Conservation District
King County

National Wildlife Federation
NOAA/National Marine Fisheries
Service
NOAA Fisheries – Restoration Center

Northwest Indian Fisheries Commission
Pacific Northwest National Laboratory
People for Puget Sound
Pierce County
Puget Sound Action Team
Salmon Recovery Funding Board
Taylor Shellfish Company
The Nature Conservancy
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency
U.S. Geological Survey

U.S. Fish and Wildlife Service
U.S. Navy
University of Washington
Washington Department of Ecology
Washington Department of Fish and
Wildlife
Washington Department of Natural
Resources
Washington Public Ports Association
Washington Sea Grant
WRIA 9



Figure 2: Puget Sound Nearshore Partnership Logo

USFWS Participation

The U.S. Fish and Wildlife Service (USFWS) Western Washington Fish and Wildlife Office has been an active participant in PSNERP from the start of Phase I. Our involvement largely falls under two USFWS activities, the Coastal Program and Federal Activities. Our role through the Coastal Program has been provision of technical expertise, largely through participation in PSNERP Nearshore Science Team. Our role under Federal Activities is primarily the completion of responsibilities associated with the Fish and Wildlife Coordination Act.

Historical Involvement

Nearshore Science Team

USFWS involvement in PSNERP was initiated in FY 2002 when the Coastal Program accepted an invitation from the Steering Committee to fill a position on the Nearshore Science Team (NST). The specific request was for Curtis Tanner to provide expertise in the field of habitat restoration to the interdisciplinary team. According to PSNERP Policies and Procedures, full-member participation in the NST is estimated to require 0.25 FTE, or one-quarter (25%) of a full-time work position. USFWS has consistently

renewed this commitment, and we continue to provide technical expertise on issues of coastal habitat restoration on the NST. To date, this contribution has been cost-shared equally between the Coastal Program and the U.S. Army Corps of Engineers.

Implementation Team

In FY 2003 the PSNERP Steering Committee initiated activities of the Implementation Team. Initial members were Curtis Tanner and Jacques White, then representing People for Puget Sound on the PSNERP Steering Committee. The initial tasks of the Implementation Team focused on outreach to other programs and organizations in the Puget Sound region involved in habitat restoration and protection. Presentation materials were developed and delivered to a wide range of audiences, including all Puget Sound lead entities, marine resource committees, and numerous other groups including Puget Sound Action Team local liaisons, WDFW watershed stewards, and regional fishery enhancement groups. Other early IT activities focused on development of a list of “management measures” or restoration and conservation actions that are appropriate for implementation by PSNERP. In December 2004, IT activities greatly diminished when Dr. White left People for Puget Sound to establish a Marine Program for The Nature Conservancy of Washington, and Mr. Tanner assumed local project manager responsibilities for PSNERP. In 2005, the IT was reconstituted with new leadership and members, and a focus on identification and implementation of “early action projects”.

Steering Committee

During the period of FY 2002-04, USFWS was represented on the PSNERP Steering Committee by Lynn Childers, Manager of the Division of Federal Activities for WWFWS. In FY 05, Mr. Childers accepted a detail assignment to the Washington Department of Transportation to improve coordination between the two agencies. At the same time, Curtis Tanner assumed local project manager responsibilities for PSNERP, including co-chair of the Steering Committee. It was determined that this involvement was sufficient to insure effective USFWS participation in PSNERP program guidance, and Mr. Childer’s position was not replaced. Currently, USFWS does not have direct representation on the PSNERP Steering Committee, and this issue is periodically revisited by USFWS management.

Executive Committee

USFWS has been consistently represented on the PSNERP Executive Committee by the WWFWS Manager, Ken Berg. Mr. Berg brings his perspective on the wide range of USFWS functions and activities under his direction, as well as his participation in other regional initiatives and partnerships to the Executive Committee. He has also worked to focus attention of USFWS upper management on the importance of PSNERP activities, and has offered it as an example of regional collaboration that should be the focus of agency activities.

Other USFWS Support

FY 2005 Early Action Project Funds

In addition to in-kind support provided by agency staff participation in various PSNERP work groups, teams, and committees, USFWS has provided other support to the program. In FY 2005, \$25,000 of Coastal Program discretionary funds were granted to the Washington Department of Fish and Wildlife to support implementation of early action projects. These funds were provided to supplement other “on-the-ground” project implementation funds, with the intent of improving understanding of restoration actions anticipated on larger scales by PSNERP. To date, a small portion of these funds have been used to assist development of a comprehensive monitoring plan for the Skokomish dike removal project in southern Hood Canal. Remaining funds are currently planned to be used to assist project construction activities, including possible improvements to plans for restoration of hydrologic connections between the project area, Hood Canal, and the Skokomish River.

Current Involvement

USFWS staff are currently extensively involved in PSNERP, participating in all levels of the program, including management and technical work groups. In addition to the participation described above, USFWS Coastal Program member Curtis Tanner is currently devoting 0.70 FTE to Local Project Management under an agreement between USFWS and the Washington Department of Fish and Wildlife. Curtis has been in this position since **December 2004**. The scope of his duties as described by this agreement include:

1. Providing leadership for PSNERP Steering Committee
2. Participation as member of Project Management Team
3. Fulfillment of responsibilities of Local Project Manager
4. Represent PSNERP in external forums, conferences, etc.

FY 2005 PSNERP Activities

Fiscal year 2005 (October 2004 – September 2005) was a productive year for PSNERP. Important advances were made in completing Work Plan activities for the GI Study, and Nearshore Partnership activities, related to but not directly a part of the GI Study, served to expand program benefits to a wider audience.

Significant accomplishments

Ft. Worden Retreat

In May 2005, the PSNERP Project Management Team organized an “all-hands” program retreat at Ft. Worden. The primary topic discussed by 20 members in attendance from the Steering Committee, Implementation Team, and Nearshore Science Team were alternatives to address the “gap” between work plans and project accomplishments. This widening discrepancy between the original work plan for the GI and project completion is due to a lower than anticipated level of program funding. By the end of FY 2005, total

project funding was \$4.5 M, as compared to \$10.5 M estimated by the work plan. Similarly, 40% of necessary tasks have been completed, as compared to 85% estimated by the end of this fourth year. Project Managers felt it important to check-in with team members, and work towards a report to the Executive Committee as requested for their July 2005 meeting. Four “general” options for addressing this gap were discussed in detail at Ft. Worden:

- Alternative 1.* Original Scope with a New Timeline (Take longer)
- Alternative 2.* Change to more Limited Scope (Do less)
- Alternative 3.* Phased Approach (Deliver Project in Increments)
- Alternative 4.* Continue the General Investigation study while implementation of Early Action Projects proceeds.

Meeting participants reached consensus around the idea that the project was properly scoped, and that scaling back to “do less” was inconsistent with the original intent of an ecosystem approach to Puget Sound restoration. The following summarizes the plan for action that emerged from the Ft. Worden retreat:

Phased Approach with Milestones

- ❖ Work with the existing Strategic Work Plan, and its projection of Stage 2 completion by April 2008.
 - The Project Management Team committed to reviewing the Work Plan to determine if this schedule can be reasonably compressed, especially with increased resources, to complete Stage 2 in FY 2007.
- ❖ Complete Stage 2 tasks leading to the delivery of a *Strategic Needs Assessment Report*, containing:
 - Our understanding of “where and how Puget Sound is broken” (i.e. restoration needs)
 - A statement of how much needs to be fixed to achieve desired levels of improvement in the health of Puget Sound (i.e. restoration goals)
 - A description of the tools available to the Nearshore Partnership to address these restoration needs and goals (i.e. management measure list)
 - A working list of the potential project opportunities that might address identified needs (i.e. restoration opportunities list)
 - A list of specific early action projects for construction by the Corps
- ❖ Steering Committee and Project Management Team would establish priorities given limitations of time and resources – establish schedule and stick to it.
- ❖ Establish completion of Stage 2 as a major Program milestone with key decisions to be made following completion Strategic Needs Assessment Report of the of how to proceed with the remainder of the GI:
 - Is there sufficient level of uncertainty (unknown problems/unknown solutions) to continue “study” part of GI?
 - Is there sufficient list of justified “Corps projects” to advance an interim feasibility report of:
 - demonstration (learning experiences,)
 - urgent and obvious (medium size projects, high certainty of benefits)

- Is there a sufficient gap in capability of existing restoration programs/authorities (e.g. SRFB, PSAW, §206/1135) to warrant advancing major projects (large, complex) into a Puget Sound Nearshore Restoration Program Construction General Authority (new Corps authority)?

These recommendations were reported to the Executive Committee in **July 2005**, and approved. The Ft. Worden retreat provided PSNERP team members a useful “check-in”, helped to confirm the direction and schedule of the project, and served to refocus efforts on completion of Stage 2 and delivery of the Strategic Needs Assessment Report.

Technical Reports

In 2005, PSNERP began widespread distribution of its technical reports. While completed primarily to advance the GI, Steering Committee members believed that the work of those not directly involved in PSNERP would benefit from this information. Enhancements necessary to facilitate “web publishing” were completed on the program website, and the first three reports posted:

1. Application of "Best Available Science" in Ecosystem Restoration: Lessons Learned from Large-Scale Restoration Efforts
2. Guidance for Protection and Restoration of the Nearshore Ecosystems of Puget Sound
3. Guiding Restoration Principles

These Technical Reports have been well-received by a wide audience. The information is being used to help inform restoration project activities, and has served to reinforce the credibility and relevance of the program.

Typology/Historic Conditions Characterization

Using funds provided by WRIA 9/King Conservation District, an important pilot study of the project’s technical approach was completed. Historic shoreline data (c.a. 1850-70) were used in combination with the NST Typology (shoreline geomorphic classification) to characterize historic nearshore conditions. An effective collaborative approach was adopted by the Nearshore Science Team and the contractor selected for this project, CommEn Space. The outcome of this effort was an important successful “proof of concept” applying the analytical methods developed by the NST to real-world data. The Project Management Team is now working to implement next steps identified by the pilot study.

Potential Nearshore Projects List

Implementation Team co-lead Elaine Kleckner worked with Interagency Committee for Outdoor Recreation (IAC) staff to develop a database for managing a list of potential nearshore projects. IAC’s PRISM database structure was adopted for future migration of the Nearshore Project database into a PRISM “nearshore module.” Elaine contacted lead entities, marine resource committees, and tribes for their lists of potential nearshore projects, generating over 500 entries in the database.

This accomplishment serves a variety of important functions. First, it helps build the data management infrastructure that will be necessary in Stage 3 for identifying and evaluating potential projects for formulation of a ecosystem restoration plan and completion of the Final Feasibility Report. Second, it identifies potential “early action projects” which could be advanced by the Nearshore Partnership or others. Implementing and monitoring early action projects will help inform future project development activities, while contributing to improvements to the overall health of the Puget Sound nearshore ecosystem.

Observations and Recommendations

The Puget Sound Nearshore Ecosystem Restoration Project continues to make significant progress towards completion of the General Investigation Study and delivery of a Final Feasibility Report. As evidenced by the results of the Ft. Worden retreat, program managers and team members have a long-term vision for the project, choosing an ambitious work plan with the potential for substantial benefits associated with a new ecosystem restoration authority for Puget Sound. Funding has clearly limited progress, and delayed delivery of anticipated program benefits. However in a period of tightening federal resources, PSNERP has continued to garner the support of both Congress and the Administration, as evidenced by modest annual increases in federal funding. Some of this success is likely due to the Seattle District’s choice to highlight PSNERP as a District priority, and to the personal support and involvement of the District Engineer.

Federal project managers have done an excellent job of maintaining progress towards completion of the GI study despite lower than anticipated levels of funding. Simultaneously, Corps leadership, including the Project Manager and the District Engineer, have been responsive to the interests of the local sponsor and their partners. They have recognized the importance of using PSNERP information, technical reports, project lists, and other resources to support on-going restoration activities. This willingness to demonstrate flexibility in promoting ancillary Nearshore Partnership activities is insuring that the lessons of PSNERP are being translated to improved on-the-ground project results, and a more strategic approach to identification of restoration priorities.

It is also evident that the Corps is also beginning to employ PSNERP “lessons” in other programs, including the Puget Sound and Adjacent Waters Program. Connections are also being established between the program and Corps regulatory functions. Corps District staff continue to seek creative solutions to include monitoring and adaptive management as project elements, despite resistance from headquarters and national-level guidance documents.

Conclusions

In general, USFWS remains satisfied with the direction of PSNERP, as evidenced by our continued support for the program. We understand that project managers have made good progress in the face of limited resources. While we are eager to see additional results from the program, and successful completion of the Feasibility Report, we concur with

the decision to maintain the original scope of the program, despite the delay in delivery schedule.

We also support the investment in program resources that has gone towards advancing early action projects, and other activities not directly associated with the GI work plan. Project managers are striking a good balance in this area, helping to advance on-going restoration efforts without significant detriment to completion of the GI. It is anticipated that the advances in nearshore restoration, improvement in nearshore condition, and understanding and acceptance of a process-based approach to restoration far outweigh any diminution in project progress.

We are eager to see the results of Stage 2, and delivery of the Strategic Needs Assessment Report. The WWFVO anticipates that this PSNERP work product will help inform our own restoration programs and endangered species recovery efforts. If the product emerges as described in the project Work Plan, we are committed to its use in aligning the restoration work of our programs and our partners to be consistent with the PSNERP strategic restoration approach.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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DEC 17 2008

Bernard L. Hargrave, Project Manager
Puget Sound Nearshore Ecosystem Restoration Project
U.S. Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, Washington 98124-3755

Dear Mr. Hargrave:

Enclosed is a Planning Aid letter summarizing the U.S. Fish and Wildlife Service's (USFWS) participation in the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) for federal fiscal year 2007. This Planning Aid Letter is being submitted to fulfill commitments under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for FY 2007. The Planning Aid Letter was prepared for the USFWS Western Washington Fish and Wildlife Office by Curtis Tanner who provided the majority of USFWS support for PSNERP in FY 2007

In summary, USFWS supports PSNERP and is satisfied with its progress and direction. Recent increases in federal and state funding for PSNERP have allowed for a substantial increase in program activity and progress towards completion of the PSNERP General Investigation study. Early program pilot study methods have been refined and are now being scaled up to application at a Puget Sound wide scale. These analytical methods will inform the large scale restoration and protection actions of federal agencies and will also help guide actions at more local scales.

Key USFWS conclusions of this Planning Aid letter include:

- Implementation of the Estuary and Salmon Restoration Program by PSNERP as an early action program benefits fish and wildlife resources and improves understanding of nearshore ecosystems.
- The emphasis on science to inform the PSNERP GI study is consistent with USFWS guidance. Implementation of product and programmatic peer review will insure the integrity of PSNERP developed and applied science.
- We strongly encourage PSNERP to continue its cooperation with the Puget Sound Partnership

We look forward to continued USFWS involvement in, and support for the activities of PSNERP. Please contact Curtis Tanner at (360) 902-2815 or Tom McDowell at (360) 753-9426 if you have any questions related to this Planning Aid letter or our Fish and Wildlife Coordination Act activities for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom McDowell". The signature is fluid and cursive, with a large initial "T" and "M".

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

Planning Aid Letter Attachment One:

Summary of FY 2007 Fish and Wildlife Coordination Act Activities for the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)

Project Background

PSNERP General Investigation Study

The Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) is a large-scale, comprehensive initiative that affords a unique opportunity to tackle some of the foremost habitat restoration needs in Washington State's Puget Sound basin. Project goals are to identify significant ecosystem problems, evaluate potential solutions, and restore and preserve critical nearshore habitat. PSNERP is a partnership between the U.S. Army Corps of Engineers (Corps) and local sponsors. The Washington Department of Fish and Wildlife represents the local project sponsors. Other major project partners contributing to this effort with direct and in-kind support include other state and federal government agencies, Indian tribes, industries and environmental organizations.

It is anticipated that this General Investigation Study (GI) will result in the identification of a portfolio of multiple, large-scale ecosystem restoration actions. These projects would form the basis for a request to Congress for Corps authority to undertake an ecosystem restoration program in Puget Sound. As the Corps and its partners work towards completion of the GI, information being developed as part of the study is being delivered to assist on-going restoration programs and projects. This dual focus of initiating large-scale strategic restoration actions and the support of more local scale projects makes PSNERP of particular interest to the U.S. Fish and Wildlife Service (USFWS).

Puget Sound Nearshore Partnership

In 2004, the PSNERP Steering Committee recognized that the scope of the GI study, while central to the issue of restoring the health of Puget Sound, was too limited to address some current areas of interest for its members. Specifically, the implementation of on-the-ground projects is not typically part of a GI study and beyond the scope of PSNERP. "Coastal Habitats in Puget Sound" (CHiPS), the U.S. Geological Survey (USGS) initiative devoted to applied research in Puget Sound, began in fiscal year 2006. CHiPS was a result of collaboration between the PSNERP Nearshore Science and USGS scientists to develop a research plan in support of PSNERP¹. This initiative has allowed USGS research scientists to focus on key information

¹ Coastal Habitats in Puget Sound: A Research Plan in Support of the Puget Sound Nearshore Partnership. Available at: http://www.pugetsoundnearshore.org/technical_papers/coastal_habitats.pdf

gaps critical to improved coastal ecosystem management and restoration. As pressure on the program from the Steering Committee and other stakeholders to “learn by doing” and provide more direct support to projects mounted, the program needed to expand. The Steering Committee adopted a new more inclusive name of “Puget Sound Nearshore Partnership” to represent an expanding, diverse group of stakeholders involved in nearshore ecosystem protection and restoration, and those tasks beyond the scope of this GI study.

Estuary and Salmon Restoration Program (ESRP)

Perhaps the most significant outcome of an expanded mission beyond the PSNERP GI study is the implementation of the Estuary and Salmon Restoration Program (ESRP). As part of Governor Gregoire’s new focus on Puget Sound, the Washington State legislature created ESRP in state fiscal year 2007 (July 1, 2006 thru June 30, 2007). The legislature charged the Washington Department of Fish and Wildlife with the implementation of ESRP, in coordination with the Nearshore Partnership. In its first year, ESRP allocated \$2.5 million in state funding to nine high-priority projects. ESRP funds were matched with an additional \$5.3 million in other state, federal, and local resources. According to WDFW’s report to the legislature and Governor², in its first year the program advanced “actions on the ground” that will result in:

- Restoration of 808 acres of estuary
- Re-established access to 22 miles of stream
- Acquisition of 300 feet of shoreline
- Protection for 3 acres of riparian buffer
- Removal of 56,250 feet of levee and dikes

USFWS Participation

The USFWS Western Washington Fish and Wildlife Office (WWFWO) continues its active involvement in, and support for, PSNERP. Our involvement carries out responsibilities of two WWFWO program areas, the Watershed Protection & Restoration Branch’s Puget Sound Coastal Program and the Division of Consultation & Technical Assistance’s Branch of Federal Activities. This Planning Aid Letter has been prepared as part of our Federal Activities duties as defined by the Fish and Wildlife Coordination Act (16 U.S.C. 661-667).

Nearshore Science Team

As with previous years dating back to the origins of the program, USFWS has continued participation in PSNERP largely thru the Nearshore Science Team. Curtis Tanner, a USFWS Coastal Program biologist, is a member of the NST, providing expertise in the field of habitat restoration to this interdisciplinary team. He has served in this role since FY 2002. During this time his involvement has been cost-shared by the USFWS and the Corps. Corps support is provided thru an agreement under the Fish and Wildlife Coordination Act, USFWS funding is provided by the Coastal Program. In addition to full participation in monthly meetings of the NST and associated responsibilities, Mr. Tanner also has an active role in two NST workgroups, the Change Analysis workgroup and Future Without Project workgroup.

² 2006 Estuary and Salmon Restoration Program Report. Available at:
http://www.pugetsoundnearshore.org/program_documents/esrp_nov0106.pdf

Implementation Team

During federal Fiscal Years 2006-07, PSNERP Project Managers reinitiated the activities of the program's Implementation Team (IT). Originally convened to focus on outreach of program activities to restoration community partners, the revised IT's expanded areas of responsibilities now include:

- Leading cross-program development of the PSNERP Stage 2 deliverable: Strategic Needs Assessment Report (SNAR)
- Development of technical memo series defining categories of potential PSNERP restoration activities: Management Measures
- Technical review of proposals submitted for funding under the Estuary and Salmon Restoration Program

A member of the previous IT, Curtis Tanner continued his active involvement as a member of this expanded team.

In FY 2006, Mr. Tanner also served as the Interim Program Manager for ESRP. Working with the IT, he facilitated review of 24 proposals, the selection of 9 projects for funding, and the enhancement of 4 projects with additional resources for monitoring and outreach activities. In 2007, Mr. Tanner worked with NOAA to provide the services of Paul Cereghino to assume ESRP program management. Mr. Tanner and Mr. Cereghino work closely to insure coordination between the PSNERP GI study and implementation of ESRP.

Steering Committee

In addition to his PSNERP activities supported by the Corps and USFWS, Curtis Tanner also serves as PSNERP Local Project Manager, under an agreement between USFWS and WDFW. This agreement is currently supported through June 30, 2009. The Local Project Manager and the Federal Project Manager (Bernie Hargrave, Seattle District Corps of Engineers) serve as co-chairs of the Nearshore Partnership Steering Committee.

Executive Committee

During FY 2006-07, the USFWS continued its representation on the PSNERP Executive Committee by the WWFVO Manager, Ken Berg. Mr. Berg brings his perspective on the wide range of USFWS functions and activities under his direction, as well as his participation in other regional initiatives and partnerships to the Executive Committee. He has highlighted the program during his discussions with other federal agency leaders, suggesting it provides an example for interagency cooperation for the emerging Puget Sound Partnership and other collaborative initiatives.

Other USFWS Involvement

In addition to the formal areas of direct PSNERP involvement identified above, other informal coordination has insured a prominent role for USFWS in the work of the Nearshore Partnership. In FY 2007, this included improved coordination with the USFWS Coastal Program on ESRP and National Coastal Wetland Conservation Grant program. The Skokomish dike removal project, resulting in over 100 acres of restored estuary habitat at the mouth of the Skokomish River, is an example of both program coordination and joint funding between USFWS and ESRP. Coastal Program staff from the USFWS Western Washington Fish and Wildlife Office have also participated in the most recent (state FY 2008) ESRP review process.

FY 2007 PSNERP Activities

PSNERP has made steady progress towards completion of the General Investigation study since the last USFWS Planning Aid Letter, which summarized activities through federal fiscal year 2005 (September 30, 2005). This timeframe has been characterized by increased funding for the GI from both federal (Corps) and non-federal sources. At the end of FY 2007, the federal cumulative total expended on the program since FY 2002 (\$4.1 million) surpassed non-federal spending (\$4.0 million), for the first time. This was due to a significant increase in Congressional support for PSNERP, which began in FY 2006 (\$0.75 million), and was carried through in FY 2007 (\$1.4 million). This increase in program funding has led to much improved progress towards completion of the GI study, and the ultimate goal of an ecosystem restoration authority for Puget Sound.

Technical Reports

One measure of program performance is the emergence of the Nearshore Partnership's technical report series.³ Sixteen technical reports have been peer-reviewed and published, and a variety of other less-formal materials are also available from the program website. These technical reports provide ready access to the emerging science of PSNERP, and are being used throughout the Puget Sound region to improve restoration project implementation.

One of the more significant program accomplishments is the completion of the "Valued Ecosystem Component" (VEC) white paper series. These 10 technical reports provide an objective summary of the literature relating nine PSNERP defined VECs to the nearshore ecosystems which provide support. A tenth paper describes human values associated with the VECs. In addition to publication and distribution via the program website, PSNERP has also distributed electronic copies of technical reports on mini-CD's at regional and national conferences, workshops, and meetings.

³ Technical reports are available at: http://www.pugetsoundnearshore.org/technical_reports.htm

WRIA 9 Pilot Studies

In FY 2007, PSNERP completed pilot studies intended to develop and evaluate analytical methods. Using data available for all of Puget Sound, the Nearshore Science Team, in collaboration with Contractors, has developed a method for organizing historic and current conditions data, and conducting a “change analysis” on several metrics of nearshore ecosystem condition. In August 2007, the program released the final WRIA 9 Change Analysis report, including appendices and delivery of spatial data and data derivatives.

Sound-wide Analysis

Completion of pilot studies and the evaluation of results has allowed the program to advance to Sound-wide analysis. Recent collaboration with other organizations involved in similar analysis at more local scales, including the Northwest Indian Fisheries Commission and the Skagit River Systems Cooperative, has led to further refinements in methods. This collaboration includes use of a common current conditions data set, to be developed jointly by PSNERP and NWIFC.

Contractor Selection

To support Sound-wide change analysis and other tasks necessary to complete the GI study and produce a Final Feasibility Report, the Corps selected a consultant team to be “on-call” for the program. This specific contracting mechanism, referred to as “Indefinite Delivery/Indefinite Quantity” (IDIQ) provides PSNERP ready access to a diverse team of national and regional experts, as well as journeyman-level “production” staff. The selection process was highly competitive. Corps project managers exercised their discretion in allowing non-Corps PSNERP Project Management Team representatives to participate in the selection process. This served to broaden the perspective of the review team, enhancing the process, and sharing responsibility beyond the Corps. A consultant team lead by Anchor Environmental, and supported by over 20 sub-consultants, was selected as the PSNERP IDIQ contractor. The first task order was awarded to Anchor late in FY 2007, and authorizes their acquisition and organization of data required to complete Sound-wide Change Analysis. Preliminary results of the Anchor team, including a “data dictionary” have been favorable, demonstrating a capacity by the Contractor to successfully complete the complex analysis required by PSNERP.

Coordination With Other Initiatives

While making steady progress towards completion of the General Investigation study, and applying emerging science to on-the-ground projects, another important area of focus for PSNERP and the Nearshore Partnership has been coordination with other initiatives. This deliberate focus on collaboration has helped improve program support, and kept the work of the GI “relevant” to the larger restoration community.

Puget Sound Partnership

Perhaps the most significant development in efforts to protect and restore Puget Sound has been the emergence of the Puget Sound Partnership. Established by Governor Gregoire as an initiative in 2005, the Puget Sound Partnership (PSP) was ratified by the Washington State legislature as a new state agency beginning July 1, 2007⁴. The Puget Sound Partnership combines the previous work of the Puget Sound Action Team and the Shared Strategy for Puget Sound. It is the intent of the legislature that this new agency will define the actions necessary to restore and protect the health of Puget Sound. These actions are to become part of the agency's "Action Agenda", and are to be carried out by the year 2020. The Puget Sound Partnership is also charged with holding federal, state, and local agencies accountable for their commitments under the Action Agenda.

Recognizing the opportunity afforded by this new level of focus and coordination on Puget Sound issues, the Nearshore Partnership has pledged its support. A series of specific commitments were laid out by PSNERP in its response to the request of PSP staff for a scoping paper on nearshore issues. These include delivery of PSNERP technical products (change analysis, strategic needs assessment report) to help inform the Action Agenda. The goal of delivering an ecosystem restoration authority to the Puget Sound region via the GI study process is the most significant of potential contributions to the work of the Puget Sound Partnership.

The role of the Puget Sound Partnership in defining Washington state agency contributions and commitments is clearly described in its authorizing legislation. WDFW's has indicated appropriate response and support for PSP. PSP's relationship to federal agencies is emerging through a caucus of federal agencies aligned to support PSP (Puget Sound Federal Caucus). An MOU developed by the Federal Caucus outlines this support, signatories include USFWS and the Corps of Engineers.⁵

FWCA Consultation

Observations and Recommendations

Even as the program the mission and its integration expands, PSNERP continues to make good progress towards completion of the GI study. Program managers are striving to strike a balance towards long-term strategic planning and the immediate needs of the broad community of restoration practitioners working to protect and restore Puget Sound. During a period of tightening federal funding, the PSNERP GI continues to receive strong support from Congress and Corps of Engineers management.

⁴ Engrossed Substitute Senate Bill 5372

⁵ Federal Caucus signatories to the MOU are the Environmental Protection Agency, the National Oceanographic and Atmospheric Administration, U.S. Fish and Wildlife, U.S. Geological Survey, the National Park Service, the Forest Service, Army Corp of Engineers, US Navy, US Army (Fort Lewis), Coast Guard, Natural Resource Conservation Service (USDA), Federal Highway Administration.

The success of the program continues to derive from its focus on using the best available science. Analytical methods have been tested as pilot studies, evaluated by regional experts, and refined for Sound-wide application. PSNERP technical reports have been peer-reviewed prior to their publication. The Steering Committee and Project Management Team have responded affirmatively to the advice of the Nearshore Science Team in developing program peer review, which will be implemented by a panel of external science experts in FY 2008.

PSNERP also has an emerging focus on monitoring and adaptive management. In FY 2007, the program contracted with Battelle Marine Science Laboratory for the development of project-level monitoring guidance. This guidance will assist ESRP project proponents in developing monitoring programs that help advance the state of our restoration knowledge. The NST has defined this project-level guidance as its first step in developing broader programmatic level guidance and to the implementation of an adaptive management program for PSNERP.

While outside of the strict scope of the General Investigation study, USFWS appreciates the investment of program leadership in the effective implementation of ESRP. The program has made substantial investment in large-scale on-the-ground projects, including the Skokomish dike removal project, and more recently, the Nisqually National Wildlife Refuge restoration actions. This commitment to “learning by doing” while assisting regional salmon recovery and coastal ecosystem restoration efforts is strongly supported by USFWS.

Conclusions

The USFWS remains satisfied with the direction and progress of PSNERP. We continue to support the work of the Puget Sound Nearshore Partnership, as evidenced by our direct and in-kind contributions.

We are especially supportive of the emphasis placed on use of science in informing the GI and other Nearshore Partnership activities. Use of independent peer-review is particularly important to insure a strong technical approach and broad program credibility. Establishing an external science review panel consistent with NST recommendations should be a primary area of focus for Project Managers in FY 2008. Next steps should include advancements in project monitoring associated with ESRP investments, and the development of an adaptive management framework for the entire program.

Finally, we strongly encourage the Nearshore Partnership to continue its cooperation with the emerging Puget Sound Partnership. The USFWS has committed its support to PSP, participating in the Puget Sound federal caucus, and representing Interior agencies on the PSP Ecosystem Coordination Board. This new state agency with a broad mandate of accountability represents a significant opportunity for improved coordination of agency activities, with measurable improvements in the health of Puget Sound.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

JAN 18 2011

Colonel Anthony Wright, District Commander
U.S. Army Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-3755

Dear Colonel Wright:

Enclosed is a Planning Aid letter summarizing the U.S. Fish and Wildlife Service's (USFWS) participation in the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) for Federal fiscal years 2009-2010. This Planning Aid letter is being submitted to fulfill commitments under the Fish and Wildlife Coordination Act (16 U.S.C. 661-667). This letter was prepared for the USFWS' Washington Fish and Wildlife Office by Curtis Tanner who coordinated USFWS support for PSNERP in FY 2009-2010.

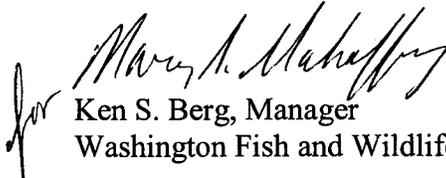
The USFWS continues to support PSNERP as an activity that advances our Agency Mission. Successful completion of the PSNERP General Investigation (GI) is a priority for the USFWS, as evidenced by our on-going participation and in-kind contributions to the study. We encourage Program Managers to continue the strong emphasis on advancing a strategic, science-based approach to nearshore restoration and protection. The PSNERP results should be used to help inform both the large scale restoration and protection actions of Federal agencies, including the U.S. Army Corps of Engineers, as well as guidance for actions at more local scales.

Primary conclusions of this Planning Aid letter include:

- The importance of planning for integration of a Construction General into larger Puget Sound recovery efforts.
- Strong encouragement for continued collaboration with the Puget Sound Partnership, and support for Action Agenda implementation and revision.
- The need to continue to advance on-the-ground restoration efforts, including the Estuary and Salmon Restoration Program and Puget Sound and Adjacent Waters as the GI moves towards a Construction General authority.
- The broad applicability of PSNERP data and analytical methods, and the importance of their use beyond the GI.

We look forward to continued USFWS involvement in, and support for the activities of PSNERP. Please contact Curtis Tanner at (360) 902-2815 or Mary Mahaffy at (360) 753-7763 if you have any questions related to this Planning Aid letter.

Sincerely,


Ken S. Berg, Manager
Washington Fish and Wildlife Office

cc:
Phil Anderson, Director
Washington Department of Fish and Wildlife

Bernard J. Hargrave, PSNERP Program Manager
Seattle District Corps of Engineers

Planning Aid Letter Attachment One:

**Summary of FY 2009 – 2010 Fish and Wildlife
Coordination Act Activities for the Puget Sound
Nearshore Ecosystem Restoration Project (PSNERP)**

Contents

Project Background.....	1
PSNERP General Investigation Study.....	1
USFWS Participation.....	1
USFWS Involvement in PSNERP Technical Teams and Governance.....	2
Nearshore Science Team.....	2
Implementation Team	2
Steering Committee	2
Executive Committee.....	2
Other USFWS Support	3
Environmental Protection Agency Funding.....	3
Estuary and Salmon Restoration Project.....	3
FY 2009 –2010 PSNERP Activities	4
External Peer Review and Stakeholder Involvement.....	4
Strategic Science Peer Review Panel.....	4
Stakeholder Involvement Strategy	6
NEPA Scoping	6
Program Management and Interagency Coordination	7
Project Management Plan Revisions	7
Cost-Share Agreement Update	7
Puget Sound Partnership MOU.....	7
Technical Studies and Deliverables	8
Draft Change Analysis Report.....	8

PSNERP Planning Aid Letter Attachment One

Draft Strategic Needs Assessment Report	8
Draft Future Risk Assessment Report.....	9
Problem Statement and Restoration Objectives.....	10
Management Measures Technical Report.....	12
Draft Feasibility Report	12
Candidate Projects List	13
Principles for Strategic Conservation and Restoration.....	14
Draft Adaptive Science and Technology Plan.....	14
FWCA Consultation.....	14
Observations and Recommendations	14
Conclusions.....	16

Project Background

PSNERP General Investigation Study

The Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) is a large-scale, comprehensive initiative that affords a unique opportunity to tackle some of the foremost habitat restoration needs in Washington State's Puget Sound basin. Project goals are to identify significant ecosystem problems, evaluate potential solutions, and restore and preserve critical nearshore habitat. The PSNERP is a partnership between the U.S. Army Corps of Engineers (Corps) and local sponsors. The Washington Department of Fish and Wildlife (WDFW) represents the local project sponsors. Other major project partners contributing to this effort with direct and in-kind support include other state and Federal government agencies, Native American tribal governments, industries and environmental organizations.

The General Investigation Study (GI) will result in the identification of a portfolio of multiple large-scale ecosystem restoration actions. In completing the GI, the Corps is evaluating a broad range of alternative actions. Projects that best meet the Corps' criteria for implementation under an anticipated ecosystem restoration Construction General authority will form the basis for a request to Congress for authorization to implement priority actions. This will greatly enhance the combined capacity of Federal and State agencies, Tribal governments and others to protect and restore Puget Sound nearshore ecosystems.

As the Corps and its partners work towards completion of the GI, information being developed as part of the study is being delivered to assist on-going restoration programs and projects. This includes potential projects identified and evaluated by the GI, but not carried forward as part of the preferred alternative for implementation by the Corps. These actions will be shared with PSNERP partners for implementation through other programs and authorities to complement the work of the Corps. This dual focus of initiating large-scale strategic restoration actions and the support of more local scale projects makes PSNERP of particular interest to the U.S. Fish and Wildlife Service (USFWS).

U.S. Fish & Wildlife Service Participation

The USFWS Washington Fish and Wildlife Office (WFWO) continues its active involvement in, and support for, PSNERP. Our involvement carries out responsibilities of several WFWO program areas, including the Puget Sound Coastal Program, the Landscape Conservation Partnership Program and Division of Consultation & Technical Assistance Branch of Federal Activities. This Planning Aid Letter has been prepared as part of our Federal Activities duties as defined by the Fish and Wildlife Coordination Act (16 U.S.C. 661-667).

USFWS Involvement in PSNERP Technical Teams and Governance

Nearshore Science Team

As with previous years dating back to the origins of the program, the USFWS has continued participation in PSNERP largely through the Nearshore Science Team (NST). Curtis Tanner, USFWS Coastal Program biologist, is a member of the NST, providing expertise in the field of habitat restoration to this interdisciplinary team. He has served in this role since Fiscal Year (FY) 2002. During this time his involvement has been cost-shared by the USFWS and the Corps. U.S. Army Corps of Engineers support is provided through an agreement under the Fish and Wildlife Coordination Act, USFWS funding is provided by the Coastal Program. This includes full participation in NST monthly meetings and associated responsibilities. During FY 2009-10, Curtis also had an active role in two PSNERP technical workgroups, the Strategic Needs Assessment Team and the Ecosystem Output Workgroup.

Implementation Team

In FY 2009, Ginger Phalen, USFWS Coastal Program Coordinator began to serve on the Implementation Team. In this capacity, Ginger has helped review Estuary and Salmon Restoration Program (ESRP) proposals. She has also contributed to other Implementation Team tasks, including the Management Measures Technical Report, and the evaluation of candidate actions for the PSNERP GI.

Steering Committee

In addition to his PSNERP activities supported by the Corps and the USFWS, Curtis Tanner also serves as PSNERP Local Project Manager under an agreement between USFWS and WDFW. The Local Project Manager and the Federal Project Manager (Bernie Hargrave, Seattle District Corps of Engineers) serve as co-chairs of the Nearshore PSNERP Steering Committee. While not directly represented on the Steering Committee, USFWS has determined that Curtis' involvement insures effective involvement in PSNERP program guidance. This issue is periodically revisited by USFWS management. Curtis' role as Local Project Manager is currently supported by an agreement between USFWS and WDFW through June 2011.

Executive Committee

During FY 2009-10, the USFWS continued its representation on the PSNERP Executive Committee by the WFWO Manager, Ken Berg. During this period, the Executive Committee did not meet. However, Mr. Berg has highlighted PSNERP during his discussions with other Federal agency leaders in the Puget Sound Federal Caucus. Mr. Berg also served on the Puget Sound Partnership (PSP) Ecosystem Coordination Board through FY 2010. In this role, he continued to advocate for PSNERP as a PSP Action Agenda priority.

Other U.S. Fish & Wildlife Service Support

Environmental Protection Agency Funding

In FY 2010, WFWO staff, led by Coastal Program Coordinator Ginger Phalen, prepared a proposal in response to an Environmental Protection Agency Request for Proposals for Puget Sound Scientific Studies and Technical Investigations. Through this process, the USFWS received funding to support PSNERP, providing its experience in coastal habitat restoration. For each of the candidate actions being evaluated by the PSNERP, the USFWS will complete Level 1 Contaminant Surveys and develop preliminary information to meet required compliance with Section 106 of the National Historic Preservation Act. For species listed under the Endangered Species Act, the USFWS will create and collate species lists, timing restrictions and best management practices for each candidate action. Funding for this work was received in September 2010, and the work is expected to be complete in March 2011.

Estuary and Salmon Restoration Project

The USFWS provided technical expertise and funding from both the Puget Sound Coastal Program and the National Coastal Wetland Conservation Grant Program. The USFWS Coastal Program staff coordinated with Washington State's Estuary and Salmon Restoration Program (ESRP) and other project partners on multiple nearshore conservation and restoration projects. Coastal Program staff participated in the ESRP project review and ranking team, provided Coastal Program funding and technical expertise and worked with local applicants to submit successful applications to the National Coastal Wetland Conservation Grant Program, which provides matching funds to ESRP. Examples of this successful partnership between the USFWS Coastal Program and ESRP include coordination, technical expertise, review and funding provided to the following large scale nearshore conservation and restoration projects: Smuggler's Slough Tidal Reconnection, Tarboo/Dabob Bay Acquisition, Fisher Slough Restoration, Nisqually Estuary Restoration, and the Lily Point Phase II Acquisition. The result is a partnership that supports conservation and restoration of over 1,560 acres of priority nearshore ecosystems and provided \$4.2M of USFWS funding to support PSNERP and PSP goals and objectives. This partnership will continue in FY 2011, with Coastal program funding provided directly to 2010 ESRP ranked, priority projects.

FY 2009 –2010 PSNERP Activities

Over the past two FYs (FY 2009-2010), the PSNERP Team of Project Managers, policy advisors, technical experts, and consultants have made considerable progress towards completion of the GI and delivery of a draft Feasibility Report. Numerous analyses referenced in earlier Planning Aid Letters have been completed, with technical reports either published, or near final. During this period, the project managers and staff have also successfully coordinated with the PSP, emerging as a priority action for the recovery of Puget Sound. In May 2010, the PSNERP successfully completed a formal review by Corps headquarters. This “Feasibility Scoping Meeting” is a significant milestone in the completion of a Corps GI, and marks the transition from evaluation of conditions and defining a problem of National significance, to the development of a feasible, cost-effective solution for potential implementation by the Corps. During this period, the PSNERP continued to maintain high standards of scientific integrity and quality of technical products.

External Peer Review and Stakeholder Involvement

Strategic Science Peer Review Panel

Consistent with the Nearshore Science Team’s (NST) Peer Review Plan, Project Managers, in collaboration with the NST, convened a formal external peer review body. The Strategic Science Peer Review Panel (SSPRP) is comprised of six individuals from across the U.S. and Canada with a diversity of scientific expertise, and relevant experience in coastal/nearshore restoration. Members include:

- Denise Reed (SSPRP Chair). Professor, Department of Earth and Environmental Sciences, University of New Orleans.
- Maggi Kelly. Faculty Director for the Geospatial Imaging & Informatics Facility, College of Natural Resources, University of California, Berkeley
- Colin Levings. Scientist Emeritus Canada Department of Fisheries and Oceans and Adjunct Faculty, Institute for Resources, Environment, and Sustainability, University of British Columbia
- David Marmorek. President of ESSA Technologies Ltd, and Adjunct Professor, School of Resource and Environmental Management, Simon Fraser University
- Susan Peterson. Teal Partners, Rochester, MA.
- John Wells. Professor of Marine Geology, Director of the Virginia Institute of Marine Science and Dean of the School of Marine Science at the College of William and Mary.

The SSPRP convened its first meeting in June 2008. Following review of background materials and presentations on program research methods and results, particularly Change Analysis, the panel provided recommendations in five areas:

PSNERP Planning Aid Letter Attachment One

- Problem Identification
- Program Vision
- Scientific Foundation
- Incorporation of Best-Available Science
- Gaps in Logic or Process

After reviewing these recommendations, the NST and the Project Management Team determined an appropriate response and responsible entity for addressing identified issues.

A second meeting of the SSPRP was held in May 2009. The second review meeting focused more directly on emerging PSNERP technical products and “in-progress” tasks. These included the Future Risk Assessment Project, Strategic Needs Assessment, Management Measures Technical Report, Science and Adaptive Management Plan, and Stakeholder Involvement Strategy. The SSPRP’s second report organized recommendations in the following five areas:

- Identifying the Problem with Puget Sound Nearshore
- Strategic Restoration Portfolio Development
- Science, Technology, Monitoring and Adaptive Management
- Relationship to other Puget Sound Programs
- SSPRP Reporting and Feedback

The Project Management Team and NST members developed a response document to the second report, working with the SSPRP Chair to insure an appropriate approach to addressing issues raised by the Panel.

As a result of recommendations in the second SSPRP report, the NST prepared a science based problem statement based on Change Analysis and Strategic Needs Assessment conclusions. In October 2009, the SSPRP provided external peer review for the draft PSNERP Problem Statement.

In 2010, the SSPRP did not hold a “face to face” meeting, but collaborated via conference call and email to provide a review of the Draft Feasibility Report in December 2009/January 2011. The SSPRP reviewed the Draft Adaptive Science and Technology Plan in August 2010. Future SSPRP review tasks include the Strategic Needs Assessment Report (January 2011), Benefits Metrics (February 2011), and Puget Sound Nearshore Restoration and Conservation Strategies.

Stakeholder Involvement Strategy

A recognized need for a more strategic and organized approach to stakeholder involvement, prompted in part by the SSPRP first Review, led to development of a formal plan. In December 2008, the Stakeholder Involvement Strategy was produced by a PSNERP Workgroup formed for this purpose. Development of the plan required close coordination with the PSP, which maintains a strong interest in public outreach. Major elements of the PSNERP Stakeholder Involvement Strategy include:

- Fostering Broad Program Understanding and Support
- Developing and Reviewing Restoration and Protection Goals and Objectives
- Involving Stakeholders in National Environmental Policy Act (NEPA)
- Developing and Advancing a PSNERP GI Project List

Associated tasks and budget were included in revising the PSNERP Project Management Plan. The Stakeholder Involvement Team has remained active, assisting in implementation of information meetings, fact sheet production, developing a standardized presentation for use by all PSNERP team members, and in NEPA Scoping Meetings.

National Environment Policy Act Scoping

In October 2009, activities to comply with NEPA were initiated by Program Managers. A formal Notice of Intent to prepare a Draft Programmatic Environmental Impact Statement was published in the Federal Register on October 2, 2009. The Notice of Intent established a written comment period from October 26 through December 10, 2009. Public notices were placed in 14 Puget Sound newspapers.

The PSNERP Stakeholder Involvement Team organized and facilitated NEPA Scoping meetings; all were sparsely attended despite email and print notifications:

- Des Moines, WA – 14 people in attendance
- Port Townsend, WA – 7 people in attendance
- Lacey, WA – 15 people in attendance
- Mount Vernon, WA – 24 people in attendance

Less than 40 comments were received, either in writing or verbally at the scoping meetings. In summary, NEPA Scoping generated limited public interest, and no controversial issues were identified.

Program Management and Interagency Coordination

Project Management Plan Revisions

In January 2009 PSNERP Project Managers completed an extensive revision of the Project Management Plan (http://www.pugetsoundnearshore.org/program_documents/psnp_management-plan_voll.pdf). Tasks defined generally in the original Project Management Plan were more completely described based on progress to date and an improved understanding of deliverables necessary to meet the Corps' feasibility study/decision document requirements. This increased level of detail allowed for an updated project budget and schedule.

Cost-Share Agreement Update

The Corps and WDFW Executives signed an amendment to the PSNERP Cost-Share Agreement in March 2009. Based on Project Management Plan revisions, it was agreed to increase the total cost of the GI Study from the original estimate of \$12M to a revised estimate of \$19.1M. Each party agreed to contribute up to \$9.55M towards the cost of the study. Revision of the cost-share agreement insured continued progress towards completion of the GI as the original cost ceiling was approached by the parties.

Puget Sound Partnership Memorandum Of Understanding

In September 2009, the WDFW and the PSP signed a Memorandum of Understanding (MOU) regarding PSNERP. While the Corps was not a party to this agreement between State agencies, the clarification of relationships, roles, and responsibilities has had an important positive effect on the General Investigation. This includes sustained support for PSNERP, and prioritization of funding due to the role PSNERP serves to implement PSP's Action Agenda. The MOU addressed:

- Completion of the PSNERP General Investigation
- Coordination with the Federal government
- Stakeholder outreach and communication
- Relationship between PSP and PSNERP advisory and governance entities

Items pertaining to completion of the GI clearly communicate a shared interest in delivery of a draft Feasibility Report by the end of the State 2009-11 biennium (June 30, 2011). This has lead State managers to press for timely completion of the GI. Discussion of coordination partially shifts the funding burden from WDFW to a shared responsibility with PSP. Communication issues include changing the name from "Puget Sound Nearshore Partnership" to the original "Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)". Associated with this name change is direct affiliation of PSNERP with PSP as "the Nearshore Program of the Puget Sound Partnership". Sections

pertaining to Advisory and Governance Entities establish an important role for PSNERP in providing on-going technical support to nearshore restoration in Puget Sound. In summary, the PSP/WDFW MOU articulates PSNERP's responsibility in Puget Sound recovery efforts through its role in implementation of nearshore restoration.

Technical Studies and Deliverables

Draft Change Analysis Report

In July 2009, a first draft of the Change Analysis Report was completed. In October 2009, the draft Change Analysis report was submitted for peer review. In September 2010, a final version addressing peer review comments was completed. The document is currently being prepared for publication. Complete geospatial data used to conduct the PSNERP Change Analysis are available for download through the program website. Data are already widely distributed, and in-use by numerous entities beyond PSNERP. In FY 2012, the USFWS Coastal Program staff will be completing a strategic plan revision, and anticipate using PSNERP information to inform identification of program priorities.

The PSNERP Change Analysis provides a comprehensive, spatially-explicit analysis of net changes to nearshore ecosystems of Puget Sound since the period of early industrial development (c.a. 1850 to present). These observations provide indicators of qualitative change to nearshore ecosystem processes. Conceptual Models document assumptions regarding the relationship among nearshore ecosystem processes, structures and functions.

The PSNERP Change Analysis is intended to support the GI by informing restoration and preservation planning experts about the types, extent and consequences of changes to Puget Sound's shoreline. Additionally, the spatial geodatabase has been designed to accommodate future updates or expansions to datasets, providing a valuable tool to the Puget Sound nearshore management and restoration community.

Draft Strategic Needs Assessment Report

In September 2009, an initial draft of the Strategic Needs Assessment Report (SNAR) was completed by a team of NST, Implementation Team, and Contractors. The goal of this analysis was to characterize the impacts of shoreline and watershed alterations on nearshore ecosystem processes, identify the major problems contributing to the observed ecosystem degradation, and assess which of the causes are important to address through restoration and protection actions. The SNAR provides a more detailed evaluation of Change Analysis results, characterizing observed alterations of shoreline and watershed attributes to impacts on nearshore ecosystem processes. Stressors impacting nearshore ecosystem processes (e.g. tidal barriers, shoreline armoring, roads, and railroads) were evaluated in detail. Spatial distribution across Puget Sound, patterns of co-occurrence, and impacts on valued ecosystem components were described. Conceptual models documenting assumed relationships between stressors and ecosystem processes, structure, and function were developed. The SNAR established an analytical framework using

shoreline stressors to calculate metrics of process degradation. The information on degradation of ecosystem processes, as well as distribution of alterations documented in the Change Analysis Report, was used to identify major problems in Puget Sound nearshore ecosystems.

The Strategic Needs Assessment was revised following internal PSNERP team review, and a revised draft produced in January 2010. It was revised further to incorporate the results of the Future Risk Assessment Project, and to address comments raised by statisticians regarding the degradation metric calculation methods. A final draft for peer review was completed in December 2010.

Draft Future Risk Assessment Report

In October 2009, researchers at Oregon State University submitted the draft report “Envisioning Puget Sound Alternative Futures.” Following PSNERP Nearshore Science Team review, a revised final report was completed in May 2010. The Future Risk Assessment Project (FRAP) was intended to help inform PSNERP project selection by identifying risk associated with future population growth in the Puget Sound region. The FRAP developed three scenarios of change:

1. Status Quo, reflecting a continuation of current trends in the region,
2. Managed Growth, reflecting the adoption of an aggressive set of land use management policies focusing on protecting and restoring ecosystem function and concentrating growth with Urban Growth Areas and near regional growth centers, and
3. Unmanaged Growth, reflecting a relaxation of land use restrictions with limited protection of ecosystem functions.

Analyses assumed a fixed population growth rate across all three scenarios, defined by the Washington Office of Financial Management. Using these population projections and rules defined by the three scenarios, the project modeled land use/land cover, shoreline modifications, and population projections over the next 50 years (2060). The project provided summary statistics describing landscape change variables for each sub-basin in Puget Sound, and was aggregated to provide Sound-wide results.

Information from FRAP has been used to develop indicators of future risk that inform restoration and protection strategies. As part of the Corps planning process, information from FRAP has also been used to define the “future without project” condition. Modeling of future land use changes, driven by projections of population growth, is used to evaluate changes in watershed conditions. A subset of nearshore stressors, were also modeled, allowing PSNERP to forecast patterns of continued nearshore ecosystem degradation.

Problem Statement and Restoration Objectives

One of the primary recommendations of the second SSPRP report was development of a science based problem statement based on Change Analysis and Strategic Needs Assessment conclusions. In October 2009, the NST submitted a draft PSNERP Problem Statement for review to the SSPRP. A revised version addressing their comments was produced in August 2010, and received SSPRP support. A final version titled "*Degradation of Nearshore Ecosystem Processes in Puget Sound: Challenges for Restoration*" is now being prepared for layout and publication. A summary of the Problem Statement is also presented in the conclusion of the Strategic Needs Assessment Report.

The PSNERP Problem statement identified four major physical changes to Puget Sound's nearshore ecosystems:

1. There has been a dramatic loss of large river delta area, due primarily to barriers such as dikes that alter tidal hydrology. Much of the remaining large river delta area has been altered by shoreline armoring and other changes.
2. Many small, coastal embayments have been eliminated throughout Puget Sound or their connections to the Sound have been severed.
3. Impacts to beaches and bluffs, primarily as a result of shoreline armoring, have resulted in the loss of sediment supply and the interruption of sediment transport processes.
4. Estuarine wetlands have been extensively lost throughout Puget Sound. In particular, oligohaline and freshwater tidal wetlands have almost been completely eliminated.

This assessment also identified two major types of cumulative impacts associated with the interplay of these physical changes:

1. Puget Sound's shoreline has become shorter, simpler, and significantly more artificial since Europeans began settling the region.
2. Many places have experienced widespread, multiple, and compound changes. For example, armoring and roads often co-occur in the same place while some places that have experienced changes to the adjacent upland also experience changes directly on the shoreline.

These conclusions are documented through reference to Change Analysis and Strategic Needs Assessment results. The implications to biological resources are also documented where supported by empirical data.

These six major problems form the basis for defining PSNERP restoration and protection objectives. Definition of "planning objectives" is an essential step in the Corps planning process, by describing the desired results, and setting the stage for "plan formulation" and the identification of a preferred alternative for addressing the problems identified.

PSNERP Planning Aid Letter Attachment One

The PSNERP restoration objectives, sub-objectives and associated metrics are described in detail in the draft Feasibility Report:

1. Restore connectivity and size of large river deltas
 - a. Restore tidal flow in river deltas
 - b. Restore wetland quality and quantity with emphasis on oligohaline and tidal freshwater
 - c. Improve connectivity between the nearshore and adjacent uplands/watershed
 - d. Increase the shoreline length of large river deltas
2. Restore sediment input, transport, and accretion processes
 - a. Rehabilitate sediment input by reducing degradation of divergence zones and bluff-backed beaches
3. Restore shoreline complexity and length
 - a. Restore shoreline length
 - b. Restore embayments that have transitioned to artificial or have been lost
 - c. Restore existing embayments
4. Enhance landscape heterogeneity and connectivity
 - a. Restore richness of shoreforms
 - b. Reduce fragmentation of the shoreline
 - c. Improve connectivity between adjacent uplands and the nearshore
5. Protect relatively undegraded processes in large river deltas
 - a. Preserve relatively intact deltas including adjacent upland areas
 - b. Prevent further degradation of delta processes
6. Protect relatively undegraded sources of sediment
 - a. Prevent degradation of divergence zones and bluff-backed beaches
 - b. Protect bluff-backed beaches and divergent zones with minimal shoreline alterations
7. Protect relatively undegraded embayments
 - a. Conserve areas of intact tidal flow
 - b. Conserve areas of fewest shoreline alterations and least wetland area loss
8. Increase understanding of natural process restoration to improve effectiveness of project actions

In framing these restoration and protection objectives, the PSNERP Team has effectively linked observed changes in nearshore ecosystems, degradation of nearshore processes, major problems, and proposed solutions.

Management Measures Technical Report

A technical report describing 21 management measures available to restore and protect nearshore ecosystems was published in December 2009 following peer review. By relating actions to effects on nearshore processes, the Management Measures Technical Report

(http://www.pugetsoundnearshore.org/technical_papers/management_measures.pdf)

helps determine how to most effectively use the measures to accomplish process-based restoration in Puget Sound. The report:

- Provides an understanding of each measure's strengths, weaknesses and constraints.
- Provides the basis for describing proposed restoration actions for a development of a programmatic Environmental Impact Statement.
- Provides a systematic organizational framework for describing management measures that can be used to develop and evaluate site-specific restoration alternatives.

Appendices to the report pertaining to sea-level rise evaluate suitability of alternative sea-level rise scenarios for use by PSNERP, and provide a qualitative assessment of management measure vulnerability to sea-level rise.

Draft Feasibility Report

In December 2009, the PSNERP study team completed their first draft of a Feasibility Report for the General Investigation. This partial draft, prepared in advance of the Feasibility Scoping Meeting, describes the results of analysis to understand the magnitude and significance of nearshore ecosystem loss and degradation in Puget Sound, establishment of restoration objectives appropriate for the nature of the problem, and an approach to formulating a solution addressing these objectives. In short, this version provides the background necessary to describe a problem of National significance, stopping just short of defining a preferred alternative – this to be addressed in the final Feasibility Report.

In adherence to new Corps guidance for General Investigations, an Agency Technical Review was completed for the draft report by Corps subject matter experts outside of the Seattle District. The draft report was also reviewed by the PSNERP team, the Strategic Science Peer Review Panel, Seattle District Corps of Engineers staff outside of PSNERP, and Corps Regional Division staff. Following these reviews and subsequent revisions, the Draft Feasibility Report was submitted to Corps headquarters in March 2010.

Feasibility Scoping Meeting

The U.S. Army Corps of Engineers Headquarters review of the Draft Feasibility Report culminated in May 2010 with the completion of a Feasibility Scoping Meeting. The focus of this review and the Feasibility Scoping Meeting was policy compliance and technical sufficiency of the draft report. This review was successful, and in September 2010, the Seattle District received a Policy Guidance Memorandum from Corps headquarters. The memo documented compliance with Corps policy for the Draft Feasibility Report, and commended the PSNERP Team on the completeness of materials submitted for review. The Feasibility Scoping Meeting is a significant milestone in the completion of a Corps GI, and marks the transition from evaluation of conditions and defining a problem of National significance, to the development of a feasible, cost-effective solution for potential implementation by the Corps.

Candidate Projects List

In July 2010, the PSNERP Team completed an assessment of over 700 potential actions (“projects”) identified by the Puget Sound restoration community – Lead Entities, Marine Resource Committees, non-governmental conservation organizations, state agencies and local governments, tribal governments, and others. This assessment of actions in the Nearshore Project Database focused on whether the collection of actions within a site, typically a process unit at the scale of drift cell or river delta, addresses the site needs defined by PSNERP analyses. For each site, the team evaluated all actions located within the site that employed the prescribed management measures. Actions were evaluated based on:

- Ability to restore target ecosystem process (e.g. tidal flow): was it the “right action/right place”?
- Appropriate spatial scale: taken together, were the proposed actions sufficient to address the identified sources of nearshore ecosystem process degradation?
- Landowner issues: did the action likely involve willing landowners and/or public ownership?

Initial results identified approximately 200 individual actions. In order to further refine the project list and complete the site selection process, a series of “Site Conversations” were arranged with sponsors of projects. The objective of site conversations was to collaborate with sponsors to identify candidate actions suitable to advance to development of conceptual design. In August 2010, the initial screening was completed, and a list of 52 actions was advanced for more detailed evaluation.

Conceptual restoration designs are currently being completed for these candidate actions. This information, anticipated in January 2011, will allow the PSNERP Team to assess cost-effectiveness of these potential restoration actions, and ultimately identify a tentatively selected plan (project list) to advance through the GI, seeking authority for Corps implementation.

Principles for Strategic Conservation and Restoration

In September 2010, following peer review and final revisions, PSNERP published “Principles for Strategic Conservation and Restoration” (http://www.pugetsoundnearshore.org/technical_papers/conservation_and_restoration_principles.pdf). This report summarizes principles of landscape ecology and conservation biology that are applicable to the conservation and restoration of nearshore ecosystems in Puget Sound. Principles were drawn from a scientific literature review of landscape ecology and conservation biology and are intended to guide the prioritization of sites and actions by PSNERP and others. The result is eleven principles derived from the literature organized into three hierarchical scales:

- Overarching Principles
- Landscape Level Principles
- Site-Specific Principles

These principles, available earlier in final draft form prior to publication, were used to help define strategies used for evaluation and selection of candidate actions.

Draft Adaptive Science and Technology Plan

The Strategic Science Peer Review Panel’s second Report provided specific guidance in completing an Adaptive Management plan for the anticipated implementation phase of the Nearshore Project. In October 2010, a draft Adaptive Science and Technology Plan (ASTP) was submitted to the Strategic Science Peer Review Panel for their review and feedback. The Nearshore Science Team has received their comments, and is in the process of revising the ASTP to address this feedback.

The ASTP anticipates that an adaptive management framework will help to achieve maximum effectiveness of ecosystem restoration. Implementing this plan will benefit the broad community of restoration practitioners across the Puget Sound region by supporting a science partnership among Federal, State, local, and tribal governments that incorporates information gained through monitoring and adaptive management. It proposes to use both monitoring data and scientific investigation in collaboration among the non-Federal project sponsors and the Corps. Execution of the ASTP is intended to support the Construction General phase, including engineering and design of restoration actions, and to serve as a bridge between the planning of the GI and the implementation of the Construction General. A final version of the ASTP is anticipated in 2011.

FWCA Consultation

Observations and Recommendations

The Corps and their project partners continue to make good progress towards completion of the GI study. Concurrent with this progress are more immediate benefits of PSNERP

PSNERP Planning Aid Letter Attachment One

data, technical reports, and other tools to on-going restoration and protection efforts in Puget Sound. Program managers are succeeding in balancing long-term strategic planning, and the pressing needs of the broad community of restoration practitioners working to protect and restore Puget Sound. The PSNERP GI continues to receive strong support at the National level from Corps headquarters, and at the State level through its association with the PSP.

The success of the program continues to derive from its focus on using the best available science. Analytical methods have been substantially advanced and effectively applied over the past two years. The Program's commitment to both product-specific and programmatic peer-review helps insure on-going scientific integrity. This includes the establishment of the Strategic Science Peer Review Panel which has provided critical assessment of NST analyses and technical products.

As the GI moves towards successful delivery of a final Feasibility Report, the USFWS strongly encourages the Corps to plan for integration of a Construction General into larger Puget Sound recovery efforts. In particular, continued coordination with the PSP is essential to insure integration with regional efforts. Recently, the Seattle District Commander assumed a position on the PSP Ecosystem Coordination Board as one of three Federal agencies on this representative body. We anticipate that the Corps' new position on the Ecosystem Coordination Board will provide an opportunity for necessary coordination with on-going and future Puget Sound nearshore/coastal restoration and protection efforts.

The USFWS also encourages PSNERP partners, including the Corps, to apply emerging information and tools from PSNERP into other areas of nearshore restoration and protection. Recent discussions by the Puget Sound Federal Caucus on shoreline regulation and protection provide an example of forums where the use of PSNERP science and tools can be advanced.

While outside of the strict scope of the General Investigation study, USFWS appreciates the involvement of PSNERP technical and policy representatives in the effective implementation of Washington State's Estuary and Salmon Restoration Program. The application of PSNERP science in implementing on-the-ground restoration actions through the Estuary and Salmon Restoration Program serves to both advance strategic restoration in Puget Sound and to improve conditions benefitting fish and wildlife. This commitment to "learning by doing" while assisting Puget Sound recovery efforts is strongly supported by USFWS.

Similarly, the past two years has seen increased activity through the Corps §544 Puget Sound and Adjacent Waters authority. Qwuloolt Estuary Restoration is currently in advanced stages of planning, and anticipated for construction in 2011. The USFWS has had a long-term investment in this site, providing acquisition funds through the National Coastal Wetland Conservation Funds, and technical assistance through our Coastal Program. A Phase II project for Seahurst Park is also being advanced through the Puget Sound and Adjacent Waters authority, and would add an additional 1,200 feet of restored

shoreline to the 1,400 feet restored here in 2005. We encourage the Corps to continue to work with local sponsors to implement these projects in a timely manner, and to include monitoring and adaptive management as an essential element of project implementation.

Conclusions

The USFWS continues to support PSNERP as an activity that advances our Agency Mission. Successful completion of the PSNERP GI is a priority for the USFWS, as evidenced by our on-going participation and in-kind contributions to the study. We encourage Program Managers to continue the strong emphasis on advancing a strategic, science-based approach to nearshore restoration and protection for Puget Sound.

The USFWS stresses the importance of planning for integration of a Construction General into larger Puget Sound recovery efforts. An essential component of successful integration will involve continued collaboration with the PSP. Completion of the PSNERP GI has been identified in the PSP Action Agenda as a priority task. PSNERP can also provide information valuable in future revisions of the Action Agenda, and must transition from planning to implementation in the near future.

As the PSNERP continues to progress towards delivery of a Draft Feasibility Report, it is equally important to continue to advance on-the-ground restoration efforts. For PSNERP and the Corps, this includes the Estuary and Salmon Restoration Program and Puget Sound and Adjacent Waters. Finally, all PSNERP partners should recognize the broad applicability of PSNERP data and analytical methods, and the importance of their use beyond the GI. The Corps' other authorities for shoreline regulation, protection, and restoration, will benefit from applying the results of the GI.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

FEB 4 2010

Colonel Anthony Wright
Seattle District Commander
U.S. Army Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124

Dear Colonel Wright:

Subject: Puget Sound Nearshore Ecosystem Restoration Project

On behalf of the U.S. Fish and Wildlife Service (Service), I am writing to define our agency's position of support for the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) General Investigation. It is our intent that this agency view letter be included in the feasibility scoping meeting submittal package currently being prepared by your staff for transmittal to U.S. Army Corps of Engineers Headquarters. Our agency has consistently supported the work of PSNERP to systematically assess nearshore conditions in Puget Sound, use sound science to identify and advance priority restoration and protection actions, and increase funding for nearshore project implementation; all towards advancing our shared goal of the recovery of Puget Sound.

Our on-going support for PSNERP is directly related to advancing our agency mission and objectives. The mission of the Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. The Service also helps ensure a healthy environment for people through its work benefiting wildlife, and by providing opportunities for Americans to enjoy the outdoors and our shared natural heritage. In carrying out our duties, we understand the need for a strong reliance on science, and the importance of working collaboratively with other agencies and organizations. The PSNERP has consistently applied these strategies to achieve success.

The Service has provided in-kind support to PSNERP through participation of our staff in all aspects of PSNERP. The Service is represented on PSNERP Executive and Steering Committees. Our technical staff have been active participants in the Nearshore Science Team and Implementation Team, providing their experience and expertise in coastal ecosystem restoration, monitoring, and project evaluation. For over five years, Service biologist Curtis Tanner has been on assignment to the Washington Department of Fish and Wildlife, serving as the PSNERP local project manager. His technical expertise has benefitted the project's science basis, and he has helped integrate the lessons of PSNERP into our agency's work.

**TAKE PRIDE[®]
IN AMERICA** 

The Service has already used emerging results from PSNERP in successfully implementing ongoing restoration programs, including the Puget Sound Coastal Program. The PSNERP's comprehensive, Sound-wide analysis of change in nearshore ecosystem conditions and additional site specific information is valuable for our understanding of what has been lost in Puget Sound. This information will help us to define priorities and strategic approaches for the future. Having access to this level of information and sharing it with our partners will result in more effective and strategic restoration and protection actions.

Early actions identified through the Estuary and Salmon Restoration Program, associated with PSNERP, have provided opportunities for the Service to cost-share on regional priorities. Coastal Program funds and staff time have been used to help achieve on the ground benefits from PSNERP early actions. Similarly, the Estuary and Salmon Restoration Program's investment in estuary restoration at Nisqually National Wildlife Refuge, and PSNERP technical support for monitoring plan development, has provided a mutually beneficial partnership advancing the goals of the Service.

The approach used by the PSNERP study team provides a successful example for science-based decision support for ecosystem management. The Service will use the lessons and results from PSNERP as we advance Landscape Conservation Cooperatives (LCCs). We expect that stressors, threats, and conservation opportunities identified by PSNERP will help inform the North Pacific LCC. The LCCs are conservation-science partnerships between the Service, U.S. Geological Survey, and other agencies, states, tribes, and stakeholders within an ecoregion. They inform resource management decisions to address landscape-scale stressors which are anticipated to be accelerated by climate change.

Finally, the Service understands and supports the important contribution that PSNERP is making, and will continue to make, to the Puget Sound Partnership (Partnership). Identified as an Action Agenda priority, PSNERP delivers the nearshore component of the Partnership's efforts to recover the health of Puget Sound. The Service is an active member of the Puget Sound Federal Caucus and the Ecosystem Coordination Board, and strongly supports the role the PSNERP serves in meeting the Partnership's objectives.

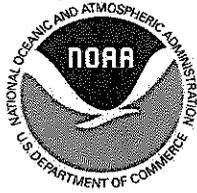
Thank you for the opportunity to express our agency view. If you have any questions, or require additional information on the work of the Service in Puget Sound, please contact Mary Mahaffy at (360-753-7763).

Sincerely,



Ken S. Berg, Manager
Washington Fish and Wildlife Office

cc:
COE, Seattle, WA (B Hargrave)



United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
United States Department of the Interior
Fish and Wildlife Service



National Marine Fisheries Service
510 Desmond Drive SE, Suite 103
Lacey, Washington 98503

U.S. Fish and Wildlife Service
510 Desmond Drive S.E., Suite 102
Lacey, Washington 98503

May 29, 2012

Evan Lewis
Seattle District - U.S. Army Corps of Engineers
Post Office Box 3755
Seattle, Washington 98124-3755

Dear Mr. Lewis:

This letter documents the coordination between the Seattle District U.S. Army Corps of Engineers (Corps) and the National Marine Fisheries Service and U.S. Fish and Wildlife Service (Services) regarding permitting for the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) proposed restoration projects. The Services express joint support for Corps' use of the new Fish Passage and Restoration Programmatic (FPRP) to consult on PSNERP projects. It is our intent to further review these proposed actions to determine which would be covered under the FPRP. The Services share an interest with the Corps in using the FPRP to address Endangered Species Act consultation requirements with most, if not all, of the PSNERP projects.

The Services are scheduled to continue writing a 2013 Fish Passage and Restoration Programmatic Opinion in the fall/winter of 2012 with anticipated completion prior to the 2013 construction season. This 2013 FPRP will replace the 2008 FPRP and update it for the additional species listed since 2008 and with additional action categories, mainly in the marine and estuarine environment.

The Services have reviewed the descriptions of the 15 initial PSNERP projects for which the Corps will likely be seeking construction authorization. Based on this initial review, we have drafted a new project category, Ecosystems Function Improvements (see Attachment 1) which is intended to cover restoration projects proposed by PSNERP. In developing the 2013 FPRP, we will work to further update project categories to provide programmatic coverage for restoration actions proposed by PSNERP where appropriate. These updates will necessarily be balanced by

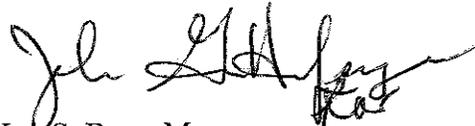
the legal requirements of the Services' to ensure protection of species and habitats covered by the Endangered Species Act.

The Services' acknowledge the potential for PSNERP projects proposed by the Corps to make substantial improvements in the health of Puget Sound nearshore ecosystems. These projects also advance our shared responsibilities to recover listed species dependent upon nearshore ecosystems. It is our intent to continue to support the Corps mission of ecosystem restoration to the extent our legal authorities and resource capacity allows. Please contact Stephanie Ehinger (NMFS) and/or Martha Jensen (UFWF) if you require additional assistance in this matter.

Sincerely,



William W. Stelle, Jr.
Regional Administrator
NOAA Fisheries



Ken S. Berg, Manager
Washington Fish and Wildlife Office
U.S. Fish and Wildlife Service

ATTACHMENT 1: PROPOSED ADDITIONAL FPRP CATEGORY RELATED TO PSNERP

Ecosystem Function Improvements (draft language, may change in the final)

Description. The objective of ecosystem function improvements is to remove and/or replace shoreline infrastructure (e.g., roads, trails, railroad crossings, shoreline armoring, dikes, fill, docs and marinas, and nearshore dams) with significantly less impacting infrastructure to allow for improved self-sustaining ecosystem function including passage of aquatic organisms, sediment transport and delivery, channel migration, tidal flow, and large wood movement. These projects are generally larger in scope than culvert replacements which were a principal focus of the original 2008 FPRP programmatic and include replacement of causeways¹ that currently constrict estuaries or floodplains with elevated, floodplain-spanning structures. Projects must comply with the General Conservation Measures (GCMs) listed in the GCM section of this Programmatic Biological Assessment (PBA) as well as the Specific Conservation Measures listed below.

¹A causeway is a road or railway elevated, usually across a broad body of water like an estuary or wetland.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Environmental and Cultural Resources Branch

MAR 05 2013

Mr. Reid Nelson
Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Ave. NW, Suite 803
Washington DC 2004-2501

Subject: Puget Sound Nearshore Marine Habitat Restoration Project, Puget Sound vicinity,
Washington

Dear Mr. Nelson,

The United States Army Corps of Engineers (Corps), in cooperation with the Washington Department of Fish and Wildlife (WDFW), is currently preparing a feasibility study and ecosystem restoration plan, referred to as the Puget Sound Nearshore Marine Habitat Restoration Project (Nearshore Project), to address significant ecosystem degradation at 18 locations in the nearshore zone of the Puget Sound Basin, Washington (see enclosed fact sheets and maps). Ecological degradation of the nearshore zone is primarily attributable to man-made stressors that have impeded ecosystem processes such as tidal exchange, transport of sediments and freshwater inflow. These man-made stressors include shoreline armoring and bank stabilization, wetland fill, tidal barriers or channel restrictions such as levees, dams and overwater structures such as railroad and highway infrastructure, and marinas, for example. Alternatives being considered within the Nearshore Project will address ecosystem degradation by removing many of these stressors and taking other actions to restore the natural ecosystems. Our review of the Nearshore Project for purposes of Section 106 of the National Historic Preservation Act (NHPA) has concluded that, given the multiple alternatives and locations under consideration and the restricted scope and scale of identification efforts in support of the planning decision, as per the Corps' new Planning SMART framework requirements for projects (see enclosed Planning Smart brochure), a Programmatic Agreement (PA) may be required to manage issues related to the level of effort for inventory and evaluation, effects to historic properties, and other requirements of Section 106. Within the context of a PA, and pursuant to 36 CFR 800.4(b)(2), the Corps proposes to use a phased process to conduct identification and evaluation of historic properties, including the partial deferment of identification and evaluation until the specific aspects or locations of alternatives are more fully defined. Pursuant to 36 C.F.R.

800.6(a)(1)(i)(c), the Corps is inviting the Advisory Council on Historic Preservation (ACHP) to participate in the development of the PA.

The nearshore zone of the Puget Sound is the transitional zone between terrestrial, freshwater, estuary and marine systems. It includes beaches, coastal banks or bluff, shallow waters in estuarine deltas, and tidal lands. These areas support a diverse array of fish, wildlife and plants, including several species listed under the Endangered Species Act. The Corps and WDFW have prepared a draft Feasibility Report/ Environment Impact Statement (FR/EIS) for the Nearshore Project. The FR/EIS takes a programmatic approach for considering restoration plans comprised of multiple locations. The FR/EIS provides a base-line study which utilizes readily-available information and analyzes proposed restoration actions at a 10 percent design level only. As indicated above, the tentatively selected plan (TSP) alternative provides for restoration actions at 18 nearshore locations. These locations are in six of the seven sub-basins around Puget Sound, including the highly productive shellfish regions of south Puget Sound and Hood Canal, and the Strait of Juan de Fuca which is a transition zone between the Pacific Ocean. Eight locations are in coastal embayments and five locations are in one of three major river deltas. All 18 locations contain critical habitat for ESA-listed species. Please refer to the enclosed fact sheets for current conditions and tentative restoration actions proposed at each location.

The cultural resource analysis presented in the FR/EIS is based on a series of preliminary investigations sponsored by the United States Fish and Wildlife Service (USFWS) in 2011. Those investigations were part of a larger study designed to provide baseline environment information for a candidate list of 36 nearshore locations with significant ecosystem degradation issues. The USFWS anticipated the Corps and WDFW would utilize the information to review, prioritize and select locations most appropriate to a request for federal funding. Baseline information collected for candidate locations not selected for the Nearshore Project, alternatively, would be made available to support and expedite final implementation of restoration actions through other federal, local, state or other programs.

Preliminary or baseline investigations for cultural resource concerns included: 1) literature review; 2) reconnaissance inventory; and 3) development of historic context for one of the most prevalent historic-age resources found at nearshore locations, agricultural dikes /levees. The first investigation reviewed existing literature for known and potential cultural resources within the area of potential effects (APE) at all 36 candidate locations. Consulted sources included the Washington Department Archaeology and Historic Preservation's data base of cultural resources reports and documented cultural resource properties, Washington State Register and National Register of Historic Places, and a wide variety of relevant primary and secondary documents. The reconnaissance inventory involved a pedestrian survey of public

lands within the APE of 15 candidate locations, 10 of which became Nearshore Project locations. Findings of the literature review and reconnaissance inventory revealed that 10 of the 18 Nearshore Project locations contain known prehistoric archaeological sites and three contain known historic archaeological sites, all of which could be impacted by restoration actions. Built environment resources identified and proposed for removal are two sections of railroad line, seven railroad bridges, eight highway bridges, nine dike/levee systems, five industrial facilities, fish hatchery, four marine-related research facilities, and numerous agricultural, residential, and commercial buildings.

Context developed for agriculture dikes / levees provided highly useful information for the era of initial construction and use in the 1860s and 1870s, and up to 1910. A more detailed analysis, however, is required for the historic-era post 1910. The Corps' program of upgrading existing agricultural dikes and constructing new levees for flood control purposes is of particular concern.

After approval of the FR/EIS, the Nearshore Project would be submitted to Congress for approval and funding. Once funding is authorized, the Corps would prepare Environment Assessments (EA) for each of the restoration project authorized for construction. At that point, each individual restoration project would be fully designed and analyzed within a project specific EA.

In addition to the ACHP, the Corps has notified the Washington State Historic Preservation Officer about the development of a PA and is also identifying and inviting parties who might be interested in consulting on the PA, including Indian tribes, Historic Preservation Commissions of certified local governments, WDFW and other government agencies and members of the public with a demonstrated interest in cultural or historical components of the Nearshore Project. We anticipate the PA would provide a process for completing the identification and evaluation of possible historic properties as the alternatives are refined and the projects are approved and funded, determining effects on historic properties, and addressing post-review discoveries of archaeological sites and inadvertent discoveries of human remains. We may also consider identifying best management practices or standard treatments of certain properties or effects, and the manner in which the Corps will conclude its Section 106 responsibilities for these individual actions.

As noted at the outset of this letter, our primary purpose is to notify you of the Nearshore Project and invite you to participate in the development of PA as provided at 36 C.F.R. § 800.6(a)(1)(i)(c). As we move forward in consultation with the consulting parties to develop the draft agreement document for this undertaking, we would appreciate any advice and guidance you might provide.

We look forward to our consultations with your office on this undertaking. For more information about this project or clarification about this request, please contact Ms. Mary McCormick (Cultural Resources Lead) by telephone at (206) 316-3938 or by email at mary.e.mccormick@usace.army.mil. I can be reached by telephone at (206) 316-3096 or by email at rolla.l.queen@usace.army.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rolla L. Queen", with a long horizontal flourish extending to the right.

Rolla Queen, Chief
Cultural Resources Section
Environmental and Cultural Resources Branch

cc with enclosures

CENWS-EN-ER

SUBJECT: SECTION 106 Letter to ADHP requesting participation in development of Programmatic Agreement for identification and treatment of historic properties with potential for impact by the Puget Sound Nearshore Marine Habitat Restoration Project, Washington.

MCCORMICK/EN-ER mm 3/5/13
QUEEN/EN-ER RQ 3/5/13

EN-ER Files



DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

REPLY TO
ATTENTION OF

Environmental and Cultural Resources Branch

MAR 05 2013

Dr. Allyson Brooks, Ph.D.
State Historic Preservation Officer
Department of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, WA 98504

Subject: Section 106 Notification and Review of the Puget Sound Nearshore Marine Habitat Restoration Project, vicinity of Puget Sound, Washington

Dear Dr. Brooks:

The United States Army Corps of Engineers (Corps), in cooperation with the Washington Department of Fish and Wildlife (WDFW), is currently preparing a feasibility study and ecosystem restoration plan, referred to as the Puget Sound Nearshore Marine Habitat Restoration Project (Nearshore Project), to address significant ecosystem degradation at 18 locations in the nearshore zone of the Puget Sound Basin, Washington (see enclosed fact sheets and maps). Ecological degradation of the nearshore zone is primarily attributable to man-made stressors that have impeded ecosystem processes such as tidal exchange, transport of sediments and freshwater inflow. These man-made stressors include shoreline armoring and bank stabilization, wetland fill, tidal barriers or channel restrictions such as levees, dams and overwater structures such as railroad and highway infrastructure, and marinas, for example. Alternatives being considered within the Nearshore Project will address ecosystem degradation by removing many of these stressors and taking other actions to restore the natural ecosystems. Our review of the Nearshore Project for purposes of Section 106 of the National Historic Preservation Act (NHPA) has concluded that, given the multiple alternatives and projects under consideration and the restricted scope and scale of identification efforts in support of the planning decision, a Programmatic Agreement (PA) may be required to manage issues related to the level of effort for inventory and evaluation, effects to historic properties, and potential management strategies. Within the context of a PA, and pursuant to 36 CFR 800.4(b)(2), the Corps proposes to use a phased process to conduct identification and evaluation of historic properties, including the partial deferment of identification and evaluation until the specific aspects or locations of alternatives are more fully defined. The Corps is also notifying the Advisory Council on Historic Preservation (ACHP) as required at 36 C.F.R. 800.6(a)(1)(i)(c) and inviting them to participate in the development of the PA.

The nearshore zone of the Puget Sound is the transitional zone between terrestrial, freshwater, estuary and marine systems. It includes beaches, coastal banks or bluff, shallow waters in estuarine deltas, and tidal lands. These areas support a diverse array of array of fish, wildlife and plants, including several species listed under the Endangered Species Act. The Corps and WDFW have prepared a draft Feasibility Report/ Environment Impact Statement (FR/EIS) for the Nearshore Project. The FR/EIS takes a programmatic approach for considering restoration plans comprised of multiple locations. The FR/EIS provides a baseline study which utilizes readily-available information and analyzes proposed restoration actions at a 10 percent design level only. As indicated above, the tentatively selected plan (TSP) alternative provides for restoration actions at 18 nearshore locations. These locations are in six of the seven sub-basins around Puget Sound, including the highly productive shellfish regions of south Puget Sound and Hood Canal, and the Strait of Juan de Fuca which is a transition zone between the Pacific Ocean. Eight locations are in coastal embayments and five locations are in one of three major river deltas. All 18 locations contain critical habitat for ESA-listed species. Please refer to the enclosed fact sheets for current conditions and tentative restoration actions proposed at each location.

The cultural resource analysis presented in the FR/EIS is based on a series of preliminary investigations sponsored by the United States Fish and Wildlife Service (USFWS) in 2011. Those investigations were part of a larger study designed to provide preliminary baseline environmental information for a candidate list of 36 nearshore locations with significant ecosystem degradation issues. The USFWS anticipated the Corps and WDFW would utilize the information to review, prioritize and select locations most appropriate to a request for federal funding. Baseline information collected for candidate locations not selected for the Nearshore Project, alternatively, would be made available to support and expedite final implementation of restoration actions through other federal, local, state or other programs.

Preliminary or baseline investigations for cultural resource concerns included: 1) literature review; 2) reconnaissance inventory; and 3) development of historic context for one of the most prevalent historic-age resources found at nearshore locations, agricultural dikes /levees. The first investigation reviewed existing literature for known and potential cultural resources within the area of potential effects (APE) at all 36 candidate locations. Consulted sources included the Washington Department Archaeology and Historic Preservation's data base of cultural resources reports and documented cultural resource properties, Washington State Register and National Register of Historic Places, and a wide variety of relevant primary and secondary documents. The reconnaissance inventory involved a pedestrian survey of public lands within the APE of 15 candidate locations, 10 of which became Nearshore Project locations. Findings of the literature review and reconnaissance inventory revealed that 10 of the 18

Nearshore Project locations contain known prehistoric archaeological sites and three contain known historic archaeological sites, all of which could be impacted by restoration actions. Built environment resources identified and proposed for removal are two sections of railroad line, seven railroad bridges, eight highway bridges, nine dike/levee systems, five industrial facilities, fish hatchery, four marine-related research facilities, and numerous agricultural, residential, and commercial buildings.

Context developed for agriculture dikes / levees provided highly useful information for the era of initial construction and use in the 1860s and 1870s, and up to 1910. A more detailed analysis, however, is required for the historic-era post 1910. The Corps' program of upgrading existing agricultural dikes and constructing new levees for flood control purposes is of particular concern.

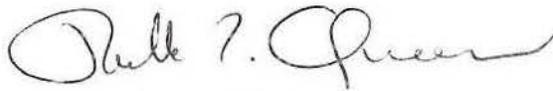
After approval of the FR/EIS, the project would be submitted to Congress for approval and funding. Once funding is authorized, the Corps would prepare Environment Assessments (EA) for each of the restoration projects authorized for construction. At that point, each individual restoration project would be fully designed and analyzed within a project specific EA.

In addition to the Washington State Historic Preservation Officer and Tribal Historic Preservation Officers, the Corps is in the process of identifying consulting parties who might be interested in consulting on the PA, including Indian tribes, Historic Preservation Commissions of certified local governments, WDFW and other government agencies and members of the public with a demonstrated interest in cultural, historical or social components of the Nearshore Project. We anticipate the PA would provide a process to continue identification and evaluation of possible historic properties as the alternatives are refined and the projects are approved and funded, determining effects on historic properties, and addressing post-review discoveries of archaeological sites and inadvertent discoveries of human remains. We may also consider identifying best management practices or standard treatments of certain properties or effects, and the manner in which the Corps will conclude its Section 106 responsibilities for these individual actions.

As noted at the outset of this letter, our primary purpose is to notify you of the Nearshore Project and our request to phase and defer identification and evaluation of historic properties as provided at 36 C.F.R. § 800.4(b)(2) through the development of a PA as provided at 36 C.F.R. § 800.14(b). As we move forward in consultation with the other consulting parties and your office to develop the draft agreement document for this undertaking, we would appreciate any advice and guidance you might provide.

We look forward to our consultations with your office on this undertaking. For more information about this project or clarification about this request, please contact Ms. Mary McCormick (Cultural Resources Lead) by telephone at (206) 316-3938 or by email at mary.e.mccormick@usace.army.mil. I can be reached by telephone at (206) 316-3096 or by email at rolla.l.queen@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Rolla L. Queen". The signature is written in black ink and is positioned above the typed name and title.

Rolla Queen, Chief
Cultural Resources Section
Environmental and Cultural Resources Branch

cc with enclosures

CENWS-EN-ER

SUBJECT: SECTION 106 Letter to SHPO requesting participation in development of Programmatic Agreement for identification and treatment of historic properties with potential for impact by the Puget Sound Nearshore Marine Habitat Restoration Project, Washington.

MCCORMICK/EN-ER mm 3/5/13

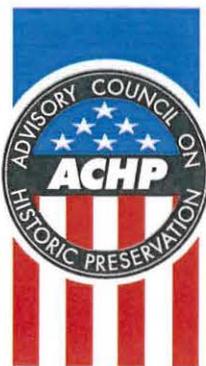
QUEEN/EN-ER RQ 3/5/13

EN-ER Files

Milford Wayne Donaldson
Chairman

Clement A. Price
Deputy Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

March 22, 2013

Lieutenant General Thomas P. Bostick
Commanding General
U.S. Army Corps of Engineers
441 G. Street, NW
Washington, DC 20314-1000

REF: Puget Sound Nearshore Marine Habitat Restoration Project, Washington State

Dear General Bostick:

The Seattle District of the Corps of Engineers has requested that the Advisory Council on Historic Preservation (ACHP) participate in the development of a Programmatic Agreement to help ensure that historic properties are fully considered as the Seattle District implements the referenced Nearshore Project. Pursuant to the Criteria for Council Involvement in Reviewing Individual Section 106 Cases (Appendix A to our regulations, 36 CFR Part 800) we believe the criteria are met for our participation in this undertaking. The restoration of natural ecosystems in Puget Sound and the activities associated with it (including removal of ecosystem stressors and enhancement of tidal exchange, sediment transport, and freshwater inflow) have the potential to adversely affect important historic properties, and may present questions of policy or interpretation. Accordingly, we will participate in consultation with the Seattle District on this undertaking.

By copy of this letter we are also notifying Mr. Rolla Queen, Chief of the Seattle District's Cultural Resources Section, of our decision to participate in consultation.

Our participation will be handled by Dr. Tom McCulloch, who can be reached at 202-606-8554 or at tmcculloch@achp.gov. We look forward to working with the Corps on this important project.

Sincerely,

John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



April 3, 2013

Ms. Rolla Queen
Cultural Resource Section Chief
US Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

In future correspondence please refer to:

Log: 040313-10-COE-S

Property: Puget Sound Near-shore Marine Habitat Restoration Programmatic Agreement

Re: More Information Needed

Dear Ms. Queen:

Thank you for contacting the Department of Archaeology and Historic Preservation (DAHP). I have reviewed the materials you provided for this project. We look forward to working with you, the US Army Corps of Engineers and the US Department of Fish and Wildlife in developing a Programmatic Agreement in the coming months to mitigate for cultural resource concerns while enhancing near-shore habitat and ecosystems.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800. Please contact me should you have any specific questions about our request and we look forward to having an opportunity to review and comment on the draft programmatic agreement when it is available.

Thank you for notifying DAHP of the opportunity. Should you have any questions, please feel free to contact me.

Sincerely,

Russell Holter
Project Compliance Reviewer
(360) 586-3533
russell.holter@dahp.wa.gov



DATES: Comments must be submitted on or before December 1, 2009.

ADDRESSES: Comments may be mailed to Steven A. Grossman, Office of Financial Management, U.S. Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Steven A. Grossman, (202) 418-5192; FAX (202) 418-5529; e-mail: sgrossman@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in

the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, the Commission invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality of, usefulness, and clarity of the information to be collected; and

- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

Procurement Contracts, OMB Control No. 3038-0031—Extension

The information collection consists of procurement activities relating to solicitations, amendments to solicitations, requests for quotations, construction contracts, awards of contracts, performance bonds, and payment information for individuals (vendors) or contractors engaged in providing supplies or services.

The Commission estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Annual number of respondents	Frequency of response	Total annual responses	Hours per response	Total hours
182	Annually	182	2	364

There are no capital costs or operating and maintenance costs associated with this collection.

Dated: September 28, 2009.

David Stawick,

Secretary of the Commission.

[FR Doc. E9-23815 Filed 10-1-09; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Programmatic Environmental Impact Statement for the Puget Sound Nearshore Marine Habitat Restoration Project, WA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Army Corps of Engineers (Corps), Seattle District, as lead Federal agency, will prepare a draft Programmatic Environmental Impact Statement (PEIS) evaluating a process based restoration project in the marine nearshore zone of Puget Sound, Washington to address the

interruption and degradation of nearshore habitat resulting from the disturbance of habitat forming processes caused by various human influences. This environmental impact statement will be a combined Federal NEPA and Washington State Environmental Policy Act (SEPA) document. The lead agency for SEPA will be the Washington Department of Fish and Wildlife. This is an opportunity for public comment; there will not be a separate SEPA process.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: Mrs. Chemine Jackels, Environmental Resources Section, U.S. Army Corps of Engineers, P.O. Box 3755, Seattle, WA 98124-3755.

FOR FURTHER INFORMATION CONTACT: Questions regarding the scoping process or preparation of the draft PEIS may be directed to: Chemine Jackels (206) 764-3646.

SUPPLEMENTARY INFORMATION:

1. *Proposed Action:* The Corps of Engineers and the Washington Department of Fish and Wildlife propose to evaluate alternative process based habitat restoration actions in the nearshore zone of Puget Sound (defined as that portion of Puget Sound that extends waterward from the upland and

backshore areas that directly influence conditions along the marine shoreline to the depth offshore where light penetration falls below a level that supports plant growth and in river deltas to the head of tide) which encompasses Whatcom, Skagit, Island, San Juan, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, and Clallam counties, Washington. For preparation of this draft PEIS, the Corps, Seattle District is the lead Federal agency under NEPA (42 U.S.C. 4321 *et seq.*) and the Council on Environmental Quality's implementing guidelines (40 CFR 1500-1508). The Washington Department of Fish and Wildlife is the lead State agency under the Washington SEPA (Chapter 43.21C RCW) and the SEPA guidelines (Chapter 197-11 WAC).

The Corps is authorized to study Puget Sound water uses under Section 209 of the River and Harbor Act of 1962 (Pub. L. 87-874). Corps of Engineers activities in ecosystem restoration will concentrate on restoring and performing scientific analysis of habitat forming processes (*i.e.*, hydrology, sediment transport, nutrient delivery) in the marine nearshore zone of Puget Sound.

The proposed action could potentially restore nearshore ecosystem habitat and processes by reconnecting isolated

habitat elements, increasing shoreform diversity, establishing areas of estuarine habitat, increasing floodplain habitat and connectivity, restoring small lagoons and estuaries, increasing the amount of submerged, emergent, and riparian vegetation, replenishing and protecting beach sediments, and improving tidal exchange. If the proposed action were approved, initial construction could begin in 2014.

2. *Restoration Alternatives:* Three programmatic restoration alternatives are currently being considered and evaluated in the environmental impact statement. The No Action alternative, as required by NEPA and SEPA, would include various agencies and groups continuing to implement small-scale restoration projects within existing frameworks without the implementation of this Corps of Engineers and Washington Department of Fish and Wildlife project. Continued implementation of restoration projects would focus on reconnecting isolated habitat elements, localized shoreline revegetation, restoration of estuary features and other discrete projects as real estate and funding allows. The second alternative is to pursue restoration of Puget Sound nearshore ecosystem processes using physical actions to remove or mitigate barriers to habitat forming processes and/or create habitats that have been lost as a result of those barriers. Under this alternative, plans may be formulated, including strategic restoration, which uses change analysis data comparing current and historic conditions as a means to identify candidate restoration sites based on criteria established by an interdisciplinary team, as well as stakeholders. The third alternative focuses on non-structural means to restore nearshore processes in Puget Sound. This non-structural alternative would include actions such as education, regulation, and changes in land-use policy. These three alternatives are not final and may not be analyzed in the final EIS, as they may change and/or new alternatives may develop during the scoping and NEPA process.

3. *Scoping and Public Involvement:* Public involvement will be sought during the study in accordance with NEPA and SEPA procedures. Public meetings will be held at the beginning of the NEPA process to scope the efforts that will be undertaken to prepare the draft PEIS. The objectives of the public meetings will be to clarify issues of major concern, identify information that might be needed to analyze and evaluate impacts, obtain public input on the range and acceptability of approaches and provide further definition of

alternatives. This notice of intent formally commences the joint scoping process under NEPA and SEPA. As part of the scoping process, all affected Federal, state, and local agencies, Native American tribes, and interested private organizations, including environmental interest groups, are invited to comment on the scope of the draft PEIS. Comments are requested concerning project alternatives, mitigation measures, probable significant environmental impacts, and permits or other approvals that may be required. To date, the following impact areas have been identified and will be analyzed in depth in the draft PEIS: (1) Marine mammals, fish, and invertebrates and their habitat, (2) sediment supply, (3) wetlands and estuaries, (4) submerged, emergent, and riparian vegetation, (5) wildlife, (6) land use, (7) public safety, and (8) hydrologic connectivity. The environmental review process will be comprehensive and will integrate and satisfy the requirements of NEPA (Federal), SEPA (Washington State), and other relevant Federal, state, and local environmental laws. The public scoping period will commence on October 26, 2009 in conjunction with the first scoping meeting and will extend throughout the development of the joint NEPA/SEPA PEIS. Four scoping meetings will be held throughout the Puget Sound region from 4 p.m. to 7 p.m. The meeting dates and locations are as follows:

October 26: Highline Community College, 2400 S. 240th St., Des Moines, WA 98198.

October 28: The chapel at Fort Worden State Park, 200 Battery Way, Port Townsend, WA 98368.

November 3: Lacey Community Center, 6729 Pacific Avenue SE., in the Woodland Creek Community Park, Lacey, WA 98503.

November 10: Skagit Station, 105 E. Kincaid, Mount Vernon, WA 98273.

All Federal, State, and local agencies, Native American Tribes, other interested private organizations, and the general public are invited to participate. Public comments will be considered in development of the draft PEIS. The formal public comment period will extend until December 10, 2009.

4. *Other Environmental Review, Coordination, and Permit Requirements:* Other environmental review, coordination, and permit requirements include preparation of a Clean Water Act, Section 404(b)(1) evaluation by the Corps, and consultation among the Corps, State of Washington, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration per Section 7 of the

Endangered Species Act. Coordination will be continued with the U.S. Fish and Wildlife Service to meet the requirements of the Fish and Wildlife Coordination Act and initiated with Washington Department of Ecology for Clean Water Act compliance, and with the Washington Department of Archaeology & Historic Preservation for compliance with Section 106 of the National Historic Preservation Act.

5. *Availability of the Draft PEIS:* The draft PEIS is scheduled for release during the summer of 2012 and the final PEIS is scheduled for release during the winter of 2012.

Anthony O. Wright,

Colonel, Corps of Engineers, District Engineer.
[FR Doc. E9-23765 Filed 10-1-09; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of a Novel Fiberglass Technology for Exclusive, Partially Exclusive or Non-Exclusive Licenses

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive or non-exclusive licenses relative to a novel fiberglass technology (e-glass; s-glass, etc.) as described in U.S. Patent Application 11/639,221 filed on 12/15/06; entitled "Nano-Textured Solid Surfaces and Methods for Producing Same"; Jensen and McKnight. Any license shall comply with 35 U.S.C. 209 and 37 CFR part 404.

FOR FURTHER INFORMATION CONTACT:

Michael D. Rausa, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: RDRL-DB/Bldg. 434, Aberdeen Proving Ground, MD 21005-5425, Telephone: (410) 278-5028.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E9-23767 Filed 10-1-09; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Army

Department of Defense Historical Advisory Committee; Meeting

AGENCY: Department of the Army, DoD.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

December 10, 2009

Ms. Chemine Jackels
Environmental Resources Section
U.S. Army Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

Ref: Puget Sound Nearshore Marine Habitat Restoration Project, Washington
EPA Project Number 09-061-COE

Dear Ms. Jackels:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) to prepare a Draft Programmatic Environmental Impact Statement (PEIS) for the **Puget Sound Nearshore Marine Habitat Restoration Project**, Washington. We are submitting scoping comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Puget Sound recovery is a priority for EPA. We fully support efforts to restore Puget Sound nearshore habitats and ecological processes that have been degraded and interrupted over time by various human influences. Considering our mutual interest in Puget Sound restoration, the Corps of Engineers (Corps) has expressed interest in working jointly with EPA to develop the Programmatic EIS. In response, we think it would be helpful to explore the potential benefit of EPA serving as a cooperating agency for the development of the PEIS. We invite further discussion on this topic in the near future with both the Corps and the Washington Department of Fish and Wildlife (WDFW). For the present, we would like to offer the following brief scoping comments:

Use Valued Ecosystem Components. Valued Ecosystem Components (VECs), such as, specific vegetation communities, forage fish, juvenile salmon, native shellfish, and nearshore birds have been selected to communicate to both managers and the public the value of Puget Sound nearshore restoration. VECs are a means to bridge both ecological and societal values, including economic, cultural, spiritual, and aesthetic values. We support their use to identify key outcome objectives for nearshore restoration, realizing that the specific VECs and environmental outcomes may differ substantially across different subareas of Puget Sound.

Optimize benefits at multiple scales. In developing priorities and assessing benefits we believe the nearshore restoration project should be designed to achieve optimal benefits at the scale of basins, sub-basins, and local deltas or nearshore drift cells.

Consider climate change. Planning for climate change is critical for a coastal restoration program of this magnitude. We advocate consideration of climate change with respect to both mitigation and adaptation actions over the proposed project period as well as in anticipation of future change and environmental needs beyond the project period.

Benefit from lessons learned. We recommend that project planners and implementers be mindful, articulate, and demonstrative in sharing the lessons learned from other regional coastal restoration initiatives.

Thank you for the opportunity to offer comment. We look forward to working with the lead agencies, whether formally or informally, to maximize the environmental and social benefits of nearshore restoration in Puget Sound. If you would like to discuss these comments or other aspects of the NEPA process, please contact me at (206) 553-2966 or at somers.elaine@epa.gov, or Michael Rylko, our National Estuary Program Lead for Puget Sound, at (206) 553-4014 or at rylko.michael@epa.gov.

Sincerely,

/s/

Elaine L. Somers
Environmental Review and Sediment Management Unit

CLEAN WATER ACT SECTION 404(b)(1) EVALUATION
PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION PROJECT
WASHINGTON
October 2014

1. Introduction. The purpose of this document is to record the Corps' evaluation and findings regarding the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) pursuant to Section 404 of the Clean Water Act (CWA). This document covers placement of excavated material at the locations listed below and shown in Figure 1 within the waters of the U.S. as part of PSNERP. This project will involve placement of fill below Ordinary High Water (OHW) in riverine areas and placement of fill below Mean Higher High Water (MHHW) in marine areas:

- Beaconsfield Feeder Bluff, Normandy Park, WA
- Deepwater Slough, Conway, WA
- Deer Harbor Estuary, Orcas Island, WA
- Dugualla Bay, Whidbey Island, WA
- Everett Marshland, Everett, WA
- Livingston Bay, Camano Island, WA
- Milltown Island, Conway, WA
- Nooksack River Delta, Ferndale, WA
- North Fork Skagit River Delta, La Conner, WA
- Spencer Island, Everett, WA
- Telegraph Slough, Burlington, WA

The information contained in this document reflects the findings of the project record. Specific sources of information included the following:

- a. *Historical Change and Impairment of Puget Sound Shorelines: Atlas and Interpretation of Puget Sound Nearshore Ecosystem Restoration Project Change Analysis* (Simenstad et al. 2011)
- b. *Implications of Observed Anthropogenic Changes to the Nearshore Ecosystems in Puget Sound* (Fresh et al. 2011)
- c. *Management Measures for Protecting the Puget Sound Nearshore* (Clancy et al. 2009)
- d. *PSNERP Strategic Restoration Conceptual Engineering – Final Design Report* (ESA et al. 2011)
- e. *PSNERP Feasibility Report/Environmental Impact Statement* (FR/EIS; USACE 2014)
- f. 404(b)(1) Evaluation (see below)
- g. Public Interest Review (see below)

This document addresses the substantive compliance issues of the Clean Water Act 404(b)(1) Guidelines [40 CFR §230.12(a)] and Public Interest Factors [33 CFR §320.4 as reference].

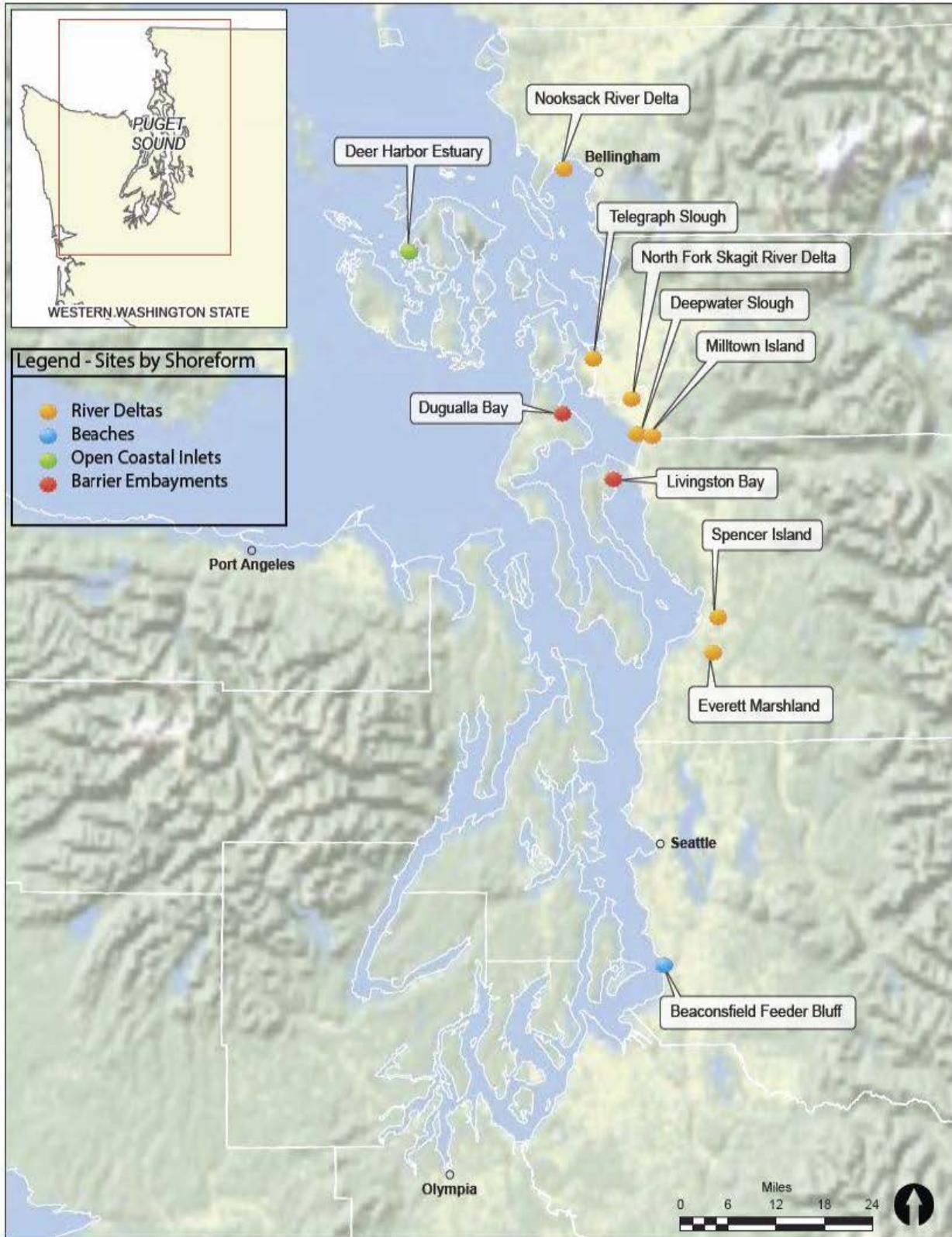


Figure 1. Geographic locations of the sites included in the preferred alternative.

2. Description of Proposed Discharge.

The 11 sites of the preferred alternative will each have some amount of excavation and fill or discharge below their relevant jurisdictional line as listed in Table 1. Some discharge may occur incidentally along with the various types of excavation required at each site. Some site restoration plans involve filling of drainage ditches to restore natural site hydrology, and some plans involve discharge of excavated material to restore a more complex topography. General project descriptions are located in Chapter 6 of the FR/EIS and complete descriptions of all features appear in Appendix B – Engineering Appendix of the FR/EIS. Table 1 lists the types of excavation, fill, discharge, and whether the jurisdictional consideration is mean lower low water (MHHW) for the marine environments or the OHW for riverine environments.

Table 1. Fill type and jurisdictional line for each of the 11 sites in the preferred alternative.

Site	Acres	Excavation	Fill and/or discharge	Water body type	Jurisdictional line type
Beaconsfield feeder bluff	6	armor removal along top of beach	potential temporary pilings during construction	marine	MHHW
Deepwater Slough	270	new channels	sidecast and fill ditches	tidal fresh	OHW
Deer Harbor Estuary	16	remove fill, riprap from under bridge	beach nourishment	marine	MHHW
Dugualla Bay	572	excavate channel	fill drainage channels	fresh change to marine	OHW and MHHW
Everett Marshland	829	excavate channels	fill canal; install culverts; fill ditches	tidal fresh	OHW
Livingston Bay	239	excavate channels	fill ditches; sidecast material; beach nourishment	fresh change to marine	OHW and MHHW
Milltown Island	214	controlled blasting	sidecast material	tidal fresh	OHW
Nooksack River Delta	1807	dredging, levee removal	install diversion at Lummi/Nooksack confluence	tidal fresh	OHW
North Fork Skagit River Delta	256	excavate channels; levee breaches; remove levees	sidecast material	tidal fresh	OHW
Spencer Island	313	levee breaches	sidecast material	tidal fresh	OHW
Telegraph Slough	832	remove tidal levees and tidegates; excavate channels	install culverts; build new levee	fresh and marine	OHW and MHHW

Types of material that will be used in filling canals and ditches will be clean gravel and soils that match native site conditions. Types of materials that may be discharged during construction will be native materials that have been excavated on site and discharged as sidecast material. One site may have two temporary pilings for barge and equipment access to the beach. If pilings are used, they would be immediately removed upon end of construction. Some beach nourishment may be necessary to restore a natural beach profile; this would be clean material from a local source.

3. Project Purpose and Need.

The purpose of the proposed action is to restore the natural processes in the nearshore zone that sustain the ecological resources important to the people of the Puget Sound region and the nation. Removal of stressors such as shoreline armoring and bank stabilization, tidal barriers, wetland fill, overwater structures, and tidal channel restrictions including levees will allow natural processes to recover. These processes support fish and wildlife and promote the ecosystem structures and functions provided by wetlands, kelp and eelgrass beds, and riparian vegetation including critical habitat for ESA-listed species.

Valuable natural resources in Puget Sound have declined to a point that the ecosystem may no longer be self-sustaining without intervention to curtail ecological degradation. Impairment of nearshore processes and degradation of ecosystem functions are critical factors in the declining health of Puget Sound. Anthropogenic stressors causing this impairment and degradation include the direct effects of physical alterations to the landscape that have eliminated large expanses of habitat and have disrupted the major ecological processes that create and sustain habitats. The degradation and loss of nearshore ecosystems is of critical concern because the nearshore zone serves as the connection between terrestrial, freshwater, and marine ecosystems. This means that the nearshore zone vitality, resilience, and productivity influence the productivity of the entire Puget Sound Basin. The alterations to the physiographic processes of the nearshore zone directly affect the ecosystem functions, goods, and services upon which humans depend.

The purpose of the material disposal component of the project varies by location. Some sites provide for beneficial re-use of native material excavated on site, and others may require filling of ditches and drainage canals with clean, locally sourced material to restore natural hydrology for wetland development. These purposes are used in the analysis of impact avoidance and minimization.

4. Availability of Less Environmentally Damaging Practicable Alternatives to Meet the Project Purpose. The FR/EIS discusses three alternatives that the Corps analyzed for the proposed action. These are as follows:

Alternative 1 (No Action):

This alternative is included for comparison purposes and represents future conditions without implementation of a large-scale Federal restoration project. Degradation trajectories would continue as influenced by development and existing restoration and protection authorities. Physical stressors of human influence on the nearshore zone such as fill, armoring, overwater structures, and other types of development would continue to impair water quality. These

structures replaced wetlands and preclude the re-establishment of wetlands around Puget Sound that provide valuable water filtration and pollutant sequestration functions.

Alternative 2: Restore 11 Nearshore Zone Sites

Alternative 2 includes 11 sites. The majority of these 11 sites are focused around the Skagit and Snohomish River Deltas, with one site on the stretch of shoreline between Tacoma and Seattle (Beaconsfield) and one to the north in the San Juan Islands (Deer Harbor). Sites are distributed in four of the seven Puget Sound sub-basins defined by the Nearshore Study (see Figure 1-1 in the FR/EIS). Sites included in this alternative range in size from six to 1,807 acres for a total area of restored wetland and aquatic habitat of 5,354 acres.

The 11 sites in this alternative include the following:

- Beaconsfield Feeder Bluff
- Deepwater Slough
- Deer Harbor Estuary
- Dugualla Bay
- Everett Marshland
- Livingston Bay
- Milltown Island
- Nooksack River Delta
- North Fork Skagit River Delta
- Spencer Island
- Telegraph Slough

Each of these project sites is a water-dependent activity because the purpose and need for the project is to achieve ecosystem restoration at each of the various types of aquatic habitat represented by the sites. Components of these project sites that involve some type of fill below OHW or MHHW are the filling of drainage channels that prevent the necessary hydrology for wetland establishment, installing culverts for fish passage, beach nourishment for sediment process restoration that assists with forage fish spawning, water diversion for improved water quantity and quality, and in one case, temporary pilings for equipment access to the restoration site.

Effects to water quality from filling drainage channels would be temporary limited turbidity within the canals and in the immediate vicinity of their outlet; however, the majority of these channels will be dry as the Corps would work during the driest months of the year to avoid unnecessary impacts. No fish inhabit these channels that run through agricultural fields, although some loss of aquatic invertebrate life may occur. Effects to water quality from pile driving would be minimal as pilings are driven into the substrate. Removal of the pilings would likely cause a small area of turbidity on the order of tens of square feet in shallow subtidal habitat. Turbidity would dissipate quickly and would not be substantial enough to bury organisms. Beach nourishment would be accomplished in dry conditions, but the first tide waters that inundate the site may wash any remaining sediment across the beach for a

temporary turbidity disturbance. Fish would be able to avoid the area and the quantity would not be substantial enough to cause mortality of invertebrates.

For sites in which the Corps will excavate distributary channels and then sidecast the material, sidecasting is the environmentally preferred alternative as it achieves the purpose of restoration of micro-topography at these sites. The combination of excavating channels, then creating swales with the sidecast material immediately improves the complexity of elevations at the site, and will allow for plants to be planted on top of the sidecast material and survive the newly established tidal inundation. As with beach nourishment sites, the first tide waters that inundate these sites will cause areas of turbidity; however, fish are expected to be able to avoid areas of turbidity and the quantity of sediment that becomes suspended in the water would not be substantial enough to cause mortality of invertebrates or to inhibit photosynthesis of any nearby submerged aquatic vegetation. For installation of culverts, some turbidity will be associated with stream diversion, then reintroduction to the improved channel. Turbidity typically endures for a period of several hours before completely dissipating at these types of projects. For the installation of a permanent diversion structure at the confluence of the Lummi and Nooksack Rivers, a temporary block will be placed during construction. Turbidity is anticipated to be minimal during construction. Reintroduction of water to the site would be similar to what occurs at a culvert replacement site. All temporary degradation of water quality caused during construction would be minor and would dissipate within hours of the disturbance.

Alternative 3: Restore 18 Nearshore Zone Sites

Alternative 3 includes 18 sites. These sites are geographically diverse, representing excellent process-based restoration opportunities across the entire Puget Sound nearshore zone. These sites range from the Nooksack River estuary in northern Puget Sound to the WDNR Budd Inlet beach in the South Sound, as well as three sites in Hood Canal, one in Discovery Bay on the Strait of Juan de Fuca, and several sites in between. Sites are distributed in six of the seven Puget Sound sub-basins defined by the Nearshore Study. The sites range in size from two to 1,807 acres for a total area of restored wetland and aquatic habitat of 5,523 acres.

The 18 sites in this alternative include all 11 sites in Alternative 2, plus these additional sites:

- Big Beef Creek Estuary
- Duckabush River Estuary
- Harper Estuary
- Point Whitney Lagoon
- Snow Creek and Salmon Creek Estuary
- Tahuya River Estuary
- WDNR Budd Inlet Beach

Alternative 3 contains all of the same types of fill and discharge as Alternative 2 and would have all of the same types of construction impacts with similar types of long-term gain in aquatic ecosystem restoration.

Findings. The Corps rejected Alternative 1 because it would not meet the project purpose and need to restore the natural processes in the nearshore zone that sustain biological resources including wetlands that provide natural filtration and improve water quality. The Corps did not select Alternative 3 because Federal and non-Federal implementation funds are a constraint. Although there are significant ecosystem restoration benefits associated with Alternative 3, this alternative is significantly more costly compared to Alternative 2. Alternative 3 is not likely affordable; funding limitations are a realistic constraint that must be factored into the decision-making process of determining the best investment for the funds available. The Corps selected Alternative 2 because it achieves all four planning objectives that were formulated to meet the purpose and need for aquatic ecosystem restoration. Designs are at the conceptual level of detail, so precise quantification of impacts is not available; however, means and methods of construction and project locations were analyzed and compared for their minimization of environmental impacts to aquatic habitats and water quality.

5. Significant Degradation, Either Individually or Cumulatively, To the Aquatic Environment

a. Impacts on Ecosystem Function. Activities conducted for this project will not adversely affect environmental concerns such as water, air, noise, aesthetics, or public access except during construction. These effects were described in Alternative 2 above and will be discussed in the relevant sections of the 404(b)(1) evaluation below. The activities will improve the physical, chemical, and biological characteristics of the aquatic environment. Significant areas of wetlands will be restored, enhanced, or established, which may result in the alteration or conversion of some types of wetlands. Freshwater tidal wetlands may be converted to saltwater-influenced wetlands and some vegetation types may shift toward salt tolerant plants. Some wetlands may be temporarily impacted by construction activities such as staging and access; however, these wetlands will be restored. There will be no permanent degradation to ecosystem function as a result of this project.

b. Impacts on Recreational, Aesthetic, and Economic Values. No significant adverse effects on recreation, aesthetics, or the economy are anticipated from the restoration proposal, nor have these types of effects occurred during previous similar restoration actions in the Puget Sound nearshore zone. The elimination of two marinas is not expected to curtail boat-based recreation; the activity would likely remain in the area but relocate to nearby facilities.

Findings. The Corps has determined that there would be no significant adverse effects to aquatic ecosystem functions and values. The proposed action will not cause significant degradation, either individually or cumulatively to the aquatic environment.

6. Appropriate and Practicable Measures to Minimize Potential Harm to the Aquatic Ecosystem.

a. Impact Avoidance Measures. The Corps will minimize and avoid impacts to waters of the United States to the maximum extent practicable at the project site. Implementation would involve 11 ecosystem restoration sites with construction in proximity to ecological resources. Through the analysis of potential effects of each of the proposed sites, certain potential adverse effects were identified. Each of the proposed sites would have short-term construction-

related effects with varying spatial and temporal scales and degrees of intensity. Construction designs would include practices that avoid and minimize effects to affected significant resources. Some of these avoidance measures include the following:

- The Corps would schedule in-water work to occur during designated periods (sometimes known as fish windows) consistent with recommended periods established by WDFW per Washington Administrative Code (WAC) 220-110-271.
- The Corps would schedule work outside of bird nesting season except where unavoidable.
- Each construction contractor would be required to prepare an Environmental Protection Plan to anticipate and avoid impacts for approval by the Corps.
- Construction sequencing would avoid exposing the entire site at one time and would avoid having bare soils during rainy months.
- Construction methods would include stabilizing erodible surfaces with mulch, compost, seeding, or sod to avoid causing turbid runoff.
- Methods would include the use of features such as silt fences, gravel filter berms, silt dikes, check dams, and gravel bags for interception and dissipation of turbid runoff water to avoid contributing turbid water to a water body.
- Construction timing seasonally as well as diurnally can avoid exposure of fish, diving birds, and marine mammals to sound by scheduling the noise-inducing activities for times when the animals are less likely to be present.
- Marine mammal and marbled murrelet monitoring plans can be implemented to alert construction teams when the animals are nearby and work should stop until the animals leave.
- Impacts to aultural resources will be avoided to the maximum extent practicable through project footprint adjustments or other measures as appropriate.
- All Hazardous, Toxic, and Radioactive Waste sites will be avoided.
- Impacts to wetlands would be avoided to the maximum extent practicable.
- The construction footprint would avoid impacts to essential fish habitat as established under the Magnuson-Stevens Sustainable Fisheries and Conservation Act.

b. Impact Minimization Measures. When avoidance is not feasible, the action agency should employ efforts to minimize impacts. The following is a list of methods to minimize adverse construction effects of the proposed restoration sites.

- Flag resources on site prior to construction to minimize the area of ground disturbance and vegetation clearing.
- Use the site's natural contours to minimize run-off and erosion.
- Encourage contractors to obtain construction materials and equipment from local producers or vendors to minimize energy use for shipping.
- Encourage construction personnel to carpool or use a crew shuttle van to minimize combustion of fuel and reduce emissions.
- Turn off equipment when not in use to reduce idling.
- Maintain equipment in good working order to maximize fuel efficiency and minimize emissions, and to ensure no leaking or dripping occurs.

- All machinery that will work in or near water will be required to use vegetable-based products for its lubricants and other hydraulic fluids
- Pile drivers can use shielding and dampening methods and materials at the point of impact; bubble curtains use controlled, specially sized air bubbles to dampen the sound pressure waves to minimize effects on aquatic life.
- Sound-absorptive mats called sound aprons made of rubber, lead-filled fabric, or plastic layers can be hung around the noise source to help shield the aquatic environment from excessive noise if deemed necessary through site analysis during PED phase.
- Project features shall be designed to minimize post-project erosion of any identified areas of contaminated sediment that may occur downstream or downcurrent from the project footprint.
- Limit pile-driving to times during low tides to take advantage of the way shallow water attenuates low frequencies and to reduce the area of effect.
- Follow strict protocols for handling hazardous materials to minimize the risk of releases occurring.
- All bare soils, including sidecast material for topography improvements, will be hydroseeded or planted with native plants as early in the construction process as possible to minimize turbid runoff

c. Compensatory Mitigation Measures. Compensatory mitigation is not anticipated to be required since all of the ecosystem restoration activities authorized by this project have the purpose of resulting in net increases in aquatic resource functions and services.

Findings. The Corps has determined that all appropriate and practicable measures, including impact avoidance, minimization, and mitigation, will be taken to minimize potential harm to the aquatic ecosystem. There are no practicably available fill or discharge alternatives that would be environmentally preferable and still be consistent with engineering requirements while meeting the project need for disposition of dredged, fill, sidecast, or beach nourishment material.

7. Other Factors in the Public Interest.

a. Fish and Wildlife. The Corps has coordinated with state and Federal agencies, as well as the Native American tribes of the Puget Sound basin, to assure careful consideration of fish and wildlife resources. The Corps will assure full compliance with the Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, and all other applicable laws as described in Chapter 7 of the FR/EIS prior to project implementation. Project designs will be coordinated with all applicable natural resource agencies.

b. Water Quality. The Corps will obtain a Water Quality Certification under Section 401 of the Clean Water Act for each proposed action. The Corps will abide by the conditions in each 401 Water Quality Certification to ensure compliance with state water quality standards when conducting activities involving the discharge of dredged material into waters of the United States.

c. Historic and Cultural Resources. Based on cultural resources investigations, the Corps has determined that additional research and field investigations will be required during Pre-construction, Engineering, and Design phase (PED) to identify historic properties.

Archaeological sites and other cultural resources have been identified within the area of potential effect of the project. The Corps has prepared a Cultural Resources Plan as the preliminary foundation of a memorandum of agreement as described in Appendix D of the FR/EIS.

d. Activities Affecting Coastal Zones. The Corps has determined that this work is consistent to the maximum extent practicable with the enforceable policies of the State of Washington under the Coastal Zone Management Act. The Corps will prepare a Coastal Zone Management Act consistency determination for each site of the proposed action for review by the Washington Department of Ecology.

e. Environmental Benefits. The PSNERP a suite of ecosystem restoration sites throughout the Puget Sound nearshore zone. The types of features identified for restoration include freshwater and tidal wetlands, coastal embayments, intertidal mudflats, estuarine tidal channels, beaches, and coastal bluffs. The proposed restoration measures remove stressors such as shoreline armoring and bank stabilization, tidal barriers, wetland fill, overwater structures, and tidal channel restrictions including levees to allow natural processes to recover. The project would restore 5,354 acres of tidally influenced wetlands or beach area and would remove 75,172 feet of stressors from the nearshore zone. This will restore the natural processes that support fish and wildlife and promote the ecosystem structures and functions provided by wetlands, kelp and eelgrass beds, and riparian vegetation. All 11 sites of the proposed plan include critical habitat for ESA-listed species.

f. Navigation. A minor, temporary disruption of navigation traffic may result from various bridge replacements as a component of restoration at specific sites. The Corps will ask the U.S. Coast Guard to issue a Notice to Mariners before operations are initiated.

Findings. The Corps has determined that the proposed action is within the public interest based on review of the public interest factors.

8. Conclusions. Based on the analyses presented in project NEPA and ESA documents, as well as the following 404(b)(1) Evaluation and General Policies for the Evaluation of Permit Applications analysis, the Corps finds that this project complies with the substantive elements of Section 404 of the Clean Water Act.

Clean Water Act Section 404(b)(1) Evaluation [40 CFR §230]

Potential Impacts on Physical and Chemical Characteristics (Subpart C)

1. Substrate [230.20] Substrate composition varies widely among the 11 proposed restoration sites. The purpose of the ecosystem restoration at the 11 proposed sites is to restore the natural hydrogeomorphological processes such that each site would evolve to host its most natural substrate characteristics and support bottom-dwelling organisms. Any imported materials would match native site conditions and would be free of contaminants.

2. Suspended Particulate/Turbidity [230.21] Discharge of excavated material will cause a temporary increase in turbidity and suspended particulate levels in the water column as tidal water or river flows inundate the restoration sites. Sand and most silt sink rapidly to the bottom, while a small percentage of finer material is expected to remain in suspension for a period of several hours. Increases in turbidity associated with placement operations will be local (confined to the areas in the immediate vicinity of the active excavation and the placement sites during sediment placement) and of short duration (i.e., currents disperse any suspended material within hours of placement) (Simenstad 1988; Nightingale and Simenstad 2001). An excavator will be used on site where the Corps proposes to excavate distributary channels to accelerate site evolution for restoration purposes. Work will be conducted in dry conditions to the maximum extent practicable. Following construction, tidal inundation or river flows introduced to each site may initially become turbid, but immediately following construction, the water is expected to clear as disturbed sediments are redistributed through restored natural flows. In the case of potential use of piles at one construction site, minimal disturbance of the substrate will occur during placement and removal and may have a small, temporary increase in turbidity, but will have no permanent effect.

3. Water Quality [230.22] No significant water quality effects are anticipated. The types of fill or discharge that will occur for filling of ditches and drainage channels, beach nourishment, culvert installations, and sidecasting of excavated material would not cause any significant or long-term degradation to color, odor, taste, or other chemical or physical characteristics aside from temporary turbidity as described above. As sites containing former agricultural fields are restored, this will reduce the type of nutrient input that can cause harmful algal blooms. Since placement operations will largely be conducted in dry conditions with an aquatic connection opened toward the end of the construction schedule in many cases, water quality impacts should be short lived (hours) and localized (immediate vicinity). Long-term benefits to water quality will occur through the restoration of 5,354 acres of wetlands, which serve as natural filters and help with sequestration of pollutants. Restoration will reconnect floodplains and riparian habitat.

4. Current Patterns and Water Circulation [230.23] The placement of fill and excavated materials will not obstruct flow; however the purpose of the proposed restoration is to change the direction, velocity, and total inundation area of water flow/circulation at each site, and to change the dimensions of the receiving water body at certain sites. The proposed action is intended to achieve a net benefit to current patterns and circulation for improved water quality and aquatic organism habitat and productivity by restoring historic processes and functions of nearshore habitats.

5. Normal Water Fluctuations [230.24] The placement of fill and excavated material from the proposed restoration work will not impede normal tidal fluctuations; in fact, it will improve conditions at each restoration site.

6. Salinity Gradients [230.25] The placement of fill and excavated material is intended to improve tidal flows and may appreciably affect salt wedge or salinity gradients for the benefit of water quality and aquatic organism habitat and productivity.

Potential Impacts on Biological Characteristics of the Aquatic Ecosystem (Subpart D)

1. Threatened and Endangered Species [230.30] Endangered Species Act (ESA) consultation will be completed via a Programmatic Biological Opinion. A Programmatic Biological Assessment was prepared and a Biological Opinion for Fish Passage and Restoration Actions in Washington State was issued to the Corps' Seattle District in 2008, and coverage under this Biological Opinion has been extended through 2019. The National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) are revising this programmatic consultation to specifically cover the actions proposed by the Nearshore Study. The reissuance of this programmatic consultation with explicit inclusion of all Nearshore Study sites and features is anticipated to occur in early 2015 and will be in place prior to the Record of Decision and Chief's Report. The Corps received letters from NMFS and USFWS indicating their support for using this process for ESA consultation. ESA-listed species are anticipated to see a net benefit as a result of this project.

2. Aquatic Food Web [230.31] Construction disturbance associated with fill may interfere with feeding and respiratory mechanisms of benthic, epibenthic, and planktonic invertebrates. Some sessile invertebrates in the aquatic areas of the sites will suffer mortality from construction disturbance. Potential impacts of material placement on salmonids, forage fish, and Dungeness crabs will be avoided through implementation of timing restrictions. The proposed restoration work is anticipated to provide a net benefit to the aquatic food web of Puget Sound. Details are provided in Chapter 5 of the FR/EIS.

3. Wildlife [230.32] Construction activity including pile driving, demolishing roads and bridges, and hauling off large amounts of material would cause temporary disturbances to bird communities, terrestrial and marine mammal, and amphibians due to noise (both airborne and underwater) and the presence of heavy equipment. These disturbances would likely cause a behavioral response to flee the area. Best management practices, such as working outside of the nesting season, would minimize these impacts. At several sites, agricultural areas would be flooded due to removal of tidal barriers. These areas are seasonally heavily used by migratory bird species; allowing tidal flow to enter would likely lead to a transition from communities dominated by snow geese and trumpeter swans (which are not habitat-limited in the Puget Sound region) to a wider variety of species like goldeneye, sandpipers, wigeons, scaups, and brandts that are associated with salt water habitats. Freshwater marshes that would be flooded with brackish water would transition from species like mallards and pintails to the saltwater species mentioned previously. A variety of birds that depend on forage fish and juvenile and adult salmon would greatly benefit from restored sites where these fishes' habitats (including marshes, eelgrass beds, and spawning beaches) are increased.

The primary impacts to marine mammals would result from noise disturbances caused by pile and/or sheet-pile driving, which could cause behavioral response such as fleeing, interfere with ability to locate prey, or result in physiological damage. Elevated turbidity could cause temporary displacement of marine mammals as well, likely those that occur in shallower water, such as harbor seals. Long-term benefits to marine mammals would be closely tied to the benefits provided to their prey, including increased habitat for forage fish and salmonids. Southern Resident killer whales would likely gain the most benefits from restoring processes that increase habitat for Chinook and chum salmon. Other marine mammals like porpoises, sea lions, and seals would benefit as well, but to a lesser extent since their diet consists of a wider variety of fish, some of which are not nearshore dependent. Other benefits include better beach habitat for harbor seal haul-out due to the removal of shoreline armoring, and increased foraging habitat due to the removal of tidal barriers.

Potential Impacts to Special Aquatic Sites (Subpart E)

- 1. Sanctuaries and Refuges [230.40]** The proposed action will not adversely affect any designated sanctuary or refuge area. Restoration will enhance the Skagit Wildlife Area (17,000 acres managed by Washington Department of Fish and Wildlife for hunting and wildlife viewing) and Padilla Bay National Estuarine Research Reserve.
- 2. Wetlands [230.41]** The project will overall have a net increase in total wetland area by restoring a total of 5,354 acres of various property types to become tidal or riverine wetlands. Some freshwater wetland areas may transition to more salt-tolerant plant and animal species. The Corps anticipates a net increase in functions and values of wetlands.
- 3. Mudflats [230.42]** The project will overall have a net increase in total mudflat area supporting mudflat biota, and foraging and nursery areas.
- 4. Vegetated Shallows [230.43]** The project will overall have a net increase in total area of vegetated shallows and will support nesting, spawning, nursery, cover, and forage areas.
- 5. Coral Reefs [230.44]** Not applicable.
- 6. Riffle and Pool Complexes [230.45]** Not applicable.

Potential Effects on Human Use Characteristics (Subpart F)

- 1. Municipal and Private Water Supplies [230.50]** Not applicable.
- 2. Recreational and Commercial Fisheries [230.51]** Removal of armoring, tidal barriers, and artificial fill in river deltas, embayments, and beaches would provide more shallow water habitat for juvenile salmon migration, increase eelgrass beds that are critical nursery areas, and provide more spawning beaches for forage fish, an important prey item for salmon. The increased salmon habitat could be presumed to assist with recovery of diminished populations thereby adding potential for increased sportfishing. Benefits to multiple aspects of salmon ecology would assist with recovery of this important recreationally and commercially harvested resource. Restoring important ecosystem processes of the nearshore zone could expand areas available for shellfish and may allow recolonization by native oysters. Removal of shoreline armoring and tidal barriers would benefit clams, oysters, and crabs by increasing sediment delivery and appropriate grain size distribution.
- 3. Water-Related Recreation [230.52]** The proposed project would not significantly affect long-term public access. During construction activities, some access and recreation sites may be

temporarily closed. Dike-top trails associated with two of the 11 sites would replace or improve existing conditions for walking and bird watching. Restoration of 5,354 acres of tidal wetlands and beach area would support fish and wildlife species and associated recreational opportunities such as increased bird watching opportunities. Finally, there is a chance for potential displacement or substitution of recreation opportunities associated with this alternative. Waterfowl hunting opportunities may be displaced by new or different recreation opportunities (e.g., bird watching) at some of the sites included in this alternative due to habitat type changing the type of birds that use the areas. Two marinas would be removed. These are Blake's Marina on the North Fork of the Skagit River and Twin Bridges Marina as part of the Telegraph Slough restoration site. Recreational vessels would be expected to relocate to one of the several marinas within 10 miles.

4. Aesthetics [230.53] The proposed project sites would have a temporary reduction of aesthetic quality for the duration of construction, which may take months to years per site as vegetation matures. The long-term change, however, would be a return of the shoreline to a more natural configuration resembling the pre-settlement wilderness conditions. None of the stated values of the Shoreline Management Act would be precluded or degraded. The result of the proposed action would not degrade natural viewsheds, conflict with local guidelines or goals related to visual quality, reduce sunlight availability in residential areas, or obstruct views of valued resources. Therefore, the proposed action would have no significant impact on the visual quality and aesthetic resources in the Puget Sound area.

5. Parks, National and Historic Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves [230.54] Ecosystem restoration of the Puget Sound Nearshore zone would have a net benefit to all valued qualities of parks, national and historic monuments, national seashores, wilderness areas, research sites and similar preserves. Restoration at Telegraph Slough would directly benefit and increase the total area of Padilla Bay National Estuarine Research Reserve.

Evaluation and Testing (Subpart G)

1. General Evaluation of Dredged or Fill Material [230.60] No specific soils testing has occurred at the project sites, but will be completed during PED phase. No contaminated material will be used as fill, nor will it be sidecast after excavation if found to contain contaminants. Sources of fill will be examined to ensure that any material imported to restoration sites to be used as fill will be clean material free of contaminants.

2. Chemical, Biological, and Physical Evaluation and Testing [230.61] No specific soils testing has occurred at the project sites, but will be completed during PED phase, or during construction phase prior to delivery to the restoration sites. Any material within the restoration sites found to contain contaminants will be permanently removed from the aquatic environment to an upland placement site.

Action to Minimize Adverse Effects (Subpart H)

1. Actions Concerning the Location of the Discharge [230.70] The effects of the discharge would be minimized by locating the fill to avoid smothering organisms. The construction timing will avoid periodic inundation patterns such as high tides, and project designs will restore natural patterns that have been interrupted. The beach nourishment will not disrupt tidal flows,

nor create standing bodies of water. The location and timing of the discharge have been planned to minimize effects to marine organisms.

2. Actions Concerning the Material to be Discharged [230.71] No treatment substances nor chemical flocculates will be added to the materials before placement. Sidecast material and fill material will be placed on site in the smallest quantities required for restoration.

3. Actions Controlling the Material after Discharge [230.72] Methods for reducing the potential for erosion, slumping, or leaching will be employed to minimize disturbance to the aquatic environment. The timing of placement will occur within environmentally protective work windows. The construction methods may employ berms and dewatering as necessary to control immediate runoff and associated loss of material deposited above the high tide line, but placed material is expected to subsequently erode through natural processes.

4. Actions Affecting the Method of Dispersion [230.73] The placement sites have been selected to execute process-based restoration, and to facilitate a more stable beach profile and to avoid nearshore and wetland impacts from material placement. Some fill material will be used to plug drainage channels that have been inhibiting wetland development.

5. Actions Related to Technology [230.74] Appropriate machinery and methods of transport of the material for discharge will be employed. All machinery will be properly maintained and operated. Selection of machinery will be appropriate for each type of restoration site and will aim to avoid and minimize impacts to wetlands.

6. Actions Affecting Plant and Animal Populations [230.75] The timing of the proposed discharge operations will minimize the potential for adverse effects to animal populations. To avoid impacts on bull trout, juvenile salmon, and forage fish, the Corps will observe work windows. Construction timing will avoid spawning and migration seasons and other biologically critical periods for fish and wildlife. Seasonality of plant life will be considered in both construction impacts as well as revegetation timing in restored sites.

7. Actions Affecting Human Use [230.76] The placement will not damage aesthetically pleasing features of the aquatic landscape. The placement will not increase incompatible human activity in remote fish and wildlife areas. Potential impacts on Native American fishing rights are minimized mainly by construction timing and close coordination with the potentially affected tribes.

8. Other Actions [230.77] The Corps has considered the likely conversion of freshwater wetlands to estuarine and marine wetland ecosystem types. An alternatives analysis appears in the FR/EIS.

Application by Analogy of the General Policies for the Evaluation of Public Interest [33 CFR §320.4 for reference]

1. Public Interest Review [320.4(a)] The Corps finds these actions to be in compliance with the 404(b)(1) guidelines and not contrary to the public interest.

2. Effects on Wetlands [320.4(b)] Effects to wetlands have been determined to be a net benefit.

3. Fish and Wildlife [320.4(c)] The Corps consulted the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to ensure that direct and indirect loss and damage to fish and wildlife resources attributable to the proposed work will be minimized. The project will result in a net benefit to fish and wildlife resources.

- 4. Water Quality [320.4(d)]** Timing of excavation and material placement will help reduce potential temporary local impacts on fish and wildlife due to water quality. The Corps will abide by the conditions of the Section 401 Water Quality Certification anticipated to be issued for each restoration site to ensure compliance with water quality standards when conducting activities involving the discharge of dredged material into waters of the United States.
- 5. Historic, Cultural, Scenic, and Recreational Values [320.4(e)]** No wild and scenic rivers, National Landmarks, National Rivers, National Wilderness Areas, National Seashores, National Recreation Areas, National Lakeshores, National Parks, National Monuments, or estuarine and marine sanctuaries will be adversely affected by the proposed work. Padilla Bay National Estuarine Research Reserve will see direct benefits from restoration of Telegraph Slough. Some historic properties and archaeological resources have been identified at the project sites. The Corps is consulting with the State Historic Preservation Office and the Advisory Council on Historic Preservation on the appropriate mechanism to conclude the agency's Section 106 responsibilities. See Appendix D of the FR/EIS.
- 6. Effects on Limits of the Territorial Sea [320.4(f)]** The proposed work will not alter the coastline or baseline from which the territorial sea is measured for the purposes of the Submerged Lands Act and international law.
- 7. Consideration of Property Ownership [320.4(g)]** Projects will not be implemented without landowner willingness. Section 6.5 of the FR/EIS outlines the real estate planning strategy.
- 8. Activities Affecting Coastal Zones [320.4(h)]** The proposed action is consistent to the maximum extent practicable with the policies, general conditions, and general activities specified in the Washington State Coastal Zone Management Program. Individual Coastal Zone Consistency Determinations will be prepared for each project according to its locality.
- 9. Activities in Marine Sanctuaries [320.4(i)]** Restoration at Telegraph Slough will increase the total area and provide direct benefits to the Padilla Bay National Estuarine Research Reserve.
- 10. Other Federal, State, or Local Requirements [320.4(j)]** The Corps has analyzed the proposed action under all applicable Federal, State, and local requirements and documented this compliance in Chapter 7 and Appendix J of the FR/EIS.
- 11. Safety of Impoundment Structures [320.4(k)]** Not applicable.
- 12. Floodplain Management [320.4(l)]** The proposed work will restore and improve floodplain areas.
- 13. Water Supply and Conservation [320.4(m)]** Not applicable.
- 14. Energy Conservation and Development [320.4(n)]** Not applicable.
- 15. Navigation [320.4(o)]** No permanent impacts to navigation are anticipated.
- 16. Environmental Benefits [320.4(p)]** The project will restore 5,354 acres of tidally influenced wetlands or beach area and would remove 75,172 feet of stressors from the nearshore zone.
- 17. Economics [320.4(q)]** Restoration of natural resources is anticipated to have a net benefit to socioeconomic resources through increase populations of recreationally and commercially harvested species.
- 18. Mitigation [320.49(r)]** Project designs will incorporate all available impact avoidance and minimization measures to the extent practicable. Compensatory mitigation is not anticipated to be required since all of the ecosystem restoration activities authorized by this project have the purpose of resulting in net increases in aquatic resource functions and services.

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