

Navigation Section
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Seattle, Washington 98124-3755
Attn: Hans Miller (OD-TS-NS)
or Chemine Jackels (PMP-E)

Notice Date: June 19, 2018
Expiration Date: July 20, 2018
Reference: CENWS-PMP-18-19

**U.S. ARMY CORPS OF ENGINEERS, UPPER DUWAMISH WATERWAY
MAINTENANCE DREDGING AND DISPOSAL, FISCAL YEARS 2020 THROUGH 2035**

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Seattle District (USACE) plans to conduct routine dredging and disposal activities associated with maintenance of the Upper Duwamish Waterway in the City of Tukwila and King County, WA. The maintenance dredging and disposal program for fiscal years (FY) 2020 through 2035 is described below, and the location of the proposed dredging and disposal sites are shown on the attached plans (Attachment A). The dredging would be performed one or multiple times during the designated period as necessitated by shoaling conditions within the basin, and as permitted by the availability of Federal resources. Each dredging episode is expected to extend approximately 45-60 days. The purpose of this Public Notice is to solicit comments from interested persons, groups, and agencies on USACE's proposal for disposal of dredged material into the waters of the U.S.

This Public Notice is being issued in accordance with rules and regulations published as 33 CFR 335 "Operation and Maintenance of Army Corps of Engineers Civil Works Projects Involving the Discharge of Dredged or Fill Material into Waters of the U.S. or Ocean Waters"; 33 CFR 336 "Factors to be Considered in Evaluation of Army Corps of Engineers Dredging Projects Involving the Discharge of Dredged Material into Waters of the U.S. and Ocean Waters"; 33 CFR 337 "Practice and Procedure"; and 33 CFR 338 "Other Corps Activities Involving the Discharge of Dredged Material or Fill into Waters of the U.S."

PURPOSE AND PROJECT OBJECTIVE

The purpose of the project is to maintain Congressionally-authorized project depths in order to provide safe navigation and a wide turning area for large ships in this industrial port area. This project is needed because without routine maintenance dredging, shoaling would reduce the ability of large ships to enter and leave safely. In addition, not conducting maintenance dredging in the settling basin would result in a buildup of sediment in the settling basin, which would eventually exceed the holding capacity of the settling basin and the sediment would continue to move downstream and shoal in the channel below the settling basin, again impeding channel navigation. Additionally, clean sediment moving through the settling basin would settle known downstream contaminated areas and become mixed with contaminated sediment. Eventually, as sediment accumulates in these downstream areas, dredging could be required in contaminated areas below the settling basin to maintain channel navigability.

AUTHORITY

The Seattle Harbor Federal Navigation Project and maintenance dredging is authorized by the Rivers and Harbors Acts of March 2, 1925 and July 3, 1930. The authorized depth in segment A of the channel and settling basin (stations 254+00 to 270+56) is -15 feet Mean Lower Low Water (MLLW) with a 2-foot allowable overdepth. The authorized depth in segment B (stations 242+00 to 254+00) is -15 MLLW with 1-foot allowable overdepth. See Figure 2 for station locations. . The authorized dimension for the channel bottom width is 150 feet. The authorized dimensions for the settling basin (also known locally as the turning basin) are 250 feet wide by 500 feet long.

PROPOSED PROJECT

The proposed work would dredge up to 200,000 cubic yards (cy) of material per dredging event from the boat basin and dispose of it at the Dredge Material Management Program's (DMMP) open-water disposal site in Elliot Bay (see Figures 1 and 2) over the 15-year period of FY 2020 - 2035. The tentatively preferred alternative calls for dredging to be conducted with a clamshell dredge during the designated work window of 1 October through 15 February. All dredging would occur within the federally authorized footprint for the navigation channel and turning basin. The proposed dredged material has been tested and determined suitable for open water disposal, as found in the most recent suitability determination dated 24 May 2018 by the regulatory agencies which have jurisdiction over dredged material disposal in open-water sites associated with Elliot Bay. Sediment testing includes both chemical and biological testing. All sediment testing data are available at the USACE Dredge Material Management Office at:

<http://www.nws.usace.army.mil/Missions/CivilWorks/Dredging/SuitabilityDeterminations.aspx>

Material would be transported via bottom-dump barge and released below the waterline for placement in the Elliot Bay non-dispersive aquatic disposal sites.

To avoid impacts to bull trout and out-migrating juvenile salmon, USACE would only dredge within the designated work window mentioned above. A clamshell dredge would be used under the tentatively preferred alternative to reduce entrainment of benthic oriented fish and invertebrates. A water quality monitoring plan is being developed that is consistent with the conditions and adheres to applicable criteria issued in the water quality certification from the Washington Department of Ecology associated with the disposal of dredged material into the waters of the U.S.

ENVIRONMENTAL COMPLIANCE

The proposed maintenance activities will be reviewed in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); Section 404 of the Clean Water Act (33 U.S.C. 1344); Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1451 et seq.), and the National Historic Preservation Act of 1966 as amended (54 U.S.C. 300101 et seq.).

A Draft Environmental Assessment (EA) and 404(b)(1) evaluation have been prepared for this action and are posted at:

<http://www.nws.usace.army.mil/Missions/Environmental/Environmental-Documents/>

The Draft EA's public comment period is concurrent with the comment period for this Public Notice. The paper copies of the Draft EA are available upon request. Once complete, the EA will be posted and available on the Seattle District web site listed above.

USACE submitted a Combined Project Biological Assessment (BA) for maintenance dredging, of which this dredging action will be one component, to NMFS and USFWS. USFWS concurred with the determination of "may affect, but not likely to adversely affect" bull trout and their critical habitat, and marbled murrelet in a letter dated 24 May 2017. NMFS did not concur with USACE's effects determination of not likely to adversely affect for Puget Sound steelhead and Chinook salmon, and determined the proposed action "may affect and is likely to adversely affect" (LAA) these species and their critical habitat but would not cause jeopardy to these species or adversely modify their critical habitat. NMFS issued a BiOp with an incidental take statement to USACE on 26 January 2018 for these species. NMFS required USACE to implement Reasonable and Prudent Measures (RPMs) in the Biological Opinion to minimize the level of "take" associated with the proposed action for these species. USACE also prepared a BA in accordance with the ESA for the placement of materials at the Elliot Bay disposal site. USACE received a Biological Opinion on 17 December 2015 from NMFS and a letter of concurrence on 28 July 2015 from USFWS for the DMMO disposal sites.

USACE is seeking a Clean Water Act Section 401 Water Quality Certification (WQC) from the Washington Department of Ecology. In conducting activities involving the discharge of dredged material into waters of the United States, USACE will abide by the applicable conditions of the existing WQC to ensure compliance with State water quality standards. USACE has determined that the proposed work is consistent to the maximum extent practicable with the enforceable policies of the approved Washington Coastal Management Program. State concurrence with this determination has been requested. USACE is coordinating the work with the Washington State Historic Preservation Office (SHPO).

PUBLIC INTEREST EVALUATION

The decision to proceed with this disposal of dredged material will be preceded by a determination of whether the proposed activity would be in the public interest. All factors which may be relevant to the proposal's public interest will be considered; among those are navigation and the Federal standard for dredged material disposal; water quality; coastal zone consistency; wetlands; endangered species; historic resources; scenic and recreation values; fish and wildlife; marine sanctuaries; applicable state/regional/local land use classifications, determinations, and/or policies; conservation; economics; shoreline erosion and accretion; safety; and considerations of property ownership.

As a foundation for its public interest determination, USACE will consider, on an equal basis, all alternatives that are both reasonable and practicable, i.e., available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. USACE will select the alternative that represents the least costly alternative, constituting the discharge of dredged or fill material into waters of the United States in the least costly manner and at the least costly and most practicable location, that is consistent with sound

engineering practices, and that meets the environmental standards established by the Clean Water Act Section 404(b)(1) evaluation process.

COMMENT AND REVIEW PERIOD

USACE is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the effects of this activity. To make this decision, comments are used to assess impacts on ESA listed species, historic properties, water quality, general environmental effects, and other public interest factors listed above. The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. Conventional mail or e-mail comments on this Public Notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. Submitted comments should include on the subject line the public notice number. The comment must include the commentator's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office no later than the expiration date of this public notice to ensure consideration.

PUBLIC HEARING

Any person may request, in writing and within the comment period specified in this Notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

COMMENTS TO THE CORPS OF ENGINEERS

Replies to this Public Notice should be mailed to reach the District Engineer, ATTN: CENWS-PMP-E, PO Box 3755, Seattle, Washington 98124-3755, not later than July 20, 2018 to assure consideration. Requests for additional information should be directed to Mr. Hans Miller, Project Manager, (206) 316-3832 or via email at Hans.C.Miller@usace.army.mil, or Ms. Chemine Jackels, Environmental Coordinator, (206) 764-3646 or via email at Chemine.R.Jackels@usace.army.mil.

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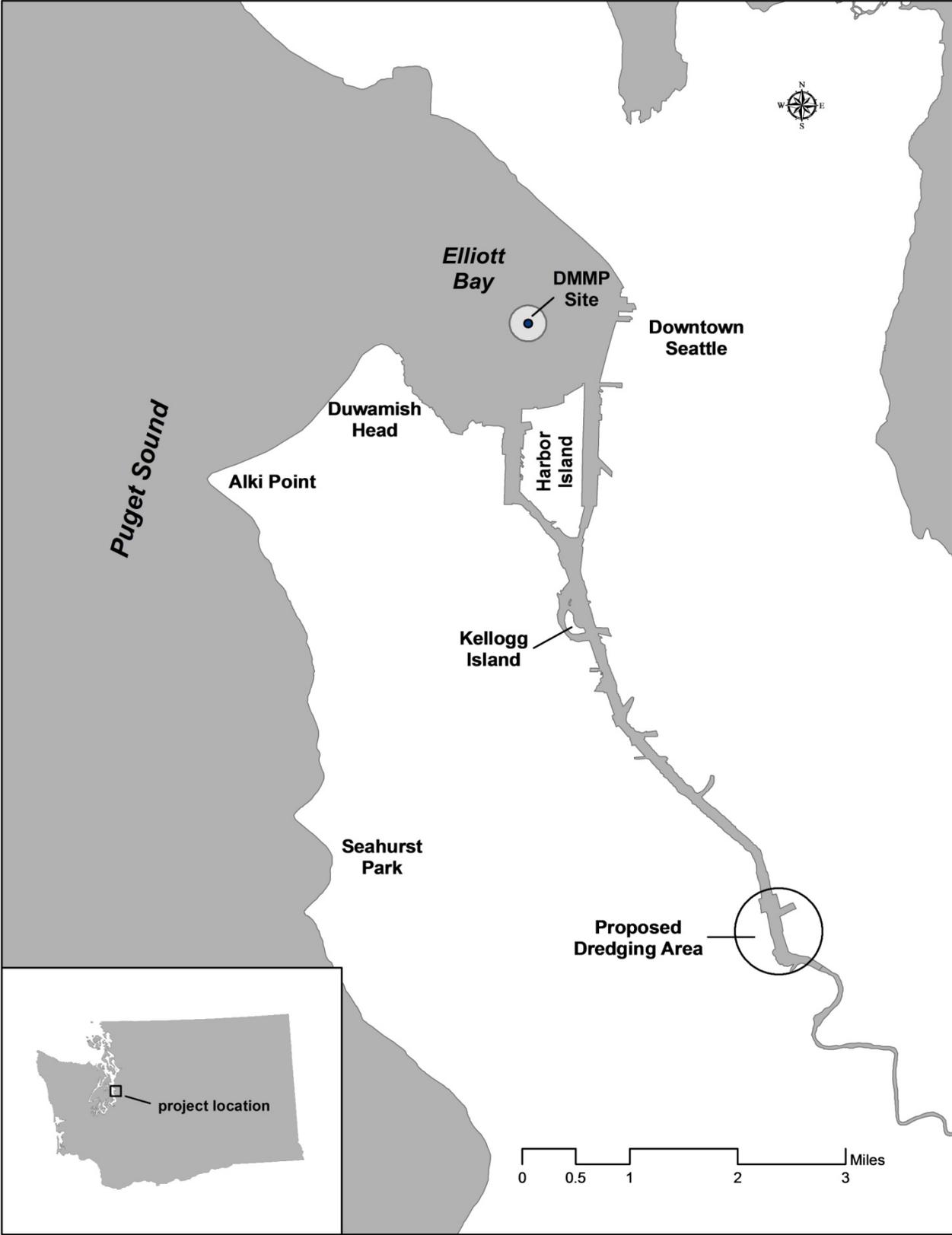


Figure 1. Location of Duwamish River Maintenance Dredging Sites

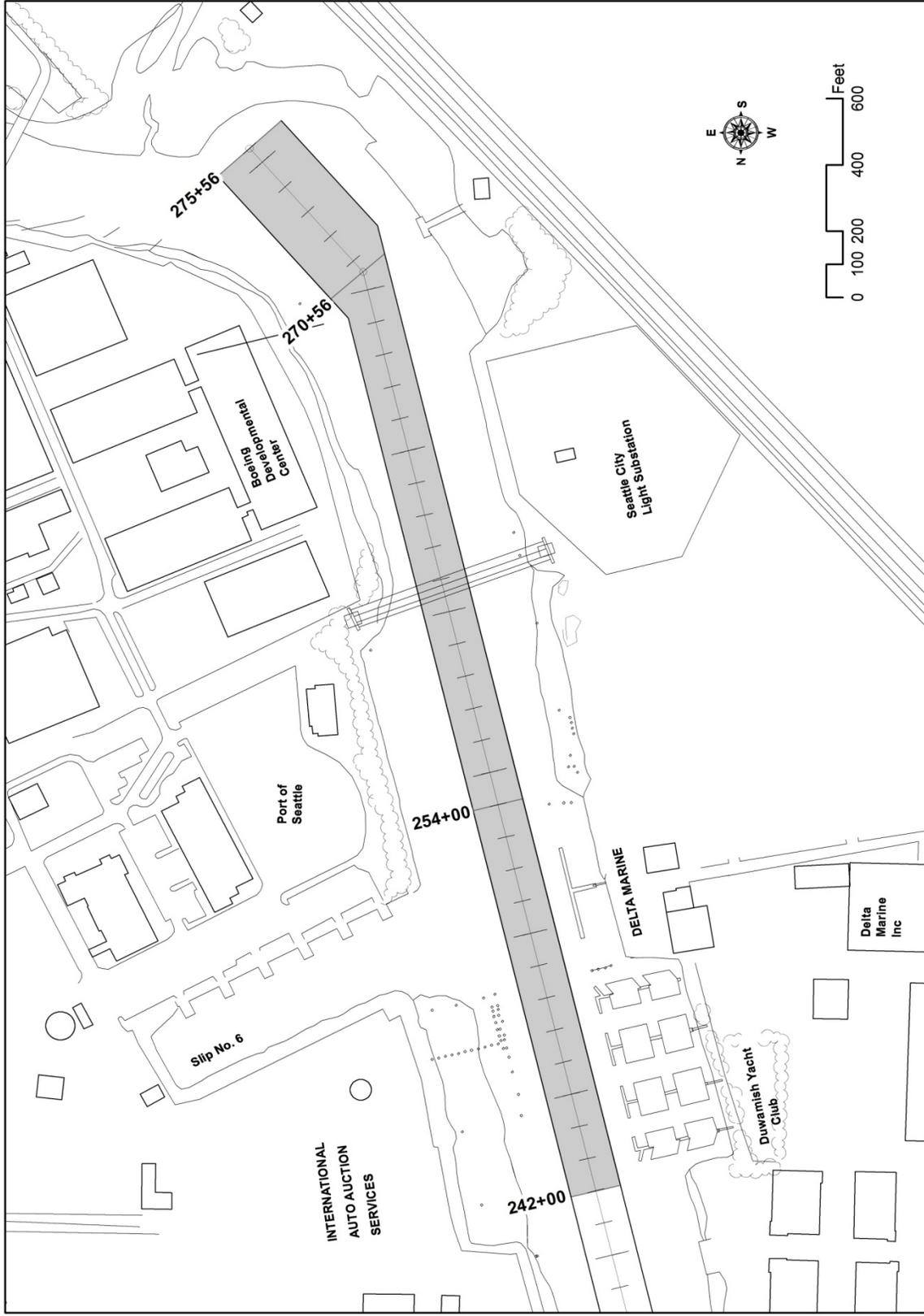


Figure 1. Proposed Dredging Area in the Upper Duwamish Waterway