



**US Army Corps
of Engineers®**

Seattle District

Public Notice

Navigation Section
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U.S. ARMY CORPS OF ENGINEERS, FISCAL YEARS 2011 AND INTO FUTURE YEARS
MAINTENANCE DREDGING, DUWAMISH NAVIGATION CHANNEL, SEATTLE
HARBOR, WASHINGTON

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Seattle District (Corps), is soliciting comments on the proposed Fiscal Year (FY) 2011 and future years Duwamish River Federal navigation channel maintenance dredging and disposal project, Seattle, Washington. The maintenance program for fiscal year 2011 and into future years is described below. The Duwamish River navigation channel stretches approximately five miles from Elliott Bay south to the turning basin, and lies within the Seattle city limits. Dredging shall occur only in the upstream section of the channel (sections 242+00 to 275+56). The location of proposed dredging and disposal site is shown on the two enclosed figures. The purpose of this Public Notice is to solicit comments from interested persons, groups and agencies.

PURPOSE AND PROJECT OBJECTIVE

Maintenance dredging within the navigation channel is necessary to remove areas of sediment shoaling to provide clear and safe passage for vessels. Without annual maintenance dredging, shoaling would lead to a shallower channel that would reduce the ability of large ships to enter and leave the upper Duwamish Waterway. The purpose of channel maintenance dredging is to maintain the efficiency and safety of deep-draft water transportation through the upper Duwamish Waterway.

Maintenance dredging within the navigation channel is necessary to remove areas of sediment shoaling to provide clear and safe passage for vessels. Dredged sediment shall be disposed of at the Washington State Department of Natural Resources Elliott Bay open-water disposal site and approved upland disposal sites for contaminated dredge material.

AUTHORITY

This public notice is being issued in accordance with rules and regulations published as 33 CFR 337.1, Navigation and Navigable Waters, Practice and Procedure; 39 F.R. 26635-641, 22 July 1974 and 33 CFR 320-329. The Seattle Harbor project and maintenance dredging by the Department of the Army is authorized by the River and Harbor Act of March 2, 1925 (House Document 108, 68th Congress, 1st Session) and the River and Harbor Act of July 3, 1930 (House Document 126, 71st Congress, 2nd Session).

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 Project Involving the Discharge of Dredge or Fill Material into Waters of the United States and 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 United States and Ocean Waters"; 33 CFR 337 "Practice and Procedure"; and 33 CFR 338 "Other Corps Activities Involving the Discharge of Dredged or Fill Material into Waters of the United States." The locations of the proposed dredging and disposal sites are shown on the attached Figures.

The proposed maintenance dredging and disposal activities will be reviewed in accordance with Section 313 of the Clean Water Act of 1977 (33 U.S.C. 1323, 86 Stat. 816); Section 404 of the same act (33 U.S.C. 1344); the Coastal Zone Management Act of 1972 (16 U.S.C. 14560 (1) and (2), 86 Stat. 1280), the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347); and the Endangered Species Act of 1973 (16 U.S.C. 668a-668cc-6, 87 Stat. 884).

PROPOSED PROJECT

The Corps proposes to maintain the Federal navigation channel in the upper Duwamish Waterway by mechanically (clamshell) dredging approximately 200,000 cubic yards during each dredging event between stations 242+00 and 275+56 (every one to three years) from FY2011 and continuing into future years (the Federal fiscal year runs from October 1 to September 30). Typically, the upper Duwamish waterway is dredged every two years. Sediment that test suitable for open water disposal will be loaded onto barges and towed by tug to the disposal site. Contaminated sediment will either be transported by truck or train to approved upland disposal sites. Open water disposal is proposed to occur at the Washington State Department of Natural Resources open-water site in Elliott Bay, Latitude 47 degrees 35.91 minutes, Longitude 122 degrees 21.45 minutes (NAD 83) in accordance with Dredge Material Management Program (DMMP) criteria established for disposal at the site. Upland disposal will occur at approved commercial disposal sites many miles from Seattle. The need for the navigation dredging is to maintain channel dimensions at 150 feet wide and up to 17 feet deep. The turning basin (the upper most portion of the dredge area) shall be dredged to dimensions of 250 feet wide, 500 feet long and 15 feet depth plus 2 feet allowable overdepth.

The work period for dredging on the Duwamish Waterway is between October 1 and February 15. The Corps will target the dredging and disposal activities to be performed during the November through January period that is preferred by Federal, State and Tribal fisheries resource agencies.

SEDIMENT SAMPLING

The Duwamish River was sampled in November 2008 and March 2009 and again in August 2009. The laboratory that did the chemical analyses misidentified the Aroclors (stated there was Aroclor 1232 where there wasn't any) and misquantified them as well, leading to rejection of the polychlorinated biphenyl data by an independent data validator. Reanalysis of the sediment samples by a more experienced lab resulted in much lower Aroclor concentrations, in line with what had been found in this part of the Duwamish River navigation channel in previous studies. However because of spurious exceedances of the Dredge Material Management Program (DMMP) screening levels for polychlorinated biphenyl, many of the samples were sent for bioassays. Bioassay "hits" made some of the material in the lower portion of the dredge area unsuitable for open water disposal, even though there were no actual chemistry hits above screening levels.

Sampling and testing were again be conducted in late spring of 2011. There were a few bioassay modifications suggested at the last Sediment Management Annual Review Meeting. The suggested bioassay modifications will be employed in the forthcoming round of testing. All sediment samples will be subjected to concurrent bioassays, regardless of whether or not screening levels are exceeded.

Historically, sediment from the upper part of the dredge area has been a “low-moderate” ranking for contaminants. The DMMP agencies (Corps, Environmental Protection Agency, Washington Department of Ecology, Washington Department of Natural Resources) had historically concluded that all the material to be dredged was suitable for disposal at the Elliott Bay open water DMMP site.

If forthcoming results of the sediment sampling conducted in April of 2011 meet DMMP standards, the suitable dredged sediment will be disposed of at the Elliott Bay DMMP site, unless a beneficial use for the material becomes available. If sediment sample results from any individual dredge area are found unsuitable for unconfined open water disposal at the DMMP site, sediment from that dredging area will be dredged and disposed of at an approved upland disposal site. The Corps anticipates that sediment characterization will be conducted every other or every third year.

Disposal activities will be conducted in accordance with established criteria for the DMMP sites. As noted earlier, effects of the transport and disposal actions were analyzed in a Biological Evaluation prepared by the Corps (Corps 2011).

The Corps will conduct hydrographic surveys to monitor the shoaling of the channel and determine the need for maintenance dredging. In FY2011 all dredging will occur between stations 242+00 and 275+56 and it is anticipated most of the dredging in following years will occur between these same stations. Some shoaling has been noted downstream from station 242+00 to the 14th Avenue S. Bridge. Should dredging be needed at locations other than in the area indicated on the enclosed figures, the Corps would coordinate with resource agencies to evaluate the suitability of the sediment and need to dredge.

ENVIRONMENTAL COMPLIANCE

Pursuant to the National Environmental Policy Act (NEPA), a draft Environmental Assessment (EA) is currently being prepared. Once complete, the draft EA will be available for a 30-day public comment period and posted on the Seattle District web site at:

<http://www.nws.usace.army.mil/ers/Index.cfm>. The EA will provide information on the Corps' preliminary determination that the proposed work will not significantly affect the quality of the human environment and therefore, an Environmental Impact Statement is not required.

In accordance with Section 7 (a)(2) of the Endangered Species Act, the Corps has drafted a Biological Evaluation (BE) and has sought consultation with the National Marine Fisheries Service (NMFS) and consultation with U.S. Fish and Wildlife Service (USFWS) regarding the maintenance dredging project. A Final Environmental Assessment and 404(b)(1) Evaluation will be prepared based on responses to the Public Notice. Coordination has been undertaken with State, Federal and Tribal interests.

Beneficial reuse will also be considered and implemented as much as possible for the dredged materials. As open-water disposal is proposed, no impacts to cultural resources are anticipated. Adverse environmental effects of proposed work are the alteration of benthic marine

communities in the maintenance dredging areas and temporary alteration of natural communities within the boundaries of the Elliott Bay disposal site and/or alternative beneficial uses areas. The potential exists for temporary reduction of dissolved oxygen and increased turbidity in the federal channel. However, this effect is expected to be limited to the immediate dredging area and of relatively short duration. No adverse effects on fishery resources are anticipated.

ENDANGERED SPECIES

The Endangered Species Act of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The USFWS and NMFS have identified several Federally listed species which may occur in the project vicinity, including: Coastal/Puget Sound bull trout (*Salvelinus confluentus*) and their critical habitat, Puget Sound Chinook Salmon and their critical habitat (*Oncorhynchus tshawytscha*) and Puget Sound steelhead (*O. mykiss*).

The Corps is currently evaluating potential impacts of the proposed action to the species listed under the Endangered Species Act. A preliminary determination has been made that the effect of the proposed work is “may affect, not likely to adversely affect” listed several species found in the area. Consultation under Section 7 of the Act is therefore required.

FUTURE ACTIONS

The Public Notice and Environmental Assessment do not have specific termination dates. However if environmental conditions change such as changes in the dredging schedule, expansion of the area to be dredged, changes in listed species or their critical habitat, or changes in the results of sediment characterization, etc., the Corps will conduct another assessment and inform the public through a Public Notice.

CULTURAL AND HISTORIC RESOURCES

The Corps has reviewed the latest published version of the National Register of Historic Places (NRHP), lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: Section 106 of the National Historic Preservation Act of 1966, as amended, compliance studies completed to date include an examination of the Washington State Office of Archaeology and Historic Preservation's electronic archaeological and historic site records database and other background research.

The records search indicated that the project is not likely to affect or be within any historic properties. The District Commander invites responses to this Public Notice from Federal, State and local agencies, historical and archeological societies, Indian tribes and other parties likely to have knowledge of or concerns with historic properties in the Area of Potential Effects of the proposed project.

BASIS FOR DECISION

The decision whether to do the work will be based on an evaluation of the probable impact on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food

and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

ADDITIONAL EVALUATION

A detailed Coastal Zone Management Act consistency statement will also be prepared and submitted to the Department of Ecology and will be included as an appendix to the NEPA EA. This statement provides information in support of the Corps' preliminary determination that the proposed maintenance work is consistent to the maximum extent practicable with the enforceable policies of the State of Washington Coastal Zone Management Program. Water quality effects are expected to be limited to the immediate areas of dredging and disposal and significant adverse effects on fisheries resources are not expected. The Corps will request a Section 401 Water Quality certification from the Washington Department of Ecology prior to the initiation of the work.

PUBLIC HEARING

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

COMMENT AND REVIEW PERIOD

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 best public interest to proceed with the proposed project. Comments by conventional mail or electronic mail will be accepted.

In order to accept electronic mail (email) comments, the email must originate from the author's email account and must include on the subject line of the email message the heading "FY2011 and future years Duwamish Dredging." All email comments should be sent to john.a.hicks@usace.army.mil. Conventional mail comments should be sent to the address listed above.

Both conventional mail or email comments must include the author's name, address and phone number. All comments whether conventional mail or email must reach this office no later than the expiration date of this public notice to ensure consideration. Requests for additional information should be directed to the Project Manager, John Hicks, at john.a.hicks@usace.army.mil or (206) 764-6908.

John A Hicks
Project Manager
Navigation Section

Encl: Figure 1. Location of the Upper Duwamish Waterway Maintenance Dredge and Disposal Site

Figure 2. Proposed Dredging Area in the Upper Duwamish Waterway



