



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers

Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (360) 734-3156
Attn: Randel Perry, Project Manager

WA Department of Ecology

SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: June 5, 2012

Expiration Date: July 5, 2012

Reference No.: NWS-2000-617

Name: Point Roberts Resort, LP

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Point Roberts Resort, LP
713 Simundson Drive
Point Roberts, Washington 98281
Attention: Ms. Jacquelyne Everett
Telephone: (360) 945-2255

AGENT: Layton and Sells, Inc.
12515 Willows Road Northeast, Suite 205
Kirkland, Washington 98034
Attention: Mr. Jeff Layton
Telephone: (425) 825-1735

LOCATION: In the Strait of Georgia at Point Roberts, Whatcom County, Washington.

WORK: Conduct sediment bypass dredging and discharge actions annually for a period of 10 years.

PURPOSE: Maintain lateral movement of sediments along the shoreline.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

Dredged Material Testing: Dredged Material Testing: This project has been evaluated according to the guidelines specified by DMMP, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Washington State. Projects in high-energy and generally uncontaminated environments, with dredged material consisting predominantly of sand and gravel, provide little reason to believe that unacceptable adverse effects are possible. Such projects meet the exclusionary criteria in the Clean Water Act and are, therefore, exempt from testing. The DMMP agencies determined that this project meets the exclusionary criteria and therefore approved the dredged material for unconfined open-water disposal at the shoreline sediment enhancement site.

Disposal Site Use Conditions: The following standard site-use conditions will be specified by the Corps and the Washington Department of Natural Resources as part of the Federal/State permitting processes: (1) disposal operations must not interfere with Indian treaty fishing at the disposal site, including gill nets and other fishing gear; (2) the permittee must coordinate any nighttime disposal with the Corps, Seattle District, Regulatory Branch Project Manager; and (3) approval must be received from the District Engineer prior to conducting nighttime disposal. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

ADDITIONAL INFORMATION: The proposed work consists of dredging between 3,000 and 7,500 cubic yards of material annually from two areas adjacent to the Point Roberts Marina entrance channel jetties (total of 3.20 acres) and placing the material in 1.40 acres of the intertidal area to the west of the entrance. Dredging will be done by mechanical equipment (bulldozers, backhoes, loaders, etc.) operating at suitable low tides. Material from the eastern dredge site is trucked to disposal site; material from west site is directly carried to the adjacent disposal site. The work was previously authorized by a Department of the Army (Corps) permit issued on December 27, 2001. That permit expired on December 27, 2011. The sediment bypass work is required to meet Whatcom County regulatory requirements for the original construction of the marina.

MITIGATION: No mitigation proposed.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area.

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

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife

NWS-2000-617, Point Roberts Resort, LP

values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps 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 impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: The applicant has applied to Whatcom County for an exemption from the requirement of obtaining a Shorelines Substantial Development permit for this project.

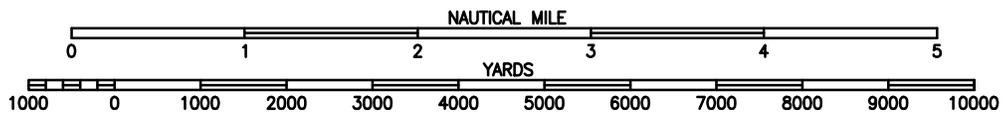
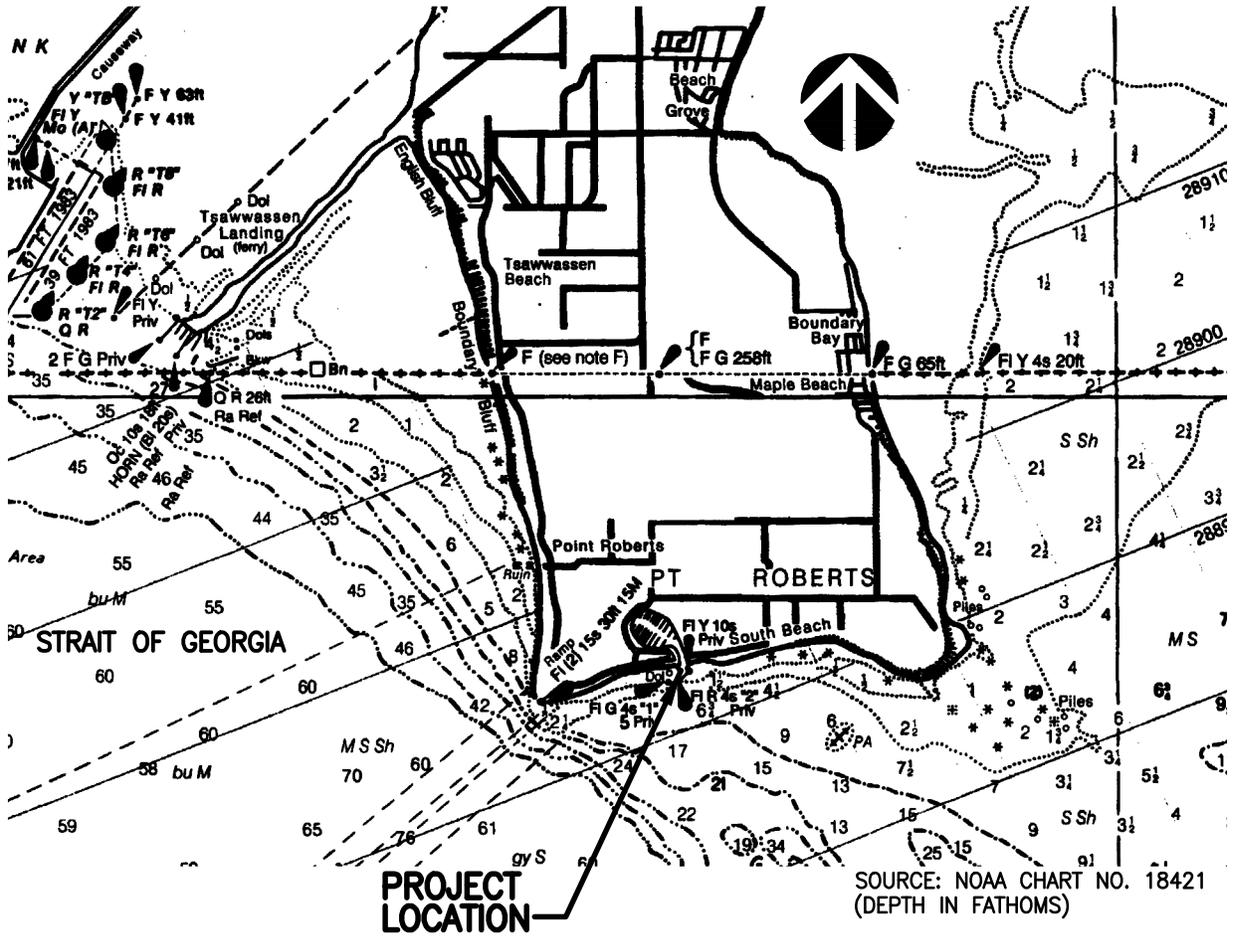
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and 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.

CORPS COMMENTS: All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Randel Perry, P.O. Box 3755, Seattle, Washington 98124-3755.

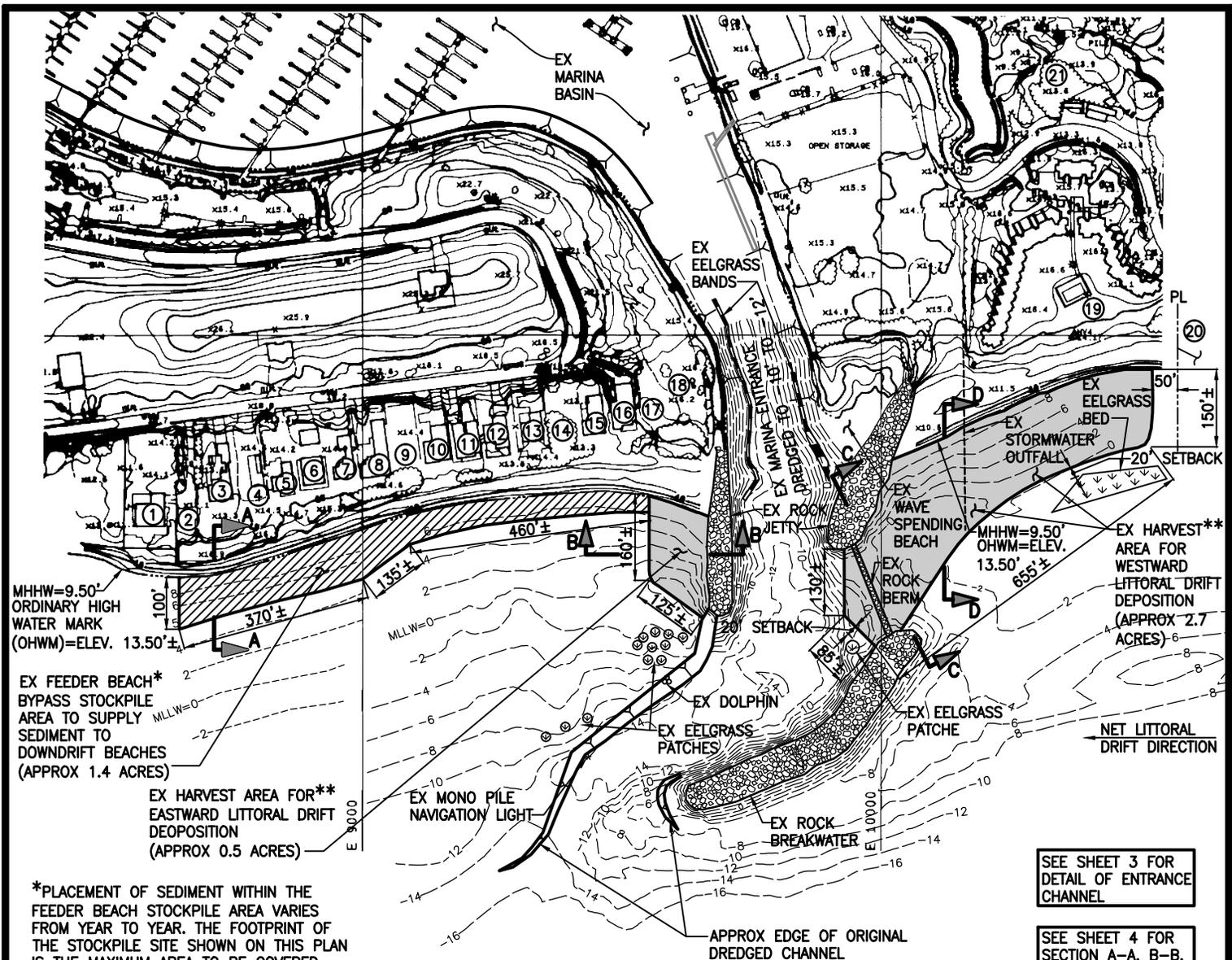
ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Point Roberts Resort, LP. NWS-2000-617.

Encl: Figures (4)



APPLICANT: POINT ROBERTS MARINA 713 SIMUNDSON DRIVE POINT ROBERTS, WA 98281 ATTN: JACQUELYNE EVERETT	PURPOSE: MAINTENANCE OF LITORAL DRIFT	U.S. ARMY CORPS OF ENGINEERS REFERENCE NO: NWS-2000-617	
 Layton & Sell, Inc., P.S. 12515 Willows Road NE ♦ Suite 205 Kirkland, Washington 98034-8795 Office: (425)825-1735 ♦ Fax: 825-1363	IN: STRAIT OF GEORGIA AT: POINT ROBERTS COUNTY: WHATCOM STATE: WASHINGTON DATUM: MLLW = 0.00' LATITUDE: 48.974167° LONGITUDE: 123.063333°		VICINITY MAP DATE: 03/12/2012 REVISION DATE: SHEET: 1 of 4



MHHW=9.50'
ORDINARY HIGH WATER MARK
(OHWM)=ELEV. 13.50'±

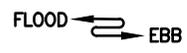
EX FEEDER BEACH*
BYPASS STOCKPILE AREA TO SUPPLY SEDIMENT TO DOWNDRIFT BEACHES (APPROX 1.4 ACRES)

EX HARVEST AREA FOR** EASTWARD LITTORAL DRIFT DEPOSITION (APPROX 0.5 ACRES)

*PLACEMENT OF SEDIMENT WITHIN THE FEEDER BEACH STOCKPILE AREA VARIES FROM YEAR TO YEAR. THE FOOTPRINT OF THE STOCKPILE SITE SHOWN ON THIS PLAN IS THE MAXIMUM AREA TO BE COVERED

**EXCAVATION OF SEDIMENT WITHIN THE HARVEST AREAS VARIES FROM YEAR TO YEAR. THE FOOTPRINTS OF THE HARVEST AREAS SHOWN ON THIS PLAN ARE THE MAXIMUM AREAS TO BE EXCAVATED.

STRAIT OF GEORGIA



SEE SHEET 3 FOR
DETAIL OF ENTRANCE
CHANNEL

SEE SHEET 4 FOR
SECTION A-A, B-B,
C-C & D-D

NOTES:

1. EELGRASS SURVEY BY BIOAQUATICS INTERNATIONAL
2. HYDROGRAPHIC SURVEY BY WILSON ENGINEERING, AUGUST, 2000. (EAST OF E 9000 COORDINATE LINE)

LEGEND:

- FEEDER BEACH STOCKPILE SITE (DEPOSIT BEACH SEDIMENTS)
- HARVEST AREAS (REMOVE BEACH SEDIMENTS)
- EELGRASS PATCH
- EELGRASS BED
- EELGRASS BAND

ADJACENT PROPERTY OWNERS:
SEE ATTACHED LIST FOR
ADJACENT PROPERTY OWNERS

APPLICANT: POINT ROBERTS MARINA
713 SIMUNDSON DRIVE
POINT ROBERTS, WA 98281
ATTN: JACQUELYNE EVERETT

PURPOSE: MAINTENANCE OF LITTORAL DRIFT

U.S. ARMY CORPS OF ENGINEERS REFERENCE NO:

NWS-2000-617



Layton & Sell, Inc., P.S.
12515 Willows Road NE Suite 205
Kirkland, Washington 98034-8795
Office: (425)825-1735 Fax: 825-1363

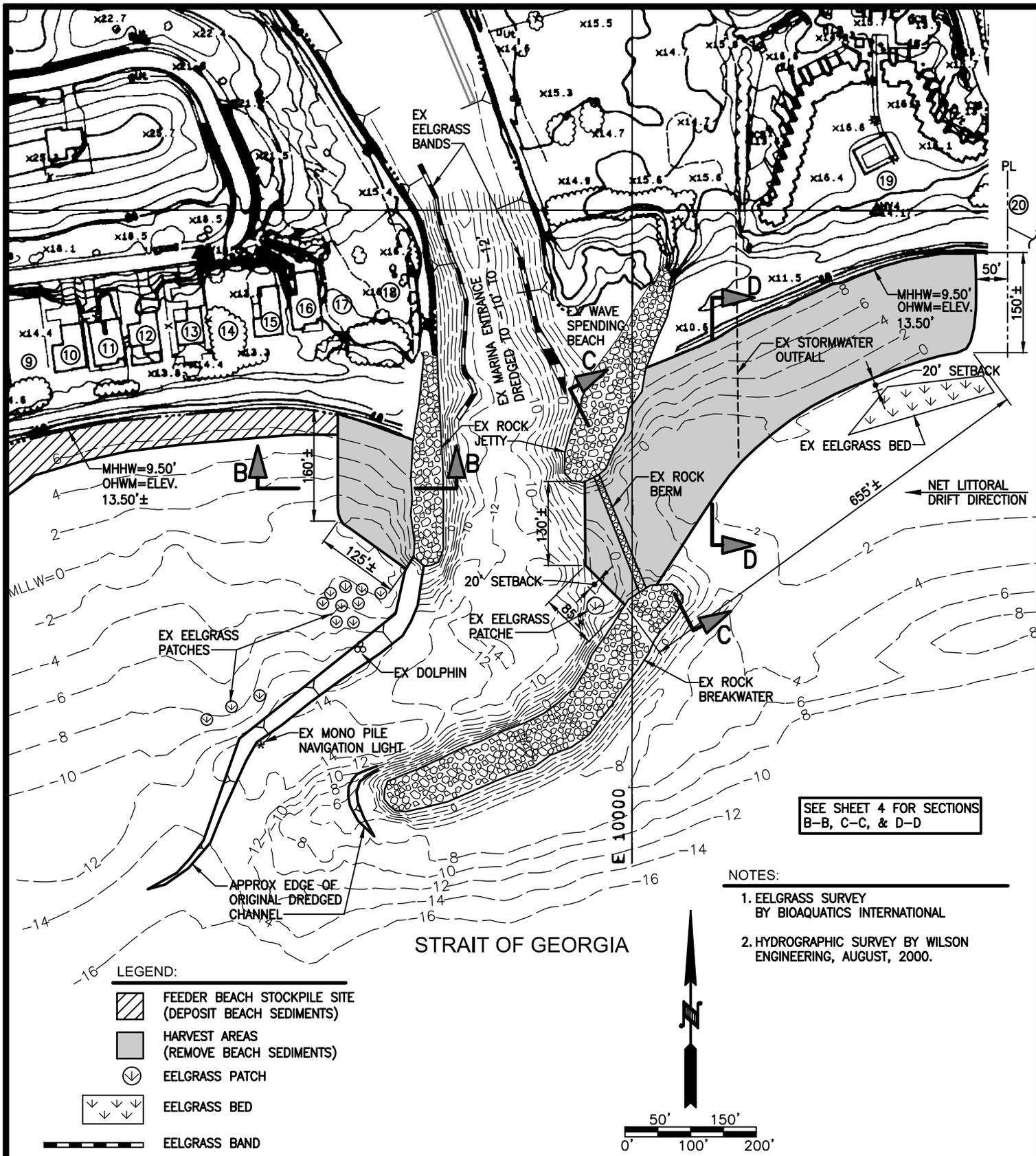
IN: STRAIT OF GEORGIA
AT: POINT ROBERTS
COUNTY: WHATCOM
STATE: WASHINGTON
DATUM: MLLW = 0.00'
LATITUDE: 48.974167°
LONGITUDE: 123.063333°

GENERAL SITE PLAN

DATE:
03/12/2012r

REVISION DATE:

SHEET:
2 of 4



APPLICANT: POINT ROBERTS MARINA
 713 SIMUNDSON DRIVE
 POINT ROBERTS, WA 98281
 ATTN: JACQUELYNE EVERETT

PURPOSE: MAINTENANCE OF LITTORAL DRIFT

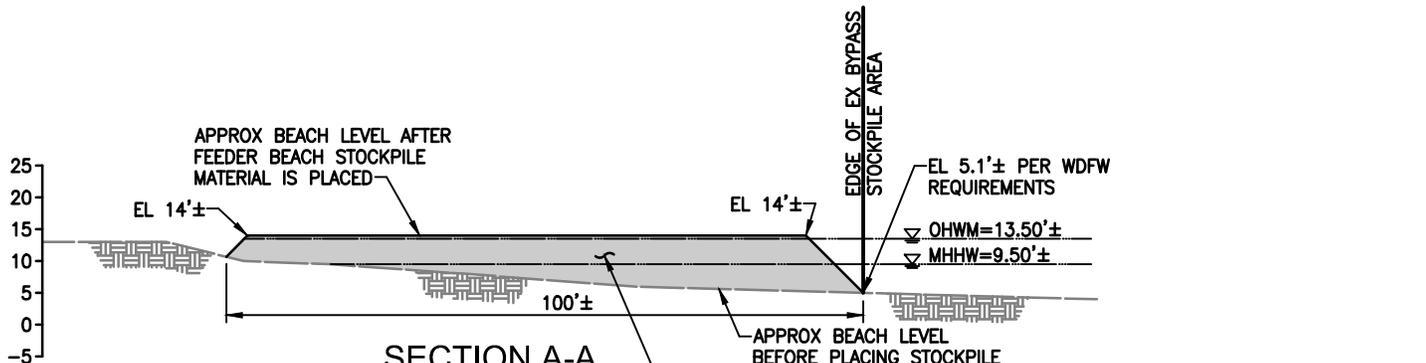
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ENTRANCE CHANNEL
 DETAIL

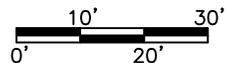
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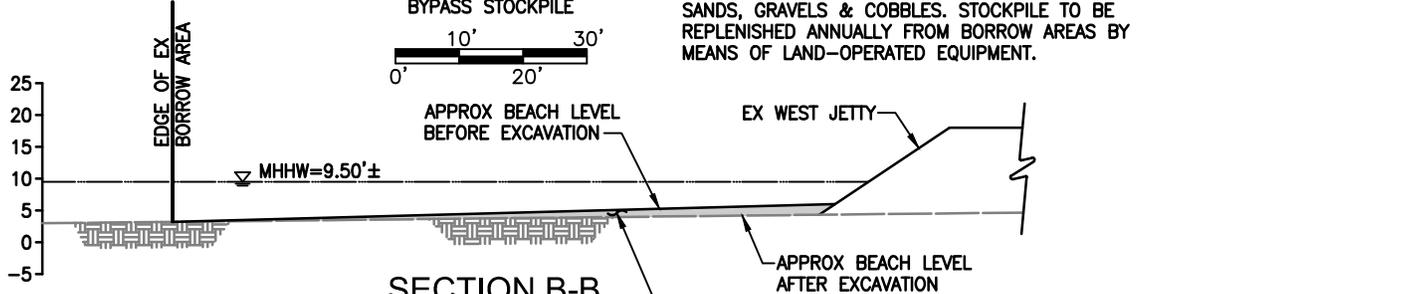


SECTION A-A

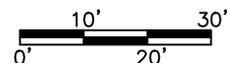
TYPICAL FEEDER BEACH BYPASS STOCKPILE



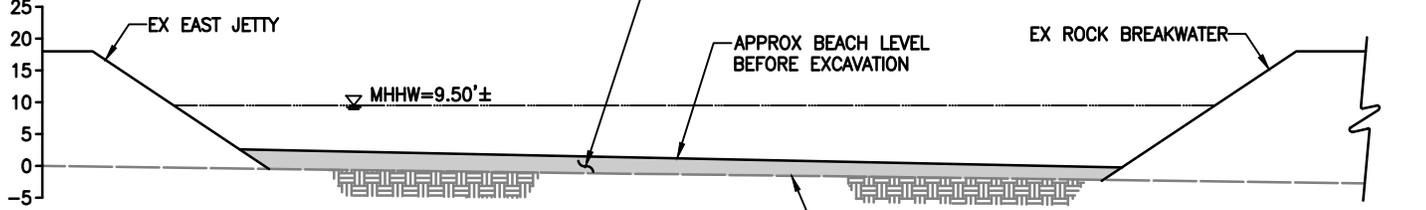
PROPOSED STOCKPILE COMPOSED OF NATIVE SANDS, GRAVELS & COBBLES. STOCKPILE TO BE REPLENISHED ANNUALLY FROM BORROW AREAS BY MEANS OF LAND-OPERATED EQUIPMENT.



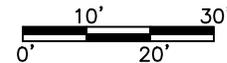
SECTION B-B



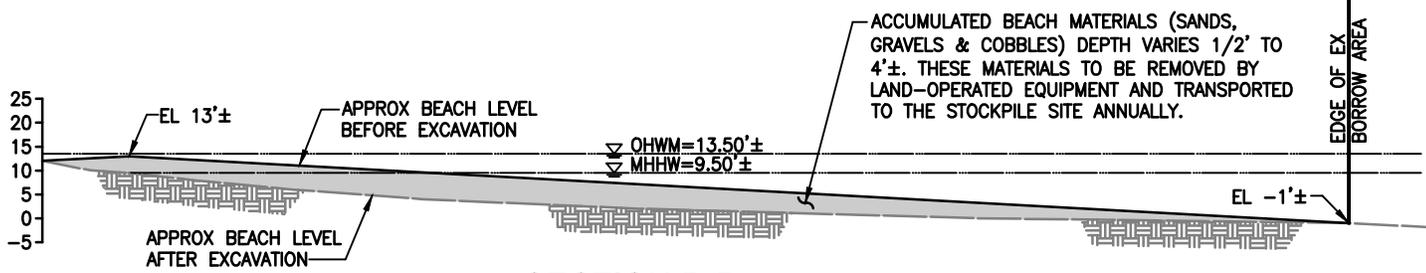
ACCUMULATED BEACH MATERIALS (SANDS, GRAVELS & COBBLES) DEPTH VARIES 1/2' TO 4'±. THESE MATERIALS TO BE REMOVED BY LAND-OPERATED EQUIPMENT AND TRANSPORTED TO THE STOCKPILE SITE ANNUALLY.



SECTION C-C



ACCUMULATED BEACH MATERIALS (SANDS, GRAVELS & COBBLES) DEPTH VARIES 1/2' TO 4'±. THESE MATERIALS TO BE REMOVED BY LAND-OPERATED EQUIPMENT AND TRANSPORTED TO THE STOCKPILE SITE ANNUALLY.



SECTION D-D

TYPICAL BYPASS HARVEST AREA



ACCUMULATED BEACH MATERIALS (SANDS, GRAVELS & COBBLES) DEPTH VARIES 1/2' TO 4'±. THESE MATERIALS TO BE REMOVED BY LAND-OPERATED EQUIPMENT AND TRANSPORTED TO THE STOCKPILE SITE ANNUALLY.

APPLICANT: POINT ROBERTS MARINA
713 SIMUNDSON DRIVE
POINT ROBERTS, WA 98281
ATTN: JACQUELYNE EVERETT

PURPOSE: MAINTENANCE OF LITTORAL DRIFT

U.S. ARMY CORPS OF ENGINEERS REFERENCE NO:
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SECTIONS
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