

# Joint Public Notice

## Application for a Department of the Army Permit and The Tulalip Tribes Water Quality Certification

**US Army Corps of Engineers**  
Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone: (206) 764-6910  
Attn: Jonathan Smith, Project Manager

**The Tulalip Tribes**  
Natural and Cultural Resources  
Department  
6406 Marine Drive  
Tulalip WA 98271  
Telephone: (360) 716-4617  
Attn: Kurt Nelson

**Public Notice Date:** July 27, 2012  
**Expiration Date:** August 26, 2012

**Reference No.:** NWS-2012-322  
**Name:** The Tulalip Tribes

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Tulalip Tribes have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings, dated 24 July 2012. 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. The Tulalip Tribes will review the work pursuant to Section 401 of the CWA.

**APPLICANT:** The Tulalip Tribes, Natural Resources Department  
6406 Marine Drive  
Tulalip, Washington 98271  
ATTN: Mr. Mike Crewson  
Telephone: (360) 716-4626  
Email: mcrewson@tulaliptribes-nsn.gov

**LOCATION:** In the mouths of Tulalip and Mission Creeks, Tulalip Bay (Possession Sound) at Tulalip, Snohomish County, Washington.

**WORK:** Install two seal/sea lion exclusion barriers and log booms. Excavate and construct two fish holding ponds totaling 0.18 acres with rounded river rock bottoms and sidewalls, and pre-cast concrete base/wood damboard weirs. Also, install an aluminum walkway, four rock weirs and spawning pools, and one removable fish barrier weir at the Mission Creek location. Excavated material (up to 870 cubic yards) will be disposed at an upland gravel pit behind The Tribes' fish hatchery facility.

**PURPOSE:** Provide a refuge for salmonid hatchery broodstock in Tulalip Bay from severe depredation by harbor seals and sea lions.

**ADDITIONAL INFORMATION:** Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at: <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

**MITIGATION:** None 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. A preliminary determination indicates that the activity will not affect endangered or threatened species, or their critical habitat. Consultation under Section 7 of the ESA is not required.

**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. The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

**CULTURAL RESOURCES:** The Corps 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 proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

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

**EVALUATION:** The decision 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 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.

NWS-2012-322, The Tulalip Tribes

The Tulalip Tribes 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. The Tulalip Tribes will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: Because the proposed work would occur on tribal lands, The Tulalip Tribes will contact the Washington Department of Ecology directly to ensure the work is consistent with the Federal Coastal Zone Management Program.

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: E-mail comments should be sent to [jonathan.smith@usace.army.mil](mailto:jonathan.smith@usace.army.mil). Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington, 98124-3755.

The Tulalip Tribes Comments: E-mail comments should be sent to [knelson@tulaliptribes-nsn.gov](mailto:knelson@tulaliptribes-nsn.gov). Conventional mail comments should be sent to The Tulalip Tribes, Natural and Cultural Resources Department, 6406 Marine Drive, Tulalip, Washington 98271, Attention: Mr. Kurt Nelson.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: The Tulalip Tribes, NWS-2012-322

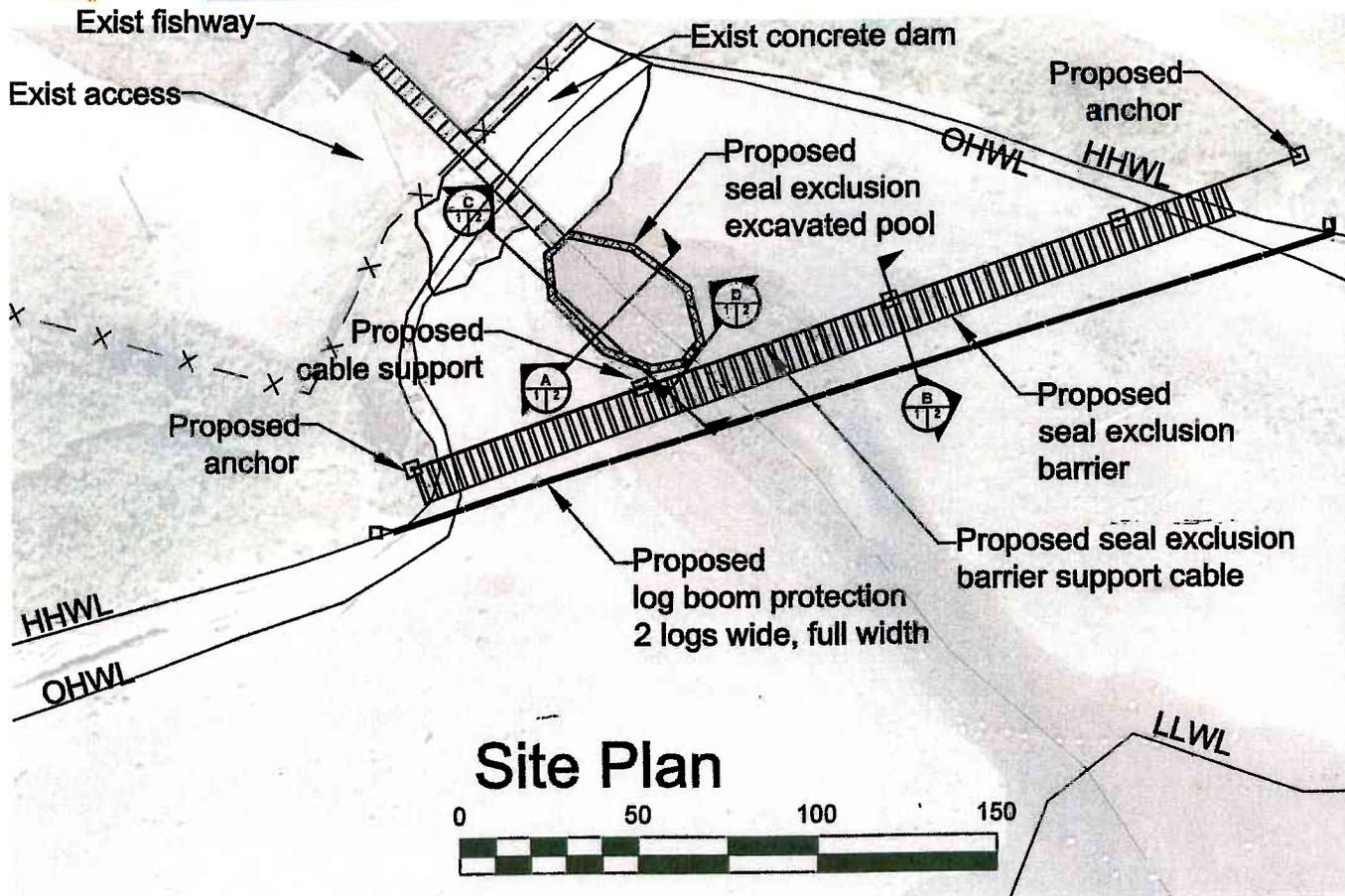
Encl: 6 Figures



Project location



Lat; 48° 3'52 32"N  
Long; 122° 17' 6.04"W



### Site Plan



FIGURE NO.

1

Tulalip Tribe  
Dept. of Natural Resources  
Seal Exclusion System Tulalip Creek Site  
Site Plans and Vicinity Map  
NWS-2012-322

JOB NUMBER:

12146

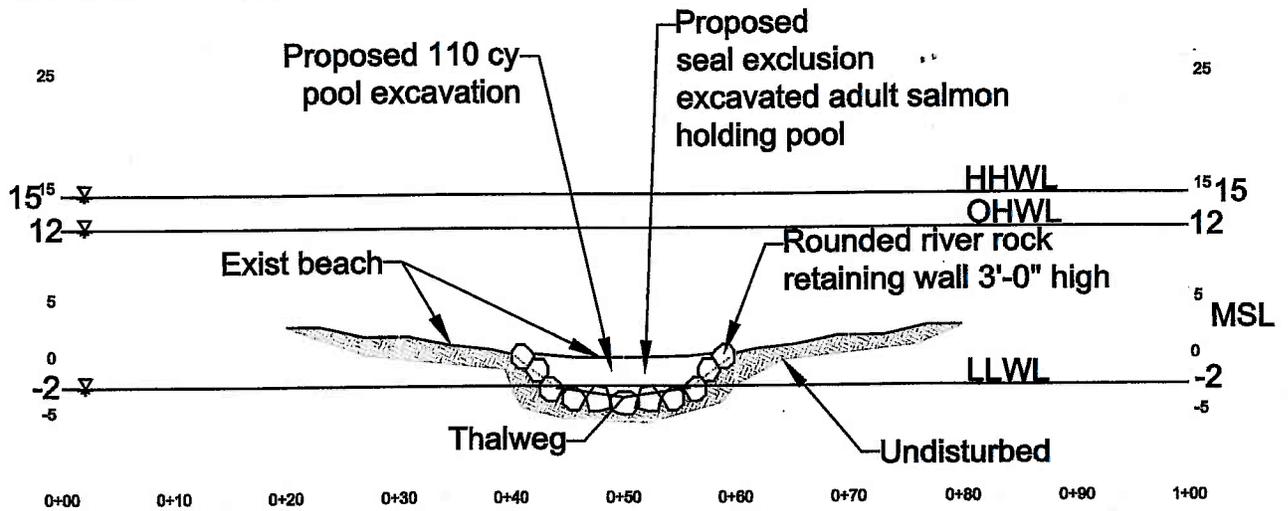
DRAWN BY:

JSK

DATE:

7-24-2012

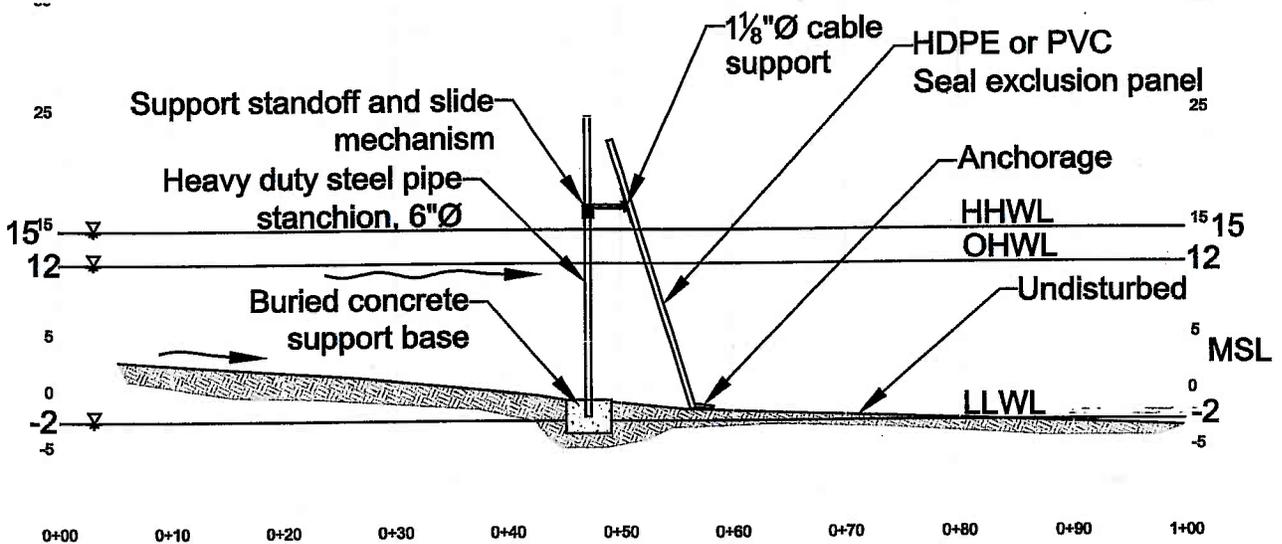
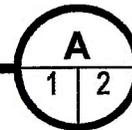
**CHINOOK ENGINEERING**  
860 Windrose Drive  
Coupeville, Washington 98239  
(360) 678-4747



Tulalip Tribe DNR  
Seal Exclusion System

## Section in Holding Pool

1/16" = 1'-0"



Tulalip Tribe DNR  
Seal Exclusion System

## Section Cable-Panel Support

1/16" = 1'-0"

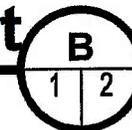


FIGURE NO.

2

Tulalip Tribe  
Dept. of Natural Resources  
Seal Exclusion System Tulalip Creek Site  
Site Plans and Vicinity Map

NWS - 2012 - 322

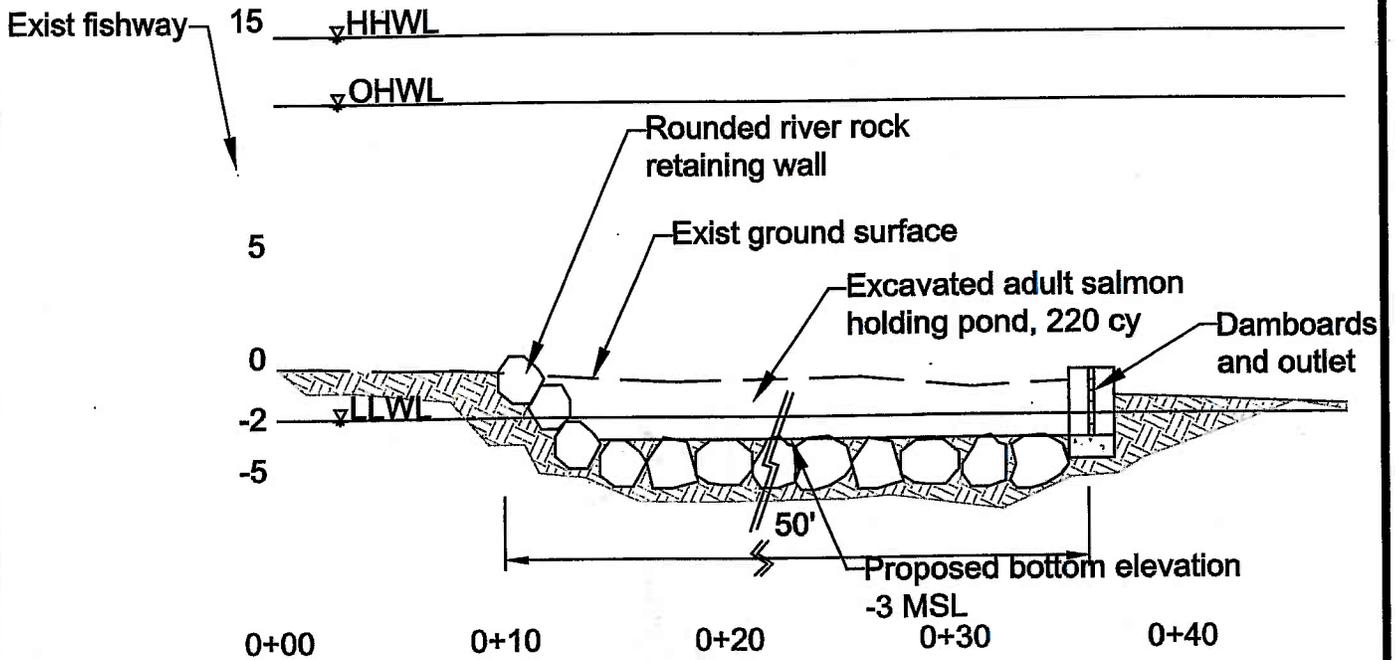
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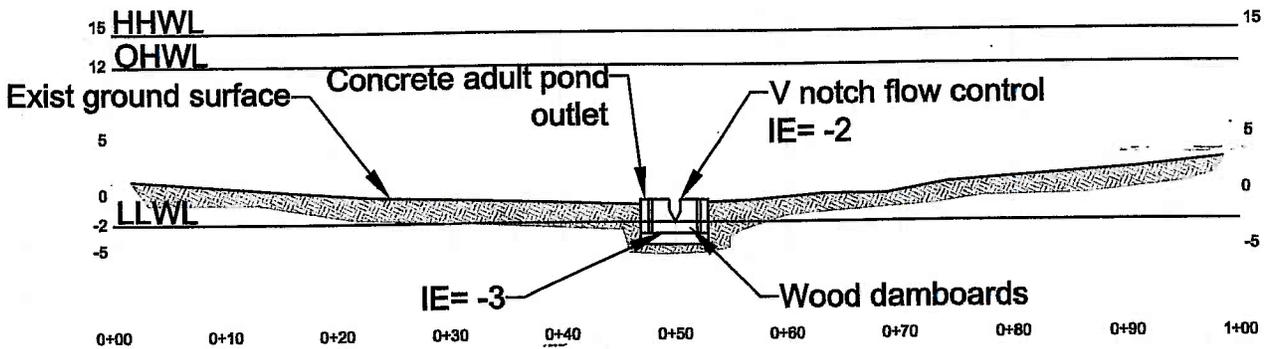
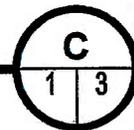
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Tulalip Tribe DNR  
Seal Exclusion System

### Section in Holding Pool

1/8" = 1'-0"



Tulalip Tribe DNR  
Seal Exclusion System

### Section at Pond Outlet

1/16" = 1'-0"

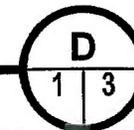


FIGURE NO.

3

Tulalip Tribe  
Dept. of Natural Resources  
Seal Exclusion System Tulalip Creek Site  
Site Plans and Vicinity Map

NWS-2012-322

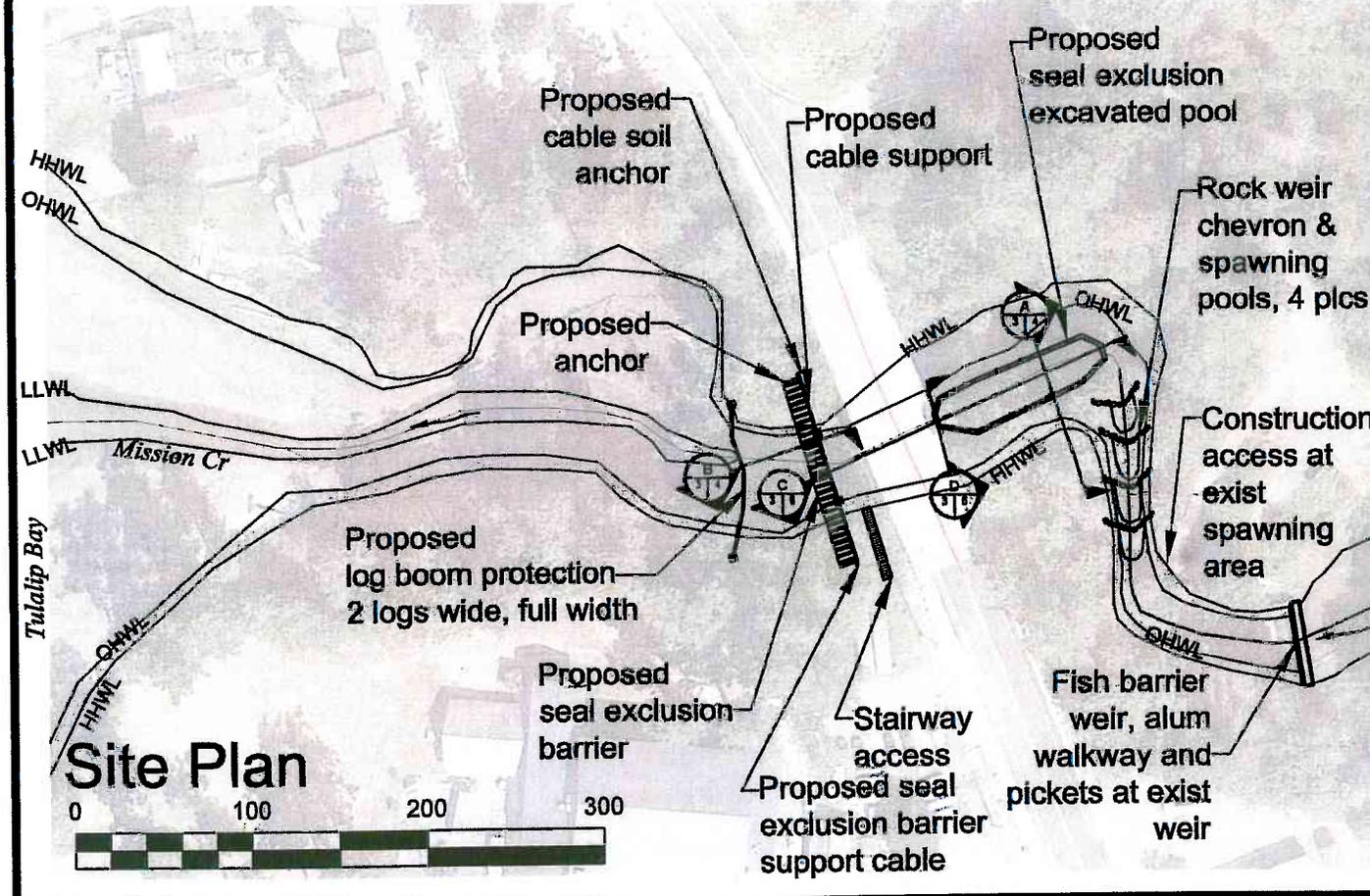
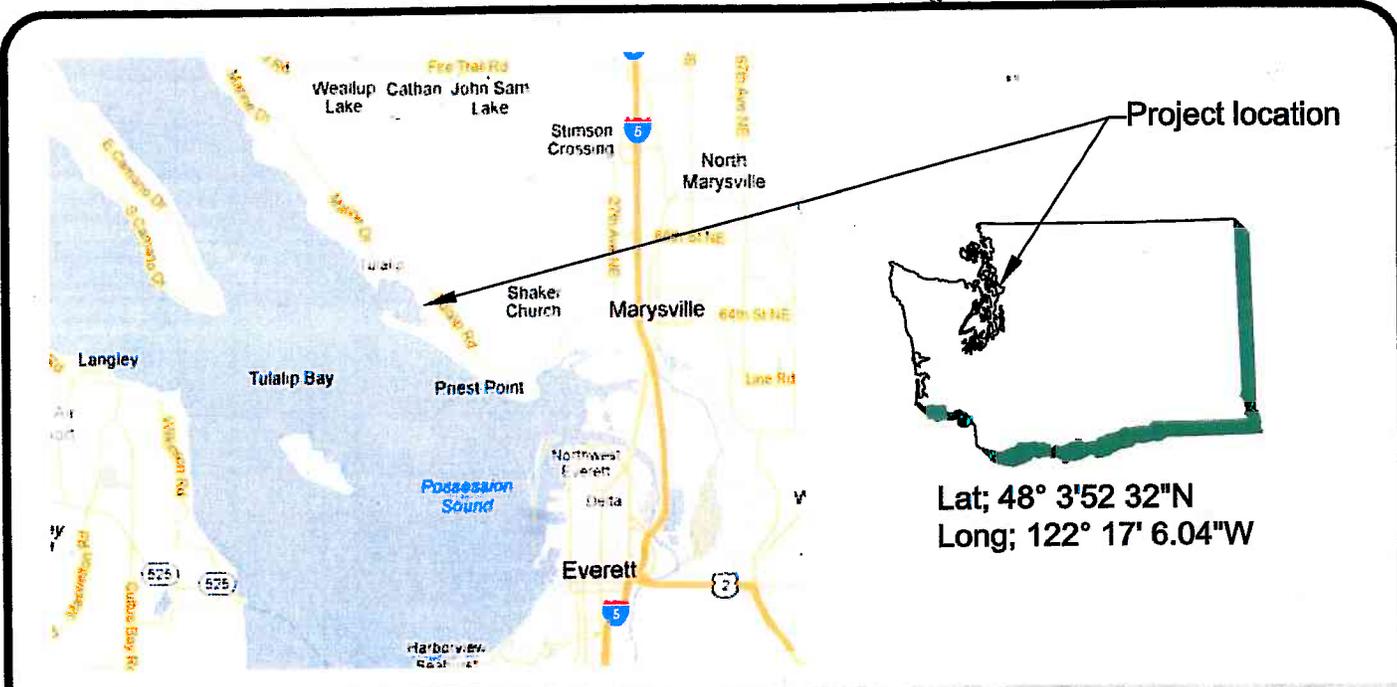
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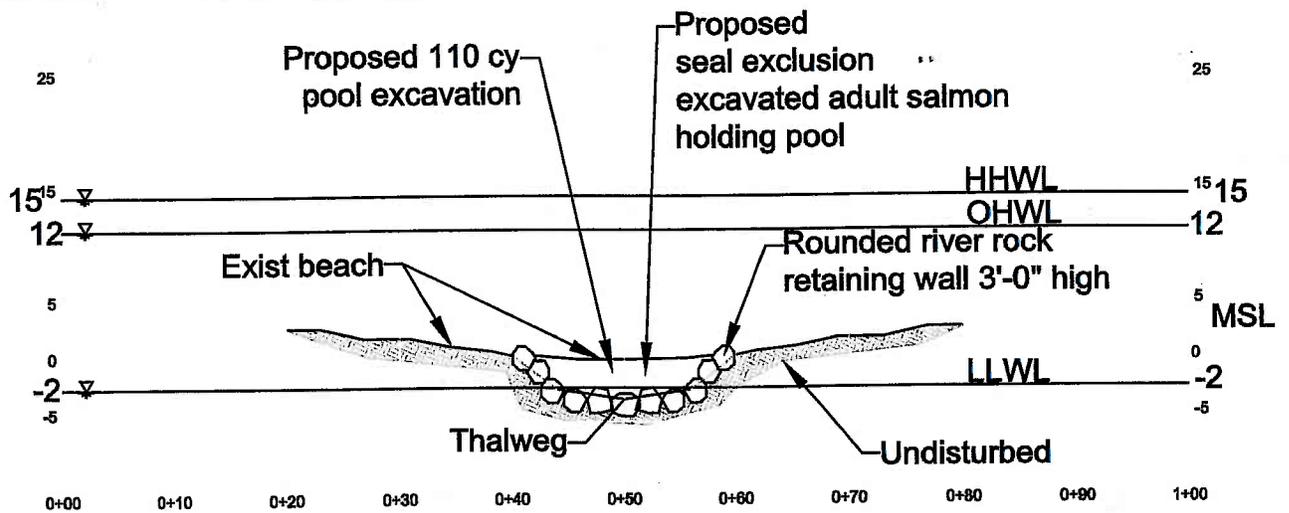
DRAWN BY:  
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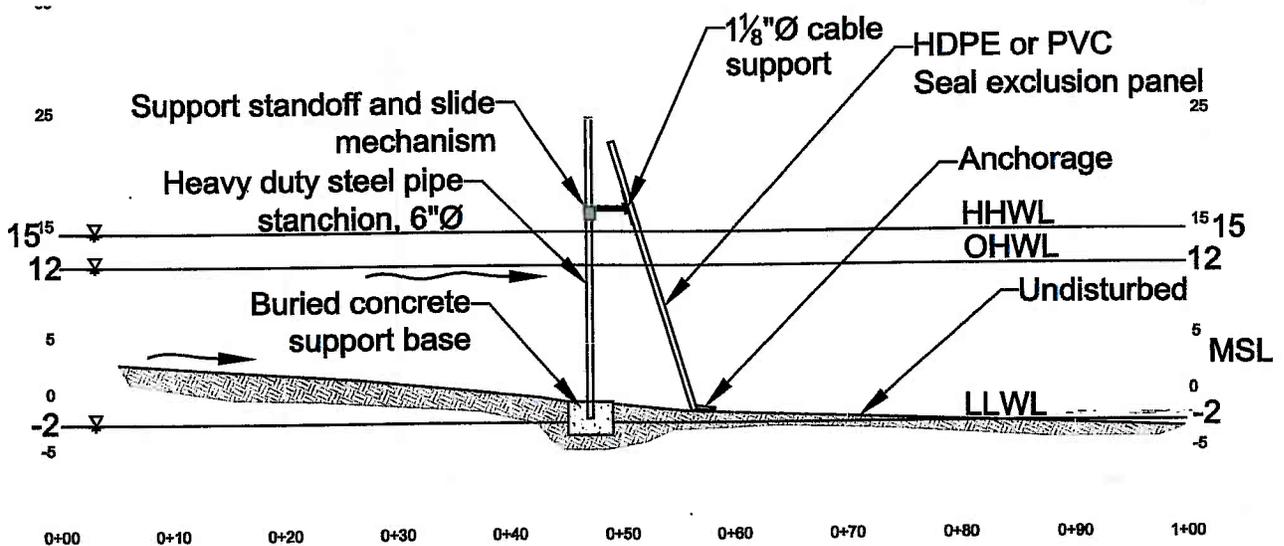
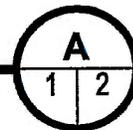
<p>FIGURE NO.</p> <p><b>4</b></p>	<p>Tulalip Tribe          Dept. of Natural Resources          Seal Exclusion System Mission Creek Site  <b>Site Plans and Vicinity Map</b>          NWS - 2012 - 322</p>	<p>JOB NUMBER: 12146</p> <p>DRAWN BY: JSK</p> <p>DATE: 7-24-2012</p>	 <p>860 Windrose Drive          Coupeville, Washington 98239          (360) 678-4747</p>
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Tulalip Tribe DNR  
Seal Exclusion System

## Section in Holding Pool

1/16" = 1'-0"



Tulalip Tribe DNR  
Seal Exclusion System

## Section Cable-Panel Support

1/16" = 1'-0"

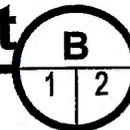


FIGURE NO.

5

Tulalip Tribe  
Dept. of Natural Resources  
Seal Exclusion System Mission Creek Site  
Site Plans and Vicinity Map

NWS-2012-322

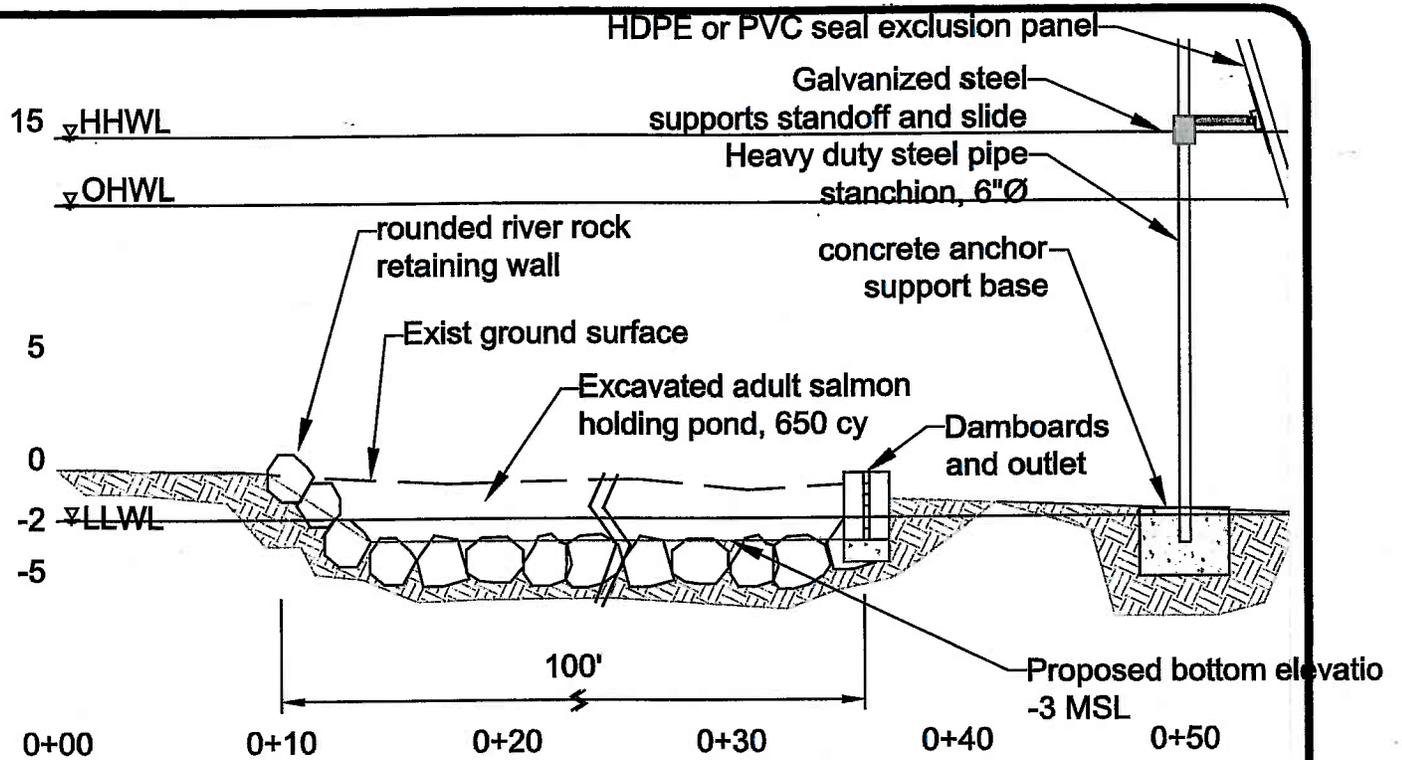
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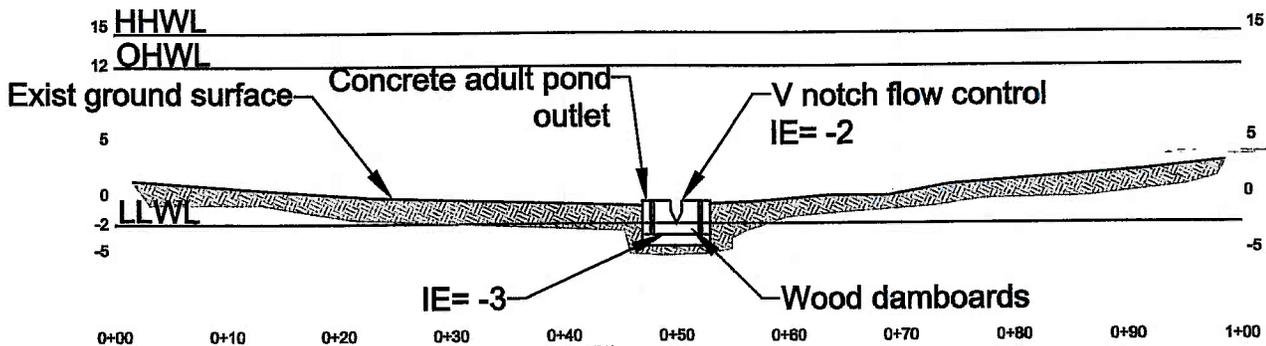
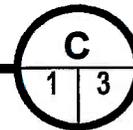
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## Section in Holding Pool

1/8" = 1'-0"



Tulalip Tribe DNR  
Seal Exclusion System

## Section at Pond Outlet

1/16" = 1'-0"



FIGURE NO.

6

Tulalip Tribe  
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Seal Exclusion System Mission Creek Site  
Site Plans and Vicinity Map

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