



US Army Corps
of Engineers
Seattle District



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

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: (206) 764-6901
ATTN: Jacalen Printz,
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: February 5, 2013
Expiration Date: March 7, 2013

Reference No.: NWS-2012-295
Name: Duwamish Properties

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 dated September 18, 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. 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: Duwamish Properties
Attention: Mr. Daniel Algadeff
910 Southwest Spokane Street
Seattle, Washington 98134
Telephone: (206) 829-7502

AGENT: Windward Environmental LLC
Attention: Mr. Tad Deshler
200 West Mercer Street, Suite 401
Seattle, Washington 98119
Telephone: (206) 812-5406

LOCATION: In Duwamish Waterway at Seattle, King County, Washington.

WORK: Remove 500 cubic yards of concrete and 1,600 cubic yards of sediment to -16 feet MLLW along 200 linear feet of shoreline. Place 3,450 cubic yards of rock to construct a new seawall. All removed material would be disposed of at an approved upland facility.

PURPOSE: To provide stabilization to an existing bank.

MITIGATION: As part of the application, the applicant submitted a shoreline planting plan.

NWS-2012-295, Duwamish Properties

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 the 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.

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 Corps has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. 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 – 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 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.

NWS-2012-295, Duwamish Properties

SOURCE OF FILL MATERIAL: The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

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: This proposal is within the local jurisdiction of the City of Seattle.

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.

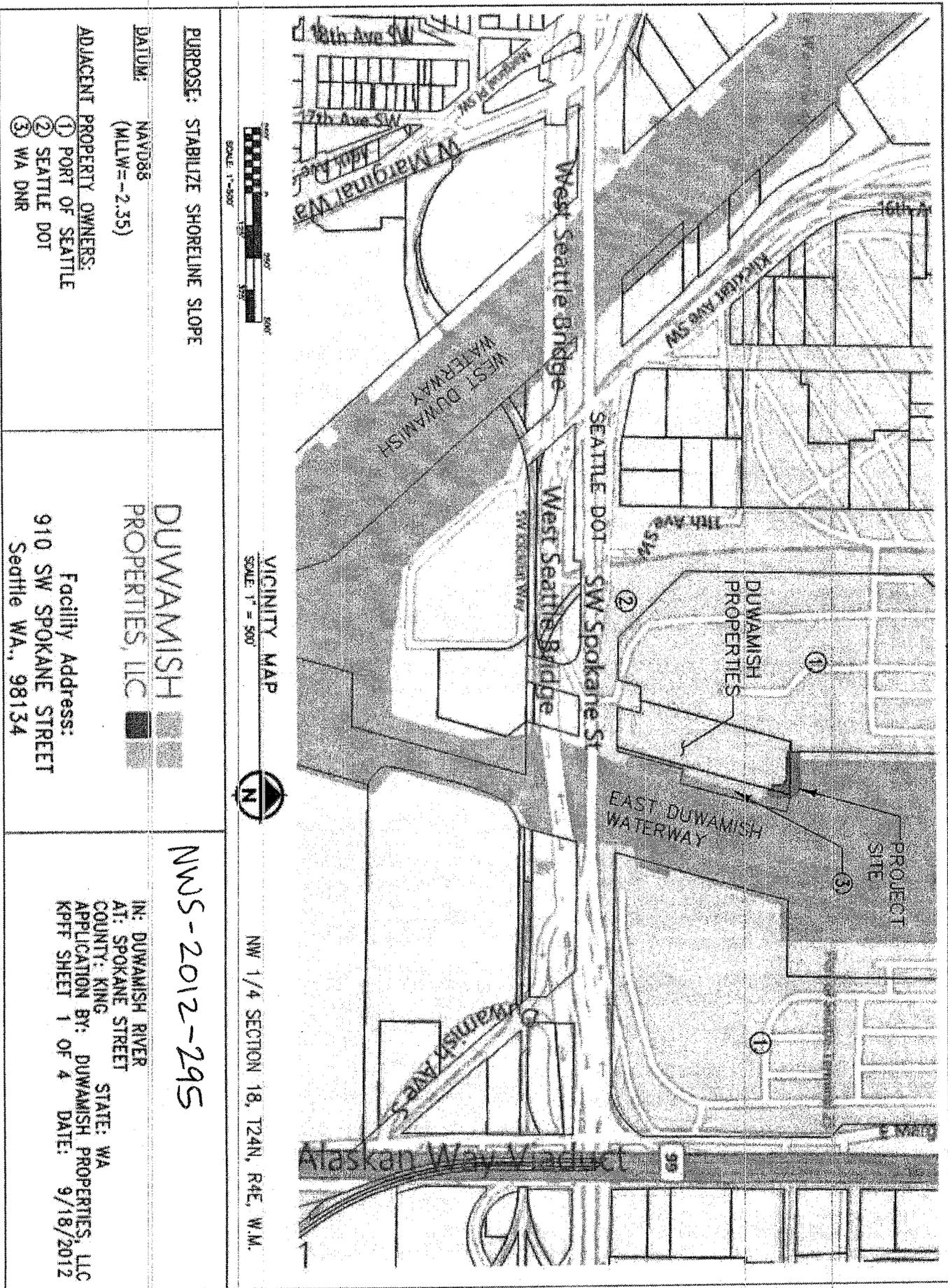
CORPS COMMENTS: All e-mail comments should be sent to jacalen.m.printz@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Jacalen Printz, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

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: Federal Permit Coordinator, Post Office 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: Duwamish Properties; NWS-2012-295

Encl: Figures (4)

Figure 1. Project location



PURPOSE: STABILIZE SHORELINE SLOPE

DATUM: NAVD83
(MLW = -2.35)

ADJACENT PROPERTY OWNERS:
 ① PORT OF SEATTLE
 ② SEATTLE DOT
 ③ WA DNR

VICINITY MAP
SCALE: 1" = 500'



NW 1/4 SECTION 18, T24N, R4E, W.M.

DUWAMISH PROPERTIES, LLC

Facility Address:
 910 SW SPOKANE STREET
 Seattle WA., 98134

NWS-2012-295

IN: DUWAMISH RIVER
 AT: SPOKANE STREET
 COUNTY: KING
 STATE: WA
 APPLICATION BY: DUWAMISH PROPERTIES, LLC
 SHEET 1 OF 4
 DATE: 9/18/2012

Figure 2. Site plan

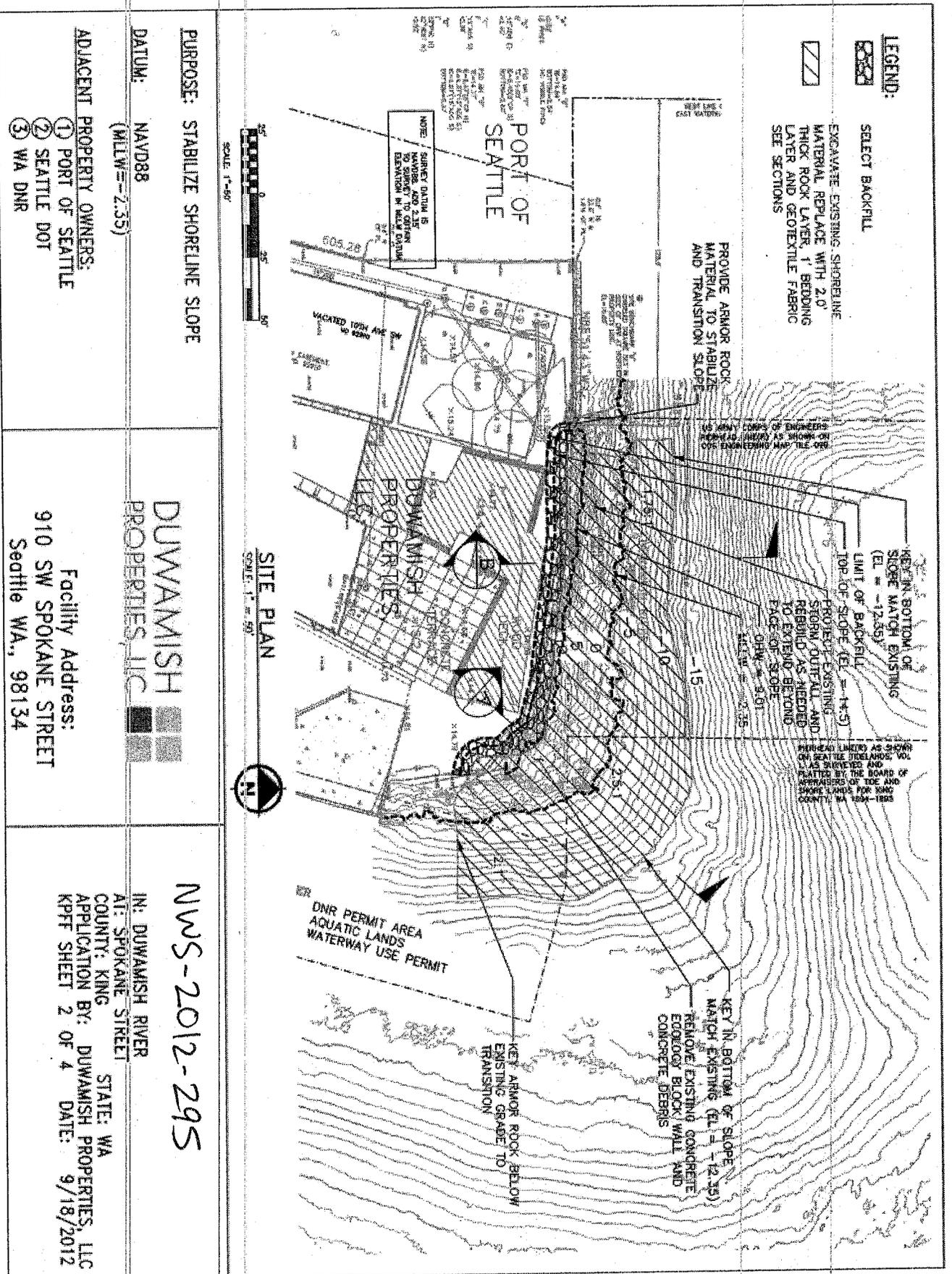
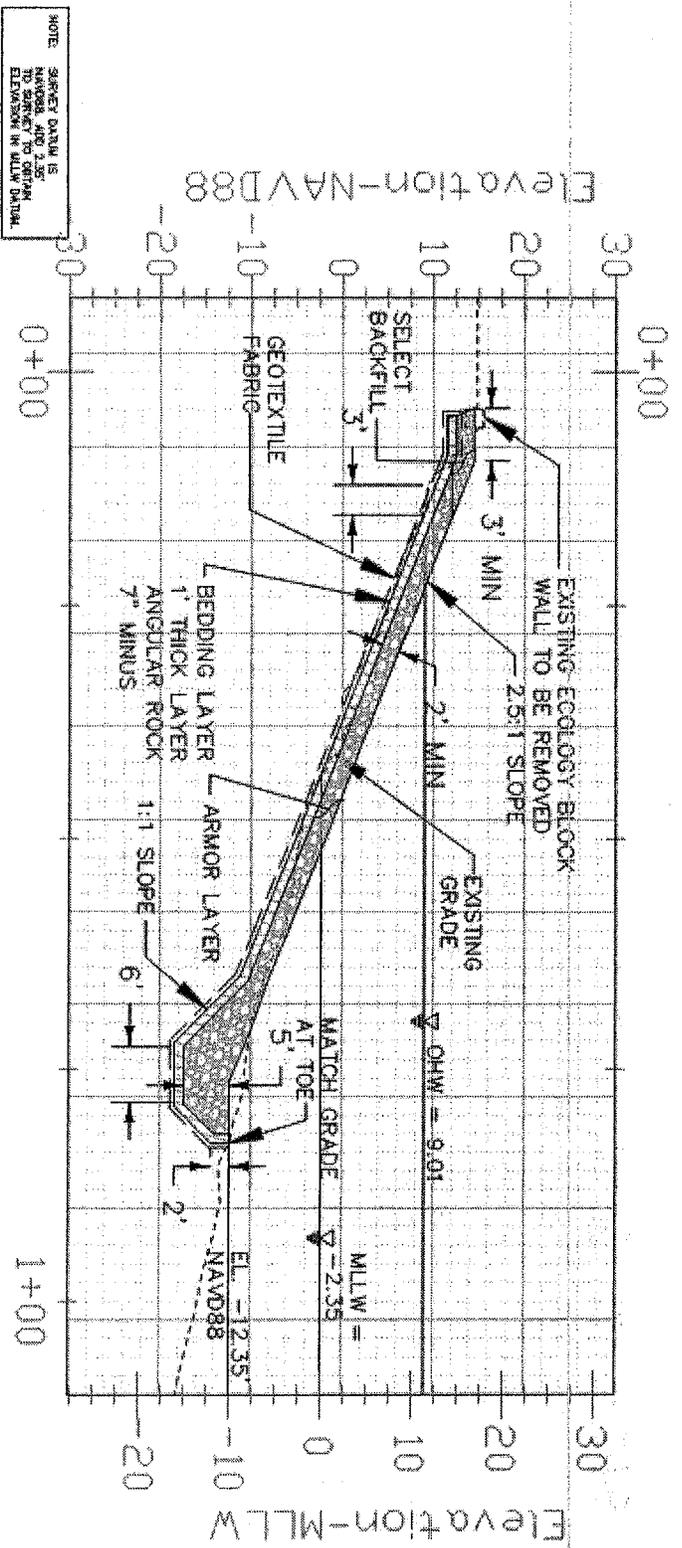


Figure 3. Cross-section A



NOTE: SURVEY DATA IS NAVD88 AND 2.35' ELEVATIONS TO BE CONVERTED TO MLW FOR PLACEMENT IN PLAN VIEW.
SCALE: 1"=20'

SITE SECTION-A
SCALE: 1" = 20'

PURPOSE: STABILIZE SHORELINE SLOPE

DATUM: NAVD88
(MLW = -2.35)

- ADJACENT PROPERTY OWNERS:
- ① PORT OF SEATTLE
 - ② SEATTLE DOT
 - ③ WA DNR

DUWAMISH PROPERTIES, LLC

Facility Address:
910 SW SPOKANE STREET
Seattle WA, 98134

NWS-2012-295

IN: DUWAMISH RIVER
AT: SPOKANE STREET
COUNTY: KING
STATE: WA
APPLICATION BY: DUWAMISH PROPERTIES, LLC
KPFF SHEET 3 OF 4
DATE: 9/18/2012

