



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) 764-6695  
Attn: Erin Legge, 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 11, 2013  
**Expiration Date:** March 10, 2013

**Reference No.:** NWS-2011-00183  
**Name:** City of Tacoma Public Works

Interested parties are hereby notified that all or a portion of the work as described below and shown on the enclosed drawings dated April 2011 was performed without specific authorization under Section 10 of the Rivers and Harbors Act and Section 404 and 401 of the Clean Water Act. U.S. Army Corps of Engineers (Corps) permit regulations (33 CFR 320-332) allow District Engineers to make a determination of whether the activity is contrary to the public interest or if the work should be authorized by an after-the-fact permit.

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:** City of Tacoma Public Works  
747 Market Street, Room 520  
Tacoma, Washington 98402

Attention: Dan Seabrands  
Telephone: (253) 591-5150

**AGENT:** Parametrix  
411 108th Avenue Northeast, Suite 1800  
Bellevue, Washington 98004

Attention: Gary Maynard  
Telephone: (425) 458-6378

**LOCATION:** In Puget Sound on the Tacoma Narrows Strait at Tacoma in Pierce County, Washington

**WORK:** On or around February 7, 2011, the applicant commenced construction to repair the Titlow Beach Seawall without first obtaining necessary state and federal authorizations. On February 22, 2011, the applicants were instructed to stop work by the Washington State Department of Fish and Wildlife. The applicant stopped work and submitted an application that was received by the Corps on February 24, 2011. The application describes the completed unauthorized work and the proposal to finish that work.

**Unauthorized Work:** Along 60 linear feet of shoreline a deteriorated concrete block seawall, grout was placed by hand in the seawall voids, large boulders were temporarily relocated from the area in front of the wall, a 10 foot tall steel sheet pile wall (buried 5 feet below beach level) located 2 feet waterward from the existing wall was installed using an excavator equipped with a vibratory hammer attachment operated from uplands, concrete end walls were installed and the space between the existing seawall and the unauthorized sheet pile wall was backfilled with 26 cubic yards of gravel.

**Proposed Work:** To complete the project no more than 4 additional cubic yards gravel is required to backfill behind the seawall; some gravel may have washed out between construction and permit issuance. The rest of the concrete seawall cap will be poured-in-place making the sheet pile wall about 6 inches higher than it is currently. The cap will be about a foot wide and sloped slightly (about 2-3 percent) and 9 inches high so that there will be a 3-inch overlap below the top of the sheet pile wall.

**PURPOSE:** To protect a public road from erosion.

**ADDITIONAL INFORMATION:** Initially this project was being processed as an after-the-fact Nationwide Permit (NWP) 13 for Bank Stabilization however NWP 13 can no longer be used to authorize this project due to revisions in the 2012 NWP Program. Specifically, Regional General Condition 3 states the following:

3. New Bank Stabilization Prohibition Areas in Tidal Waters of Puget Sound. Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRIA) 8, 9, 10, 11, and 12 cannot be authorized by a NWP. NOTE: For the purposes of this condition, replacement of existing, currently serviceable, previously authorized bank stabilization within the original footprint is not considered “new” bank stabilization.

This project is located within WRIA 12 and therefore the use of NWP 13 is prohibited. The project will be processed as a Standard Individual Permit instead.

**CORPS REQUIRED MITIGATION:** The applicant will remove all debris and deleterious material on the subject property from the seawall to a tidal elevation of 0.0 feet Mean Lower Low Water (MLLW) and they will place at least 575 square feet of beach nourishment gravel from the waterward edge of the seawall to a tidal elevation of 6 feet MLLW. The gravel will be spread along the entire length of the bulkhead waterward for a distance of 9 linear feet to a uniform depth of 6 inches. One cubic yard of gravel shall be required for every 6 feet of bulkhead. The gravel will be placed by an excavator working from the roadway then spread and leveled by hand. Currently this is proposed as a one-time event.

**ENDANGERED SPECIES:** The Endangered Species Act (ESA) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) 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. The Corps initiated informal consultation with both Services on May 11, 2012.

On June 13, 2012, the USFWS issued a Letter of Concurrence on the Corps’ determinations of “may affect, not likely to adversely effect” for the following species and habitat:

- Coastal-Puget Sound (CPS) bull trout (*Salvelinus confluentus*)
- Critical habitat CPS bull trout
- Marbled murrelet (*Brachyramphus marmoratus*)

The concurrence letter included the following caveat: The USFWS has no authority to conduct after-the fact consultation for unauthorized actions. This consultation only covers the addition of pea gravel behind the existing wall, pouring of the concrete seawall cap, and required compensatory mitigation (beach nourishment).

On October 2, 2012, the NMFS sent a non-concurrence letter stating that non-withstanding any mitigation actions, the proposed action would adversely affect PS Chinook salmon and require formal consultation. Formal consultation was initiated and on December 18, 2012 NMFS provided a Biological Opinion for the project with the conclusion that the project would have “no effect” on Steller sea lions (*Eumetopias jubatus*) and would not jeopardize the continued existence of the following species and habitat:

- Puget Sound Chinook Salmon (*Oncorhynchus tshawytscha*)
- Puget Sound Steelhead (*Oncorhynchus mykiss*)
- Bocaccio Rockfish (*Sebastes paucispinis*)
- Canary Rockfish (*Sebastes pinniger*)
- Yelloweye Rockfish (*Sebastes ruberrimus*)
- Killer Whale (*Orcinus orca*)
- Critical Habitat, Killer Whale

**NMFS REQUIRED MITIGATION:** During consultation with NMFS the applicant agreed to mitigate the adverse effects of the action to Puget Sound Chinook salmon critical habitat through a financial contribution to the South Puget Sound Enhancement Group for a future restoration project.

**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, however during consultation NMFS determined that the action would not destroy or adversely modify designated critical habitat for Puget Sound Chinook salmon.

**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. A search of the Washington Information System for Architectural and Archeological Records Data online database showed no previously recorded historic properties in the permit area. The project involves activities limited to areas where past disturbance was so severe as to preclude the existence of intact cultural deposits, and no known properties are present.

The Corps has evaluated the project and a searched of the Washington Information System for Architectural and Archeological Records Data online database showed no previously recorded historic properties in the permit area. The project involves activities limited to areas where past disturbance was so severe as to preclude the existence of intact cultural deposits, and no known properties are present. However, 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 and determine if further review is required.

**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.

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: The City of Tacoma has issued 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.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features a color photographs of the unauthorized work. 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.

CORPS COMMENTS: All e-mail comments should be sent to [erin.l.legge@usace.army.mil](mailto:erin.l.legge@usace.army.mil) Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Erin Legge, Post Office 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

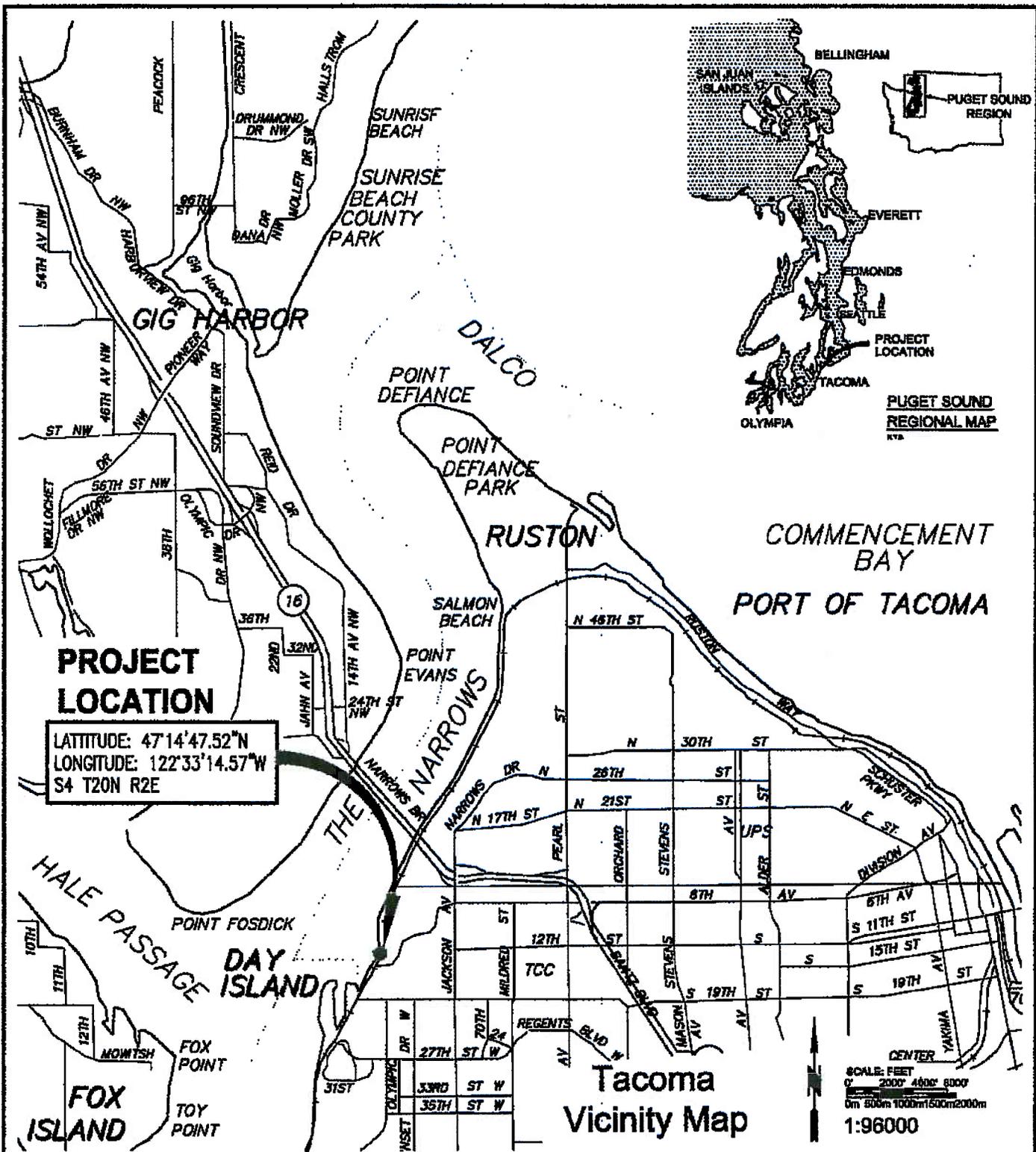
NWS-2011-00183

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: SEA program – Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to [ecyrefedpermits@ecy.wa.gov](mailto: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: Tacoma Public Works, NWS-2011-00183

Encl: Figures (10)



**PROJECT LOCATION**  
 LATITUDE: 47°14'47.52"N  
 LONGITUDE: 122°33'14.57"W  
 S4 T20N R2E

**Tacoma Vicinity Map**

SCALE: FEET  
 0 2000' 4000' 8000'  
 0m 300m 1000m 5000m 2000m  
 1:96000

**PURPOSE:**  
 REPAIRING AN EXISTING  
 DETERIORATING ECOBLOCK SEAWALL

**ADJACENT PROPERTY OWNERS:**  
 1. STEAMER'S SEAFOOD CAFE  
 8802 8<sup>TH</sup> AVE, TACOMA, WA  
 2. MR. CHARLES WILLSON  
 8808 8<sup>TH</sup> AVE, TACOMA, WA

**DATUM:** HORIZONTAL: N.A.D. 83/91  
 VERTICAL: N.G.V.D. 28

**VICINITY MAP**  
 REFERENCE#: NWS-2011-183

**CITY OF TACOMA**  
 DEPARTMENT OF PUBLIC WORKS  
 747 MARKET STREET, ROOM 620  
 TACOMA, WASHINGTON 98402-0148

**PROPOSED:**  
 CONSTRUCTION OF A SHEET PILE SEAWALL  
 TO PROVIDE PROTECTION TO THE EXISTING  
 DETERIORATING ECOBLOCK WALL WHICH  
 SUPPORTS A PORTION OF 8<sup>TH</sup> AVE

**IN:** THE NARROWS  
**COUNTY OF:** PIERCE  
**STATE OF:** WA

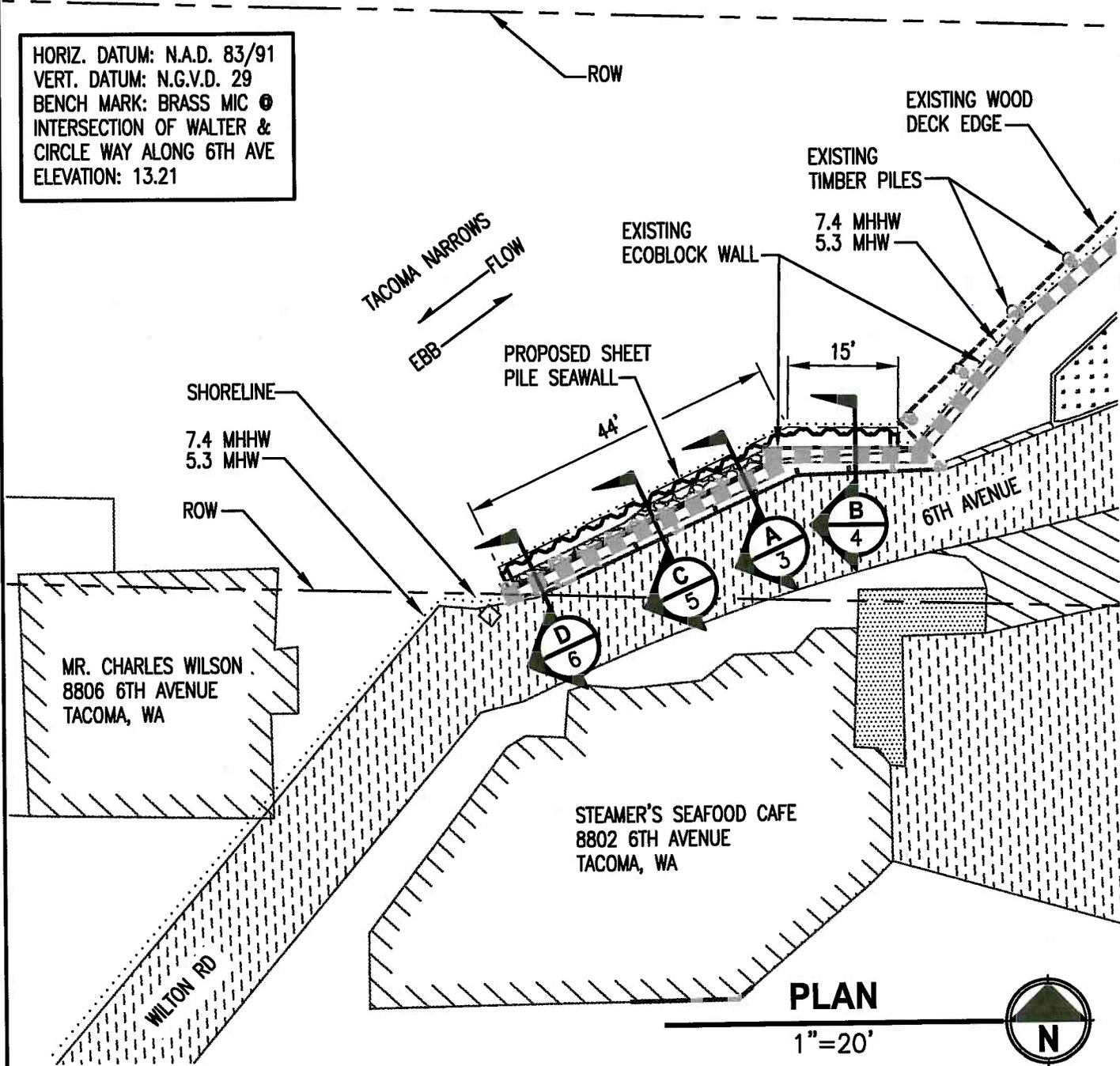
**APPLICATION BY:** CITY OF TACOMA

**Page 1 of 10**  
**2/4/2013**

**NOTE:** COMPLETED WORK  
 1. Sheet pile wall in place  
 2. CONCRETE END ENCLOSURE ARE IN PLACE

WORK YET TO BE COMPLETED  
 1. ROCK BACKFILL APPROX 4 cubic yards (26 cy already in place behind sheet pile wall)  
 2. CONCRETE CAP

HORIZ. DATUM: N.A.D. 83/91  
 VERT. DATUM: N.G.V.D. 29  
 BENCH MARK: BRASS MIC @  
 INTERSECTION OF WALTER &  
 CIRCLE WAY ALONG 6TH AVE  
 ELEVATION: 13.21



**PURPOSE:**  
 REPAIRING AN EXISTING  
 DETERIORATING ECOBLOCK SEAWALL

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 1. STEAMER'S SEAFOOD CAFE  
 8802 6<sup>TH</sup> AVE, TACOMA, WA  
 2. MR. CHARLES WILLSON  
 8806 6<sup>TH</sup> AVE, TACOMA, WA

**DATUM:** HORIZONTAL: N.A.D. 83/91  
 VERTICAL: N.G.V.D. 29

**PLAN VIEW**

**REFERENCE#:** NWS-2011-183

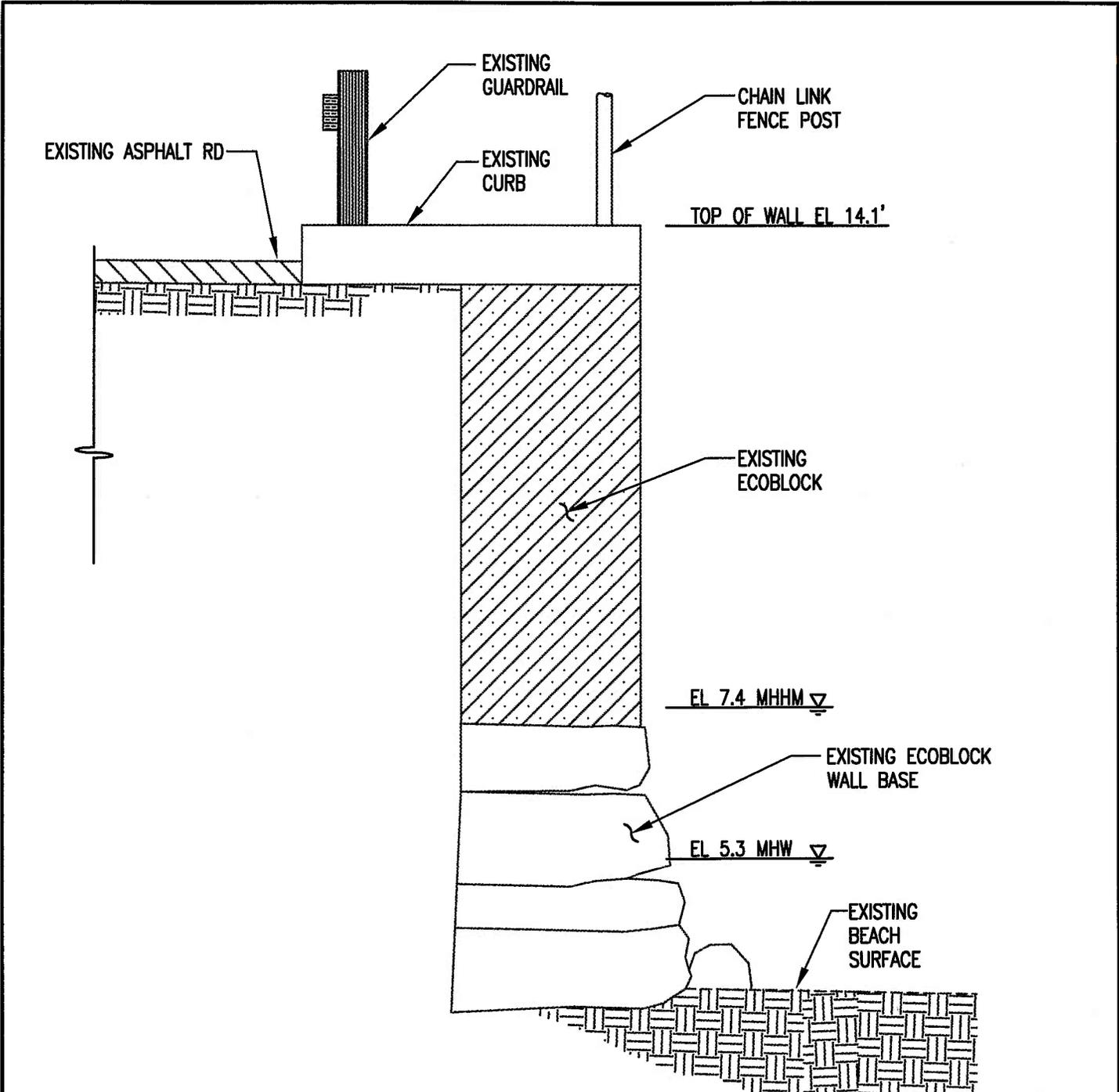
**CITY OF TACOMA**  
 DEPARTMENT OF PUBLIC WORKS  
 747 MARKET STREET, ROOM 520  
 TACOMA, WASHINGTON 98402-0146

**PROPOSED:**  
 CONSTRUCTION OF A SHEET PILE SEAWALL  
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**IN:** THE NARROWS  
**COUNTY OF:** PIERCE **STATE OF:** WA  
**APPLICATION BY:** CITY OF TACOMA

**Sheet 2 of 10**

**2/4/2013**



**ORIGINAL WALL SECTION**

1/2" = 1'-0"

**A**  
SHEET 2

**PURPOSE:**  
REPAIRING AN EXISTING  
DETERIORATING ECOBLOCK SEAWALL

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**DATUM:** HORIZONTAL: N.A.D. 83/91  
VERTICAL: N.G.V.D. 29

SECTION A  
REFERENCE#: NWS-2011-183

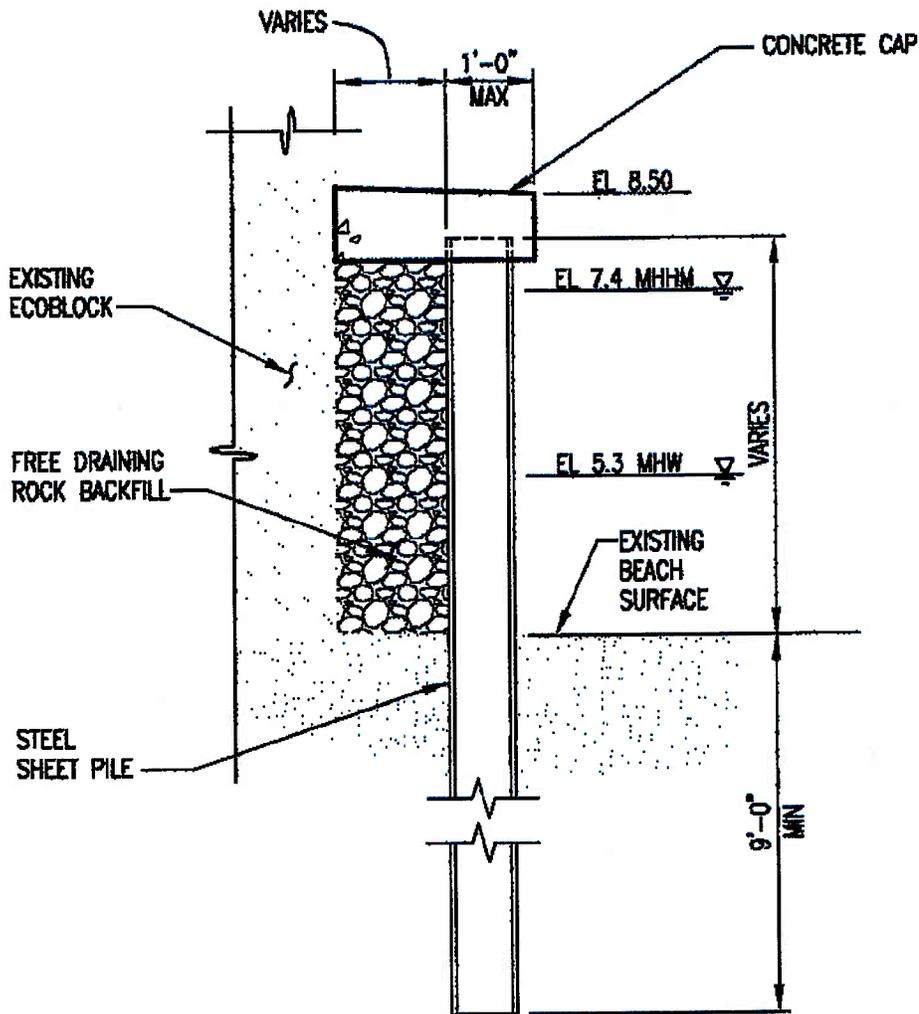
**CITY OF TACOMA**  
DEPARTMENT OF PUBLIC WORKS  
747 MARKET STREET, ROOM 520  
TACOMA, WASHINGTON 98402-0146

**PROPOSED:**  
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IN: THE NARROWS  
COUNTY OF: PIERCE  
APPLICATION BY: CITY OF TACOMA

STATE OF: WA

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2/4/2013



**SECTION**



1/2" = 1'-0"

SHEET 2

**PURPOSE:**  
REPAIRING AN EXISTING  
DETERIORATING ECOBLOCK SEAWALL

**ADJACENT PROPERTY OWNERS:**  
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VERTICAL: N.G.V.D. 29

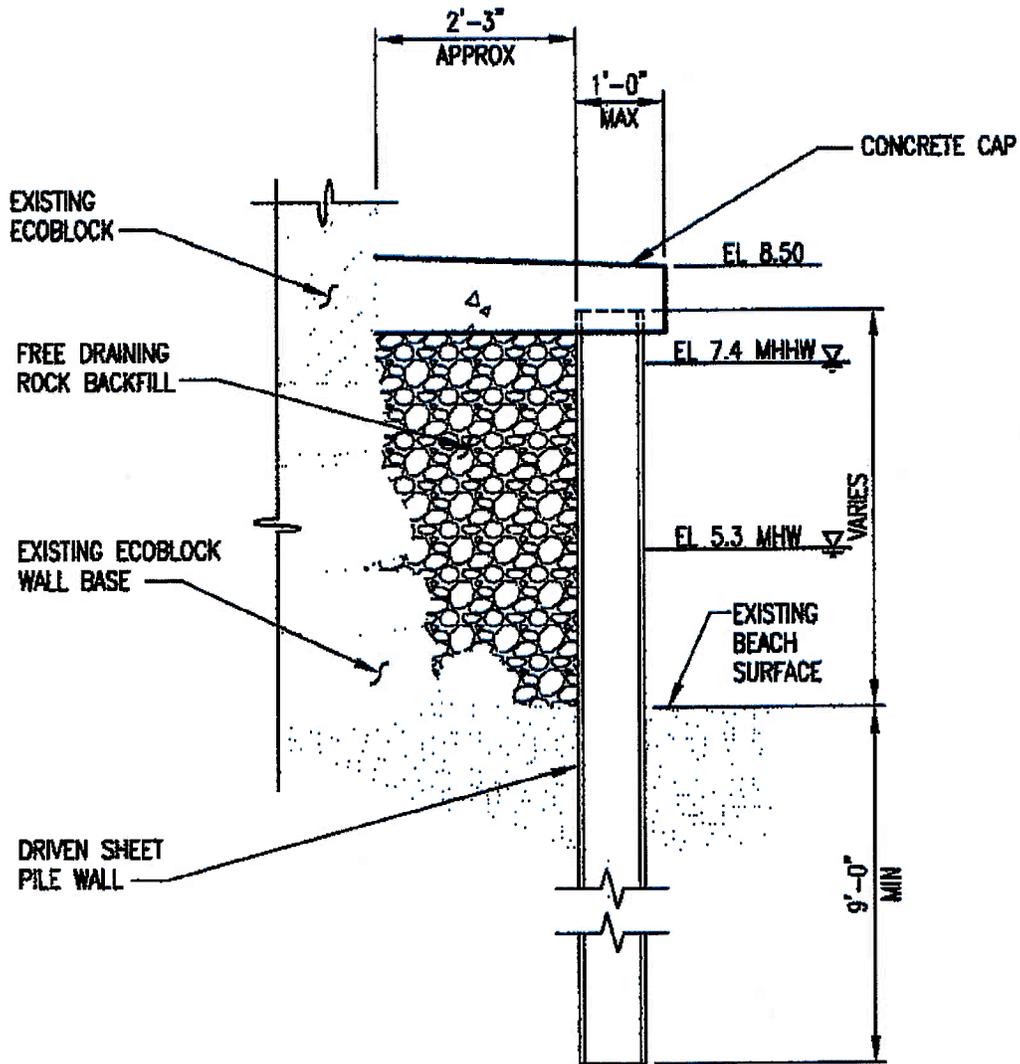
**SECTION C**

REFERENCE#: NWS-2011-183

**CITY OF TACOMA**  
DEPARTMENT OF PUBLIC WORKS  
747 MARKET STREET, ROOM 520  
TACOMA, WASHINGTON 98402-0148

**PROPOSED:**  
CONSTRUCTION OF A SHEET PILE SEAWALL  
TO PROVIDE PROTECTION TO THE EXISTING  
DETERIORATING ECOBLOCK WALL WHICH  
SUPPORTS A PORTION OF 6TH AVE

**IN:** THE NARROWS  
**COUNTY OF:** PIERCE  
**STATE OF:** WA  
**APPLICATION BY:** CITY OF TACOMA



**SECTION**



1/2" = 1'-0"

SHEET 2

**PURPOSE:**  
REPAIRING AN EXISTING  
DETERIORATING ECOBLOCK SEAWALL

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**DATUM:** HORIZONTAL: N.A.D. 83/91  
VERTICAL: N.G.V.D. 29

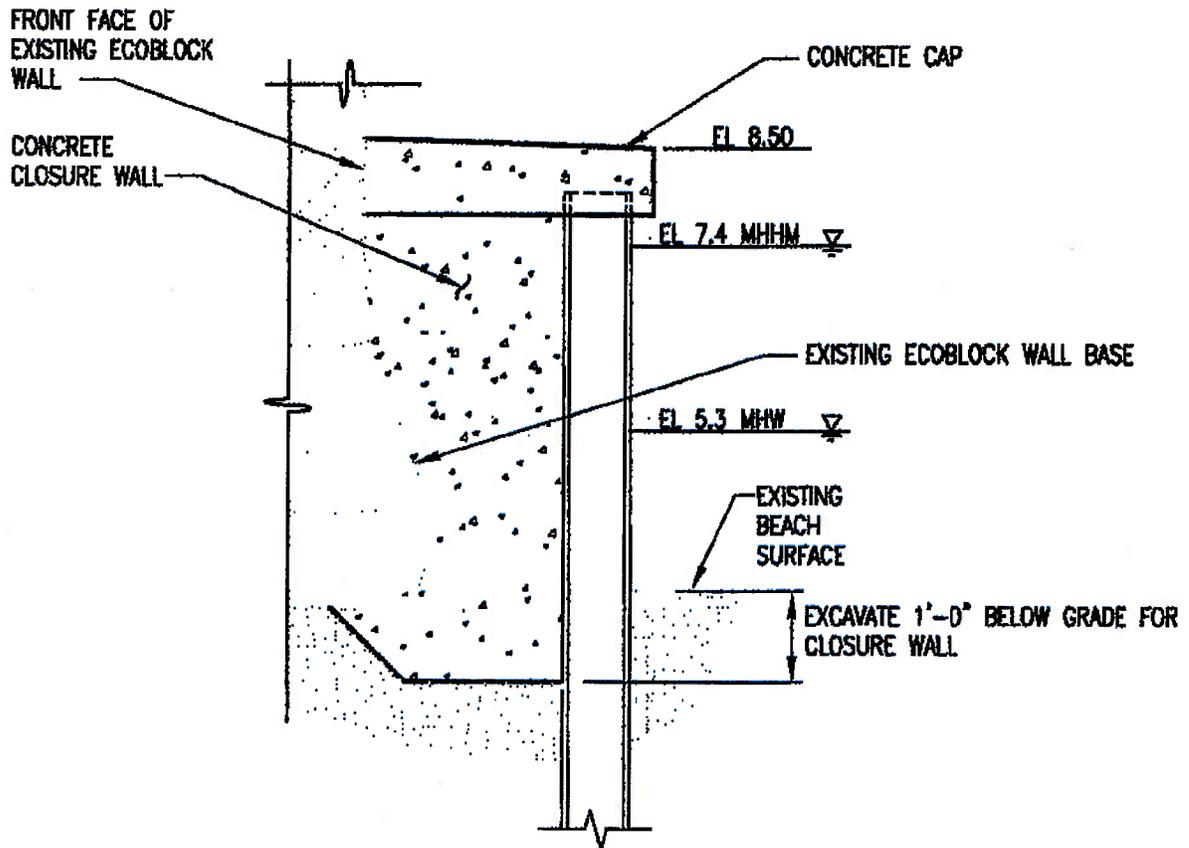
**SECTION B**

REFERENCE#: NWS-2011-183

**CITY OF TACOMA**  
DEPARTMENT OF PUBLIC WORKS  
747 MARKET STREET, ROOM 520  
TACOMA, WASHINGTON 98402-0148

**PROPOSED:**  
CONSTRUCTION OF A SHEET PILE SEAWALL  
TO PROVIDE PROTECTION TO THE EXISTING  
DETERIORATING ECOBLOCK WALL WHICH  
SUPPORTS A PORTION OF 6TH AVE

IN: THE NARROWS  
COUNTY OF: PIERCE  
APPLICATION BY: CITY OF TACOMA  
STATE OF: WA



**SECTION**

**D**

1/2"=1'-0"

SHEET 2

**PURPOSE:**  
REPAIRING AN EXISTING  
DETERIORATING ECOBLOCK SEAWALL

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**DATUM:** HORIZONTAL: N.A.D. 83/91  
VERTICAL: N.G.V.D. 29

**SECTION D**

REFERENCE#: NWS-2011-183

**CITY OF TACOMA**  
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**PROPOSED:**  
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**IN:** THE NARROWS  
**COUNTY OF:** PIERCE  
**STATE OF:** WA  
**APPLICATION BY:** CITY OF TACOMA



WEST WALL PHOTO NIS 2



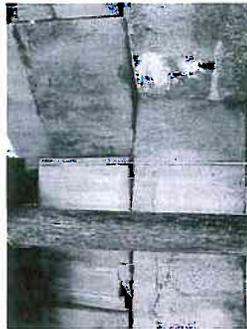
BEHIND EOBLOCK CORNER DETAIL NIS 4



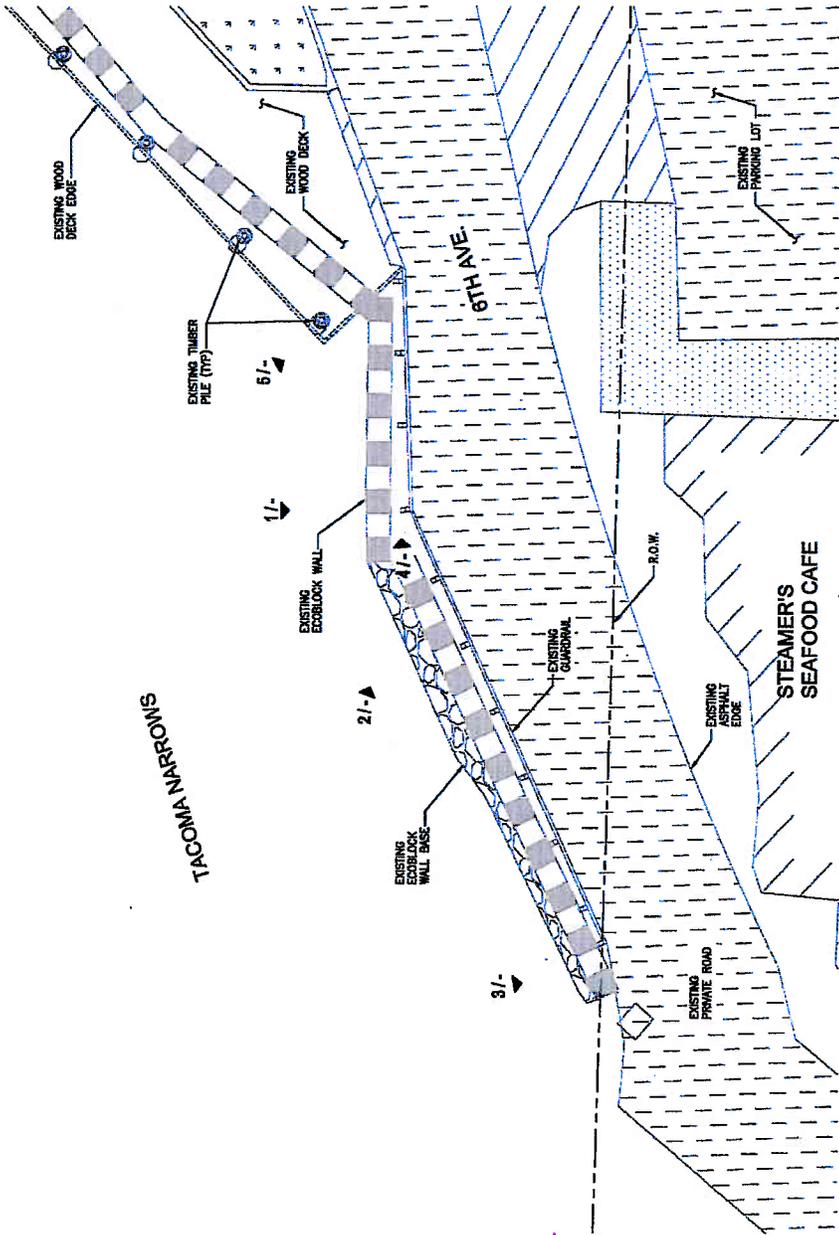
EXISTING EOBLOCK CORNER PHOTO NIS 1



END OF WEST WALL AT EXISTING DECK PHOTO NIS 3



END OF EAST WALL AT EXISTING DECK PHOTO NIS 5



EXISTING SITE PLAN 1"=5'

Parametry  
 11/11/2013  
 11/11/2013

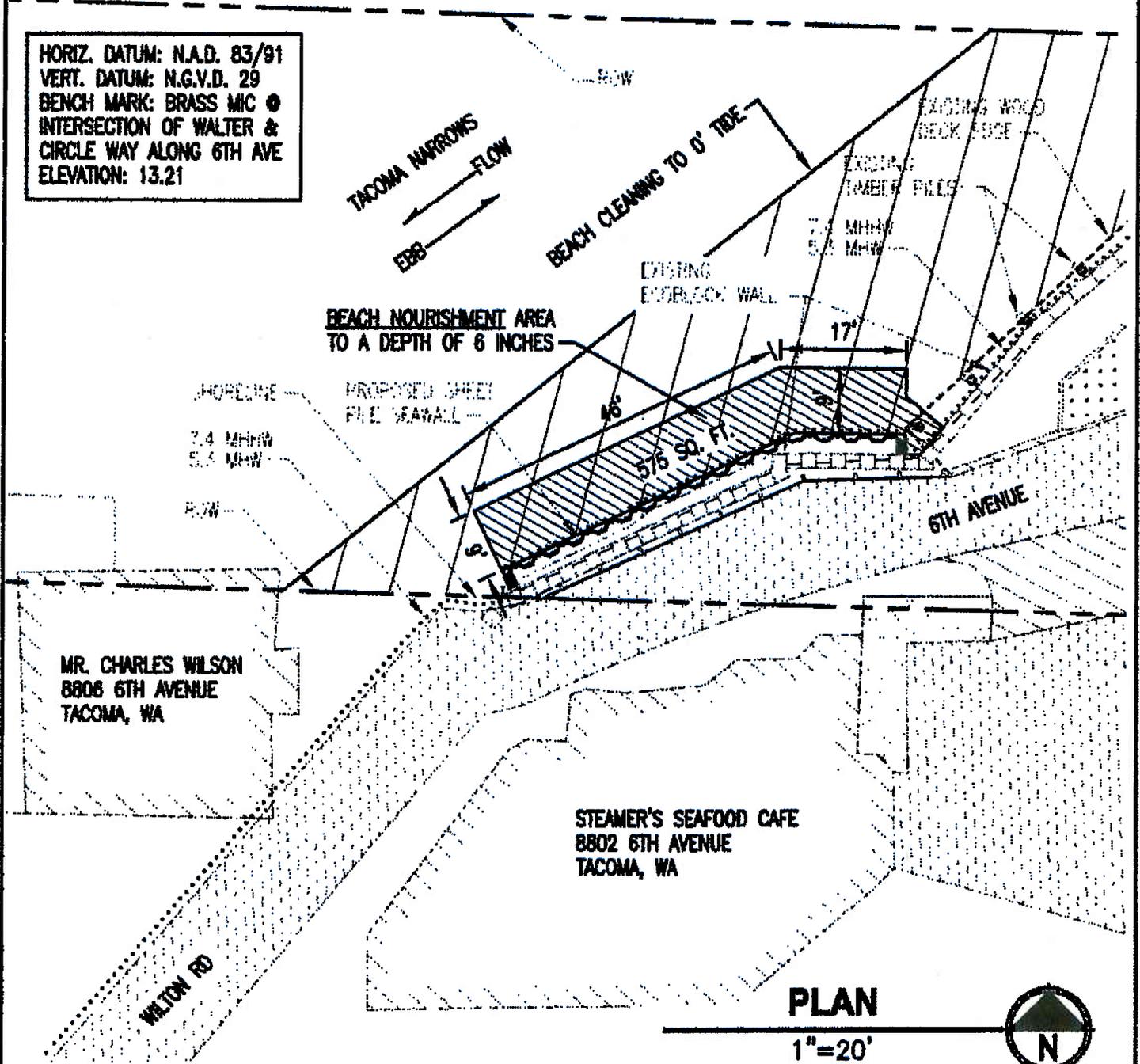
CITY OF TAGOVA DEPARTMENT OF PUBLIC WORKS		2/4/2013	
100% REVIEW SUBMITTAL NOT FOR CONSTRUCTION		Page 1 of 10	
DATE	TIME	DATE	TIME
JAN 15 2013	11:00 AM	JAN 15 2013	11:00 AM
BY	FOR	BY	FOR
AK	AK	AK	AK
100% REVIEW SUBMITTAL NOT FOR CONSTRUCTION		100% REVIEW SUBMITTAL NOT FOR CONSTRUCTION	





# MITIGATION PLAN

HORIZ. DATUM: N.A.D. 83/91  
 VERT. DATUM: N.G.V.D. 29  
 BENCH MARK: BRASS MIC  
 INTERSECTION OF WALTER &  
 CIRCLE WAY ALONG 6TH AVE  
 ELEVATION: 13.21



**PLAN**

1"=20'



**PURPOSE:** MITIGATION PLANS FOR  
 REPAIRING AN EXISTING  
 DETERIORATING ECOBLOCK SEAWALL

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**CITY OF TACOMA**  
 DEPARTMENT OF PUBLIC WORKS  
 747 MARKET STREET, ROOM 520  
 TACOMA, WASHINGTON 98402-0146

**PROPOSED:**  
 BEACH CLEAN-UP FROM THE  
 EXISTING SEAWALL TO THE  
 0 TIDE ELEVATION AND BEACH  
 NOURISHMENT

**IN:** THE NARROWS  
**COUNTY OF:** PIERCE **STATE OF:** WA  
**APPLICATION BY:** CITY OF TACOMA