



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: (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 07, 2014  
Expiration Date: March 09, 2014

Reference No.: NWS-2013-1226  
Name: Duwamish Yacht Club

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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 January 3, 2014.

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 CZM Act.

**APPLICANT:** Duwamish Yacht Club  
Attention: Mr. Mike Canan  
1801 South 93rd Street  
Seattle, Washington 98108  
Telephone: (206) 767-9330

**AGENT:** Kane Environmental Inc.  
Attention: Mr. Eric Nassau  
3815 Woodland Park Avenue North  
Seattle, Washington 98103  
Telephone: (206) 691-0476

**LOCATION:** In the Duwamish River at Seattle, Washington.

**WORK:** Dredge 22,300 cubic yards of sediment from a 4.5 acre area to a final elevation of -8 feet below Mean Lower Low Water (MLLW). Dredged material would be removed using a barge mounted clamshell or specially equipped excavator. Of the 22,300 cubic yards proposed for removal, 7,900 cubic yards of the removed sediments would be disposed of at the Puget Sound Dredge Disposal Analysis (PSDDA) disposal site in Elliott Bay and 14,400 cubic yards of the removed sediments would be disposed of at an approved upland facility (likely the Roosevelt Regional Landfill). One area (labeled as Dredged Material Management Unit (DMMU) 4, 5, 6 on the project drawings sheet 3) is proposed to be overdredged to a depth of -9 feet below MLLW to accommodate a one foot layer of sand placement. Up to 2,050 cubic yards of clean sand would then be placed one foot deep over 1.26 acres in DMMU 4,5,6.

## **NWS-2013-1226, Duwamish Yacht Club**

Dredging is proposed to take place in one event. During dredging operations, the applicant has proposed to detach marina floating structures and temporarily moor the floats on the east side of the Duwamish River (labeled as Temporary Dock Storage Areas on sheet 2 of the project drawings). At the end of the dredging, these floats would then be moved back and secure back in place in their previous configuration at the Duwamish Yacht Club. No marina piles or moorage covers would be moved or modified during the dredging operations.

**PURPOSE:** Maintain adequate water depth for safe navigation and moorage.

### **DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):**

**Dredged Material Testing:** The proposed dredged material has been tested according to the procedures specified by DMMP, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Washington State. The DMMP evaluations may include both chemical and biological testing of sediments. For this project, the DMMP agencies determined that 7,900 cubic yards were suitable for unconfined disposal at the DMMP non-dispersive open-water disposal site in Elliott Bay. The remaining 14,400 cubic yards were found unsuitable for open-water disposal. After mechanical removal, this material will be loaded onto trucks and transported to an upland disposal area, approved by the Washington State Department of Ecology. The sediment testing data are available at the Corps, Seattle District, Dredged Material Management Office.

**Dredging Plan:** A dredging plan, sufficient to adequately separate contaminated material from sediments suitable for open-water disposal, will be prepared by the applicant and submitted to the regulatory agencies for review prior to dredging. A pre-dredging conference will be held to review quality control plans and procedures for material separation.

**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:** 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 by the applicant at this time.

**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. 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

## **NWS-2013-1226, Duwamish Yacht Club**

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. There are no recorded historic properties within the permit area. The permit area has been so extensively disturbed by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed 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 – 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

**NWS-2013-1226, Duwamish Yacht Club**

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 being processed by King County for compliance with the State Environmental Policy Act and Shoreline Management Act.

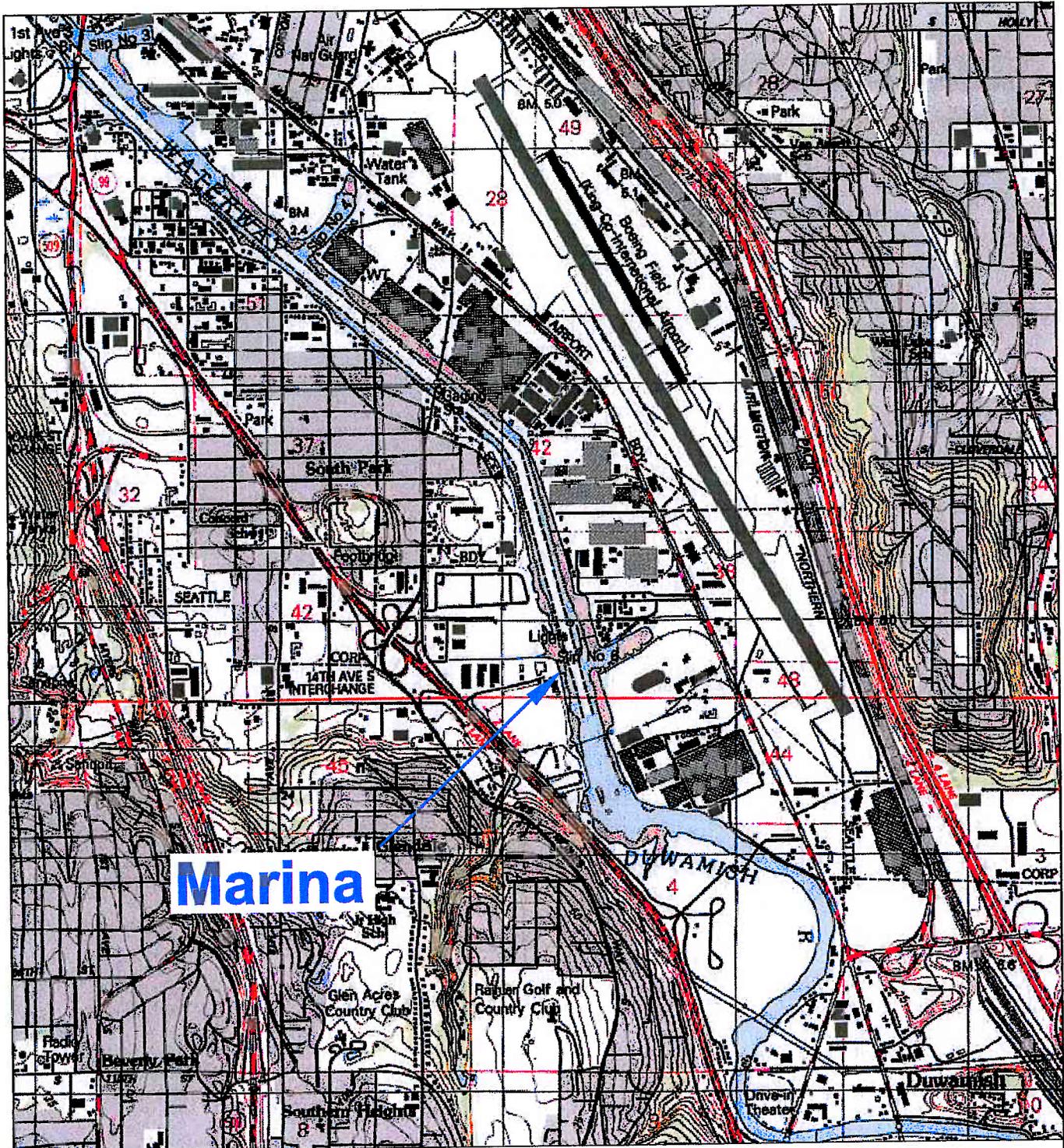
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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](mailto:jacalen.m.printz@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: 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 CZM consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. 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: Duwamish Yacht Club; NWS-2013-1226

Encl: Figures (6)



Reference: NWS-2013-1226

Location: Parcel 000160-0061  
1801 South 93rd Street

Proposed Project: Maintenance Dredging

Applicant: Duwamish Yacht Club

In: Lower Duwamish Waterway

Near/At: Seattle

Adjacent Property Owners:

LAT/LONG:  
47.51955 N, -122.3079 W

County: King

State: Washington

Sea King Industrial Park

Mellon Trust of WA - Des Moines

Delta Marine Industries

Container Properties LLC

Page 1 of 6 Date: 1/29/2014

0 2000 4000

Approximate Scale in Feet



Proposed Maintenance Dredging  
 Duwamish Yacht Club  
 Seattle, Washington

Figure 1  
 Vicinity Map



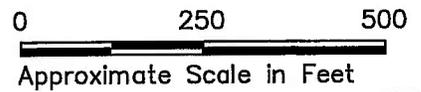
Reference: NWS-2013-1226

Applicant: Duwamish Yacht Club

Proposed Project: Maintenance Dredging

Location: Parcel 000160-0061  
1801 South 93rd Street

Page 2 of 6 Date: 1/29/2014



Proposed Maintenance Dredging  
 Duwamish Yacht Club  
 Seattle, Washington

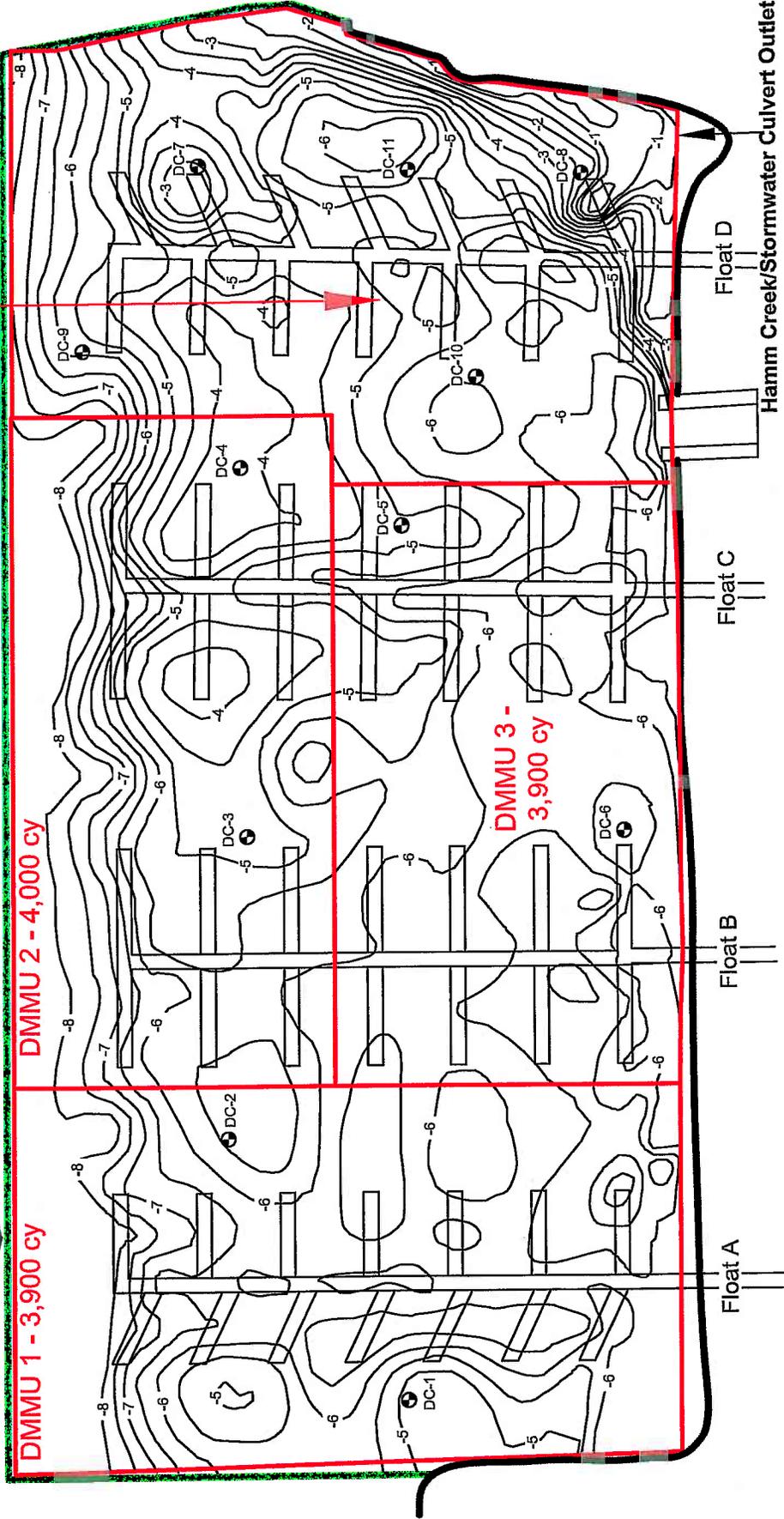
Figure 2  
 Vicinity Map Detail

Duwamish Waterway **DMMU 4, 5, 6 - 10,500 cy (incl overredge)**

**DMMU 2 - 4,000 cy**

**DMMU 1 - 3,900 cy**

**DMMU 3 - 3,900 cy**



Reference: NWS-2013-1226  
 Applicant: Duwamish Yacht Club  
 Proposed Project: Maintenance Dredging  
 Location: Parcel 000160-0061  
1801 South 93rd Street  
 Page 3 of 6 Date: 1/29/2014

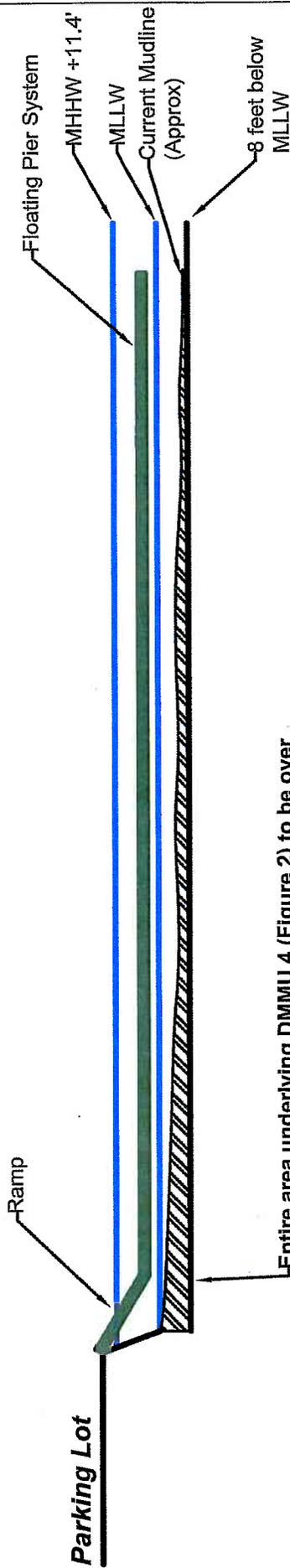
Entire area underlying DMMU 4 (55,058 sqft) to be over dredged 1 foot and covered with 1 foot of clean sand  
 Sediment dredged from DMMU 2 and 3 (7,900 cy) suitable for open water disposal (Elliott Bay Non-Dispersive Site)  
 Sediment dredged from DMMU 1, 4, 5, and 6 (14,400 cy) not suitable for open water disposal (Roosevelt Regional landfill)

Approximate Aquatic Extents of Marina Location of Sediment Sample   
 Approximate Location of Shoreline DMMU Extents Approximate Scale in Feet



Proposed Maintenance Dredging  
 Duwamish Yacht Club  
 Seattle, Washington

Figure 3  
 Site Plan with DMMU's and  
 Sediment Sample Locations



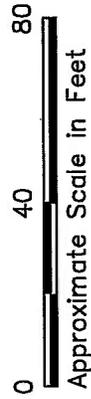
Entire area underlying DMMU 4 (Figure 2) to be over dredged 1 foot and covered with 1 foot of clean sand

**Lower Duwamish Waterway**

Reference: NWS-2013-1226  
 Applicant: Duwamish Yacht Club  
 Proposed Project: Maintenance Dredging  
 Location: Parcel 000160-0061  
1801 South 93rd Street  
 Page 4 of 6 Date: 1/29/2014

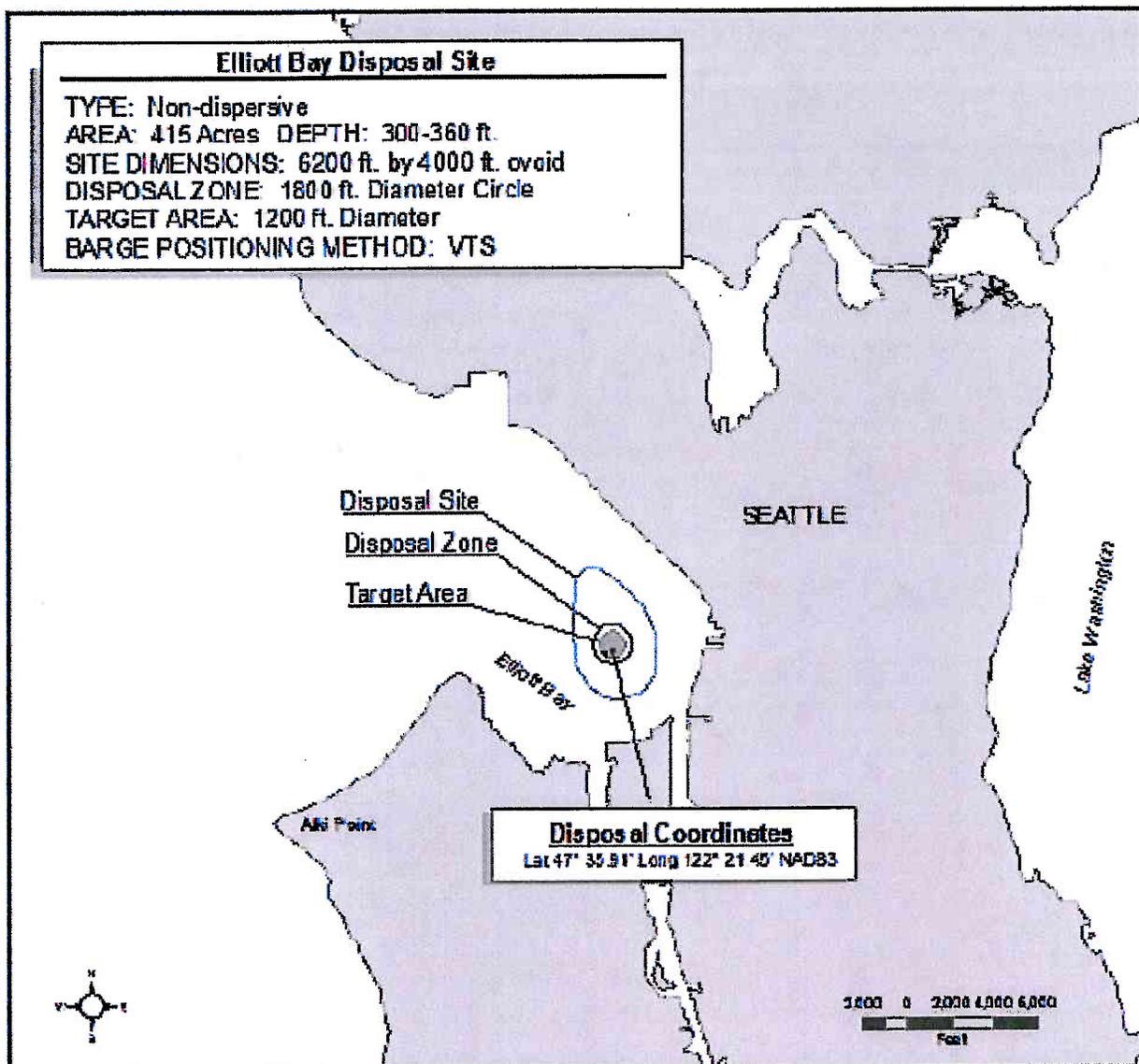


Cross Section of Proposed Dredge Sediments



Proposed Maintenance Dredging  
 Duwamish Yacht Club  
 Seattle, Washington

Figure 4  
 Cross Section Showing  
 Proposed Dredge Sediments



**Figure 13-5. Elliott Bay Non-Dispersive Disposal Site**

Reference: NWS-2013-1226  
 Applicant: Duwamish Yacht Club  
 Proposed Project: Maintenance Dredging

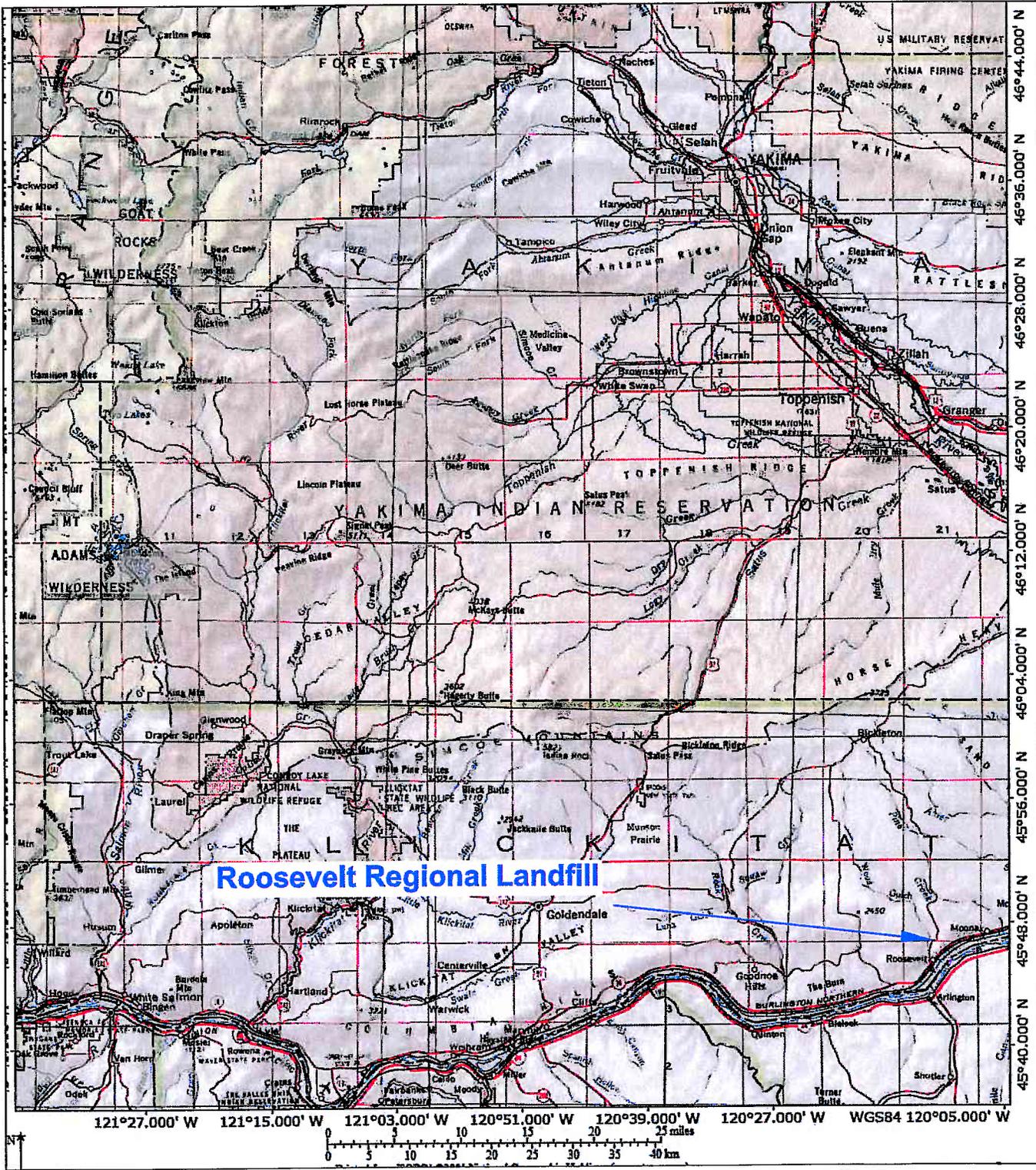
Location: Parcel 000160-0061  
1801 South 93rd Street

Page 5 of 6 Date: 1/29/2014



Maintenance Dredging  
 Duwamish Yacht Club  
 Seattle, Washington

Figure 5  
 Open Water Disposal Location  
 Elliott Bay Disposal Site  
 Seattle, Washington



Reference: NWS-2013-1226  
 Applicant: Duamish Yacht Club  
 Proposed Project: Maintenance Dredging

Location: Parcel 000160-0061  
1801 South 93rd Street

Page 6 of 6 Date: 1/29/2014



Maintenance Dredging  
 Duamish Yacht Club  
 Seattle, Washington

Figure 6  
 Upland Disposal Location  
 Roosevelt Regional Landfill  
 Roosevelt, Washington