



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: March 14, 2014
Expiration Date: April 13, 2014

Reference No.: NWS-2014-198
Name: Birch Bay Village
Community Club

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 February 24, 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 Coastal Zone Management Act.

APPLICANT: Birch Bay Village Community Club
8055 Cowichan Road
Blaine, Washington 98230
Attention: Mr. Ken Hoffer
Telephone: (360) 371-7744

AGENT: ERM
2211 Rimland Drive
Bellingham, Washington 98226
Attention: Ms. Michelle Fisher
Telephone: (360) 647-3921

LOCATION: In Birch Bay near Blaine, Whatcom County, Washington.

WORK: Maintenance dredging in a marina entrance channel.

PURPOSE: Maintain safe navigational depths for marina users.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP): 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 CWA 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.

ADDITIONAL INFORMATION: This project includes a series of four maintenance dredges over a 10-year period of less than 2,000 cubic yards; each in 0.30 of an acre of the outer portion of the marina entrance. The channel will be dredged with a hydraulic dredge. Dredged material is sand, silt, and gravel. Dredging materials will be placed on the shoreline, east of the channel entrance, between +6 feet (ft) to +12 ft mean lower low water (MLLW). The sediment containment design consists of the construction of a continuous containment berm composed of 1¾ to 2-inch washed, sound, round “drain rock.” The berm will extend waterward of the Lot 12—Lot 13 boundary with a gravel wing wall from +12 ft MLLW to +6 MLLW (length 70 ft), then runs alongshore to the northeast at +6 ft MLLW for a length of 200 ft, where a second wing wall would be constructed from +6 ft MLLW up to +12 MLLW. The berm crest would be at approximately +10 ft MLLW. A temporary ramp/road down to the beach will be used to convey equipment to the disposal site. The road will consist of angular rock which will be removed after the dredging. The angular rock will be replaced with cobble to form a ramped foot path down to the beach

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: 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 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 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 U.S. Army Corps of Engineers (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. Historic properties are recorded at or near the dredge spoil disposal location. The dredge spoil will be placed at an existing disposal area that has been used during four previous dredging operations. 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.

NWS-2014-198, Birch Bay Village Community Club

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 U.S.

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.

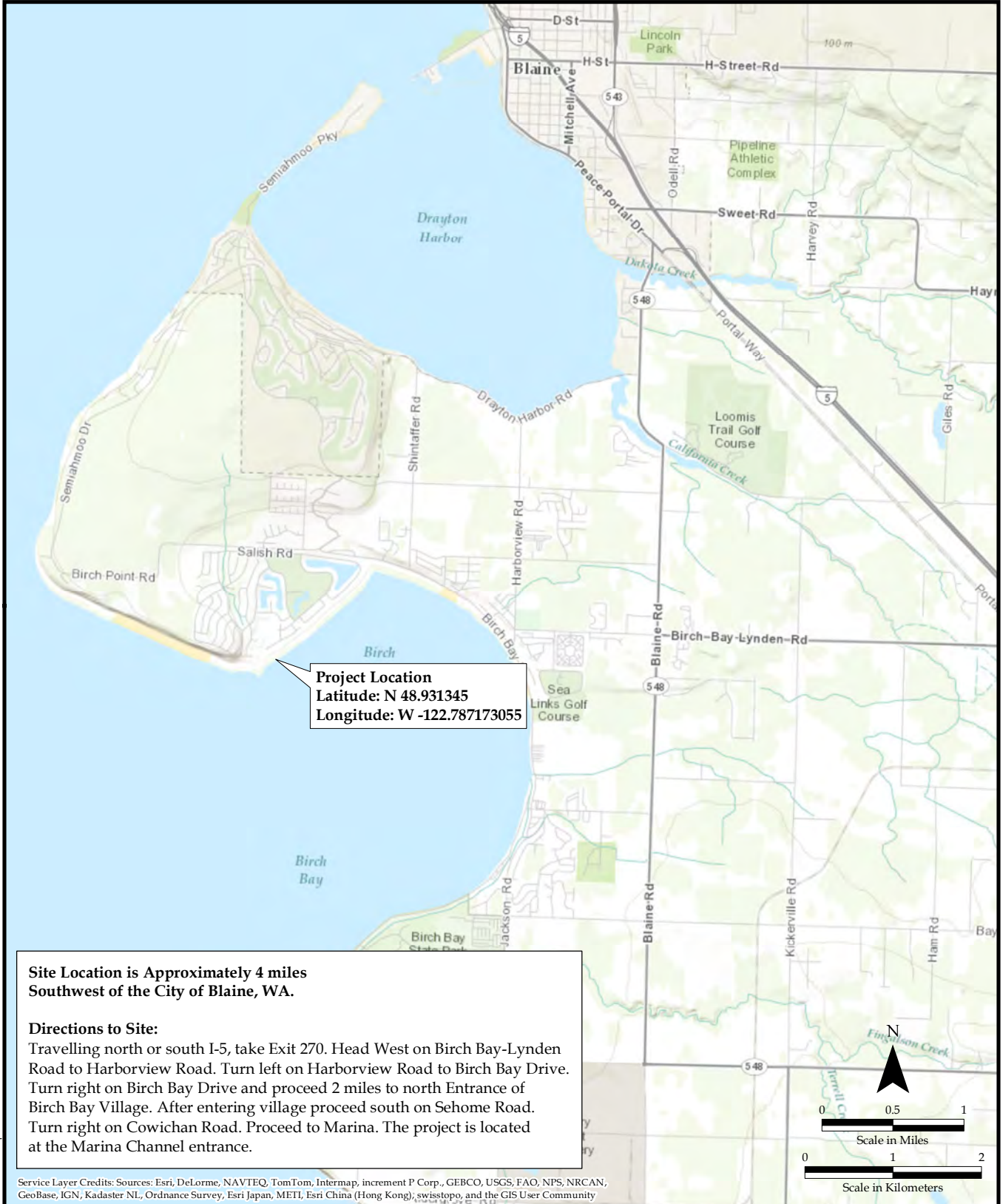
CORPS COMMENTS: All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Randel Perry, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the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

NWS-2014-198, Birch Bay Village Community Club

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: Birch Bay Village Community Club, NWS-2014-198

Encl: Figures (5)



Site Location is Approximately 4 miles Southwest of the City of Blaine, WA.

Directions to Site:
 Travelling north or south I-5, take Exit 270. Head West on Birch Bay-Lynden Road to Harborview Road. Turn left on Harborview Road to Birch Bay Drive. Turn right on Birch Bay Drive and proceed 2 miles to north Entrance of Birch Bay Village. After entering village proceed south on Sehome Road. Turn right on Cowichan Road. Proceed to Marina. The project is located at the Marina Channel entrance.

Service Layer Credits: Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

Reference: Corps Ref# NWS-2014-198	Location: 8055 Cowichan Road	Proposed Project: Marina Entrance Maintenance Dredging Figure 1 Site Location Map
Applicant: Birch Bay Village Community Club	Lat/Long: N 48.931345, W -122.787173055	

Date: , , : 2/24/14

In: Birch Bay
 Near: Blaine
 County: Whatcom
 State: Washington

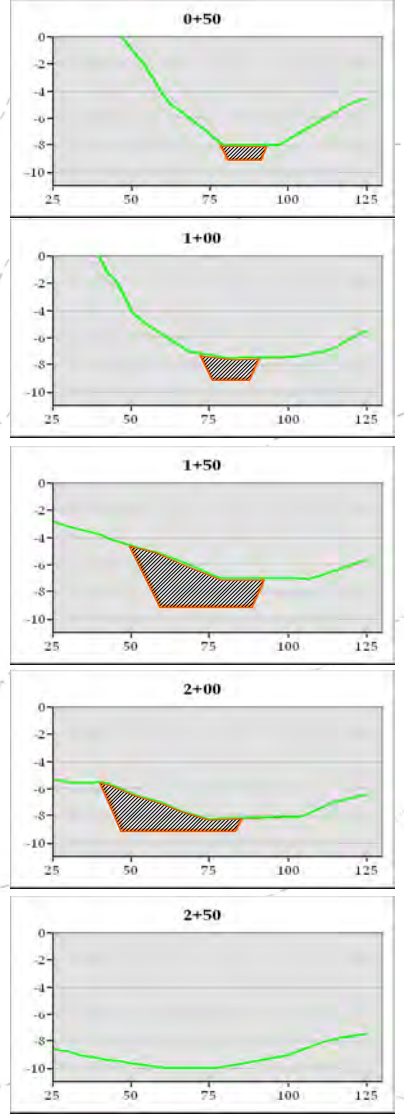
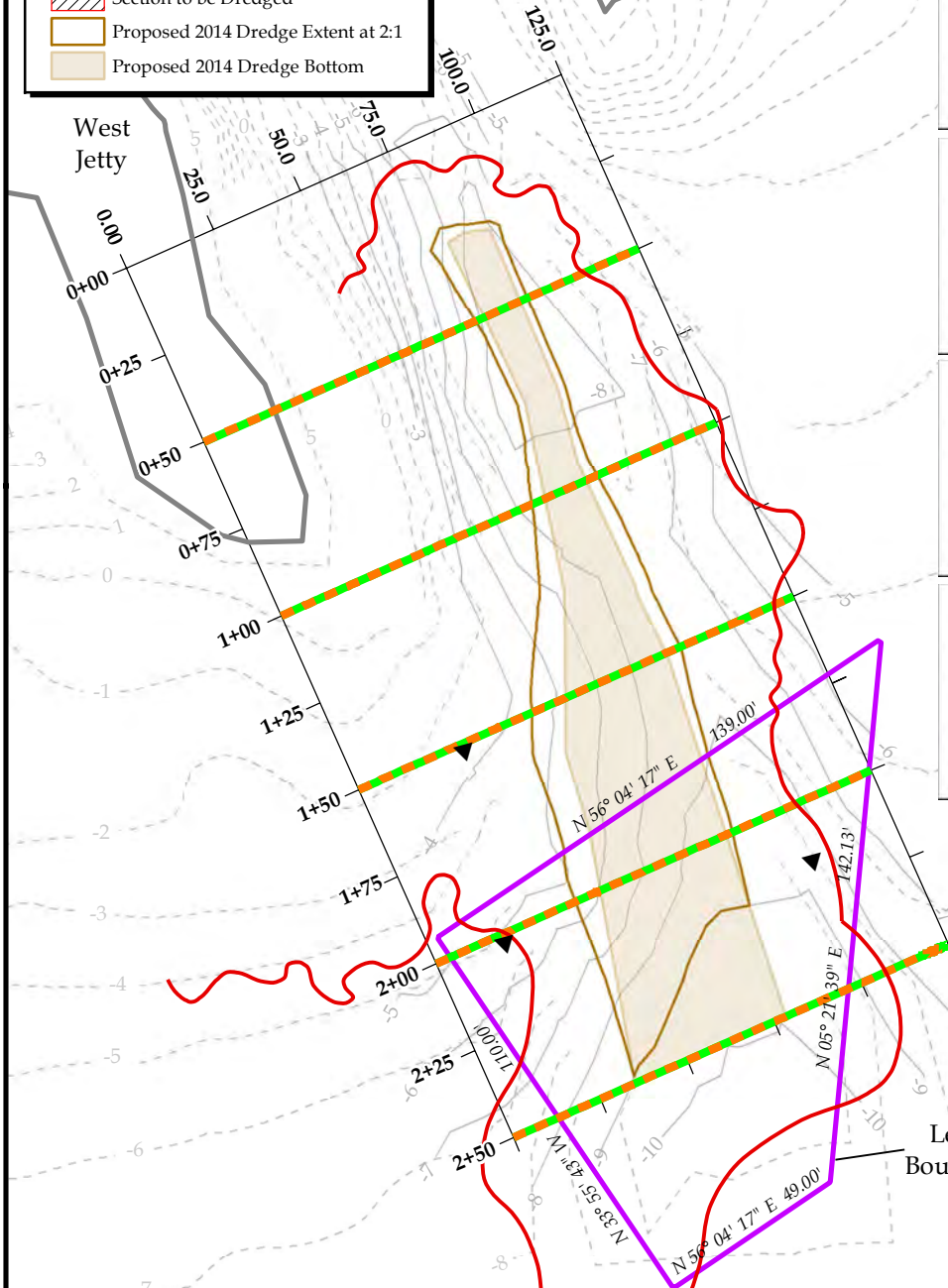
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Legend

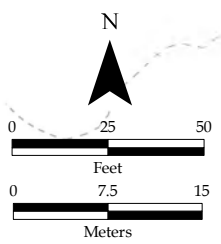
- ▲ Piling
- Pre 2014 Cross-Section
- Proposed Cut Cross-Section
- Approximate Eelgrass Boundary
- Mean High Water Line (8.3 ft)
- 2013 Dredging Surface Lines
- 2000-2005 Contour
- ▨ Section to be Dredged
- ▭ Proposed 2014 Dredge Extent at 2:1
- ▭ Proposed 2014 Dredge Bottom

Notes:

1. 2013 Survey by Northwest Survey. Dated March 27, 2013
2. Dredging must not impact existing eel grass.
3. A forage fish spawning beach is located west of the dredging site, and must not be disturbed.
4. Volume of the dredge: 351 cy.
5. Projected 2:1 slope from the dredge bottom to 2013 surveyed condition.



Sections Looking North



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Reference: NWS-2014-198

Location: 8055 Cowichan Road

Proposed Project:
Marina Entrance
Maintenance Dredging
Figure 2 Dredging Plan

Applicant: Birch Bay Village Community Club

Lat/Long: N 48.931345, W -122.787173055

Date: , , 2/24/14

Sheet 2 of 5

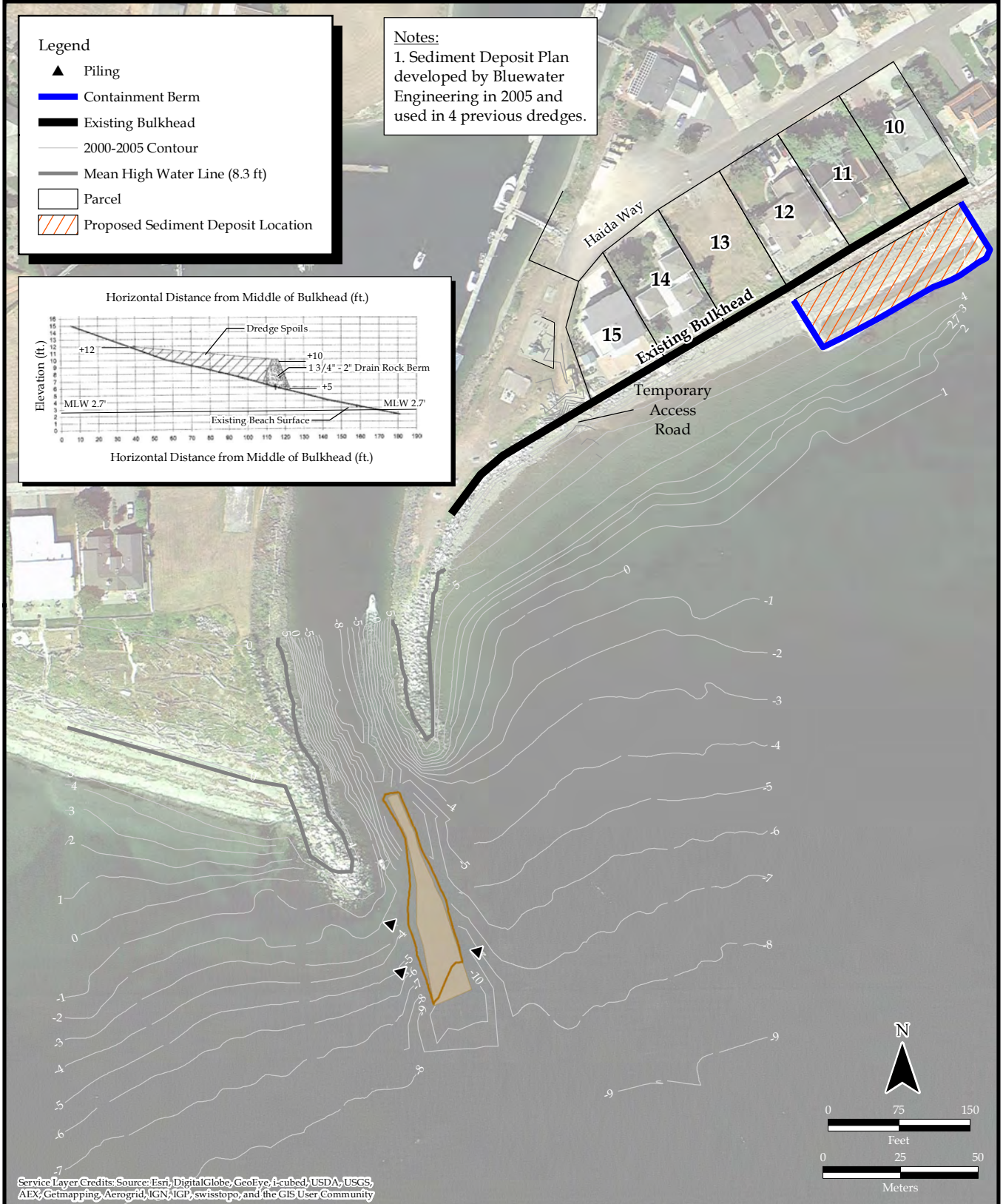
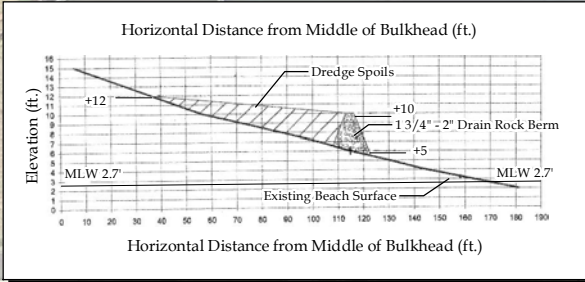
In: Birch Bay
Near: Blaine
County: Whatcom
State: Washington

Legend

- ▲ Piling
- Containment Berm
- Existing Bulkhead
- 2000-2005 Contour
- Mean High Water Line (8.3 ft)
- Parcel
- ▨ Proposed Sediment Deposit Location

Notes:

1. Sediment Deposit Plan developed by Bluewater Engineering in 2005 and used in 4 previous dredges.



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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Reference: NWS-2014-198

Location: 8055 Cowichan Road

Proposed Project:
Marina Entrance
Maintenance Dredging
Figure 3 Sediment Deposit
and Beach Nourishment Plan

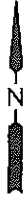
Applicant: Birch Bay Village Community Club

Lat/Long: N 48.931345, W -122.787173055

Date: 2/21/2014

In: Birch Bay
Near: Blaine
County: Whatcom
State: Washington

LOT 15 CAVERS AND ASSOC.
 LOT 14 CHIT AND PEGGY GUNN
 LOT 13 KATHY HELGATH
 LOT 12 ROBERT AND GRACE REID
 LOT 11 CAVERS AND ASSOC.
 LOT 10 RECO TRADERS LTD.



PROPOSED SEDIMENT
 PLACEMENT LOCATION

576'

EXIST.

CONTAINMENT
 BERM

MLW 2.7

MLW 8.6



5
0
-5
0
5
BASELINE

EELGRASS
-5

-6

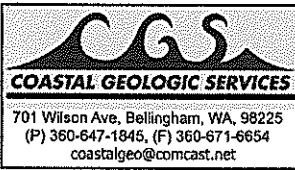
Scale:
 1"=100'

NWS-2014-198

Proposed: Maintenance dredging
 Reference:
 Purpose: Maintain access to marina
 App. by: Birch Bay Village Community Club,
 Whatcom County, Washington
 Date:

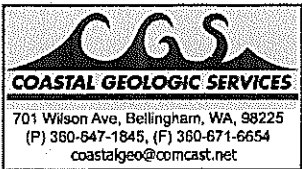
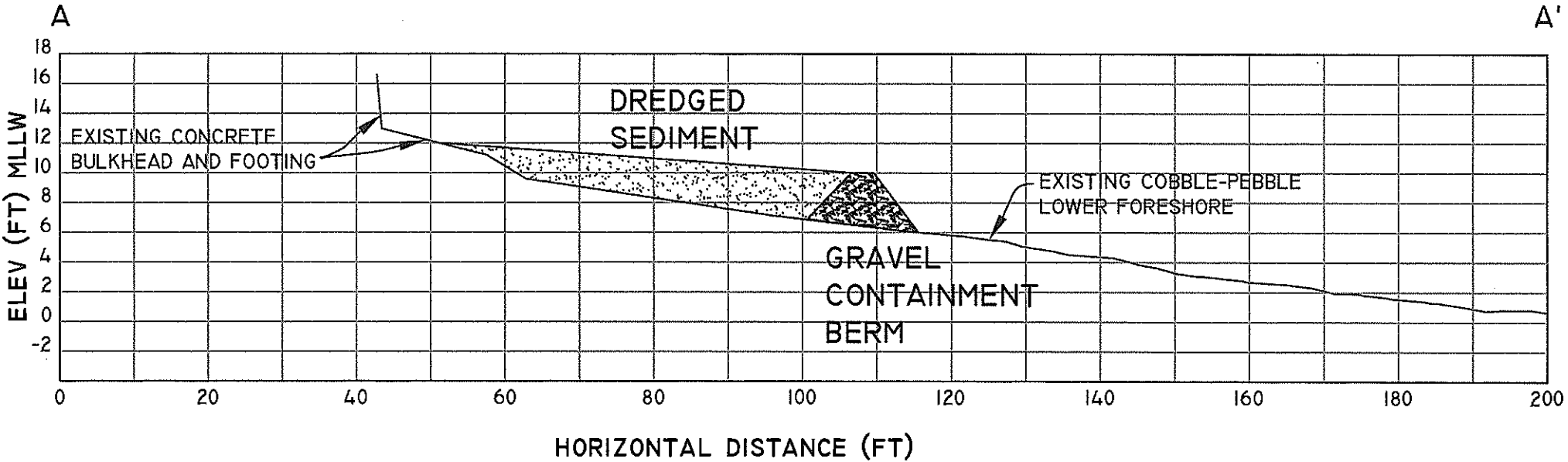
TOTAL DISPOSAL AREA = 0.65 ACRES

2/21/14



BIRCH BAY VILLAGE COMMUNITY CLUB
 PLAN VIEW - DREDGE SEDIMENT PLACEMENT PLAN

BASE MAP BY: ANVIL
 DRAWING NUMBER: SK-BE7467-CA0007 Sheet 4 of 5



BIRCH BAY VILLAGE COMMUNITY CLUB
 CROSS SECTION – SEDIMENT PLACEMENT PLAN

BASE MAP BY: ANVIL
 DRAWING NUMBER: SK-BE7467-CA0007

NWS-2014-198

2/21/14