



**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) 764-6695
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: November 24, 2015

Expiration Date: December 24, 2015

Reference No.: NWS-2014-890

**Name: Everett, Port of (Mill "A"
Interim Action)**

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 U.S. as described below and shown on the enclosed drawings dated June 12, 2015.

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: Port of Everett
Attention: Erik Gerking
Post Office Box 538
Everett, Washington 98206

Telephone: (425) 388-0604

LOCATION: In Port Gardner at the Port of Everett's Pacific Terminal in Everett, Washington.

WORK: Dredge up to 40,000 cubic yards of sediment over 1.7 acres. The majority of the dredge area will be performed to a depth of -43 feet mean lower low water (MLLW) which includes one foot of over-dredge. The southeastern edge of the dredge prism will be dredged to a maximum of -48 feet MLLW which includes one foot of over-dredge to create a trench for armor rock needed to stabilize the slope and contain contaminated sediment because the project area is partially located within a Model Toxics Clean-up Action site. Dredging will be completed with a mechanical clam-shell dredge operated from the pier or a barge. The 22,790 cubic yards of unsuitable material will be disposed in an upland disposal area. The remaining 17,210 cubic yards were found to be suitable for unconfined disposal at the DMMP non-dispersive open-water disposal site in Port Gardner.

There is 1,500 square feet of existing armor rock located along the shoreline between the elevations of -2 feet MLLW and -43 feet MLLW that is used to contain contamination and stabilize the slopes. This rock will be removed to enable dredging, then 4,000 cubic yards of new armor rock will be installed over 23,000 square feet along the shoreline and the off-shore transition slope. The rock slope will remain 2H:1V.

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To improve habitat conditions, a habitat mix of gravel/sand materials will be placed on top of the riprap over 3,600 square feet to fill interstitial voids along the shoreward edge of the wedge-shaped portion of the dredge footprint between elevations of -4 feet MLLW and -20 feet MLLW. The work will take no more than 30 days.

PURPOSE: The purpose of the project is to expand the berthing capacity at the Pacific Terminal to support larger ships anticipated to use Port facilities in the future.

DREDGED MATERIAL TESTING: The proposed dredged material has been tested according to the procedures specified by the Dredged Material Management Program (DMMP), a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Washington State. The DMMP evaluations included both chemical and biological testing of sediments. For this project, the DMMP agencies determined that 22,790 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 and the Snohomish County Department of Health.

The sediment testing data are available at the Corps, Seattle District, Dredged Material Management Office and online: <http://www.nws.usace.army.mil/Home.aspx> (Under “Most Requested” go to “Dredged Material Management”, “Suitability Determinations/Decision Documents”, Dredging Year 2016 (June 16, 2015 – June 15, 2016)”, and scroll to “Port of Everett, Pacific Terminal (Former Mill A)”.

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 if a permit is issued: (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.

MITIGATION: Within the shoreline edge of the dredge footprint there will be a conversion of 700 square feet of shallow water habitat (<10 feet MLLW) to deeper water habitat over 10 feet MLLW. This conversion of shallow water to deep water habitat will be mitigated by using advanced mitigation credits from the Union Slough Restoration site, a tidal off-channel created on lower Union Slough within the Snohomish basin in 2001.

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. The Corps has determined the proposed action will either have no effect or is not likely to adversely affect listed or proposed ESA species and designated critical habitat. On October 16, 2015 and November 4, 2015, the National Marine Fisheries Service and U.S. Fish and Wildlife Service, respectively, concurred with our findings.

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 U.S. Army Corps of Engineers (Corps) has

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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, Washington Information System for Architectural and Archaeological Records Data 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 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 Everett has issued an exemption from the requirement of obtaining a Shorelines Substantial Development permit for this project.

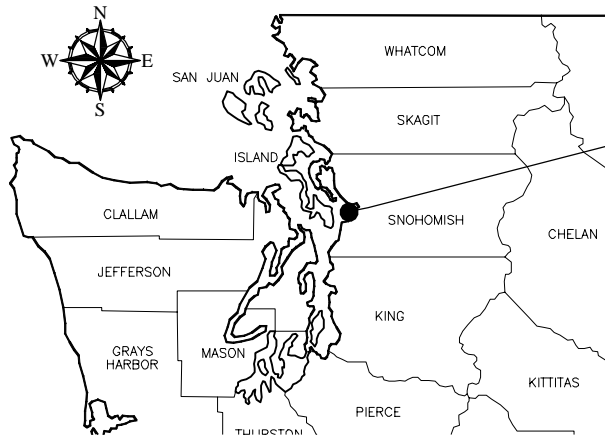
NWS-2014-890, Everett, Port of

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 authorizing the work would not be contrary to the public interest. 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 commenter'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 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, 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.

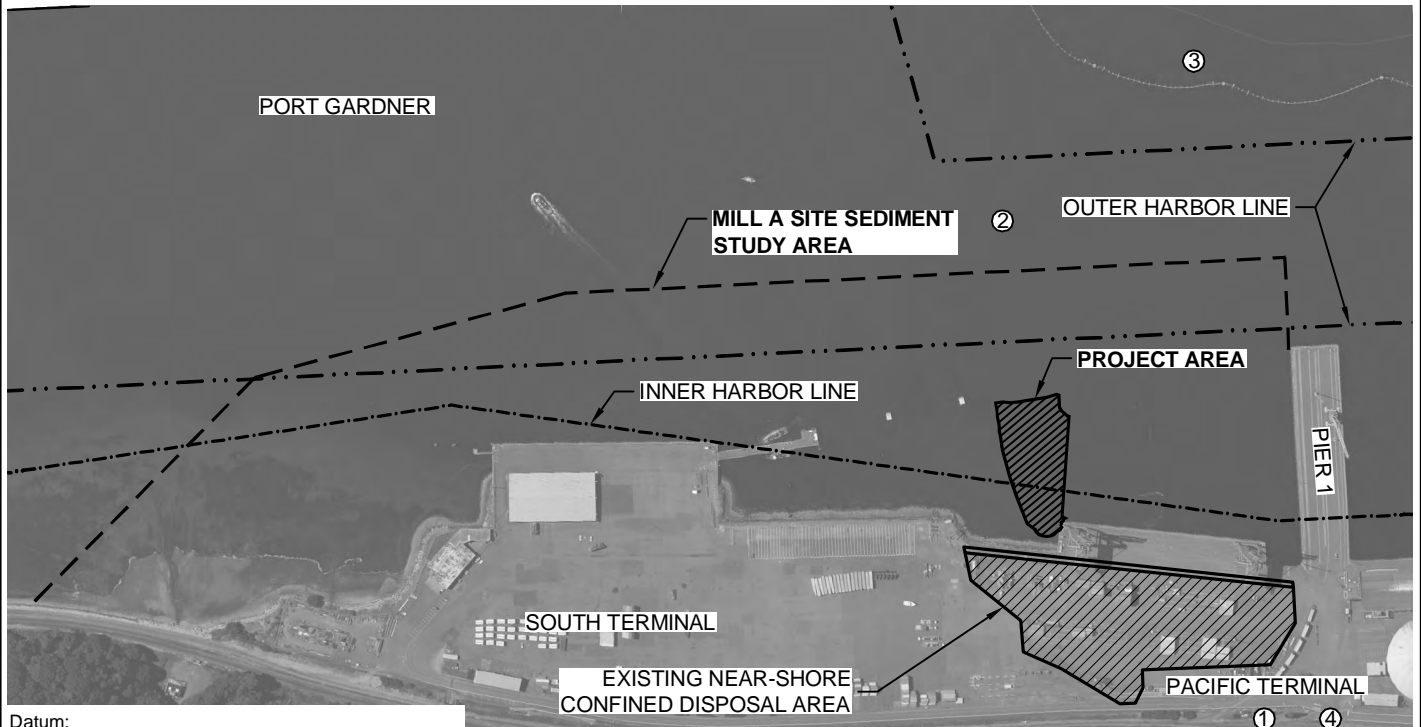
ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department 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: NWS-2014-890, Port of Everett

Encl: Figures (9)



PROJECT SITE
 LAT: 47°58'36"N
 LONG: 122°13'29"W

VICINITY MAP



Datum:
 Elevation datum for this project is 0.0 Mean Lower Low Water (MLLW)

Total Data Plane - National Oceanic and Atmospheric Administration (NOAA) Tidal Benchmark at the Historic Everett Station 944-7659.

Mean Higher High Water (MHHW)	+11.09 ft
Mean High Water (MHW)	+10.21 ft
Mean (Half) Tide Level (MTL)	+ 6.51 ft
Mean Sea Level (MSL)	+ 6.48 ft
Mean Low Water (MLW)	+ 2.80 ft
NAVD88	+ 2.03 ft
Mean Lower Low Water (MLLW)	+ 0.00 ft
Extreme Low Water (ELW)	- 4.50 ft

PLAN

Reference: Base aerial from Aerials Express Seattle, 2009.



PURPOSE:
 INTERIM CLEANUP ACTION
 DREDGING TO ELEVATION -42
 FEET MLLW ADJACENT TO
 PACIFIC TERMINAL

- ADJACENT PROPERTY OWNERS:**
1. WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
 2. BNSF RAILWAY CO.
 3. US NAVY
 4. CITY OF EVERETT

**MILL A INTERIM CLEANUP
 ACTION DREDGING
 NWS-2014-0890**

SITE PLAN

PACIFIC TERMINAL
 3500 TERMINAL AVE
 EVERETT, WA 98201

PROPOSED: INTERIM CLEANUP ACTION
 DREDGING ADJACENT TO PACIFIC TERMINAL

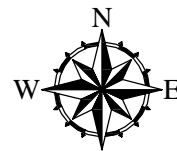
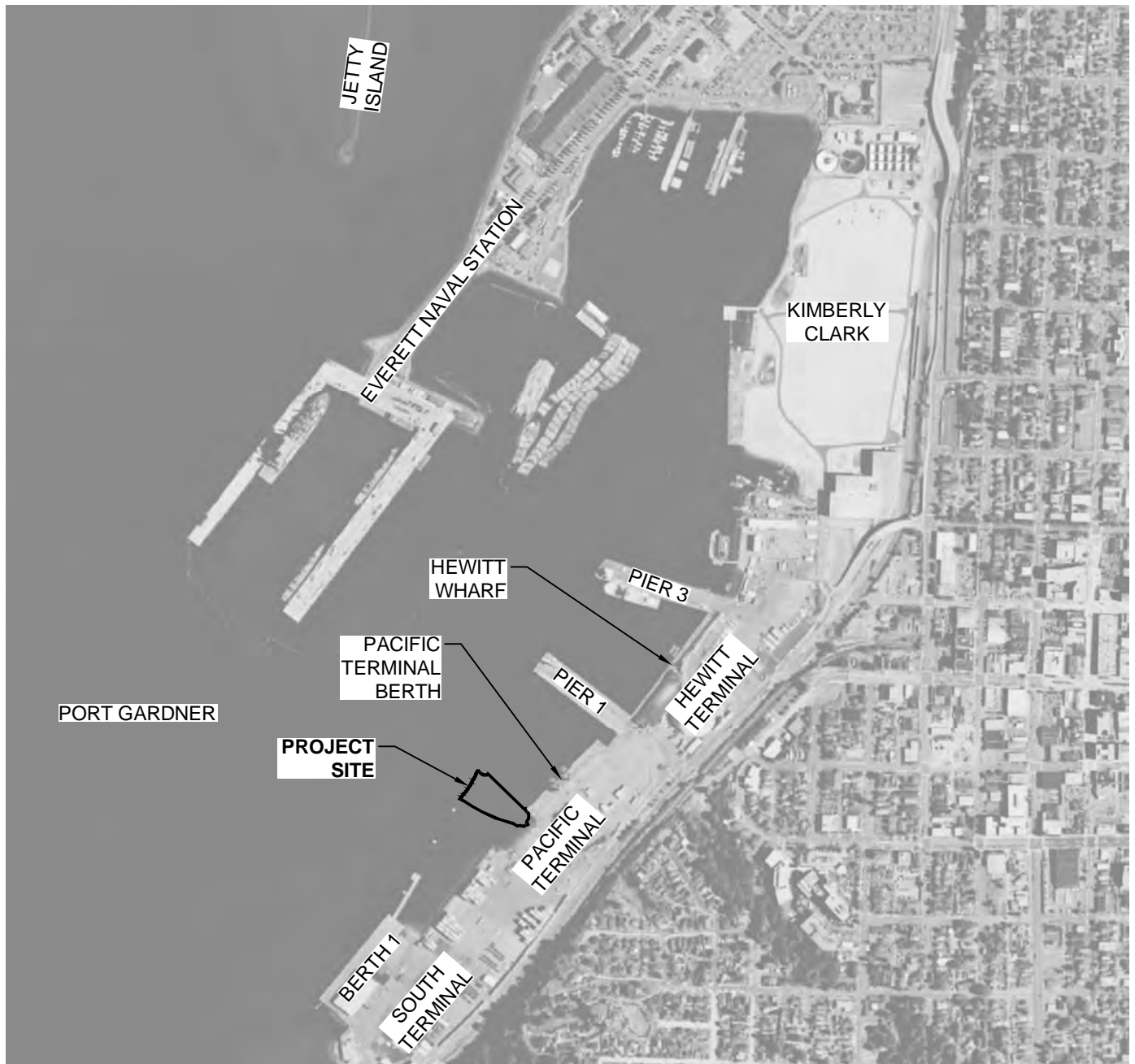
IN: ADJ. TO PORT GARDNER
AT: EVERETT, WA
 NW & NE QUARTER SEC 30, T29N, R5E

APPLICATION BY:
 PORT OF EVERETT
 (425) 388-0703

SHEET: 1 OF 9 DATE: JUNE 12, 2015

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Reference: Base aerial photo from ESRI database.

PURPOSE:

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**MILL A INTERIM CLEANUP
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NWS-2014-0890**

**STRUCTURES IN
NEARBY VICINITY**

PACIFIC TERMINAL
3500 TERMINAL AVE
EVERETT, WA 98201

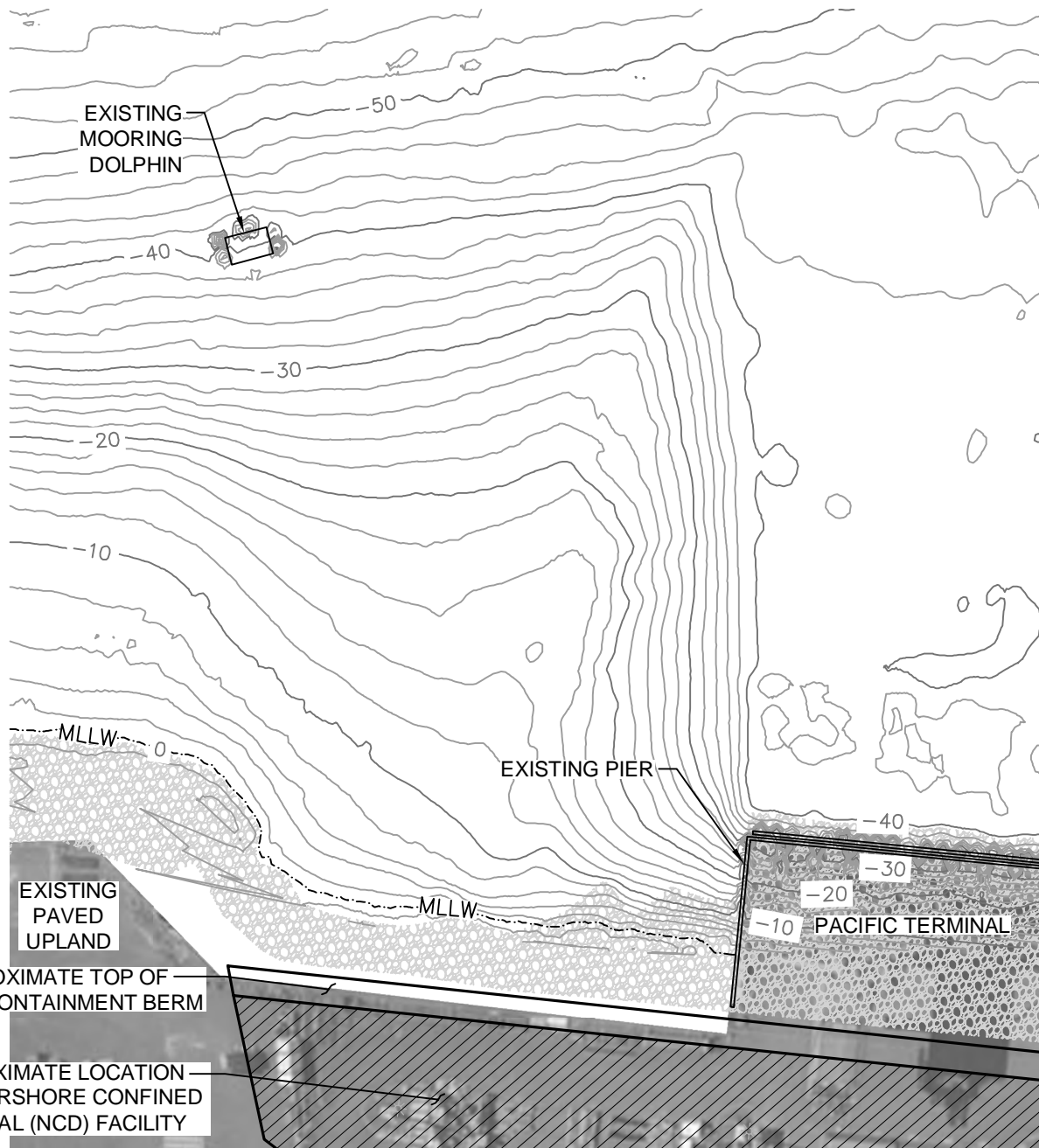
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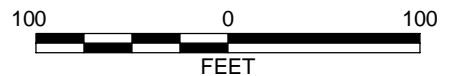
SHEET: 2 OF 9 DATE: JUNE 12, 2015

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Legend

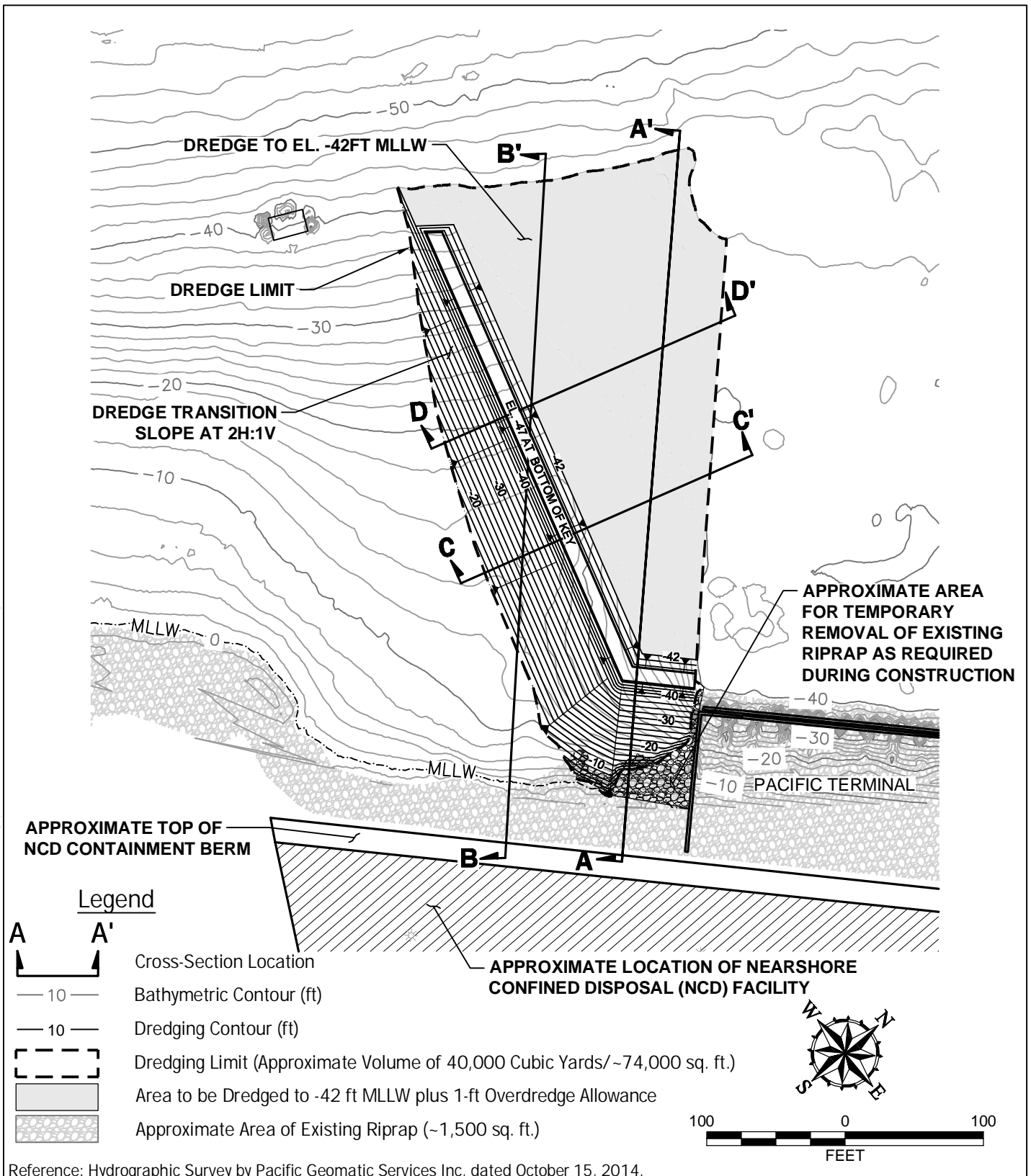
- 10 — Bathymetric Contour (ft)
- Approximate Area of Existing Riprap



Reference: Hydrographic Survey by Pacific Geomatic Services Inc, dated October 15, 2014.

<p>PURPOSE: INTERIM CLEANUP ACTION DREDGING TO ELEVATION -42 FEET MLLW ADJACENT TO PACIFIC TERMINAL</p> <p>ADJACENT PROPERTY OWNERS:</p> <ol style="list-style-type: none"> 1. WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES 2. BNSF RAILWAY CO. 3. US NAVY 4. CITY OF EVERETT 	<p style="text-align: center;">MILL A INTERIM CLEANUP ACTION DREDGING NWS-2014-0890</p> <p style="text-align: center;">EXISTING CONDITIONS</p> <p style="text-align: center;">PACIFIC TERMINAL 3500 TERMINAL AVE EVERETT, WA 98201</p>	<p>PROPOSED: INTERIM CLEANUP ACTION DREDGING ADJACENT TO PACIFIC TERMINAL</p> <p>IN: ADJ. TO PORT GARDNER AT: EVERETT, WA NW & NE QUARTER SEC 30, T29N, R5E</p> <p>APPLICATION BY: PORT OF EVERETT (425) 388-0703</p> <p>SHEET: 3 OF 9 DATE: JUNE 12, 2015</p>
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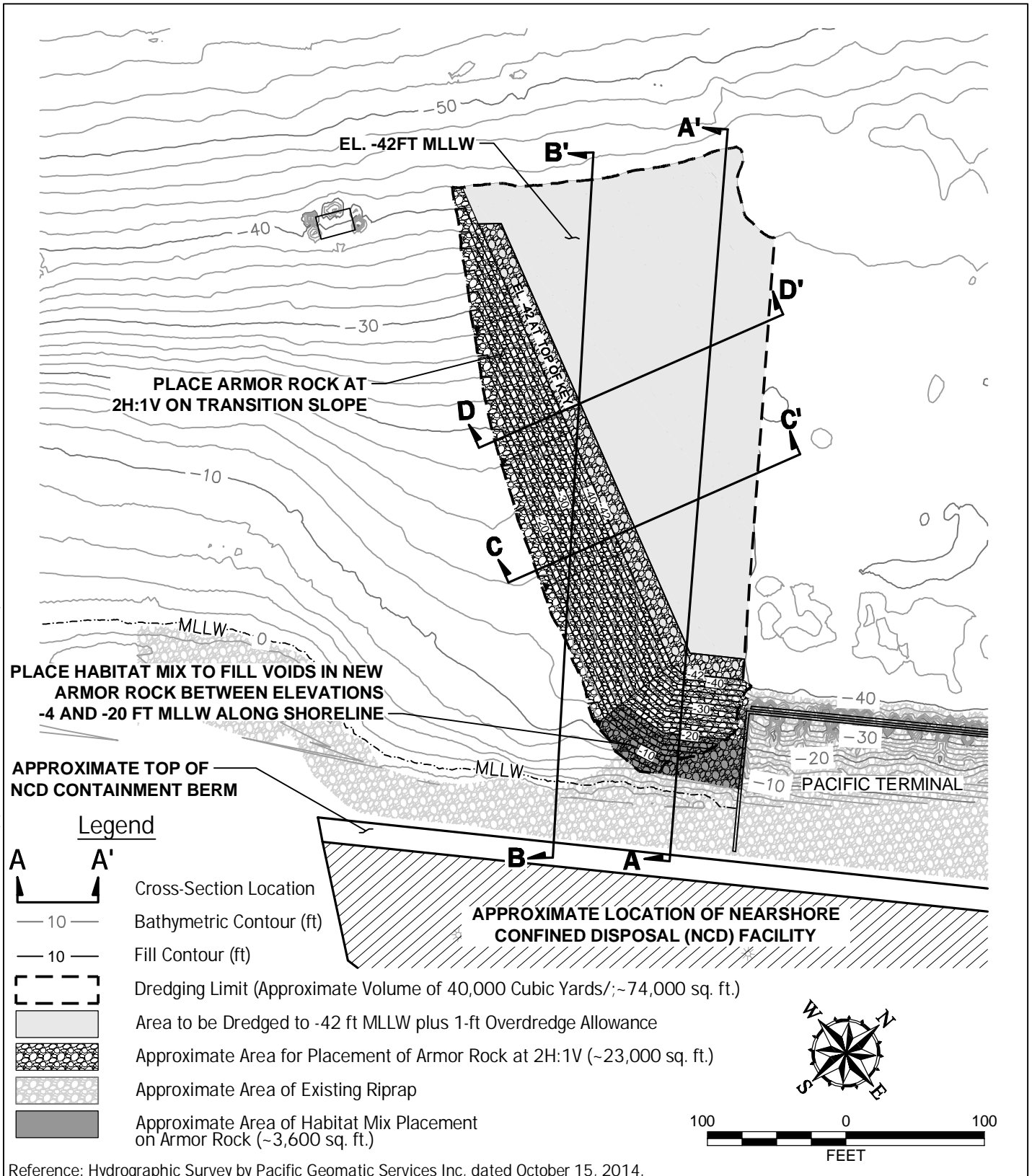
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PURPOSE:
 INTERIM CLEANUP ACTION
 DREDGING TO ELEVATION -42
 FEET MLLW ADJACENT TO
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**MILL A INTERIM CLEANUP
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FILL PLAN

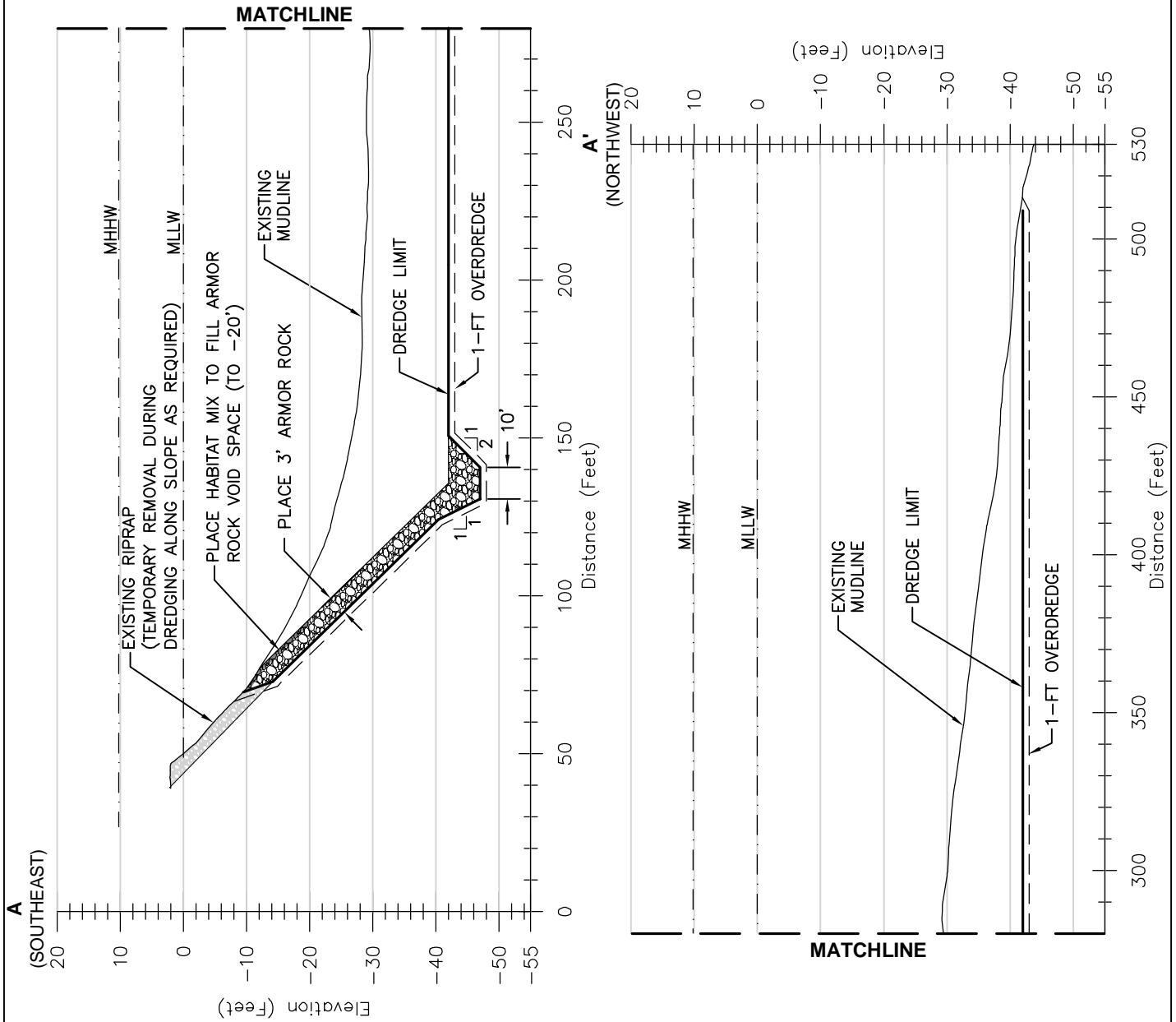
PACIFIC TERMINAL
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PROPOSED: INTERIM CLEANUP ACTION
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IN: ADJ. TO PORT GARDNER
AT: EVERETT, WA
 NW & NE QUARTER SEC 30, T29N, R5E

APPLICATION BY:
 PORT OF EVERETT
 (425) 388-0703

SHEET: 5 OF 9 DATE: JUNE 12, 2015



HORIZONTAL SCALE: 1"= 50'
 VERTICAL SCALE: 1"= 25'
 VERTICAL EXAGGERATION: 2X



PURPOSE:
 INTERIM CLEANUP ACTION
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**MILL A INTERIM CLEANUP
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 NWS-2014-0890**

CROSS-SECTION A-A'

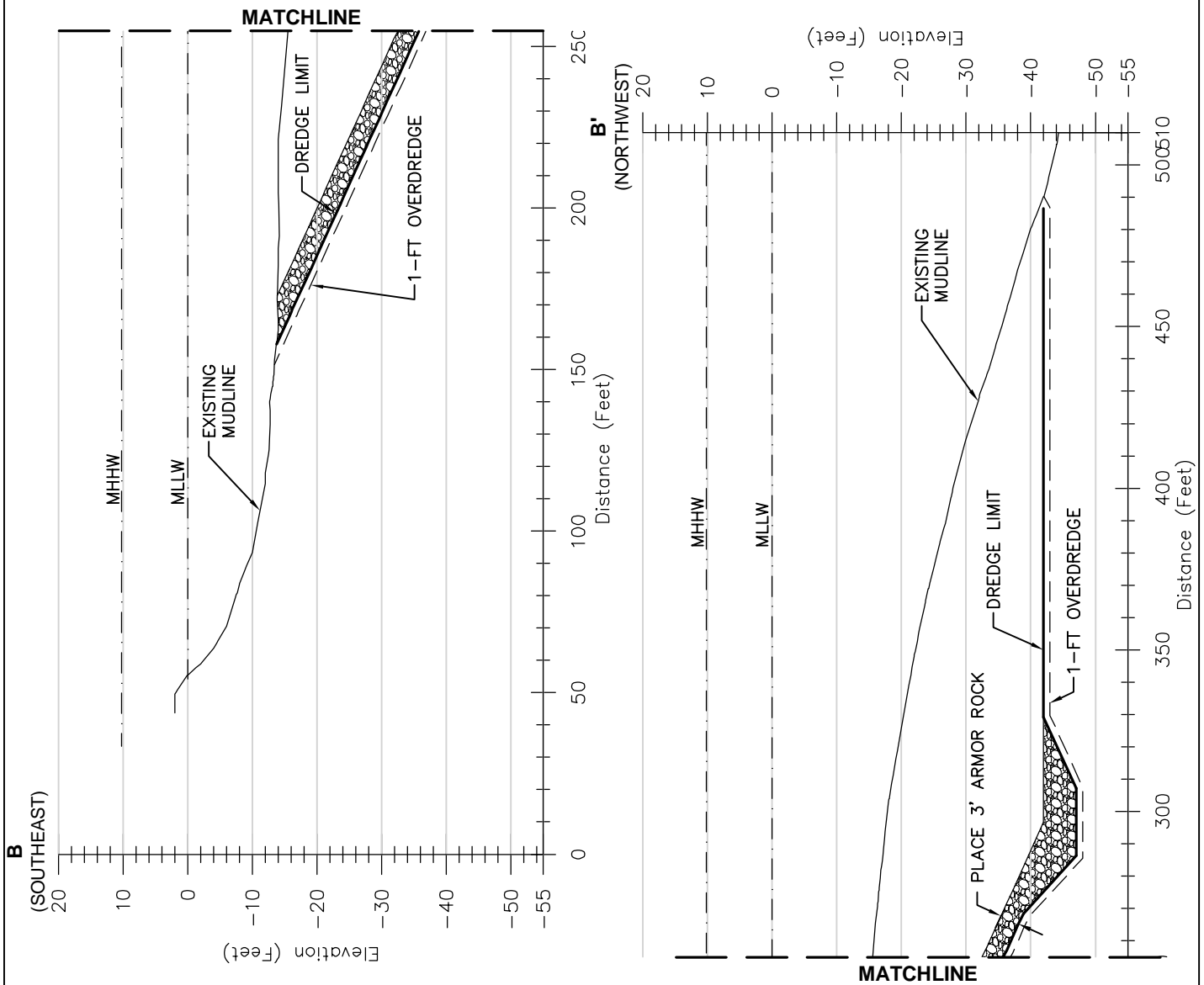
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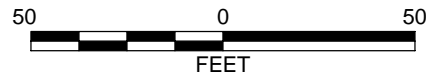
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SHEET: 6 OF 9 DATE: JUNE 12, 2015



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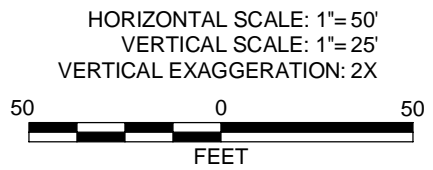
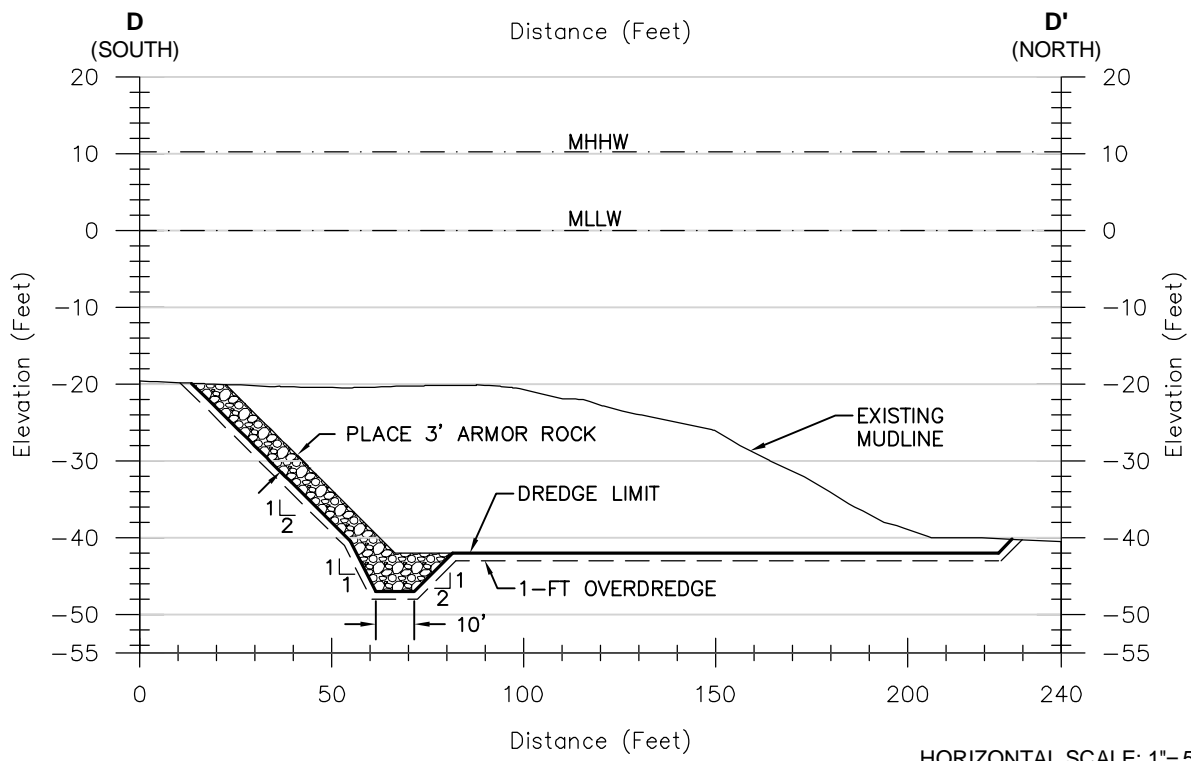
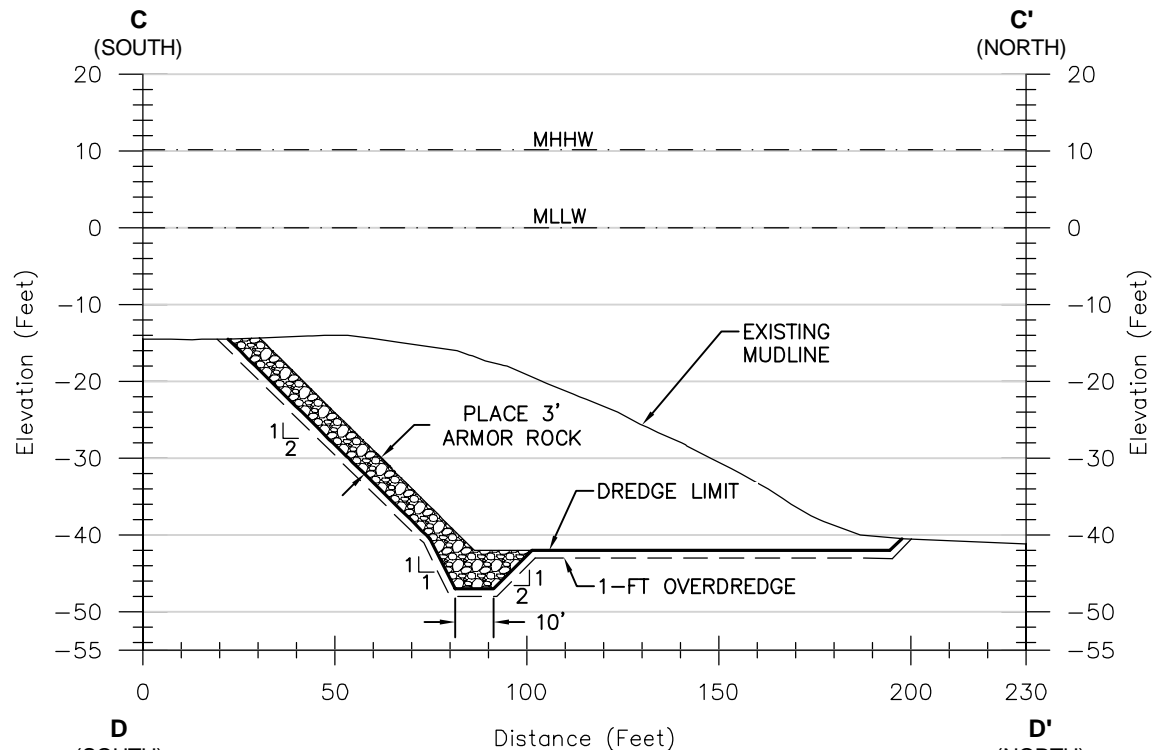


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CROSS-SECTION B-B'
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 (425) 388-0703
 SHEET: 7 OF 9 DATE: JUNE 12, 2015

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PURPOSE:
 INTERIM CLEANUP ACTION
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**MILL A INTERIM CLEANUP
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CROSS-SECTION C-C' & D-D'

PACIFIC TERMINAL
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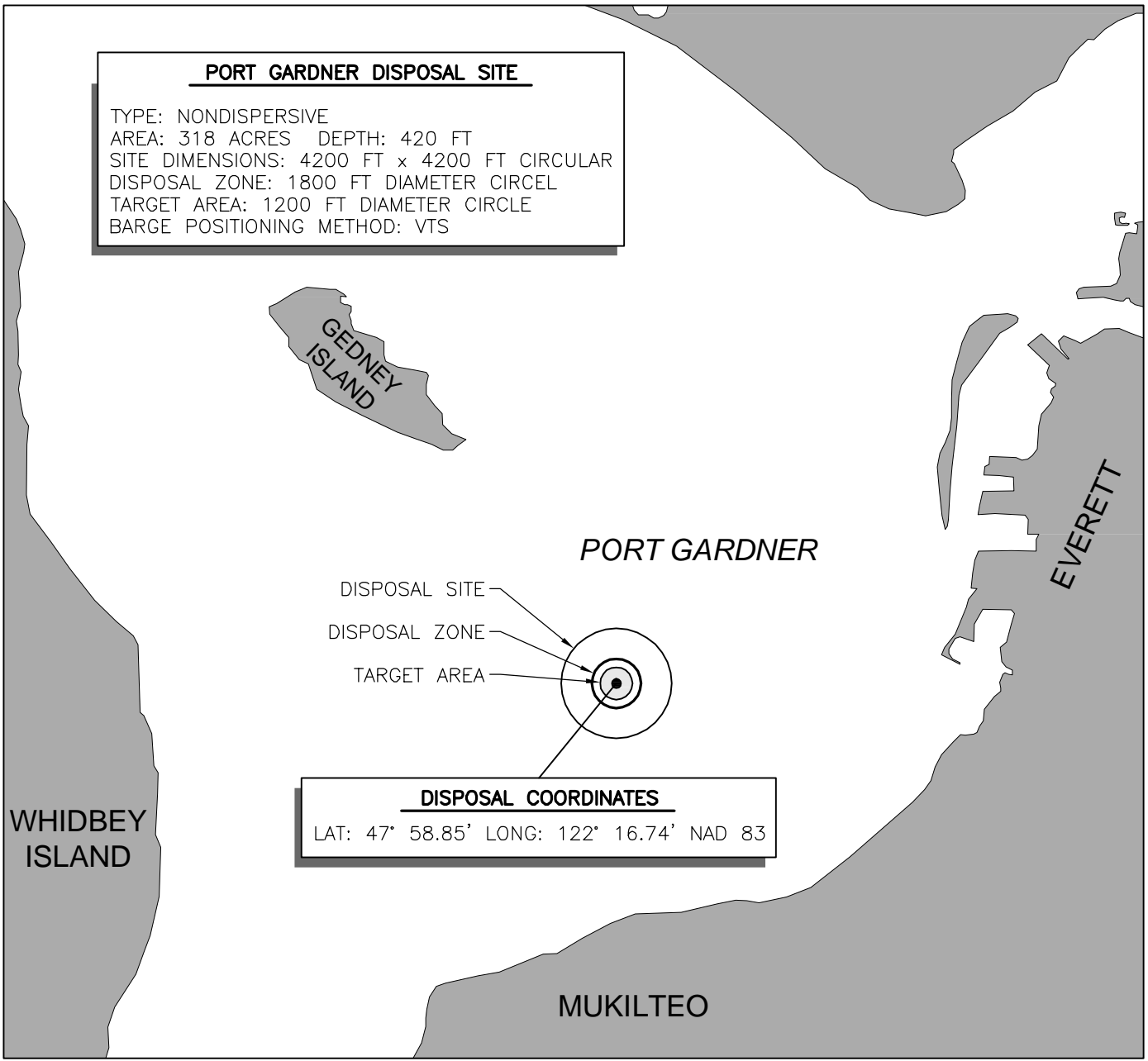
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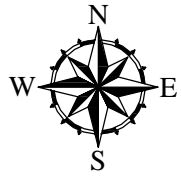
SHEET: 8 OF 9 DATE: JUNE 12, 2015

P:\10\676020\03\CAD\JARPA FOR DREDGING\0676020-03 JARPA SHT 9.DWG\TAB\PLAN (2).DWG MODIFIED BY TMICHAUD ON JUN 12, 2015 - 16:20



PORT GARDNER DISPOSAL SITE
 TYPE: NONDISPERSIVE
 AREA: 318 ACRES DEPTH: 420 FT
 SITE DIMENSIONS: 4200 FT x 4200 FT CIRCULAR
 DISPOSAL ZONE: 1800 FT DIAMETER CIRCLE
 TARGET AREA: 1200 FT DIAMETER CIRCLE
 BARGE POSITIONING METHOD: VTS

DISPOSAL COORDINATES
 LAT: 47° 58.85' LONG: 122° 16.74' NAD 83



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**MILL A INTERIM CLEANUP
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 PORT GARDNER
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