



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: October 16, 2015**

**Expiration Date: November 15, 2015**

Reference No.: NWS-2015-785  
Name: Bellingham Cold Storage

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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 U.S. as described below and shown on the enclosed drawings dated July 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:** Bellingham Cold Storage  
Attention: Mr. Gary White  
2825 Roeder Avenue  
Bellingham, Washington 98227  
Telephone: (360) 733-1640

**AGENT:** Anchor QEA, LLC  
Attention: Ms. Valerie Oster  
421 Southwest 6<sup>th</sup> Avenue, Suite 750  
Portland, Oregon 97204  
Telephone: (503) 972-5013

**LOCATION:** In Bellingham Bay (Squalicum Waterway) at Bellingham, Washington.

**WORK:** Maintenance dredging.

**PURPOSE:** Restore navigable depths in a channel at existing cold storage facility dock.

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

**Dredged Material Testing:** The applicant has chosen not to complete the testing before this Public Notice was published. Prior to completing our review, the proposed dredged material must be tested according to the procedures specified by the DMMP. The DMMP evaluation may include both chemical and biological testing of sediments. For this project, the DMMP agencies will determine whether the dredged material is suitable for

disposal at a DMMP open-water disposal site or must be disposed of at an upland location. The sediment testing data will be available at the Corps, Seattle District, Dredged Material Management Office.

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: The work entails dredging up to 14,200 cubic yards of sediments from an area of 1.46 acres to restore a depth of -24 feet mean lower low water (MLLW), with an additional two feet of over dredge allowance (total of -26 feet MLLW). Work will be performed using a barge mounted clamshell excavator. The barge will be stabilized using spud piling or an anchor. Gravity dewatering of the dredged sediment will occur on the barge. The applicant currently proposes disposal at a Puget Sound Dredged Disposal Area dispersive or non-dispersive site. Potential disposal locations include Rosario Strait or Elliott Bay.

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 is 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 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.

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.

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 the subject of Shorelines Substantial Development Permit application, being processed by the City of Bellingham.

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: Randel Perry, 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 information such as names, phone numbers, and addresses.

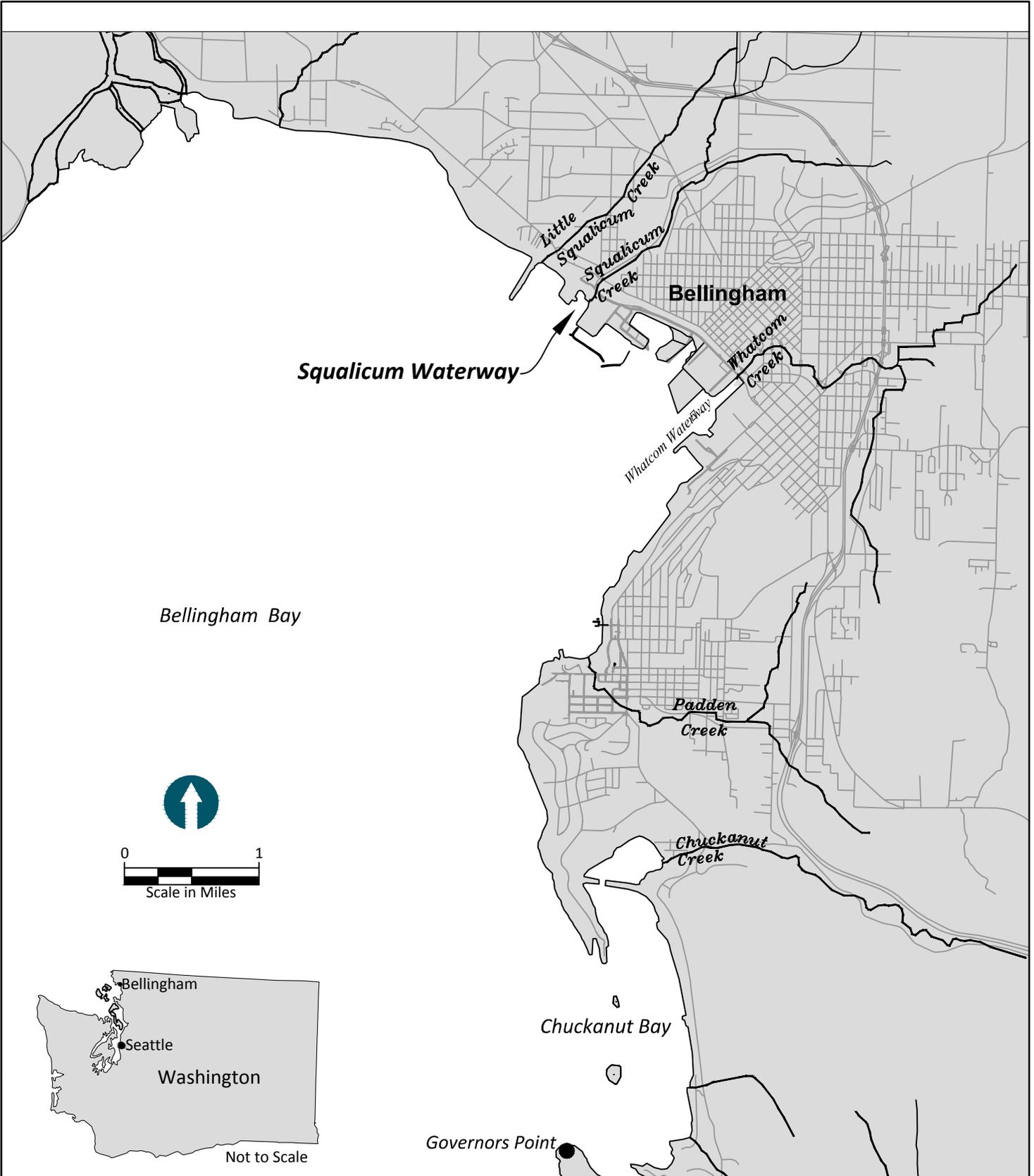
NWS-2015-785, Bellingham Cold Storage

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](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: NWS-2015-785, Bellingham Cold Storage

Encl: Figures (5)

B:\Projects\Bellingham Cold Storage\CAD\1284-JA-01-VICINITY MAP.dwg VICINITY



Jul 27, 2015 2:23pm epipkin

PURPOSE: NAVIGATION  
 DATUM: MLLW 0.0'  
 LATITUDE: 48°45'30.46"N  
 LONGITUDE: 122°30'43.31"W  
 S-T-R: 25-38N-02E  
 SITE LOCATION ADDRESS:  
 2825 ROEDER AVE.  
 BELLINGHAM, WA 98827

NAME: BELLINGHAM COLD STORAGE  
 Corps Ref# NWS-2015-785  
 ADJACENT PROPERTY OWNERS:  
 1 - PORT OF BELLINGHAM  
 2 - BNSF RAILWAY COMPANY

PROPOSED: MAINTENANCE DREDGING  
 IN: SQUALICUM WATERWAY  
 NEAR/AT: SQUALICUM CREEK/BELLINGHAM BAY  
 COUNTY OF: WHATCOM  
 STATE: WASHINGTON  
 DATE: JULY 2015



720 Olive Way, Suite 1900  
 Seattle, WA 98101  
 206-287-9130

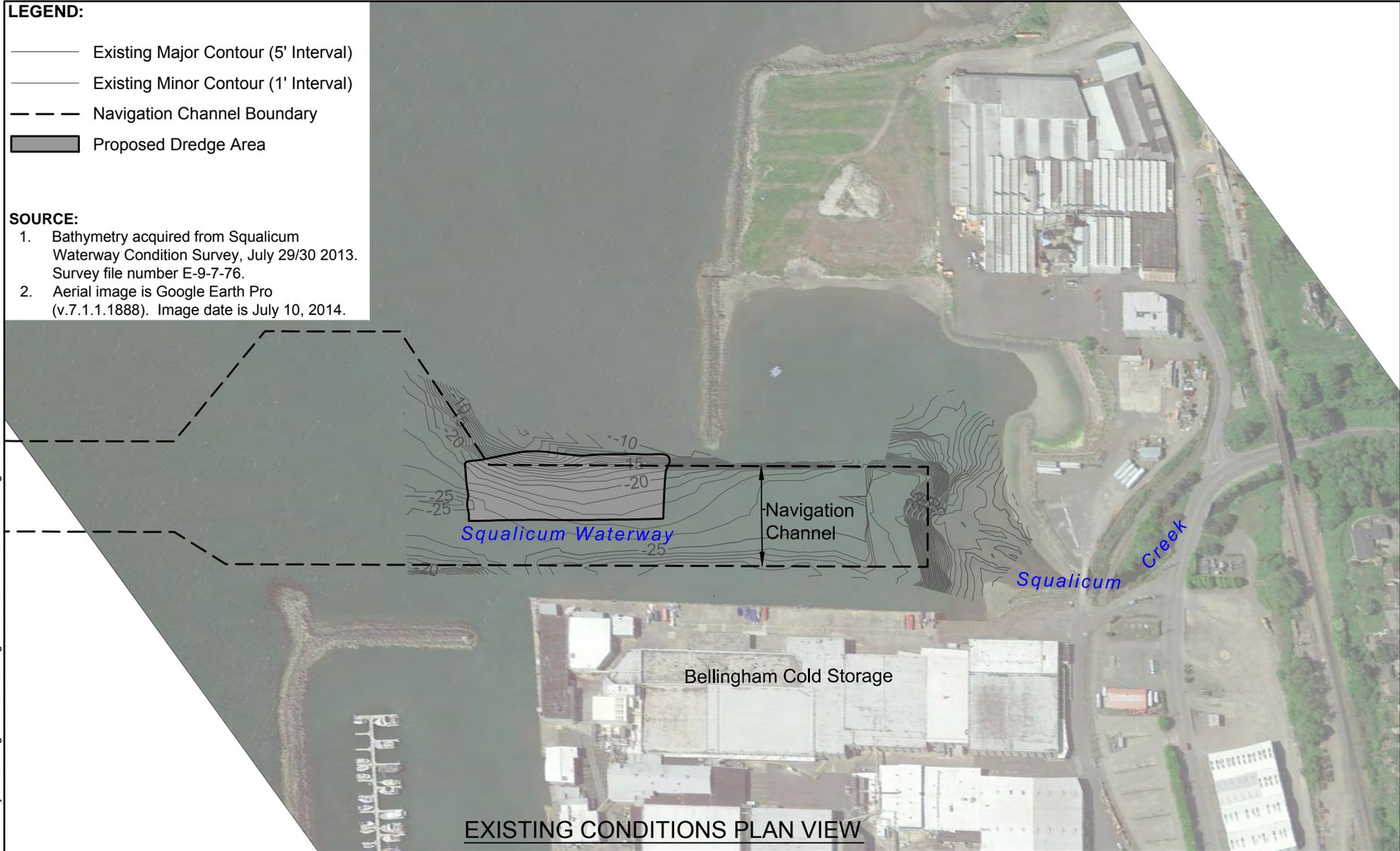
SHEET: 1 OF 5

**LEGEND:**

- Existing Major Contour (5' Interval)
- Existing Minor Contour (1' Interval)
- - - Navigation Channel Boundary
- █ Proposed Dredge Area

**SOURCE:**

1. Bathymetry acquired from Squalicum Waterway Condition Survey, July 29/30 2013. Survey file number E-9-7-76.
2. Aerial image is Google Earth Pro (v.7.1.1.1888). Image date is July 10, 2014.

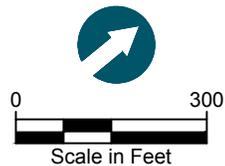


**EXISTING CONDITIONS PLAN VIEW**

B:\Projects\Bellingham Cold Storage\CAD\1284-JA-03-PLAN2.dwg PLAN

Jul 27, 2015 2:16 pm epjpkjn

PURPOSE: NAVIGATION  
 DATUM: MLLW 0.0'  
 LATITUDE: 48°45'30.46"N  
 LONGITUDE: 122°30'43.31"W  
 S-T-R: 25-38N-02E  
 SITE LOCATION ADDRESS:  
 2825 ROEDER AVE.  
 BELLINGHAM, WA 98827



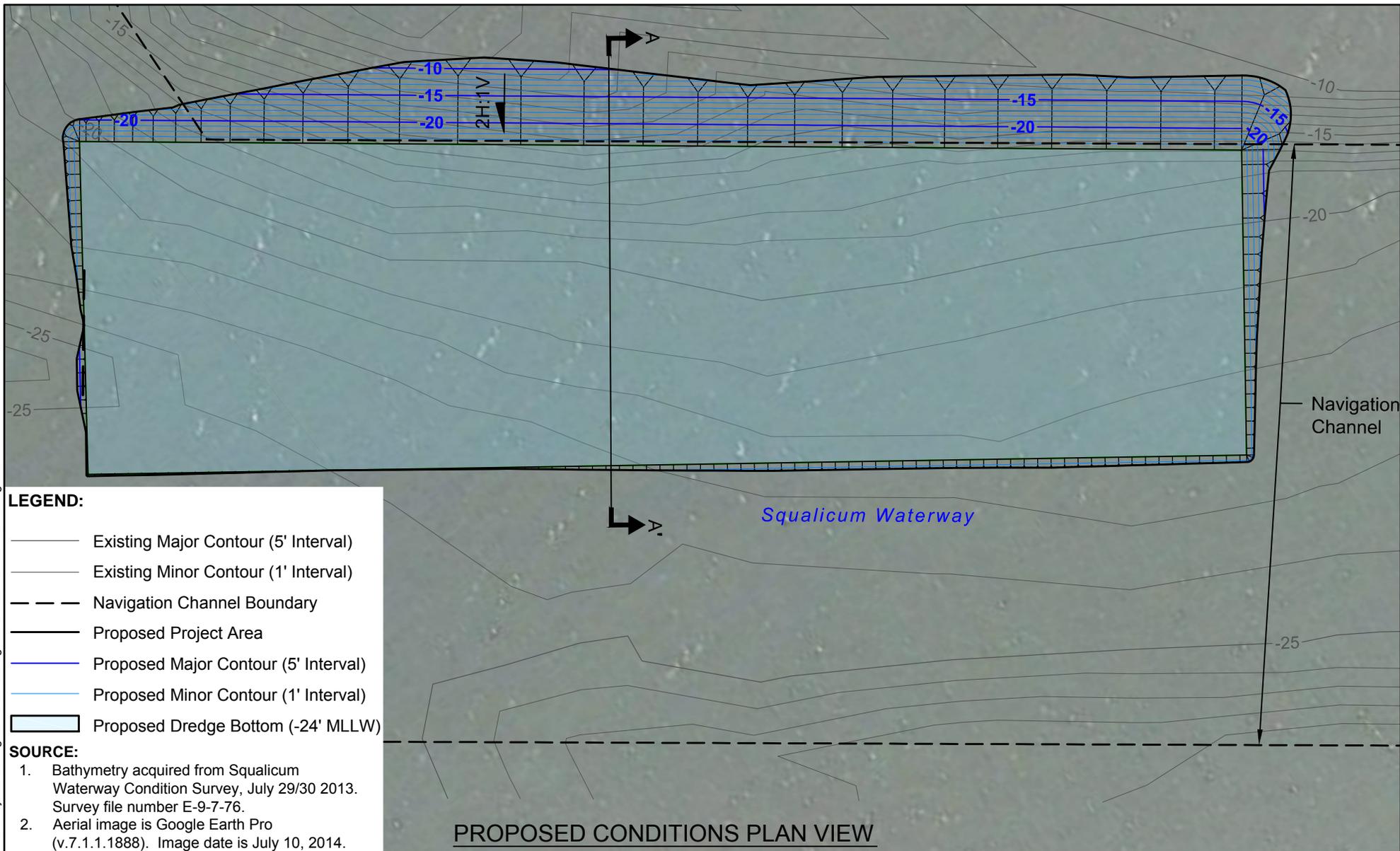
NAME: BELLINGHAM COLD STORAGE  
 Corps Ref# NWS-2015-785

ADJACENT PROPERTY OWNERS:  
 1 - PORT OF BELLINGHAM  
 2 - BNSF RAILWAY COMPANY

PROPOSED: MAINTENANCE DREDGING  
 IN: SQUALICUM WATERWAY  
 NEAR/AT: SQUALICUM CREEK/BELLINGHAM BAY  
 COUNTY OF: WHATCOM  
 STATE: WASHINGTON  
 DATE: JULY 2015



B:\Projects\Bellingham Cold Storage\CAD\1284-JA-02-PLAN.dwg PLAN



**LEGEND:**

- Existing Major Contour (5' Interval)
- Existing Minor Contour (1' Interval)
- Navigation Channel Boundary
- Proposed Project Area
- Proposed Major Contour (5' Interval)
- Proposed Minor Contour (1' Interval)
- Proposed Dredge Bottom (-24' MLLW)

**SOURCE:**

1. Bathymetry acquired from Squalicum Waterway Condition Survey, July 29/30 2013. Survey file number E-9-7-76.
2. Aerial image is Google Earth Pro (v.7.1.1.1888). Image date is July 10, 2014.

**PROPOSED CONDITIONS PLAN VIEW**

PURPOSE: NAVIGATION

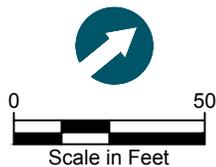
DATUM: MLLW 0.0'

LATITUDE: 48°45'30.46"N

LONGITUDE: 122°30'43.31"W

S-T-R: 25-38N-02E

SITE LOCATION ADDRESS:  
2825 ROEDER AVE.  
BELLINGHAM, WA 98827



NAME: BELLINGHAM COLD STORAGE

Corps Ref# NWS-2015-785

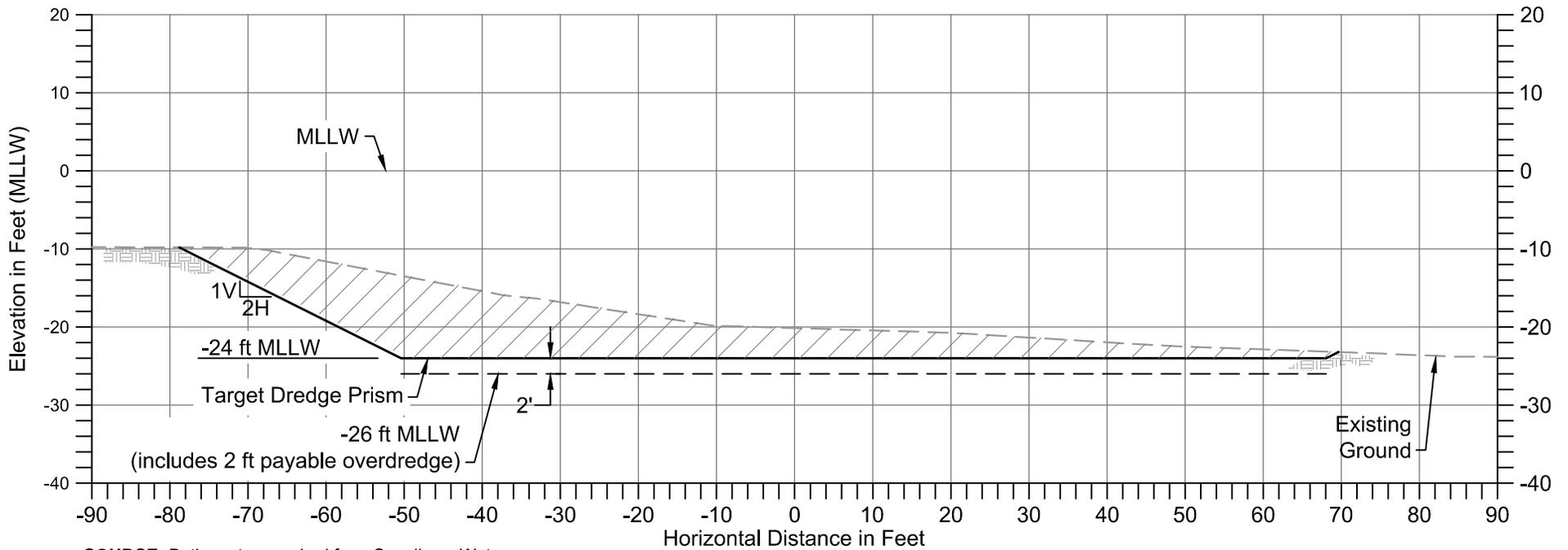
ADJACENT PROPERTY OWNERS:  
1 - PORT OF BELLINGHAM  
2 - BNSF RAILWAY COMPANY

PROPOSED: MAINTENANCE DREDGING

IN: SQUALICUM WATERWAY  
NEAR/AT: SQUALICUM  
CREEK/BELLINGHAM BAY  
COUNTY OF: WHATCOM  
STATE: WASHINGTON  
DATE: JULY 2015



B:\Projects\Bellingham Cold Storage\CAD\1284-JA-02-PLAN.dwg SECTION

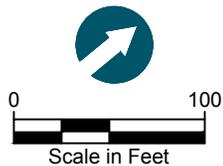


**SOURCE:** Bathymetry acquired from Squalicum Waterway Condition Survey, July 29/30 2013. Survey file number E-9-7-76.

**CROSS-SECTION A-A'**

Jul 27, 2015 2:22pm epjpkjn

PURPOSE: NAVIGATION  
 DATUM: MLLW 0.0'  
 LATITUDE: 48°45'30.46"N  
 LONGITUDE: 122°30'43.31"W  
 S-T-R: 25-38N-02E  
 SITE LOCATION ADDRESS:  
 2825 ROEDER AVE.  
 BELLINGHAM, WA 98827



NAME: BELLINGHAM COLD STORAGE

Corps Ref# NWS-2015-785

ADJACENT PROPERTY OWNERS:  
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PROPOSED: MAINTENANCE DREDGING

IN: SQUALICUM WATERWAY  
 NEAR/AT: SQUALICUM  
 CREEK/BELLINGHAM BAY  
 COUNTY OF: WHATCOM  
 STATE: WASHINGTON  
 DATE: JULY 2015

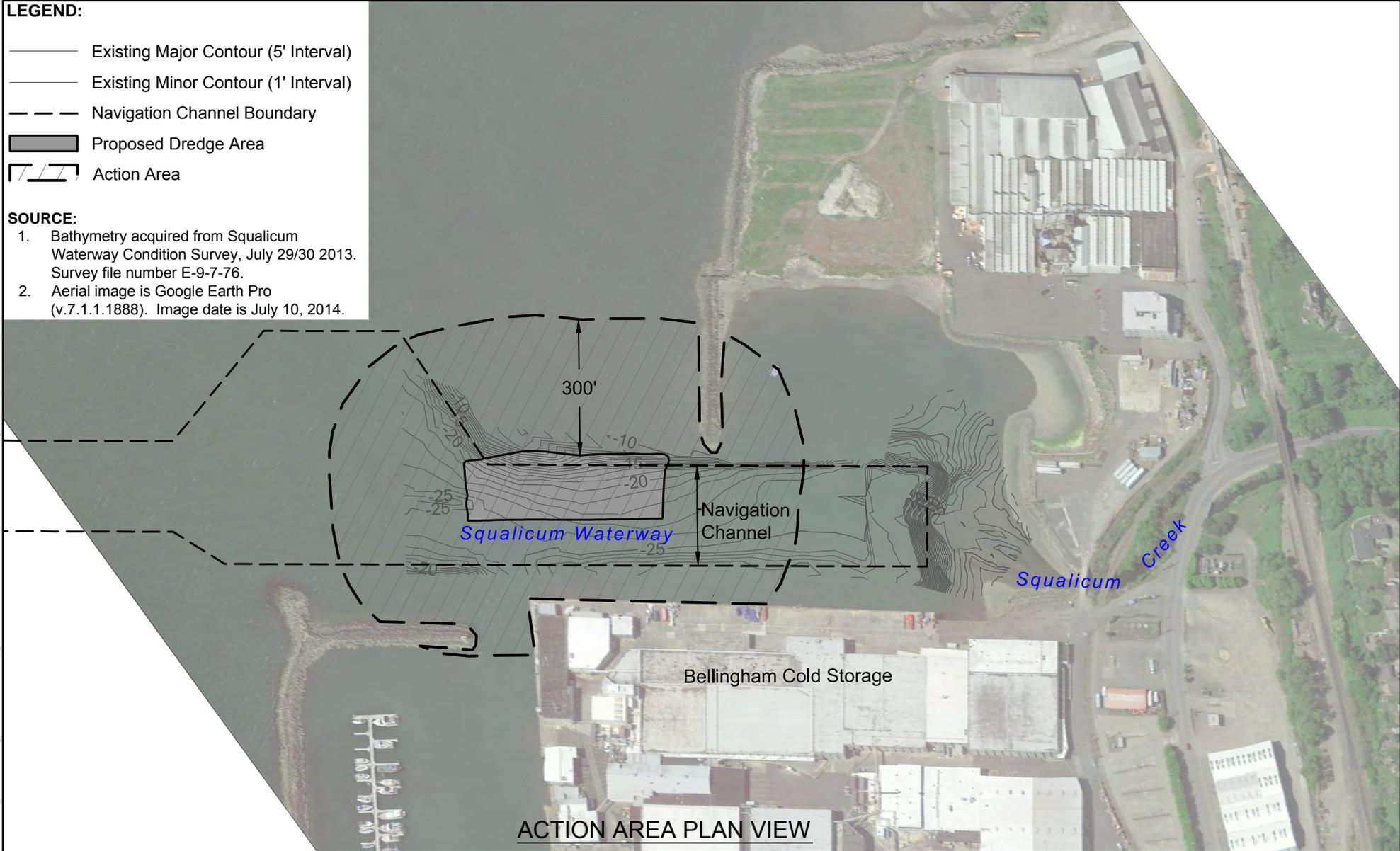


**LEGEND:**

- Existing Major Contour (5' Interval)
- Existing Minor Contour (1' Interval)
- - - Navigation Channel Boundary
- █ Proposed Dredge Area
- ▨ Action Area

**SOURCE:**

1. Bathymetry acquired from Squalicum Waterway Condition Survey, July 29/30 2013. Survey file number E-9-7-76.
2. Aerial image is Google Earth Pro (v.7.1.1.1888). Image date is July 10, 2014.



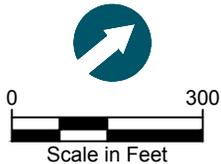
B:\Projects\Bellingham Cold Storage\CAD\1284-JA-03-ACTION AREA.dwg PLAN

Jul 27, 2015 2:53pm epjpkjn

PURPOSE: NAVIGATION

DATUM: MLLW 0.0'  
 LATITUDE: 48°45'30.46"N  
 LONGITUDE: 122°30'43.31"W  
 S-T-R: 25-38N-02E

SITE LOCATION ADDRESS:  
 2825 ROEDER AVE.  
 BELLINGHAM, WA 98827



NAME: BELLINGHAM COLD STORAGE

Corps Ref# NWS-2015-785

ADJACENT PROPERTY OWNERS:  
 1 - PORT OF BELLINGHAM  
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PROPOSED: MAINTENANCE DREDGING

IN: SQUALICUM WATERWAY  
 NEAR/AT: SQUALICUM  
 CREEK/BELLINGHAM BAY  
 COUNTY OF: WHATCOM  
 STATE: WASHINGTON  
 DATE: JULY 2015



720 Olive Way, Suite 1900  
 Seattle, WA 98101  
 206-287-9130