



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:** November 25, 2015

**Expiration Date:** December 25, 2015

Reference No.: NWS-2015-937

Name: Point Roberts Resort, L.P.

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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 October 10, 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:** Point Roberts Resort, L.P.  
Attention: Mr. Wayne Knowles  
713 Simundson Drive  
Point Roberts, Washington 98281  
Telephone: (360) 945-2255

**AGENT:** Layton and Sells, Inc.  
Attention: Mr. Jeffery Layton  
12515 Willows Road Northeast, Suite 205  
Kirkland, Washington 98034  
Telephone: (425) 825-1735

**LOCATION:** In the Strait of Georgia (marina basin channel) at Point Roberts, Washington.

**WORK:** 10-year maintenance dredging program.

**PURPOSE:** Maintain navigable depths in entrance channel at existing marina.

### **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. The CWA Section 404(b)1 Guidelines for Specification of Disposal Sites for Dredged or Fill Material (CFR 40 Section 230.60, subparagraphs a and b) include exclusionary criteria with regard to testing. The

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DMMP agencies have determined that the Point Roberts Marina channel dredging involves material that meets the exclusionary criteria under the CWA and results in “like on like” deposition at the disposal site. Therefore, sediment testing is not required.

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: Applicant proposes a 10-year maintenance dredge program for a marina entrance channel. Dredging will occur in three events with up to 27,000 cubic yards of sediments during the first event (after permit issuance), up to 10,000 cubic yards in year five, and up to 10,000 cubic yards in year nine or 10. The maximum volume of sediments removed will be 47,000 cubic yards material from a five acre area. Dredging will be done using a floating clamshell bucket dredge or a barge-mounted excavator. Sediments will be deposited at beach feeder sites west of channel. Disposal will occur directly at the sites during dredging if tidal elevations are suitable, or placed in a dewatering area on marina property, then trucked to the disposal sites if tides are not conducive to direct disposal. The disposal area is 1.4 acres and will extend approximately 100 feet waterward of the mean higher high water line.

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. A preliminary determination indicates that the activity will affect endangered or threatened species, or their critical habitat. Consultation under Section 7 of the ESA is required.

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 some sites nearby but they are all outside the permitted activity areas. 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;

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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 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: A Shoreline Management Program exemption was issued by Whatcom County on November 10, 2015 (Reference Number SHX2015-00147).

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, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative

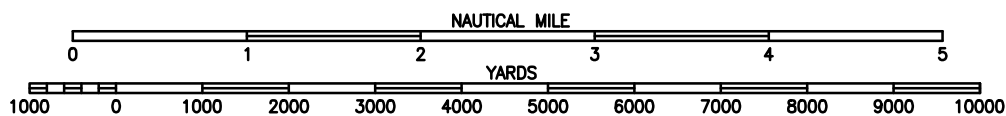
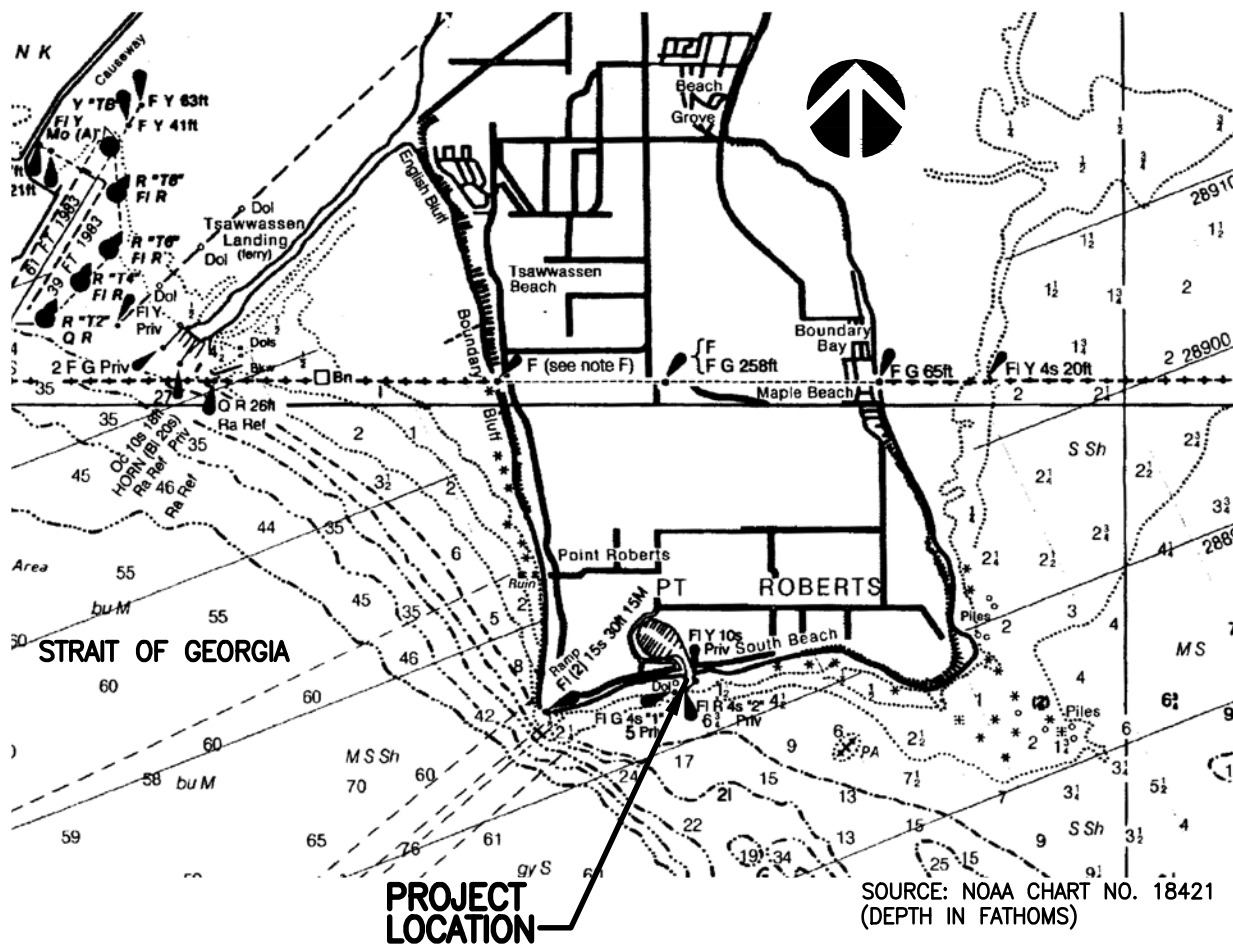
NWS-2015-937, Point Roberts Resort, L.P.

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: 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: NWS-2015-937, Point Roberts Resort, L.P.

Encl: Figures (8)



APPLICANT: POINT ROBERTS RESORT LP  
713 SIMUNDSON DRIVE  
POINT ROBERTS WA 98281  
ATTN: JACQUELYNE EVERETT

PURPOSE: PROPOSED ENTRANCE CHANNEL  
MAINTENANCE DREDGING.

U.S. ARMY CORPS OF ENGINEERS REFERENCE NO:  
NWS-2015-937

IN: STRAIT OF GEORGIA  
AT: POINT ROBERTS  
COUNTY: WHATCOM  
STATE: WASHINGTON  
DATUM: MLLW = 0.00'  
LATITUDE: 48.974167°N  
LONGITUDE: 123.063056°W

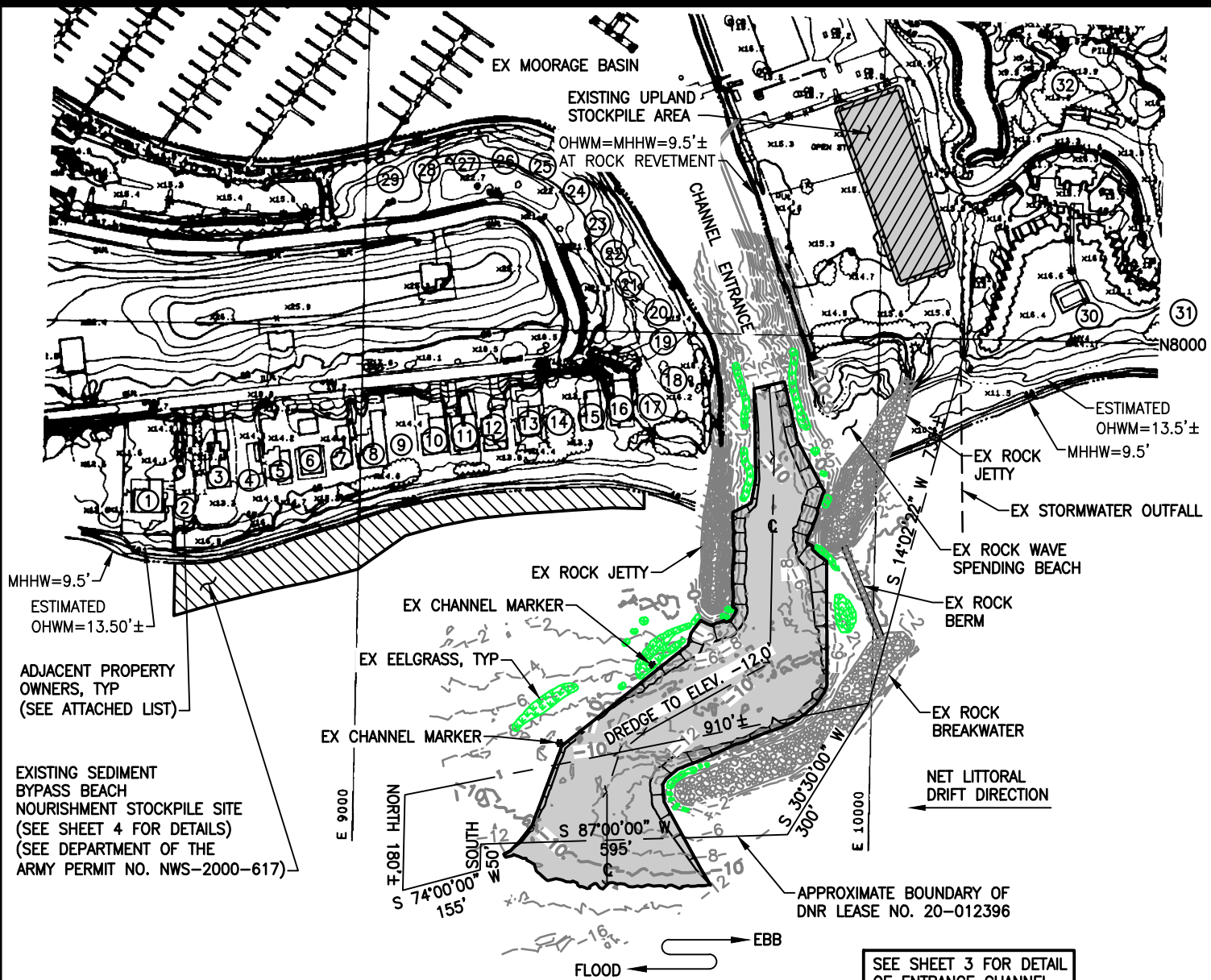
VICINITY MAP

DATE:  
10/07/2015  
REVISION DATE:  
SHEET:  
1 of 8



Layton & Sell, Inc., P.S.  
12515 Willows Road NE Suite 205  
Kirkland, Washington 98034-8795  
Office: (425)825-1735 Fax: 825-1363

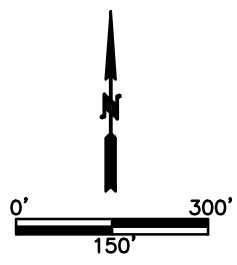
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STRAIT OF GEORGIA


- NOTES:
- EELGRASS SURVEY UPDATED BY BIOAQUATICS INTERNATIONAL ON JULY, 2015.
  - HYDROGRAPHIC SURVEY OF ENTRANCE CHANNEL BY WILSON ENGINEERING, JULY, 2015.

- LEGEND:
- AREA OF PROPOSED MAINTENANCE DREDGING OF ENTRANCE CHANNEL
  - UPLAND STOCKPILE AREA
  - EXISTING SEDIMENT BYPASS BEACH NOURISHMENT STOCKPILE SITE
  - EXISTING EELGRASS BED

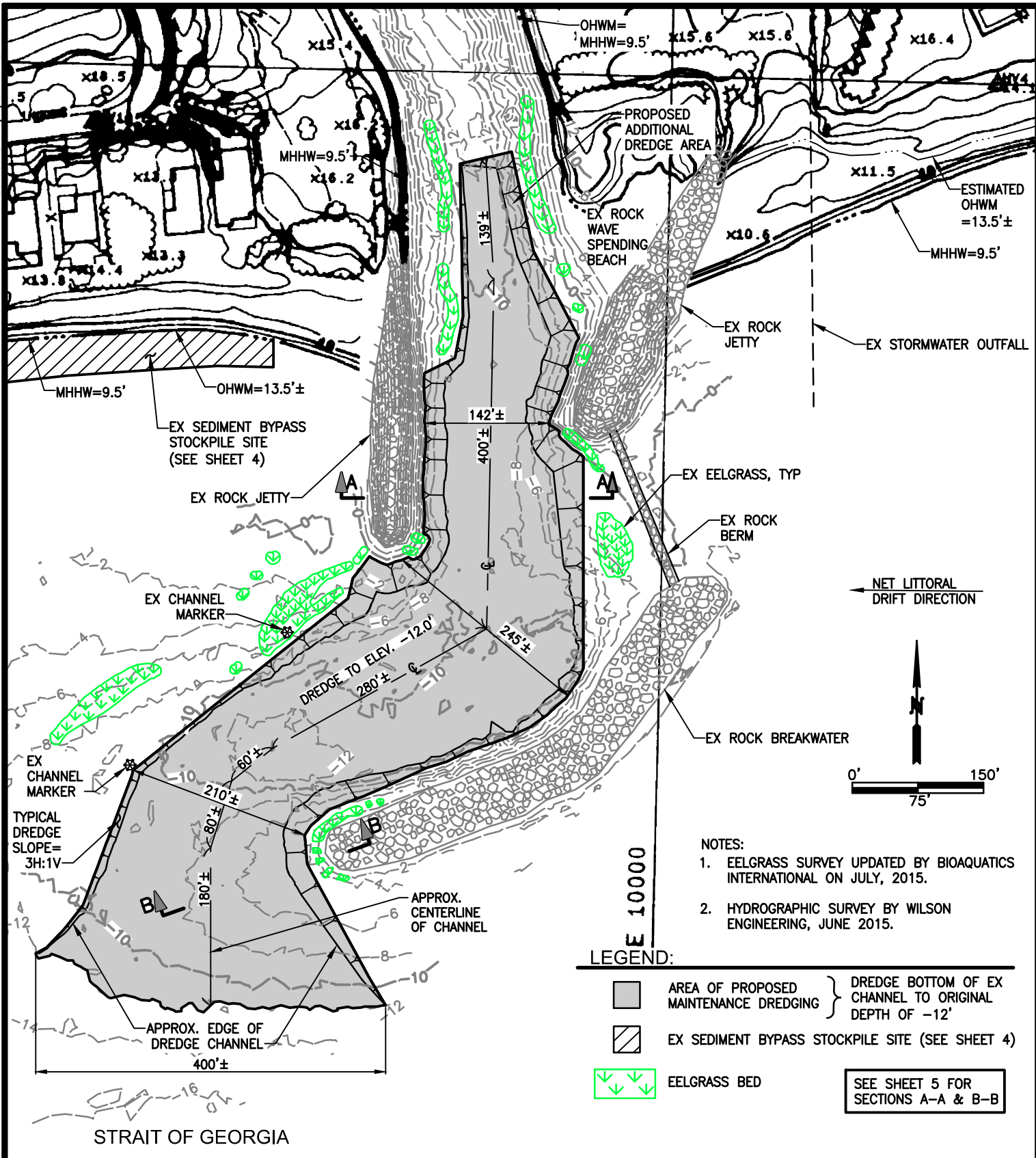


ADJACENT PROPERTY OWNERS:  
 SEE ATTACHED LIST  
 FOR ADJACENT  
 PROPERTY OWNERS

APPLICANT: POINT ROBERTS RESORT LP 713 SIMUNDSON DRIVE POINT ROBERTS WA 98281 ATTN: JACQUELYNE EVERETT	PURPOSE: PROPOSED ENTRANCE CHANNEL MAINTENANCE DREDGING.	U.S. ARMY CORPS OF ENGINEERS REFERENCE NO: NWS-2015-937
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 Layton & Sell, Inc., P.S. 12515 Willows Road NE Suite 205 Kirkland, Washington 98034-8795 Office: (425)825-1735 Fax: 825-1363	IN: STRAIT OF GEORGIA AT: POINT ROBERTS COUNTY: WHATCOM STATE: WASHINGTON DATUM: MLLW = 0.00' LATITUDE: 48.974167°N LONGITUDE: 123.063056°W	GENERAL SITE PLAN ENTRANCE CHANNEL MAINTENANCE DREDGING	DATE: 10/07/2015 REVISION DATE:  SHEET: 2 of 8
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STRAIT OF GEORGIA

APPLICANT: POINT ROBERTS RESORT LP  
713 SIMUNDSON DRIVE  
POINT ROBERTS WA 98281  
ATTN: JACQUELYNE EVERETT

PURPOSE: PROPOSED ENTRANCE CHANNEL  
MAINTENANCE DREDGING.

U.S. ARMY CORPS OF ENGINEERS REFERENCE NO:

NWS-2015-937

IN: STRAIT OF GEORGIA  
AT: POINT ROBERTS  
COUNTY: WHATCOM  
STATE: WASHINGTON  
DATUM: MLLW = 0.00'  
LATITUDE: 48.974167°N  
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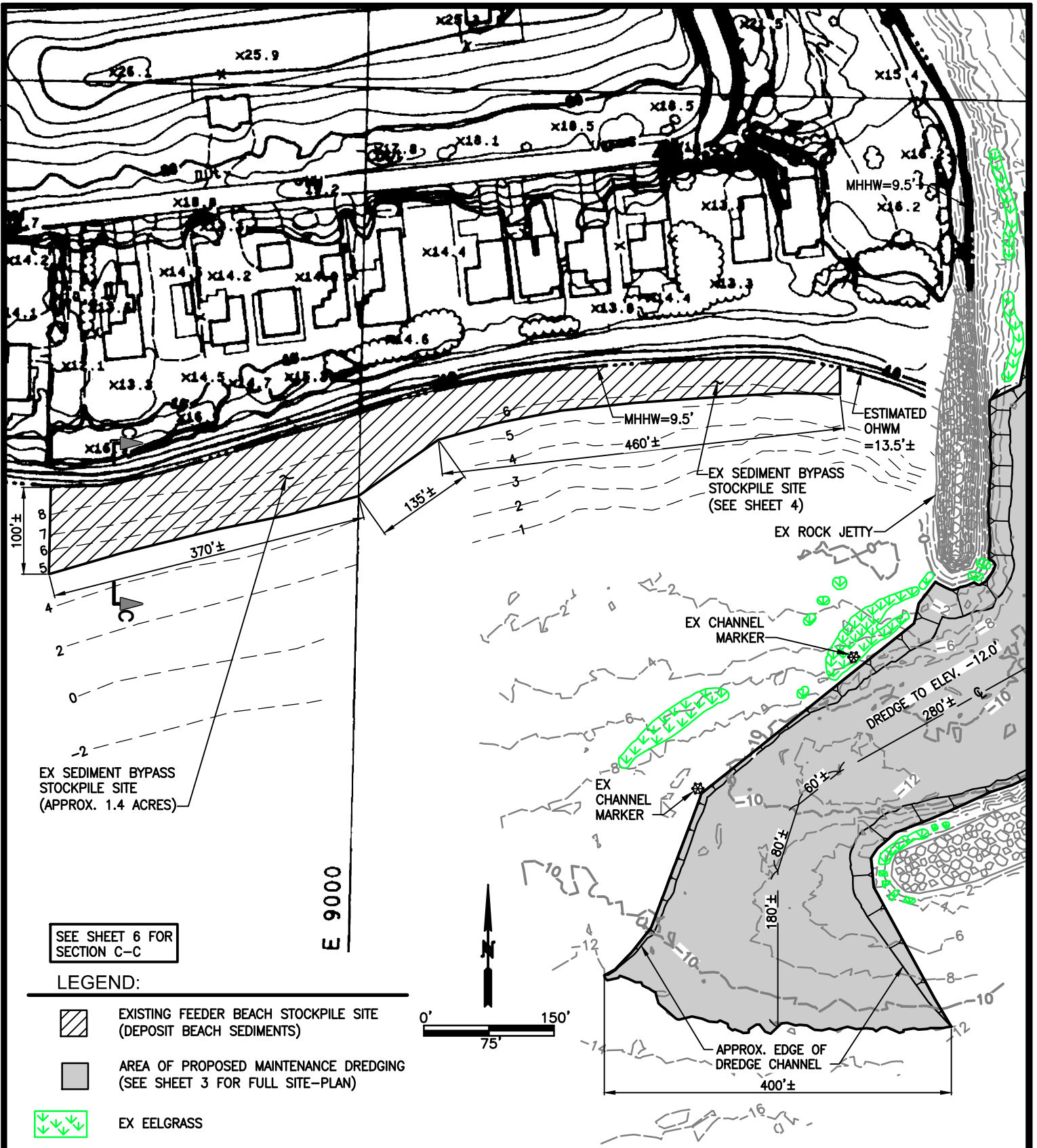
DETAILED DREDGING PLAN  
&  
LOCATION OF  
EELGRASS BEDS

DATE:  
10/07/2015  
REVISION DATE:  
SHEET:  
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APPLICANT: POINT ROBERTS RESORT LP  
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 POINT ROBERTS WA 98281  
 ATTN: JACQUELYNE EVERETT

PURPOSE: PROPOSED ENTRANCE CHANNEL  
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 LONGITUDE: 123.063056°W

SEDIMENT BYPASS  
 STOCK PILE SITE PLAN

DATE:  
 10/07/2015

REVISION DATE:

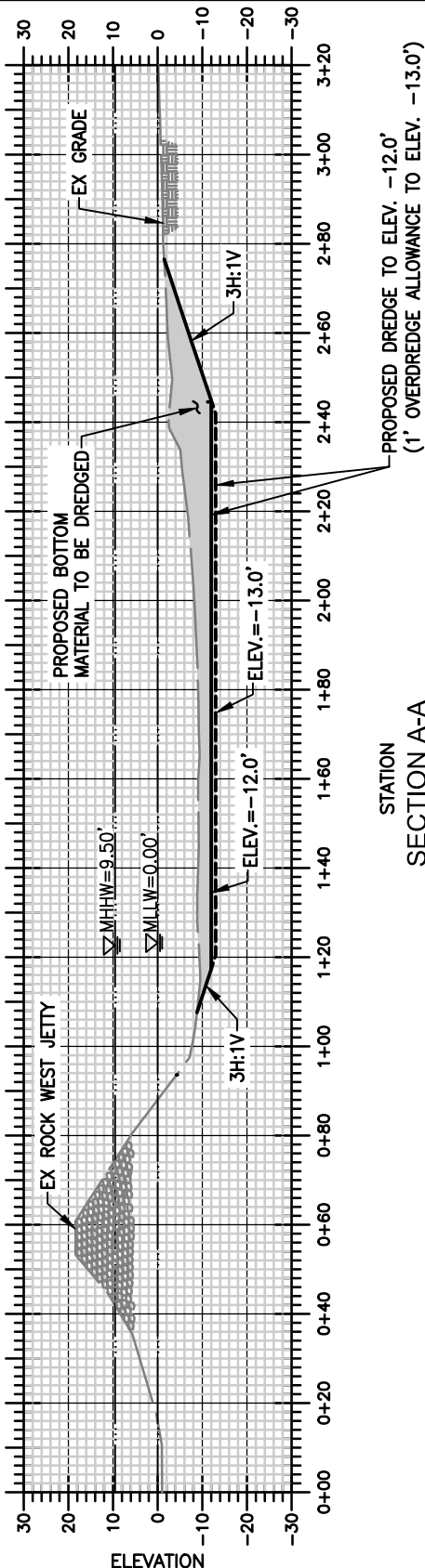
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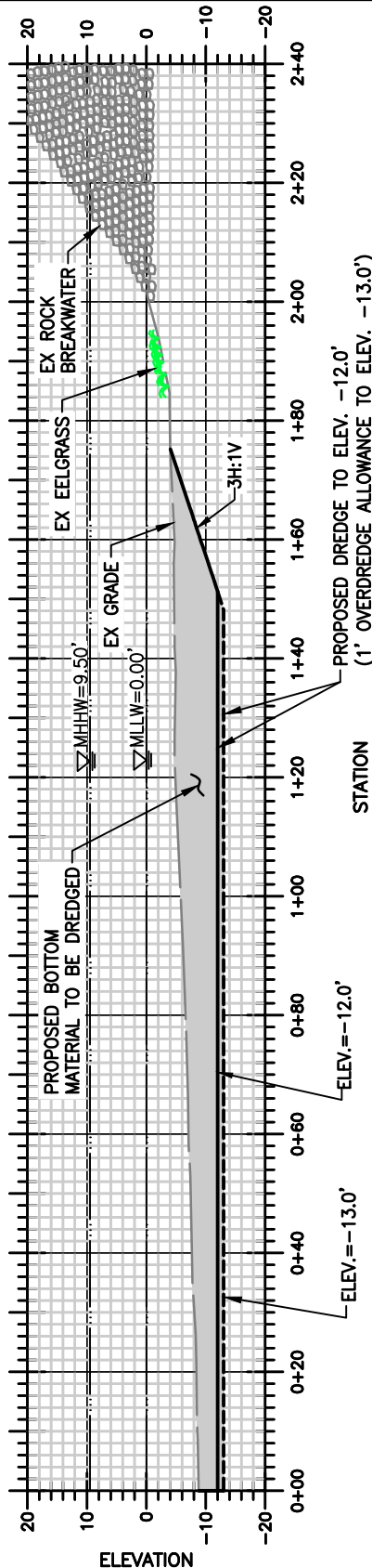
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SECTION A-A  
TYPICAL ENTRANCE CHANNEL DREDGE CROSS-SECTION



SECTION B-B  
TYPICAL ENTRANCE CHANNEL DREDGE CROSS-SECTION

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ATTN: JACQUELYNE EVERETT

PURPOSE: PROPOSED ENTRANCE CHANNEL  
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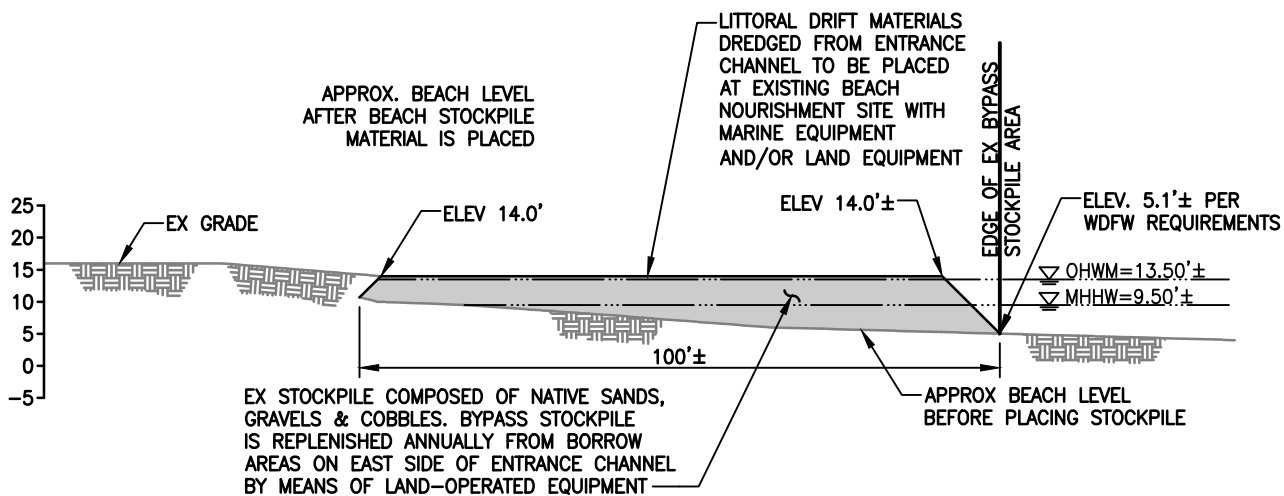
U.S. ARMY CORPS OF ENGINEERS REFERENCE NO:  
NWS-2015-937

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SECTION A-A  
&  
SECTION B-B

DATE:  
10/07/2015  
REVISION DATE:  
SHEET:  
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**Layton & Sell**  
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Kirkland, Washington 98034-8795  
Office: (425)825-1735 Fax: 825-1363  
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**SECTION C-C**

EXISTING SEDIMENT BYPASS BEACH NOURISHMENT STOCKPILE



APPLICANT: POINT ROBERTS RESORT LP  
713 SIMUNDSON DRIVE  
POINT ROBERTS WA 98281  
ATTN: JACQUELYNE EVERETT

PURPOSE: PROPOSED ENTRANCE CHANNEL  
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SECTION C-C

DATE:  
10/07/2015

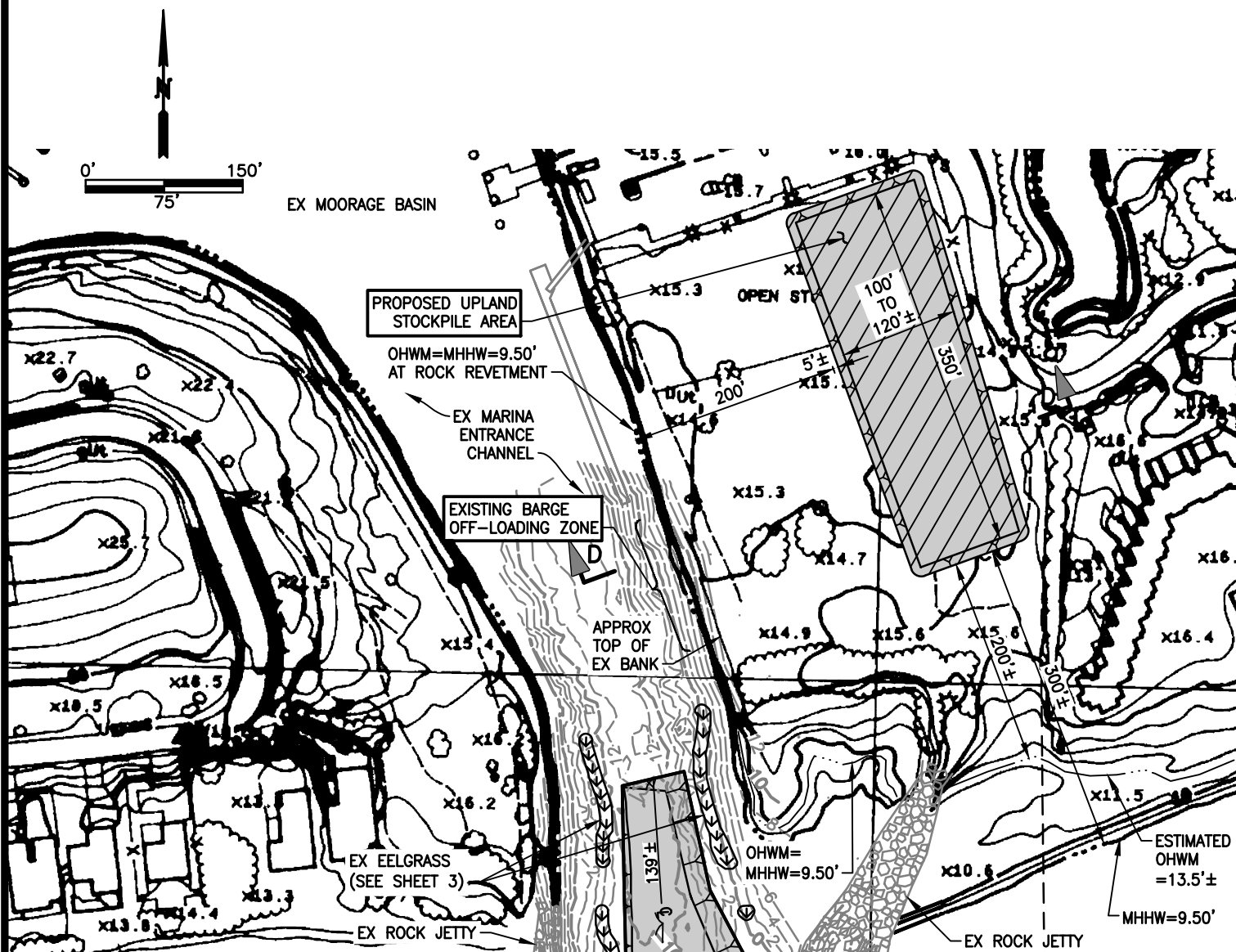
REVISION DATE:

SHEET:  
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AFTER THE DREDGED SEDIMENTS HAVE DE-WATERED, THE MATERIAL WILL BE REMOVED FROM THE STOCKPILE SITE BY TRUCK AND TRANSPORTED TO THE MARINA'S SEDIMENT BYPASS STOCKPILE SITE (SEE SHEETS 2 & 4).

SEE SHEET 8 FOR SECTION D-D

APPLICANT: POINT ROBERTS RESORT LP  
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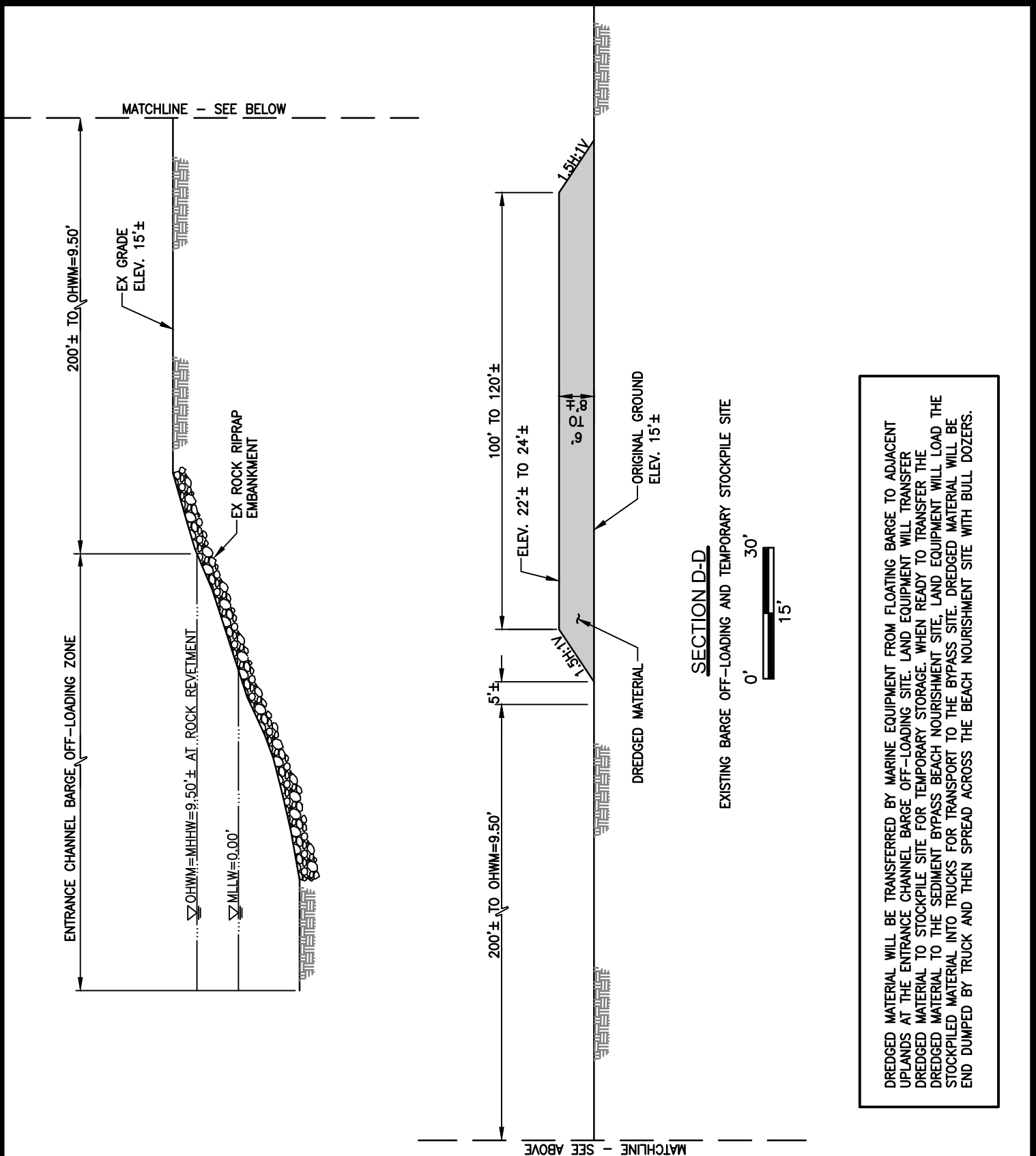
TEMPORARY UPLAND  
STOCK SITE PLAN

DATE:  
10/07/2015  
REVISION DATE:  
SHEET:  
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DREDGED MATERIAL WILL BE TRANSFERRED BY MARINE EQUIPMENT FROM FLOATING BARGE TO ADJACENT UPLANDS AT THE ENTRANCE CHANNEL BARGE OFF-LOADING SITE. LAND EQUIPMENT WILL TRANSFER DREDGED MATERIAL TO STOCKPILE SITE FOR TEMPORARY STORAGE. WHEN READY TO TRANSFER THE DREDGED MATERIAL TO THE SEDIMENT BYPASS BEACH NOURISHMENT SITE, LAND EQUIPMENT WILL LOAD THE STOCKPILED MATERIAL INTO TRUCKS FOR TRANSPORT TO THE BYPASS SITE. DREDGED MATERIAL WILL BE END DUMPED BY TRUCK AND THEN SPREAD ACROSS THE BEACH NOURISHMENT SITE WITH BULL DOZERS.

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SECTION D-D

DATE:  
10/07/2015  
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SHEET:  
8 of 8



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