



# **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) 764-6883 ATTN: Darren Habel, 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: July 12, 2016 Expiration Date: August 12, 2016

Reference No.: NWS-2012-1261 Name: Salmon Bay Marina

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received a revised application to perform work in waters of the U.S. as described below and shown on the enclosed revised drawings dated November 2015. The work was previously described in Public Notice Reference No. NWS-2012-1261, dated January 18, 2013. The revision consists of mitigative measures.

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.

- <u>APPLICANT</u>: Draper Machine Works dba Salmon Bay Marina 2100 West Commodore Way Seattle, Washington 98199 Attention: Mr. Charles Draper, Jr. Telephone: (206) 282-5555
- AGENT: PND Engineers, Inc 1736 Fourth Avenue South Seattle, Washington 98134 Attention: Mr. Allan Chartrand Telephone: (206) 624-1378

LOCATION: In Salmon Bay, Lake Washington Ship Canal at Seattle, King County, Washington.

<u>WORK</u>: To dredge up to 11,900 cubic yards of sediment for in-water and upland disposal, place 813 cubic yards of rock and 32 cubic yards of gravel fish mix to stabilize the dredge slope after dredging, remove 4,848 square feet of existing over-water coverage and install 4,595 square feet of new overwater structures at an existing marina facility.

The proposed project includes dredging, bank stabilization, and demolition and replacement/reconfiguration of existing overwater structures. Each element is discussed in more detail below:

**Dredging:** To dredge a 1 acre area to an elevation of -18 feet of the Mean Lower Low Water (-17 feet with a 1foot overdepth allowance) with a total of up to 11,900 cubic yards of sand and silt removed. Dredge material will be removed using a barge-mounted clamshell dredge or hydraulic dredge. Of the 11,900 cubic yards proposed for removal, up to 9,335 cubic yards of the removed sediments would be disposed of at the Puget Sound Dredge Disposal Analysis (PSDDA) disposal site in Elliott Bay and up to 2,555 cubic yards of the removed sediments would be disposed at an approved upland location. The unsuitable material consists of the upper 1.5 feet of sediment over the entire project footprint. To ensure that all unsuitable material will be removed, the top 2.5 feet of sediment will be will be dredged and disposed of at the approved upland location

**Bank stabilization:** After dredging is completed, up to 813 cubic yards of keyed in shot rock would be placed over 10,980 square feet along the dredge slope closest to the existing bulkhead in order to protect the slope and bulkhead from prop-wash and scour. Up to 32 cubic yards of gravel "fish mix" would then be placed 6 inches deep over the shot rock armoring at the top of the slope, covering an area of approximately 1,742 square feet.

Additionally, a replacement concrete block bulkhead would be installed landward of the existing bulkhead along 657 linear feet of the shoreline. The replacement bulkhead would be installed in the dry, landward of the existing bulkhead. The existing bulkhead would be left in place to provide additional support to the toe of the new block wall.

**Replacement/reconfiguration of existing overwater structures:** Remove 4,848 square feet of existing solid overwater coverage, including portions of floating dock E, all of floating dock D west, portions of floating dock D east, and all of the Service float. The existing boathouse and small floating dock would be relocated. The overwater structure removal includes the removal of nine 12-to 14-inch diameter timber piles, one 16-inch diameter timber pile and six 12-inch diameter steel piles.

Two new floating docks and their associated piles are proposed to replace the three existing floating docks proposed to be demolished. The proposed new west floats would be 150 feet long by 12 feet wide with an 8-foot by 30-foot grated gangway and nine 24-inch diameter steel piles. The proposed new east floats would be 170 feet long by 12 feet wide with an 8-foot by 30-foot grated gangway and ten 24-inch diameter steel piles. The existing boathouse and small floating dock south of the boathouse would be relocated to the southeast of their existing location with two new 24-inch diameter steel piles for anchors. Portions of dock E and dock D west would be retained and moved to replace the existing Service float.

Additionally, new water and slip side sewage pump out utility lines would be installed at the Service float and covered moorage at A, B, and C docks. These utilities would be installed both above and below water on the fixed docks.

<u>PURPOSE</u>: The purpose of the proposed project is to allow for the moorage of large vessels.

<u>Dredged Material Testing</u>: 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 up to 9,335 cubic yards were suitable for unconfined disposal at the DMMP nondispersive (or dispersive) open-water disposal site in Elliott Bay. The remaining up to 2,555 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 Ecology. The sediment testing data are available at the Corps, Seattle District, Dredged Material Management Office.

<u>Dredging Plan</u>: 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.

<u>Disposal Site Use Conditions</u>: 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.

<u>MITIGATION</u>: The new design of the marina will reduce the amount of overwater coverage by approximately 253 square feet and will add new fully grated gangways and natural light panels to the existing covered moorage in the nearshore areas. A habitat bench will be left immediately waterward of the existing bulkhead and will range in size from 2.5-feet to 5-feet in width and will be covered with clean anti prop-wash angular shot rock and then covered with a 6-inch layer of habitat fish mix sand and gravels. The removal of the contaminated sediments and creosote piles will also benefit the aquatic resource.

<u>ENDANGERED SPECIES</u>: 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. Both Services have reviewed the proposed work and have determined that the work may affect but is not likely to adversely affect ESA listed species.

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. The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

<u>CULTURAL RESOURCES</u>: 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 was created in modern times and there is little likelihood that the proposed project will impinge on any 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.

<u>PUBLIC HEARING</u>: 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.

<u>EVALUATION</u> – <u>CORPS</u>: 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.

<u>SOURCE OF FILL MATERIAL</u>: 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.

<u>EVALUATION</u> – <u>ECOLOGY</u>: 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 No. 3012950 which has been issued by the City of Seattle.

<u>COMMENT AND REVIEW PERIOD</u>: 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.

<u>CORPS COMMENTS</u>: All e-mail comments should be sent to darren.habel@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Darren Habel, 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.

<u>ECOLOGY COMMENTS</u>: 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: Salmon Bay Marina: NWS-2012-1261

Encl: Figures (11)



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#### PURPOSE: MARINA IMPROVEMENTS LAT: 47.66037N LONG:-122.38875W DATUM: 0.0'= USACE HIGHWATER LEVEL + 22.0' ADJACENT OWNERS: 1) CAUQUENES PROPERTIES, LLC 2) PORT OF SEATTLE 3) WESTPORT SALMON BAY, LLC 4) WA DNR

AERIAL MAP

## SALMON BAY MARINA DREDGING AND FLOAT IMPROVEMENTS

### PROJECT AREA AND ADJACENT OWNERSHIP

SALMON BAY MARINA 2100 W. COMMODORE WAY SEATTLE, WA. 98199 NWS-2012-1261

PROPOSED: DREDGE, REPLACE FLOATS, PILES, GANGWAYS, BULKHEAD, UTILITY UPGRADE & FLOAT RECONFIGURATION IN: SALMON BAY AT: SEATTLE, WA. KING COUNTY SEC. 14, TWP 25N, RNG 3E APPLICATION BY: DRAPER MACHINE WORKS SALMON BAY MARINA REVISED SHEET 2 of 11 DATE: NOV. 2015





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