



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

US Army Corps of Engineers  
Regulatory Branch  
4735 E. Marginal Way S., Bldg  
1202  
Seattle, WA 98134-2388  
Telephone: (206) 434-0808  
ATTN: Colin M. Greenan,  
Project Manager

Public Notice Date: April 29, 2024  
Expiration Date: May 29, 2024

Reference No.: NWS-2023-554  
Name: Boyer Towing (Duwamish River  
Dredging)

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Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, for certain work described below and shown on the enclosed drawings dated January 19, 2024. The Corps will also review the work in accordance with Section 404 of the Clean Water Act (CWA).

The Corps will also review the work in accordance with Section 14 of the Rivers and Harbors Act of 1899, as codified at 33 U.S.C. Section 408 (Section 408), for work that may alter a Corps Civil Works project. An alteration is defined as any action that builds upon, alters, improves, moves, occupies or otherwise affects the usefulness, or the structural or ecological integrity of a Corps federally authorized project. The proposed project may alter the Duwamish Waterway federal navigation channel.

APPLICANT: Boyer Towing, Inc.  
Attention: Boyer Halvorsen  
7318 4<sup>th</sup> Avenue South  
Seattle, Washington 98108  
Telephone: (206) 763-8696

AGENT: 48 North Solutions  
Attention: Celeste Barnes-Crouse  
1275 12<sup>th</sup> Avenue Northwest, Suite 8  
Issaquah, Washington 98027  
Telephone: (206) 818-5894

LOCATION: In the Duwamish Waterway approximately 1,900 feet upstream (southeast) of the Washington State Route 509 bridge at Seattle, King County, Washington (Latitude 47.537695°, Longitude -122.329135°). Also located in Elliott Bay at Latitude 47.598500°, Longitude -122.357500°.

NWS-2023-554; Boyer Towing, Inc.

WORK: Maintenance dredge up to 4,000 cubic yards of sand and silt from a 0.37-acre area to a target elevation of -10 feet mean lower low water (MLLW) and to a maximum elevation of -11 feet MLLW to allow for one foot of over depth dredging. Dredged material would be placed at the Elliott Bay open water non-dispersive disposal site. Sand and silt material would be dredged using a barge-mounted clamshell and placed into a bottom dump scow for transport to the disposal site. Dredging and placement would occur during a maximum of two dredge events over 5 years and would occur between October 16 and February 15 in any year.

PURPOSE: To provide an adequate depth for an existing barge berth.

ADDITIONAL INFORMATION: The applicant is requesting a 5-year permit. 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.

The location of the line of mean high water/high tide line shown on the project drawings have not yet been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines the boundaries of the wetland/waters are substantially inaccurate a new public notice may be published.

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 (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. After receipt of comments from this public notice, the U.S. Army Corps of Engineers 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). 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, 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 proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property. The Corps invites responses to this public notice from Native American Nations 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 Nations 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:** 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 Washington Department of Ecology has or will evaluate the proposed project in accordance with Section 401 of the Clean Water Act and for consistency with the Coastal Zone Management Act.

The U.S. Army Corps of Engineers 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.

**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

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shown below. All e-mail comments should be sent to [colin.m.greenan@usace.army.mil](mailto:colin.m.greenan@usace.army.mil).

Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388. 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 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. 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. Please include the following name and reference number:

Boyer Towing, Inc., NWS-2023-554

Encl: Figures (4 pages)



**Vicinity Map with Dredging Footprint**

Proposed Project:  
Boyer Towing  
Maintenance Dredging

Prepared by: **48north**  
solutions

Reference: NWS-2023-554

Location: 7410 5th Ave. S.  
Seattle, WA 98108

Parcel(s): 292404HYDR;  
7327906685

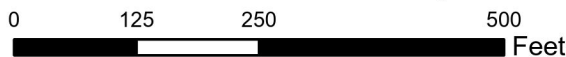
Lat/Long: 47.5367169° N,  
-122.3276548° W

Applicant: Boyer Towing

Adjacent Property Owners:  
1. Cascade Barge & Equipment

In: Lower Duwamish River  
Near/At: Seattle  
County: King  
State: WA

- Parcel Boundaries
- High Tide Line (11.36 ft)
- Mean High Water Line (10.49 ft)



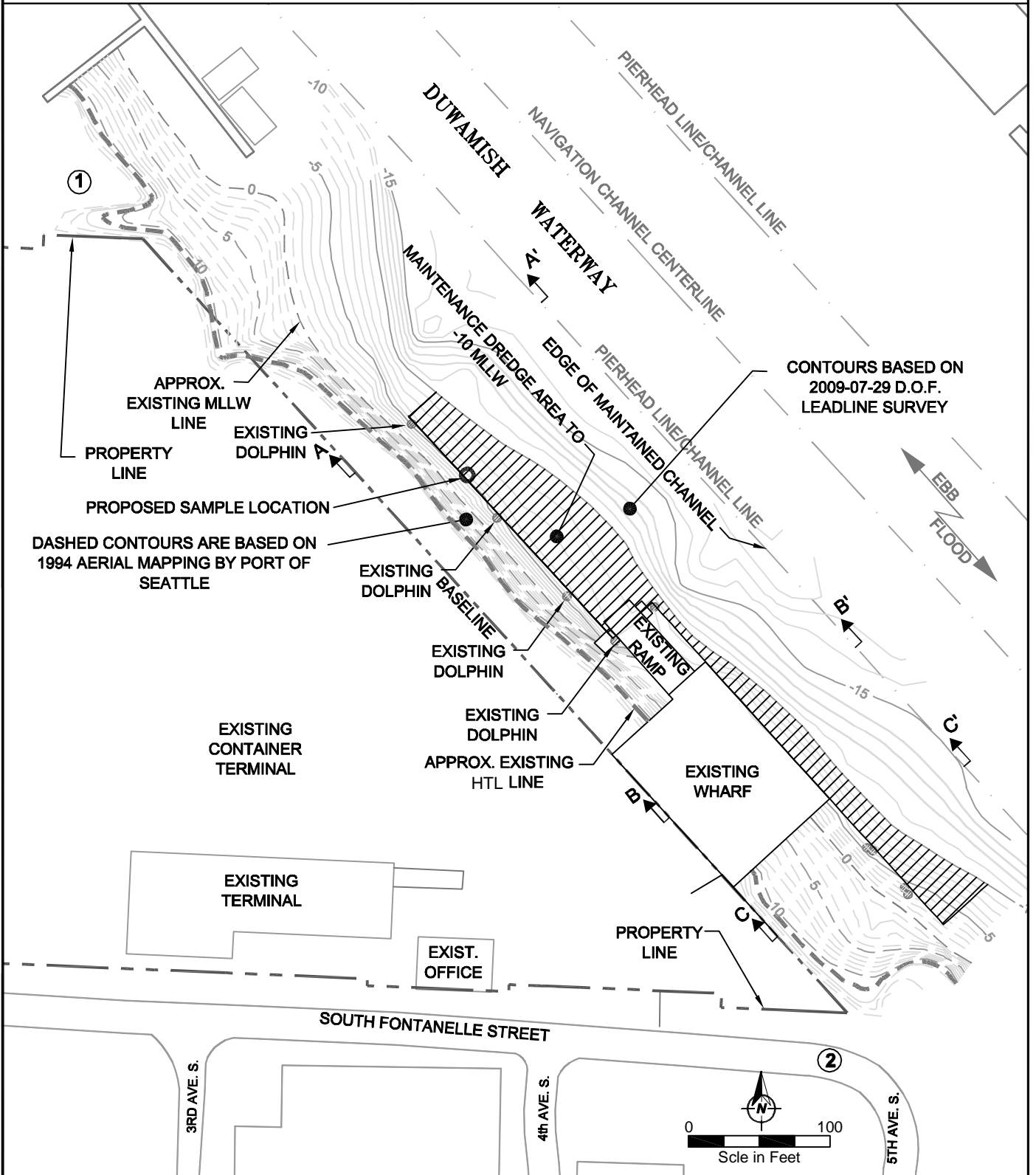
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Source: ESRI, 48 North  
Date: 01/19/2024  
Spatial Reference: WGS 1984

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**DISCLAIMER**

The accuracy of source information cannot be verified; therefore, all linework, labeling, and markings appearing on this figure may be subject to errors or omissions in positions, classifications, and interpretations. This figure should only be used as a visual guide for general overview purposes.

NO UPLAND ACTIVITY



Maintenance Dredge Footprint

Proposed Project:  
Boyer Towing Maintenance  
Dredging

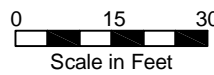
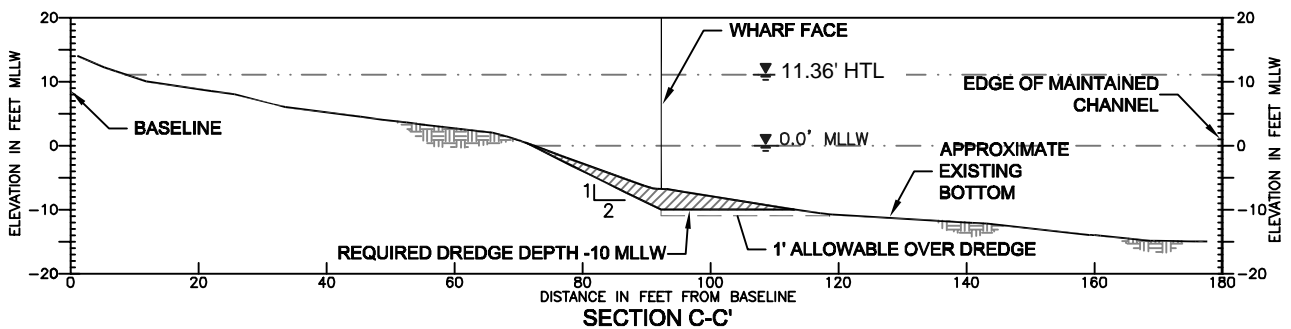
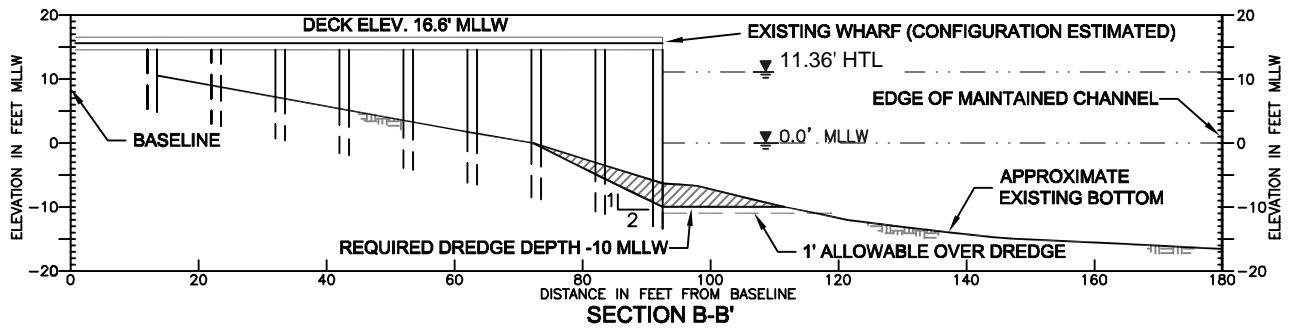
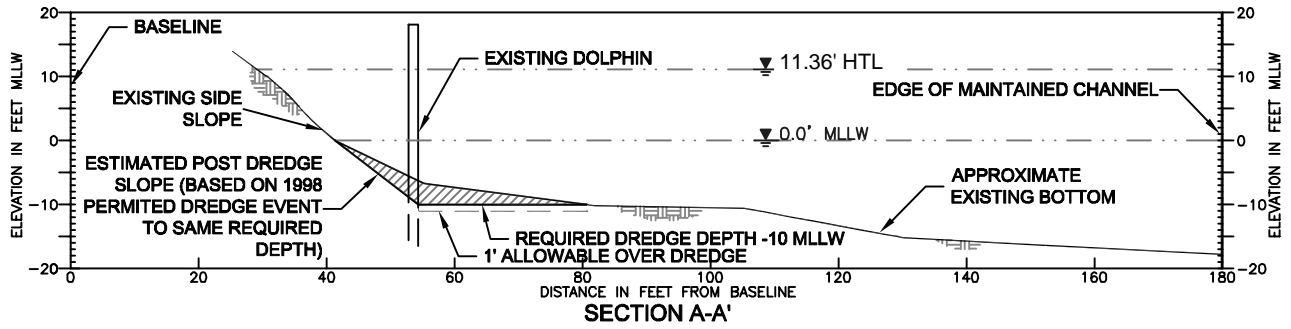
Parcel #732790-6685  
at 98108 7410 5TH AVE S

Applicant: Boyer Towing, Inc.  
Adjacent Property Owner: Cascade B & E

Location: 7410 5th Ave S. Seattle, WA  
98108

Sheet 2 of 4

Date: 01/22/2024



Cross-Section Maintenance Dredge

Proposed Project:  
Boyer Towing Maintenance Dredging

Parcel #732790-6685  
at 98108 7410 5TH AVE S

Applicant: Boyer Towing, Inc.  
Adjacent Property Owner: Cascade B & E

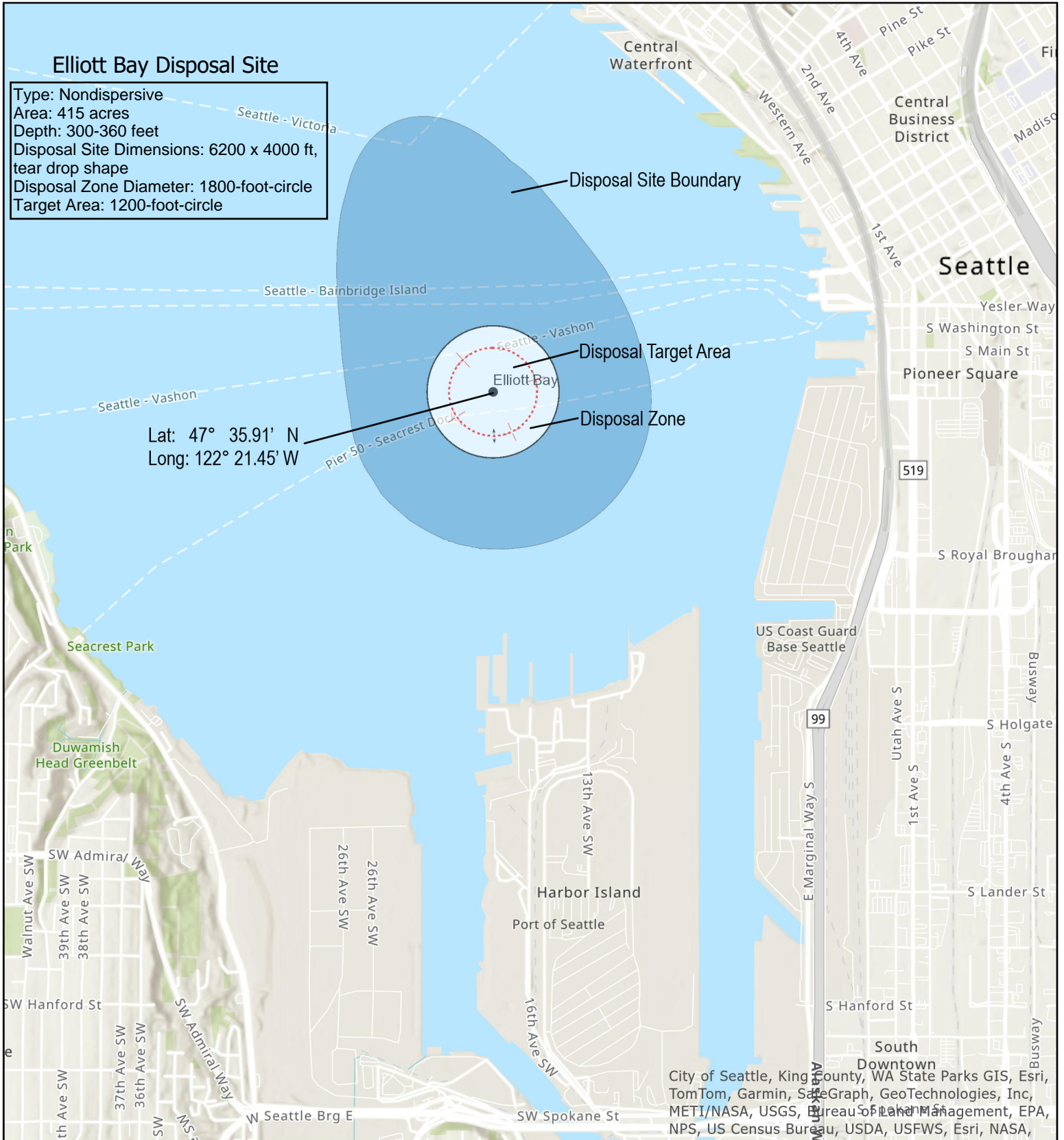
Location: 7410 5th Ave S. Seattle, WA 98108

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Date: 01/22/2024

# Elliott Bay Disposal Site

Type: Nondispersive  
 Area: 415 acres  
 Depth: 300-360 feet  
 Disposal Site Dimensions: 6200 x 4000 ft,  
 tear drop shape  
 Disposal Zone Diameter: 1800-foot-circle  
 Target Area: 1200-foot-circle

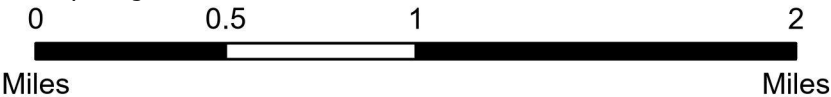


Lat: 47° 35.91' N  
 Long: 122° 21.45' W

## Elliott Bay Disposal Site

Reference: \_\_\_\_\_  
 Applicant: Boyer Towing, Inc.  
 7318 4th Ave S. Seattle, WA 98108  
 Proposed Project: Maintenance Dredging

In: Lower Duwamish Waterway  
 County: King



Scale: 1:32,000  
 Source: WA DNR, 48 NORTH  
 Date: 24-Apr-2024  
 Spatial Reference: WGS 1984

Sheet 4 of 4

### DISCLAIMER

The accuracy of source information cannot be verified; therefore, all linework, labeling, and markings appearing on this figure may be subject to errors or omissions in positions, classifications, and interpretations. This figure should only be used as a visual guide for general overview purposes.

Prepared by: **48north** solutions

City of Seattle, King County, WA State Parks GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Esri, NASA,