



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) 764-3450 ATTN: Jason Sweeney, Project Manager WA Department of Ecology SEA Program Post Office Box 47600 Olympia, WA 98504-7600 Telephone: (360) 407-6076 ATTN: SEA Program, Federal Permit Coordinator Public Notice Date: August 2, 2018 Expiration Date: August 31, 2018

Reference No.: NWS-2017-366 Name: SPSSEG (Shelton Harbor Restoration)

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 January 2018.

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>: South Puget Sound Salmon Enhancement Group Attention: Mr. Brian Combs 6700 Martin Way East, Suite 112 Olympia, Washington 98516 Telephone: (360) 951-4661

AGENT: Squaxin Island Tribe Attention: Scott Steltzner 200 Southeast Billy Frank Jr. Way Shelton, Washington 98584 Telephone: (360) 432-3803

LOCATION: In Shelton Harbor at Shelton, Washington

<u>WORK</u>: The project proposes to place 600,000 cubic yards of fill material into 50 acres of waters of the U.S. waterward of the mean higher high water (MHHW) line to create an estuary and salt marsh in Shelton Harbor.

Three salt marsh lobes (south west, and north) are proposed to be constructed over five years. Each salt marsh lobe would be built to elevations that support salt marsh habitat, with Goldsborough Creek realigned to flow in between the west and south lobes. The proposed project also involves constructing a lagoon at the confluence of Shelton Creek and Shelton Harbor, with a berm at the most southeastern end of the lagoon to slow down water flow, with the purpose of collecting sediment that over time creates a more natural stream channel.

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The proposed project would require the removal of up to 260 creosote piles, in-water debris and structures, and the 750 foot long dike.

PURPOSE: To establish salt marsh and estuarine habitat in Shelton Harbor.

<u>ADDITIONAL INFORMATION</u>: The proposed work would be completed over a five year period. U.S. Fish and Wildlife Service (USFWS) is the lead federal agency. The proposed project would be completed by the South Puget Sound Salmon Enhancement Group and the Squaxin Island Tribe.

Phase one would be the construction of the west lobe and lagoon. The other three phases; construction of the south lobe and spit removal, construction of the north lobe, and constructing a new channel in Goldsborough Creek, would be completed over a 5 year period with the timing of each phases depending on acquiring funding.

The locations, and details of the structures and debris to be removed are shown in sheet 6.

The line of Mean High Water and Mean Higher High Water shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

MITIGATION: No mitigation is being proposed.

<u>ENDANGERED SPECIES</u>: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or 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 USFWS, as the lead agency for ESA consultation, will consult with the NMFS and/or the USFWS as required under Section 7 of the ESA.

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 USFWS, as the lead agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary.

<u>CULTURAL RESOURCES</u>: The USFWS, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Officer and Native American Tribes 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.

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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.

<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.

<u>ADDITIONAL EVALUATION</u>: The City of Shelton has issued an exemption from the requirement of obtaining a Shorelines Substantial Development permit for this project.

As a Federal agency, the U.S. Fish and Wildlife Service will contact the Washington Department of Ecology directly to ensure the work is consistent with the Coastal Zone Management Program.

<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 jason.t.sweeney@usace.army.mil Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Jason Sweeney, 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

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in the text of their comments: SPSSEG (Shelton Harbor Restoration), NWS-2017-366

Encl: Figures (16)































