



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

**Regulatory Branch**  
**Post Office Box 3755**  
**Seattle, Washington 98124-3755**  
**Telephone (360) 734-3156**  
**ATTN: Randel Perry, Project Manager**

**Public Notice Date: March 1, 2018**  
**Expiration Date: April 2, 2018**  
**Reference: NWS-2017-655**  
**Name: Lummi Indian Business Council**

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) has received an application to perform work in waters of the United States as described below and shown on the enclosed drawings dated February 14, 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.

**APPLICANT:** Lummi Indian Business Council  
2665 Kwina Road  
Bellingham, Washington 98226  
Telephone: (360) 312-2328

**AGENT:** Lummi Fisheries Department  
2665 Kwina Road  
Bellingham, Washington 98226  
Attention: Mr. Flavian Point  
Telephone: (360) 384-2303

**LOCATION:** In Lummi Bay on the Lummi Indian Nation Reservation near Bellingham, Whatcom County, Washington.

**WORK:** Place fill for manila clam substrate enhancement and a ramp for a barge landing facility.

**PURPOSE:** Enhance manila clam substrate and provide transportation services to cars and long-haul trucks to increase the economic stability of the Lummi Nation and its people.

**ADDITIONAL INFORMATION:** For substrate enhancement, the work would involve placing ¾-inch diameter washed gravel over intertidal substrate in two phases. Phase I would include gravelling 3 acres; Phase 2 would include gravelling another 22 acres of the project area. Gravel would be loaded onto a barge from a shoreline facility, then dispersed from the gravel barge by spraying off the deck. The gravel would be spread in 1/2-inch layers with a possible 1/2-inch second layer added if needed for a total depth of 1 inch of gravel. Gravel would be obtained from a local commercial source.

To construct the ramp, the applicant proposes to place 390 tons of heavy loose riprap as sub-base, then

150 tons of light loose riprap, covered by 60 tons of 2-inch by 4-inch diameter quarry spall filler, and 30 tons of 2-inch ballast for the ramp surface. The area of fill would be 0.06 of an acre area waterward of Mean Higher High Water. The work would also entail installation of 142 linear feet of z-sheet piling installed in front of the old failing creosote timber wall. Sheet piling would be installed using a vibratory hammer. The barge ramp site would be accessed through an existing road on the Lummi Sea Pond Dike. Work would be performed by mechanical equipment. No mechanized equipment would be operated in the water other than a bucket. No equipment would be refueled in, above or near any open water. Heavy equipment would be refueled on-site at loading area; light equipment would be refueled ashore near the Lummi Shellfish Hatchery as needed.

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 scroll down the alphabetical listing of District elements, and click on "Regulatory" and then "Regulatory – Permits" for the Seattle District's Regulatory homepage. Select the prominently displayed "Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select and view the listing for this project.

**MITIGATION:** No mitigation 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. The Corps will undertake Section 7 consultations with both Services.

**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 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, lists of properties determined eligible 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 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.

**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 – 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. The fill material will be clean pit run gravel obtained from a commercial source and soils from the site.

**ADDITIONAL EVALUATION:** The Lummi Indian Nation is reviewing this work for compliance with the applicable Federal water quality standards pursuant to Section 401 of the Clean Water Act.

**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.

All e-mail comments should be sent to [randel.j.perry@usace.army.mil](mailto:randel.j.perry@usace.army.mil). Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle,

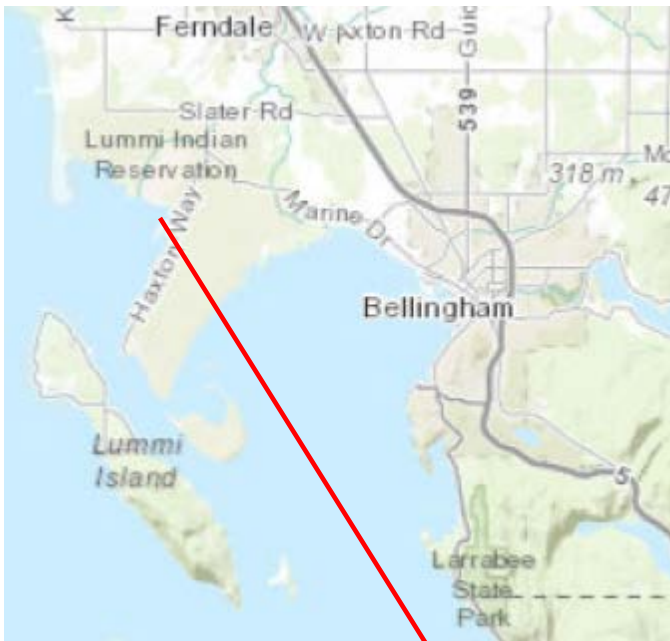
NWS-2017-655, Lummi Indian Business Council

Washington, 98124-3755. Both 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. Please include the following name and reference number:

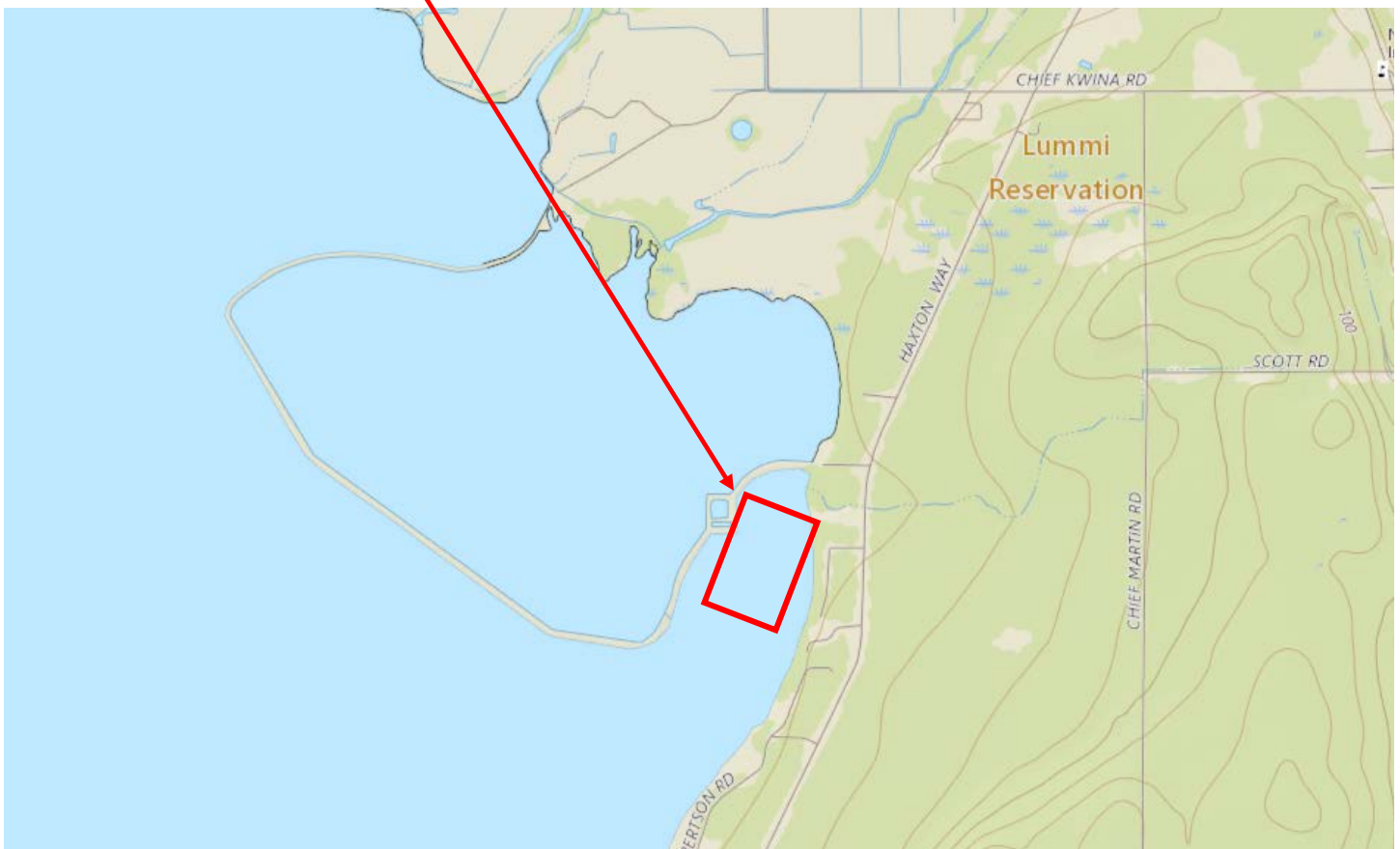
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Lummi Indian Business Council, NWS-2017-655.

Encl: 7 Figures

**Lummi Indian Business Council  
Lummi Bay  
Barge Ramp and  
Clam Bed Gravel Project**



**Lat: 48.472082°  
Long: -122.652577°**



**Corps Ref# NWS-2017-655  
14 February 2018**

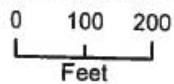
**Sheet 1 of 7**



**Proposed Lummi Bay  
Barge Ramp & Gravel  
Enhancement Area**



All Elevation  
Are Expressed in  
Feet Above NAVD88



- 25 Acre Gravel Enhancement Area
- Proposed Barge Ramp
- Proposed Sheet Piling (142 ft)
- MHHW (8.185ft. NAVD88)
- Reservation Boundary

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**Sheet 2 of 7**



2017-12-15-09-47-02

### Proposed Lummi Bay Barge Ramp



All Elevation  
Are Expressed in  
Feet Above NAVD88

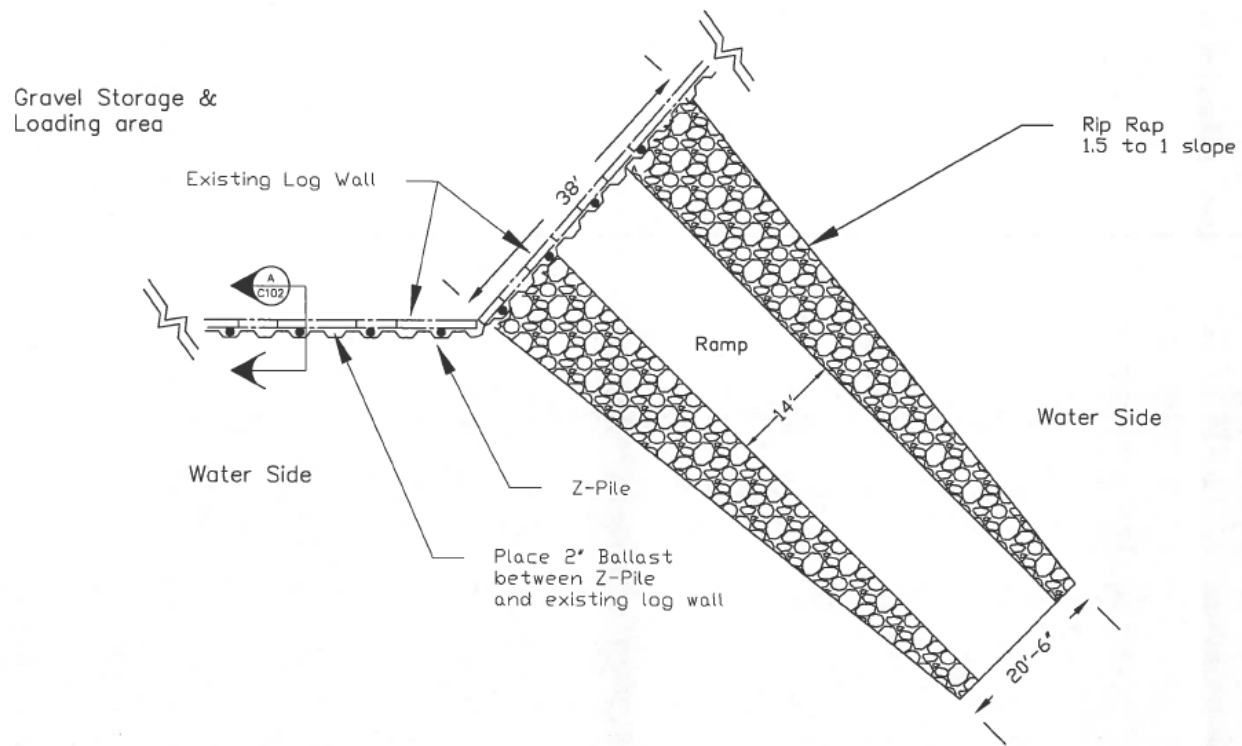
0 10 20  
Feet

#### Proposed Barge Ramp

-  Ramp Surface
-  Sloping Sides
-  Proposed Sheet Piling (142 ft)
-  MHHW (8.185ft. NAVD88)
-  Reservation Boundary

**Corps Ref#**  
**NWS-2017-655**  
**14 February 2018**

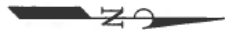
**Sheet 3 of 7**



Notes:

1. The length of shore that requires sheet piles is 142 feet.
2. The MHW line is 7.85 feet, the bottom of sea bed intersects the sheet pile at 4 feet.

Plan View



REVISIONS					DESIGNED:
REVISED	DESCRIPTION	SUBMIT	APPROV.	DATE	DDA
					DDA
					DDA
					TJE
					APPROVED:

Lummi Public Works Department  
 2865 Kalra Drive  
 Bellingham, WA 98226  
 TELEPHONE: (360) 312-2345

Not to SCALE

THE LUMMI NATION

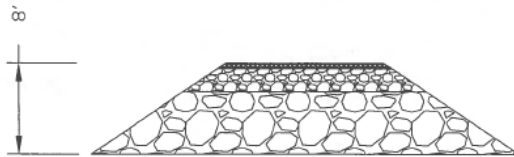
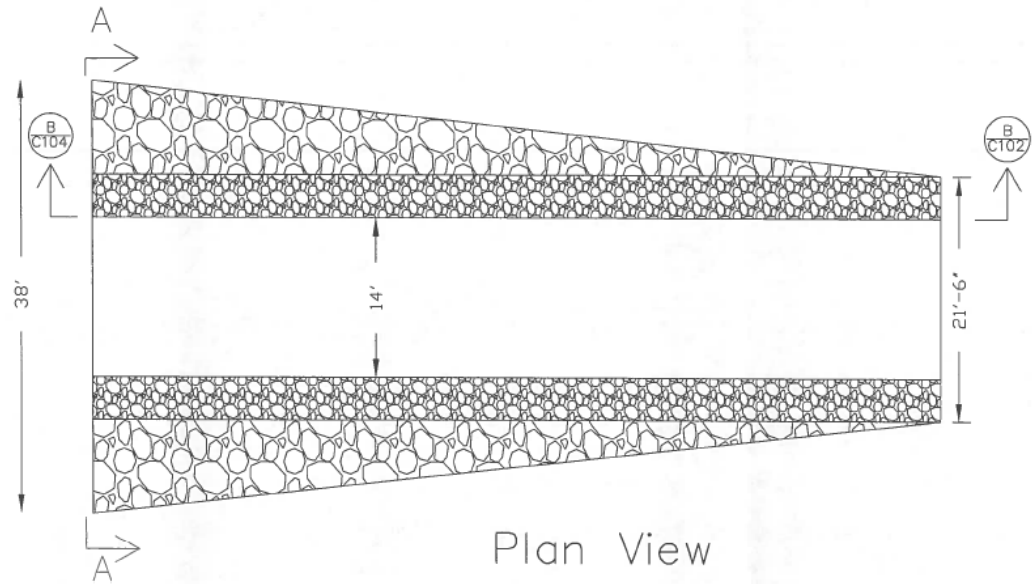
Gravel Landing and Ramp

Corps Ref#  
 NWS-2017-655  
 14 February 2018

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Notes:  
 1. Rip Rap side slope is 1.5 to 1



Section A

- Top of Ramp 12 ft NAVD88
- MHHW 8.185 ft NAVD 88 — MHW 7.35 ft NAVD 88
- MTL 4.05 ft NAVD 88
- MLW 1.65 ft NAVD 88



REVISIONS				
REVISED	DESCRIPTION	SUBMIT	APPROV.	DATE

DESIGNED: DDA  
 CHECKED: DDA  
 APPROVED: TE  
 DDA

Lummi Public Works Department  
 2565 Keho Drive  
 Bellingham, WA 98226  
 TELEPHONE: (360) 312-2345

Not to SCALE

**THE LUMMI NATION**

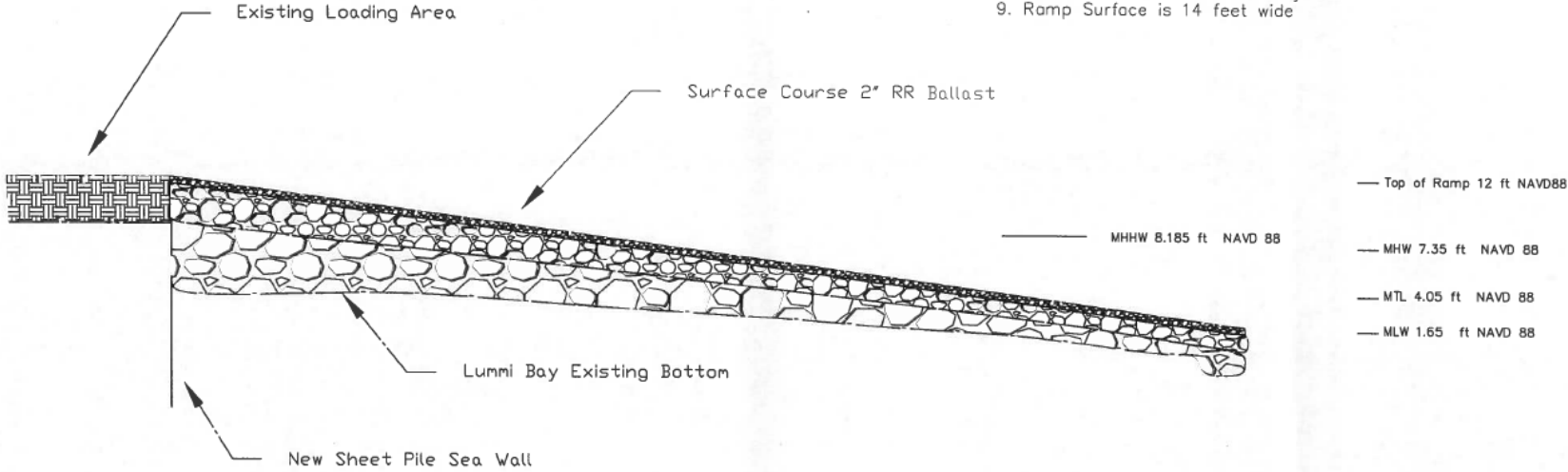
**Barge Ramp**

**Corps Ref#**  
**NWS-2017-655**  
**14 February 2018**

**Sheet 5 of 7**

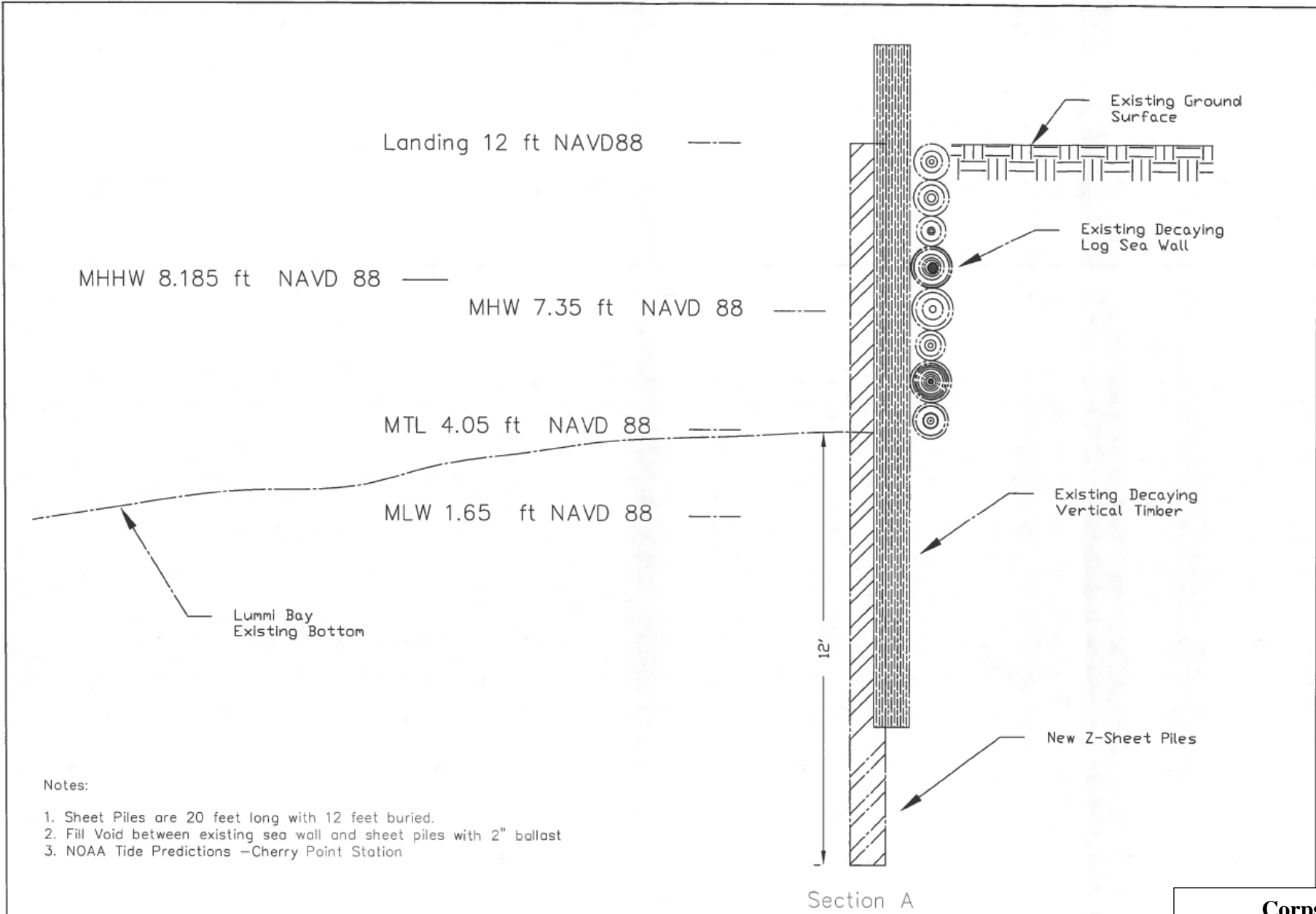
Notes:

- 1. Ramp at 13.6% slope.
- 2. Base Course - Heavy Loose Rip Rap.
- 3. Middle course - 18-24 inches of Light Loose Rip Rap
- 4. Top Course - 2" Railroad Ballast 6" deep
- 5. Low level launch is 6 foot tide
- 6. Toe in bottom of ramp 36" deep 36" wide
- 8. NOAA Tide Predictions -Cherry Point Station
- 9. Ramp Surface is 14 feet wide



REVISIONS				DESIGNED: DDA	Lummi Public Works Department	THE LUMMI NATION
REVISED	DESCRIPTION	SUBMIT.	APPROV. DATE			
				DRAWN: DDA	2665 Keira Drive Bellingham, WA 98226 TELEPHONE: (360) 312-2345	Barge Ramp
				CHECKED: DDA		
				APPROVED:	Not to SCALE	

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**14 February 2018**  
  
**Sheet 6 of 7**



Notes:

1. Sheet Piles are 20 feet long with 12 feet buried.
2. Fill Void between existing sea wall and sheet piles with 2" ballast
3. NOAA Tide Predictions -Cherry Point Station

Section A

REVISIONS					DESIGNED: DDA	Lummi Public Works Department  2685 Kake Drive Bellingham, WA 98225 TELEPHONE: (360) 312-2345	THE LUMMI NATION  Gravel Landing and Ramp
REVISED	DESCRIPTION	SUBMIT	APPROV.	DATE	DRAWN: DDA		
					CHECKED: TJE	Not to SCALE	
					APPROVED:		

**Corps Ref#**  
**NWS-2017-655**  
**14 February 2018**  
  
**Sheet 7 of 7**