



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 (206) 764-3311
Attn: Vicky Didenhover, 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: September 16, 2008
Expiration Date: October 15, 2008

Reference No.: NWS-2001-570-NO
Name: Mariners' Cove Beach Club

10 Year Maintenance Permit

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.

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: Mariners' Cove Beach Club
PO Box 187
Oak Harbor, Washington 98277
ATTN: David Stromme
Telephone: (360) 240-8261

AGENT: Reid Middleton, Inc
728 134th St SW Suite 200
Everett, Washington 98204
ATTN: Karen Stewart, AICP
Telephone: (360) 741-3800

LOCATION: In the entrance channel to the Mariners' Cove Moorage basin, Saratoga Passage, Puget Sound near Oak Harbor, Whidbey Island, Island County, Washington.

WORK: Maintenance dredge to a maximum of 820 cubic yards (cy) of sediment at the channel entrance to Mariners' Cove marina during the first year (from two areas at the channel) and a maximum of 800 cy every two years thereafter for up to 10 years for a total of 4,820 cy in accordance with the plans and drawings attached hereto. Dredging will be accomplished using a barge mounted clamshell bucket and stockpiled on a barge. The 895 square feet area inside the harbor entrance will be dredged to a depth of -1.0 foot Mean Low Low Water (MLLW)

to match the existing channel depth. In addition, a 7,980 square foot area will be dredged to -2.0 feet and -3.0 feet MLLW. The dredged materials will be transferred by barge, off-loaded by clamshell bucket, and placed as beach nourishment on the beach north of the marina channel entrance along the concrete bulkhead and above the +7.0 feet MLLW. Disposal of dredged materials as beach nourishment will occur only when tidal elevations are sufficient to avoid grounding of equipment on eelgrass beds. In order to avoid an existing eelgrass bed (*Zostera marina* and *Z. japonica*), the inner margin of the eelgrass bed are marked with buoys and a 10 foot buffer will be provided between the inner eelgrass margin and the dredged area. .

PURPOSE: to provide adequate water depths for boats entering/leaving the manmade basin serving a shoreline residential community.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA): The proposed dredged material has been tested according to the procedures specified in PSDDA, a multi-agency program for the evaluation of dredged material proposed for disposal as beach nourishment in Puget Sound. The PSDDA evaluations included both chemical and biological testing of sediments. For this project, the PSDDA agencies determined that all 4,820 cubic yards were suitable for use as beach nourishment. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office.

MITIGATION: Mitigation for the dredging is disposal of the dredged materials as beach nourishment on the northeast beach of the marina.

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 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). 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 District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Known historic properties occur in the vicinity of the proposed project. The proposed work is of such a limited nature and extent that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. A cultural resources survey report conducted in September 2002 indicated that the proposed project would have no adverse effect upon cultural resources. Prior work has been conducted under the State recommendations in 2002. Current work would be required to be conducted under the same recommendations after a review of the project site conducted in April 2008.

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.

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: This proposal is the subject of Shorelines Substantial Development Permit being processed by Island County.

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 commentor'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 vicky.i.didenhover@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Vicky Didenhover, Post Office Box 3755, Seattle, Washington, 98124-3755.

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: Department of Ecology, Attn: Helen Pressley, SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermit@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: Mariners Cove Beach Club, NWS-2001-570-NO.

Encl: Figures (3)

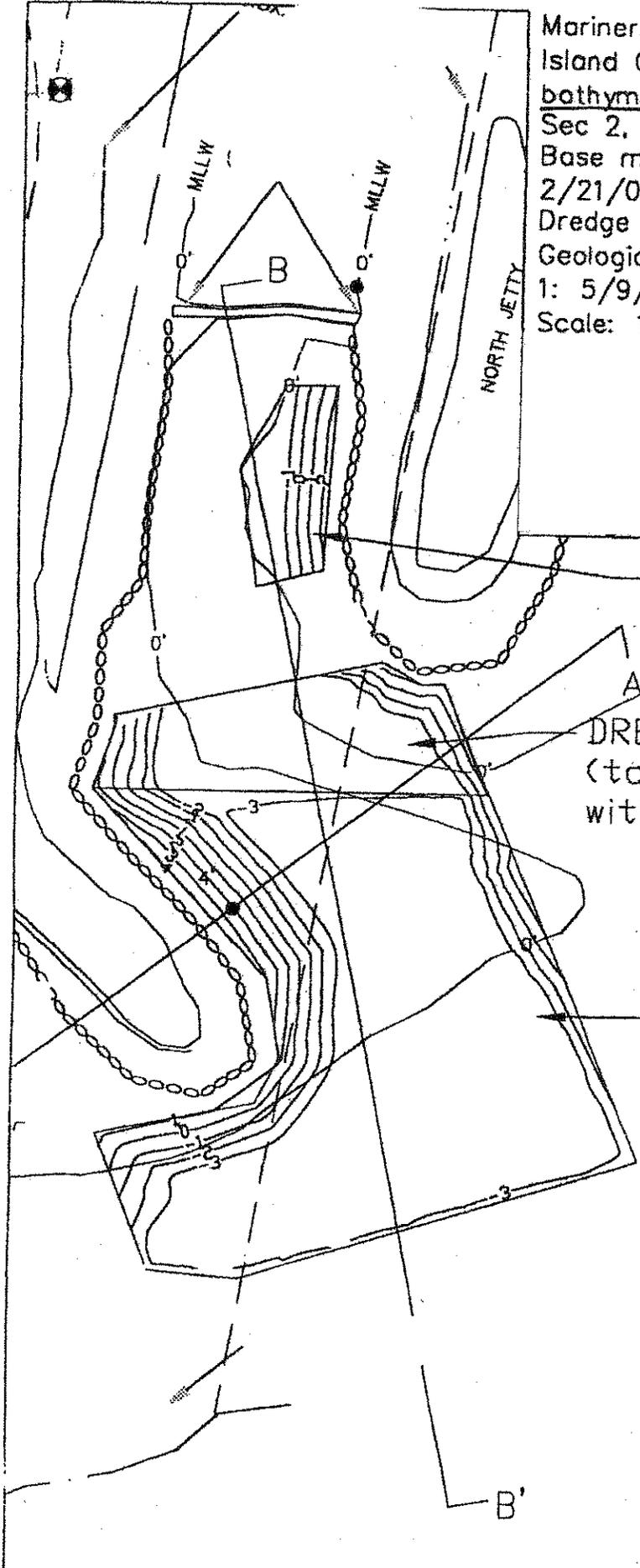
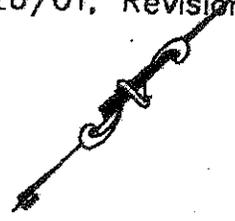
Mariners Cove Channel Entrance
Island Co., WA-SITE PLAN (with proposed bathymetry)

Sec 2, T 32N, R 2EW

Base map by: Fakkema and Kingman, Inc.
2/21/01

Dredge & nourishment areas by: Coastal
Geologic Services, Inc. 3/26/01; Revision
1: 5/9/01

Scale: 1"=40'



DREDGE AREA : 895 s.f. (0.02 ac)
(to -1.0 ft MLLW,
with 3:1 side slope)

DREDGE AREA
(to -2.0 ft MLLW,
with 3:1 side slope)

7980 s.f.
(0.18 ac)

DREDGE AREA
(to -3.0 ft
MLLW, with 3:1
side slope)

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