



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) 764-6901
Attn: Jacalen Printz

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: March 25, 2008
Expiration Date: April 24, 2008

Reference No.: NWS-2008-0320-NO
Name: Delta Marine Industries

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: Delta Marine Industries
1608 South 96th Street
Seattle, Washington 98108-5115
ATTN: Mr. Doug Greason
Telephone: (206) 763-2383

AGENT: Layton & Sell, Inc
12515 Willows Road Northeast, Suite 205
Kirkland, Washington 98034-8795
ATTN: Mr. Jeffrey Layton
Telephone: (425) 825-1735

LOCATION: In Duwamish Waterway, on the west bank, near 1608 South 96th Street, Seattle, King County, Washington.

WORK: The applicant proposes to dredge 0.29 acres to elevation -15 feet (-17 feet with a 2-foot overdepth allowance). Under the current proposal a total of 14,200 cubic yards (cy) will be removed over 10 years during 4 separate dredging events (3,550 cy each event). Dredging would occur in years 1, 4, 7, and 10 of the proposed project. Each dredging cycle will require approximately 30 days to complete. All work will be conducted using a floating clamshell dredge with discharge to a bottom-opening hopper barge. The initial 3,550 cubic yards to be dredge will be disposed of at the Puget Sound Dredge Disposal Analysis (PSDDA) disposal site in Elliott Bay.

Prior to each subsequent dredging cycle, the PSDDA agencies will determine whether additional sediment testing is required. If additional testing is required, no disposal will take place at the PSDDA site until the material has been determined suitable for open-water disposal by the PSDDA agencies.

Maintenance dredging of the basin to the north of the proposed project site was first conducted in 1995. The adjacent basin was again dredged in January 2004 and January 2008 under a 10-year permit issued by the U.S. Army Corps of Engineers on November 21, 2003. Delta is currently authorized under DA permit No. 200200175 to conduct two additional dredge cycles for a total of 12,000 cubic yards north of the new proposed dredge site. Additionally, Delta has applied for a permit modification to increase the permitted dredge depth of the next two cycles in the existing moorage basin. That request is being considered separately from this proposed project.

PURPOSE: The purpose of the work is to provide adequate depth to moor and maneuver boats.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA):

Dredged Material Testing: 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 at open-water sites in Puget Sound. The PSDDA evaluations may include both chemical and biological testing of sediments. For this project, the PSDDA agencies determined that the 3,550 cubic yards to be dredged initially were suitable for unconfined disposal at the PSDDA nondispersive open-water disposal site in Elliot Bay. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office. Prior to each maintenance dredging cycle, the PSDDA agencies will determine whether additional sediment testing is required. If additional testing is required, no disposal will take place at a PSDDA site until the material has been determined suitable for open-water disposal by the PSDDA agencies.

Disposal Site Use Conditions: 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: (1) during the periods of tribal fishing in the disposal site area, disposal will only occur during daylight hours; and (2) during the daylight hours, "navigation rules of the road" will apply to the dredger in the event Tribal fishing is occurring at the disposal site. The dredger's permit will state that disposal is to occur when there is no Tribal fishing occurring at the disposal site. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

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.

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. The District Engineer 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 with historic properties in the area. This public notice initiates consultation under Section 106 of the

National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

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.

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: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and 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. 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.

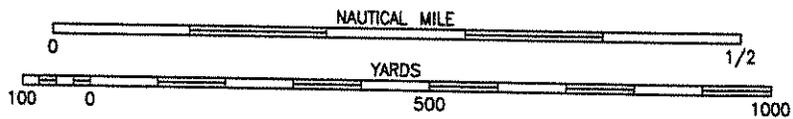
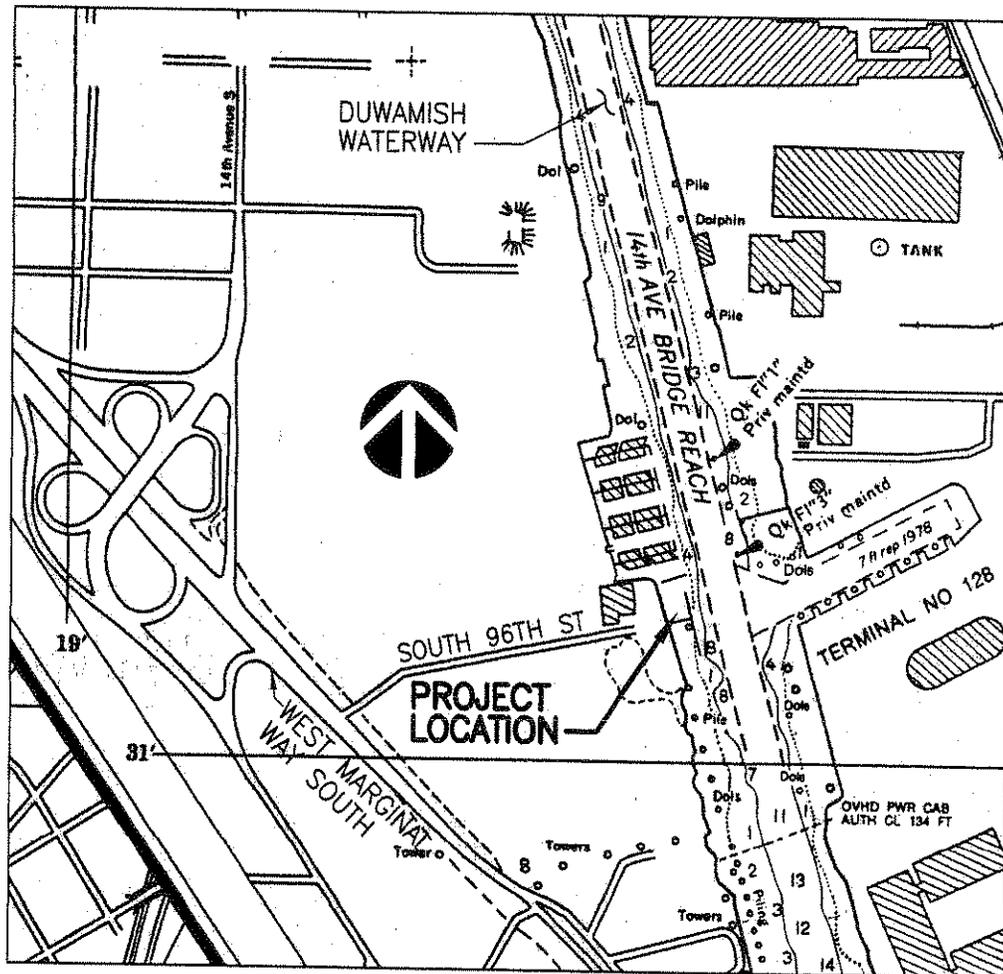
NWS-2008-0320-NO

Corps comments: All e-mail comments should be sent to Jacalen.M.Printz@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Jacalen Printz, 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: SEA program – Federal Permit Coordinator, P.O. 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: Delta Marine Industries; NWS-2008-0320-NO

Encl: Figures



VICINITY MAP

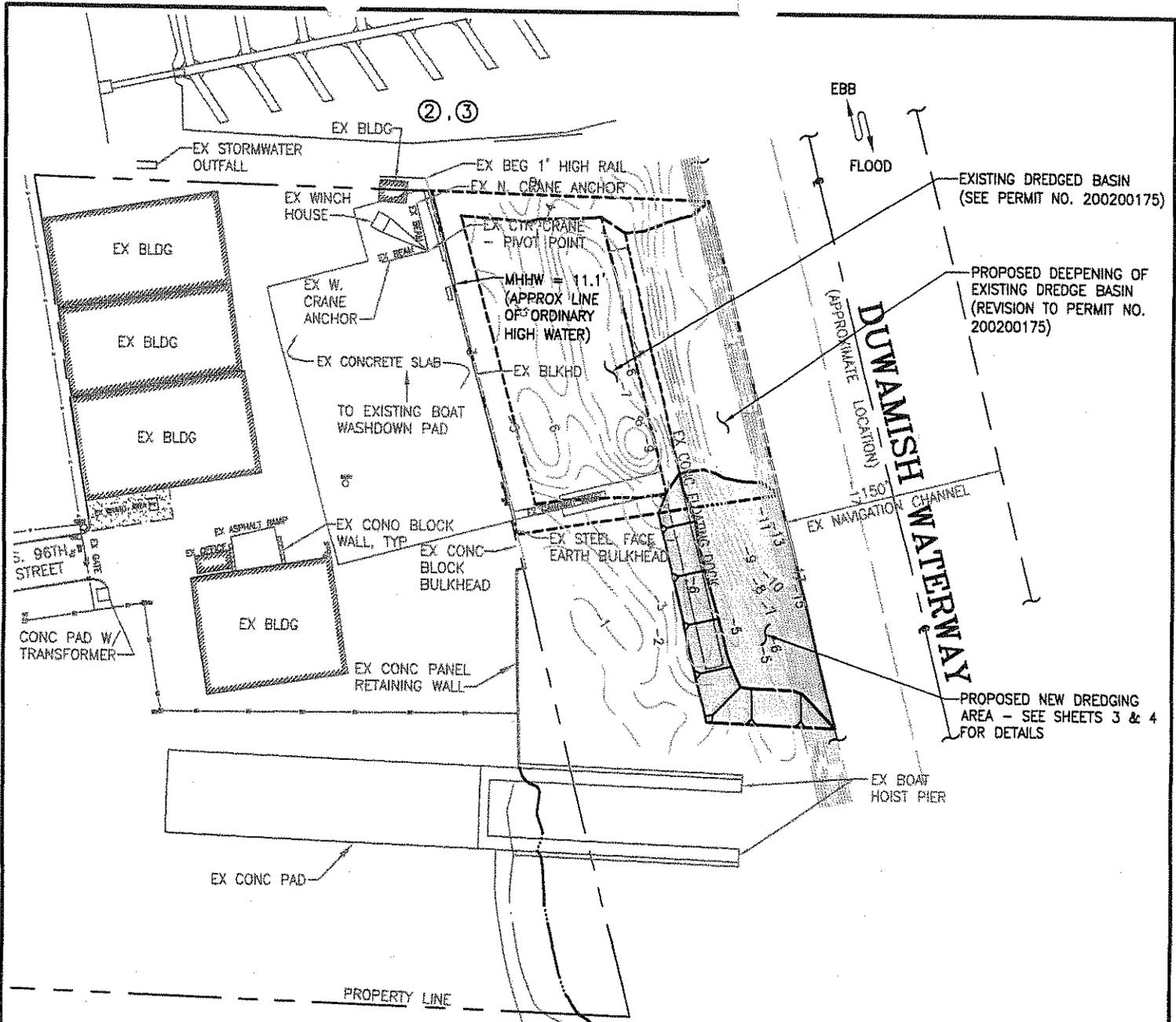
SOURCE: NOAA CHART NO. 18450

NOTE: SEE SHEET 5 FOR
DISPOSAL SITE.

PURPOSE: MAINTAIN EXISTING MOORAGE FACILITIES
 DATUM: MLLW = 0.0 FEET (N.O.S)
 SITE LOCATION: N47° 31' 8" LATITUDE
 122° 18' 21" LONGITUDE
 SITE ADDRESS: 1608 SOUTH 96TH STREET
 SEATTLE, WA

NWS-2006-320-ND

PROPOSED NEW DREDGING
 IN: DUWAMISH WATERWAY
 NEAR: SEATTLE
 COUNTY: KING
 STATE: WASHINGTON
 APPL. BY: DELTA MARINE INDUSTRIES
 SHEET: 1 OF 5 DATE: 3/3/2008
 REV:



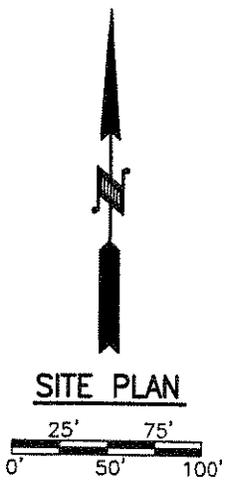
ABBREVIATIONS

- BLDG - BUILDING
- BLKHD - BULKHEAD
- CONC - CONCRETE
- ELEV - ELEVATION
- EX - EXISTING
- MHHW - MEAN HIGHER HIGH WATER
- MLLW - MEAN LOWER LOW WATER

DATUM: MLLW = 0.0 FEET (N.O.S)

ADJACENT PROPERTY OWNERS

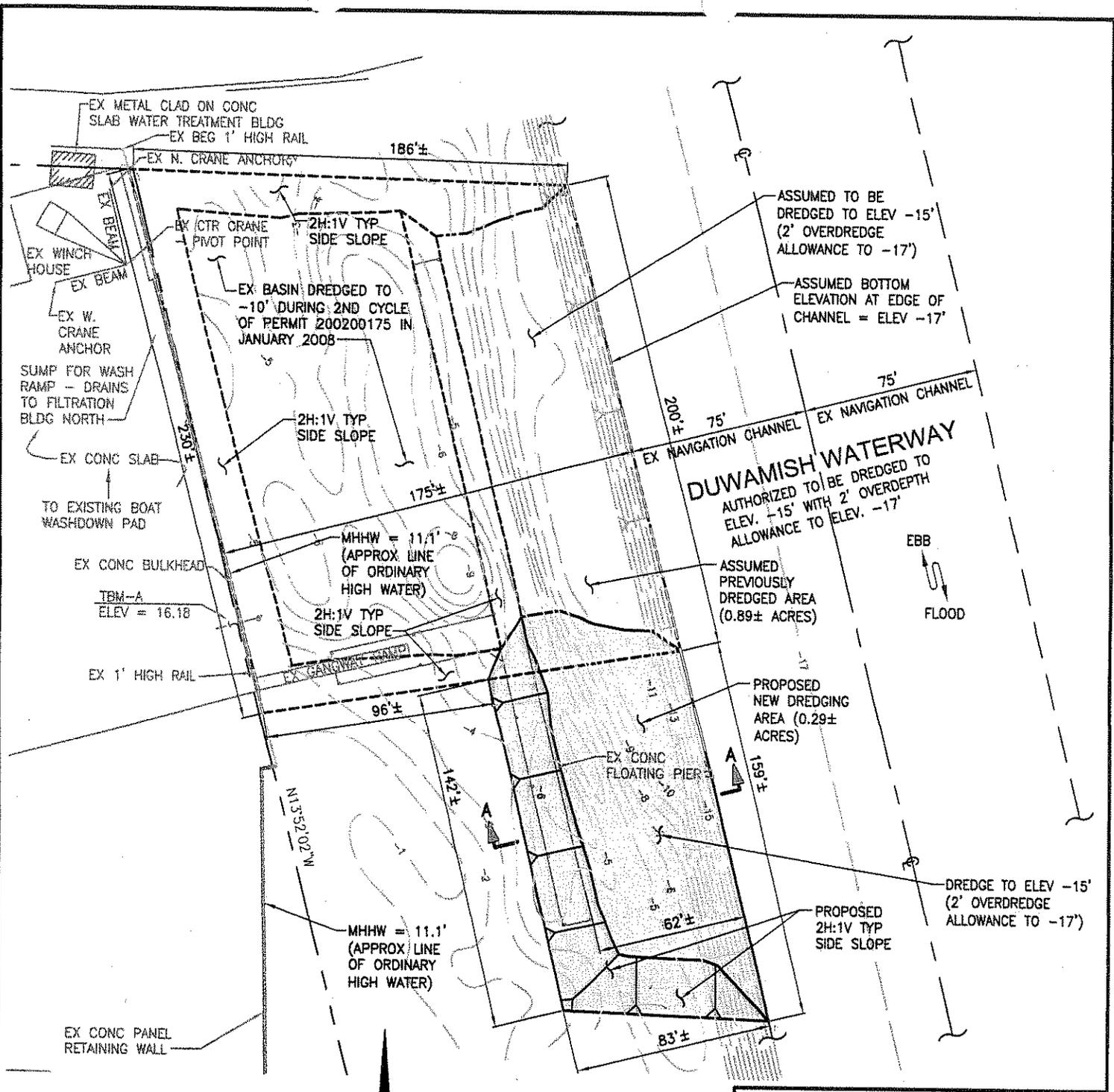
- ① SEATTLE CITY LIGHT
- ② MELLON TRUST OF WA-DESIMONE
- ③ DUWAMISH YACHT CLUB



SITE PLAN

NWS-2008-320-NO

PROPOSED NEW DREDGING
 IN: DUWAMISH WATERWAY
 NEAR: SEATTLE
 COUNTY: KING
 STATE: WASHINGTON
 APPL. BY: DELTA MARINE INDUSTRIES
 SHEET: 2 OF 5 DATE: 3/3/2008
 REV:



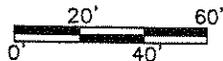
NOTE:

MOORAGE AREA TO BE DREDGED BY CLAMSHELL BUCKET WITH UNCONFINED DISPOSED OF DREDGED MATERIAL AT THE PUGET SOUND DREDGED DISPOSAL ANALYSIS OPEN-WATER DISPOSAL SITE IN ELLIOTT BAY (SEE SHEET 5). ANY MATERIAL UNSUITABLE FOR OPEN-WATER DISPOSAL WILL BE DISPOSED OF AT AN UNSPECIFIED APPROVED UPLAND DISPOSAL SITE.

DREDGE VOLUME TO -17:

3,550 CY

DETAILED SITE PLAN



NWS-2008-320-N0

PROPOSED NEW DREDGING

IN: DUWAMISH WATERWAY

NEAR: SEATTLE

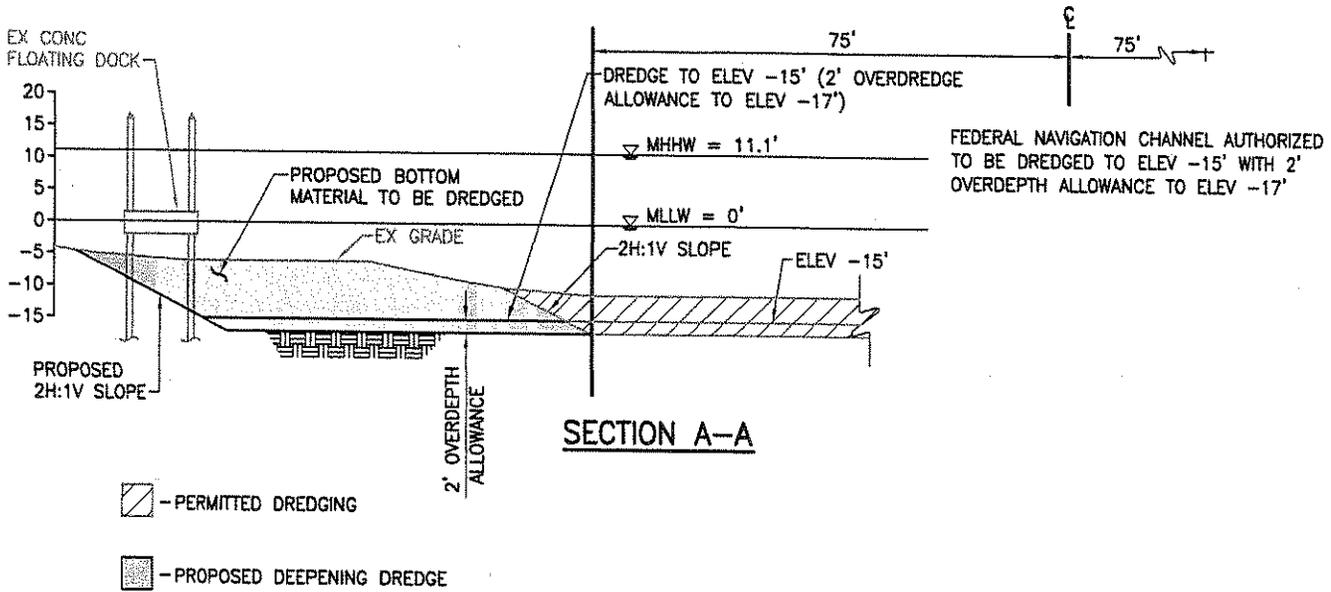
COUNTY: KING

STATE: WASHINGTON

APPL. BY: DELTA MARINE INDUSTRIES

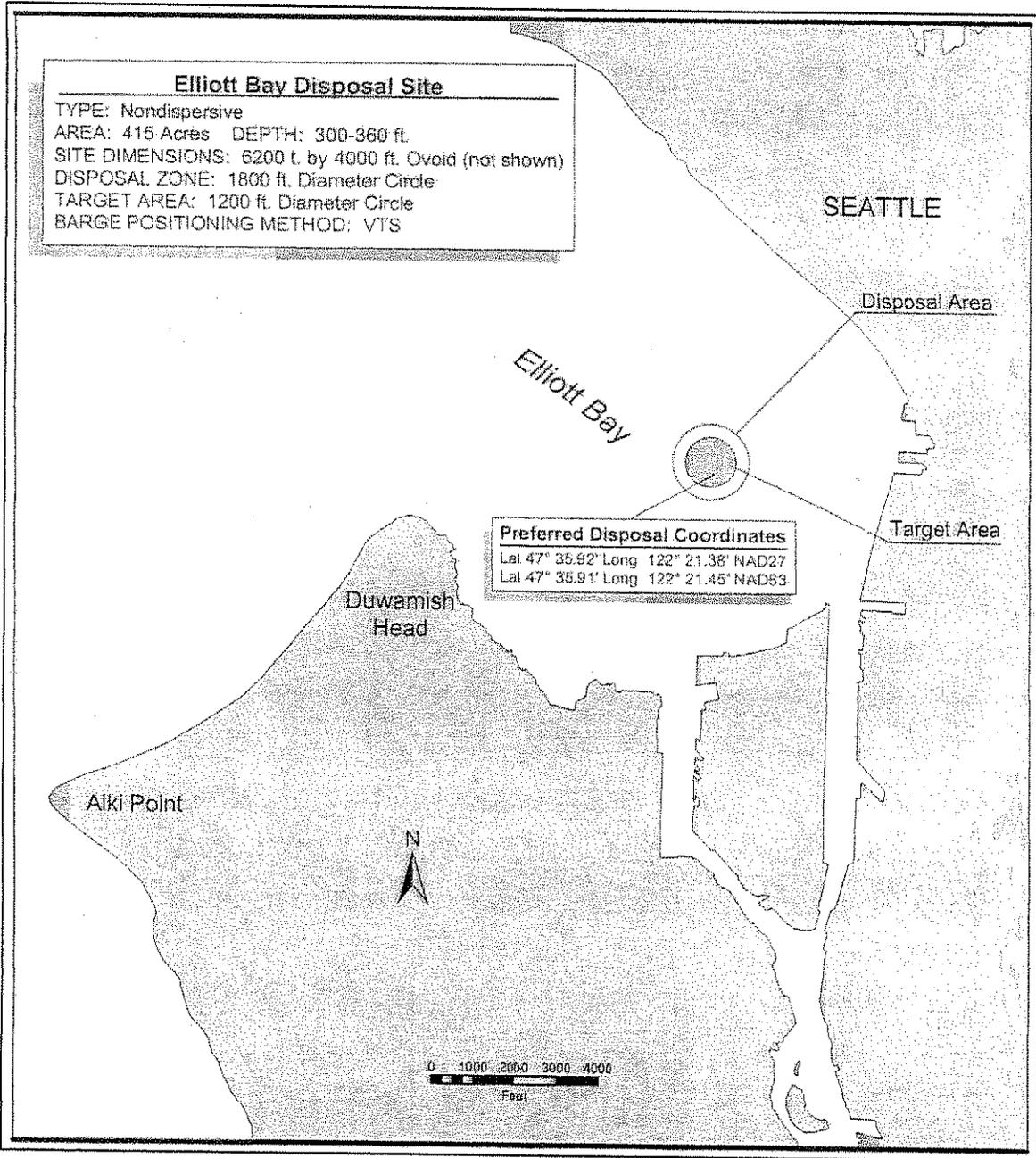
SHEET: 3 OF 5 DATE: 3/3/2008

REV:



NWS-2008-320-ND

PROPOSED NEW DREDGING
 IN: DUWAMISH WATERWAY
 NEAR: SEATTLE
 COUNTY: KING
 STATE: WASHINGTON
 APPL. BY: DELTA MARINE INDUSTRIES
 SHEET: 4 OF 5 DATE: 3/3/2008
 REV:



NWS-2008-320-NO

PROPOSED NEW DREDGING
 IN: DUWAMISH WATERWAY
 NEAR: SEATTLE
 COUNTY: KING
 STATE: WASHINGTON
 APPL. BY: DELTA MARINE INDUSTRIES
 SHEET: 5 OF 5 DATE: 3/3/2008
 REV: