



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) 764-6906  
Attn: Jim Green, 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: December 1, 2008  
Expiration Date: December 31, 2008

Reference No.: NWS-2008-415-SO  
Name: TES Properties

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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 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to the Coastal Zone Management Act.

APPLICANT: TES Properties  
2025 First Avenue, Suite 420  
Seattle, Washington 98121  
ATTN: Mr. Joe Borden c/o Lorig Associates  
Telephone: (206) 728-7660

AGENT: Perkins + Will  
1221 Second Avenue, Suite 200  
Seattle, Washington 98101  
ATTN: Mr. Dan Seng  
Telephone: (206) 381-6021

LOCATION: In the Thea Foss Waterway at Tacoma, Washington.

WORK: Construct a pier, ramp, and float.

PURPOSE: Boat moorage for research vessels owned by the City of Tacoma and the University of Washington.

MITIGATION: Grating will be installed in the float; concrete, metal, and miscellaneous debris will be removed from the intertidal zone; work will be conducted within establish work windows; and Best Management Practices identified in the Biological Evaluation for the project will be employed.

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. The U.S. Army Corps of Engineers (Corps) has determined that the proposed action would adversely affect designated EFH for federally managed fisheries in Washington waters. The Corps has initiated EFH consultation with the National Marine Fisheries Service.

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. An historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. 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.

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 a Shorelines Substantial Development Permit application being processed by the City of Tacoma.

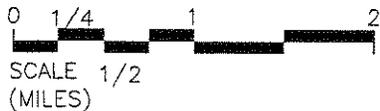
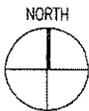
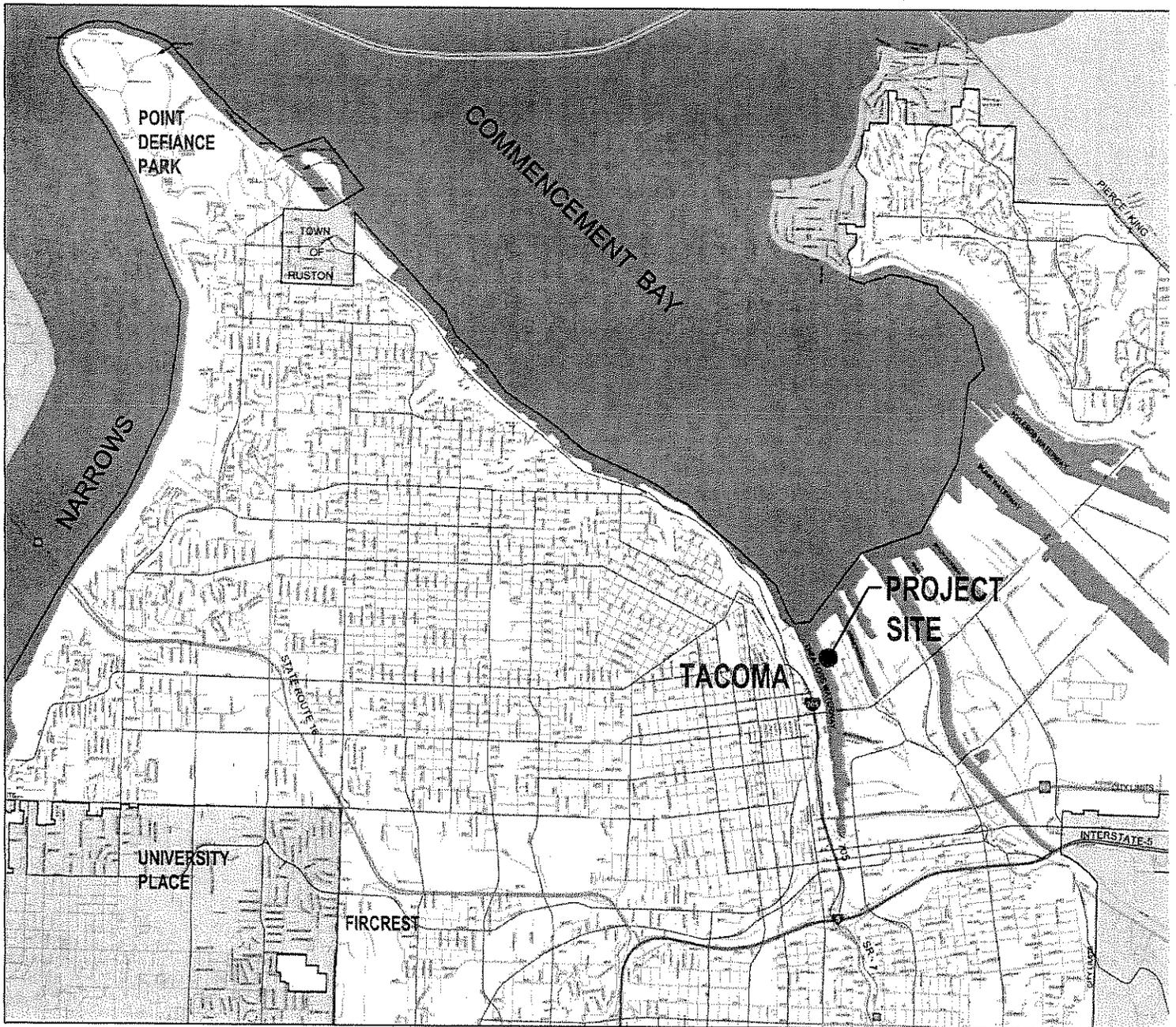
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from 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 [james.d.green@usace.army.mil](mailto:james.d.green@usace.army.mil). Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Jim Green, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for 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](mailto: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: TES Properties - File No. NWS-2008-415-SO

Encl: Figures (6 drawing sheets)



**NWS-2008-415-SO**

**PURPOSE:** PROPOSED DOCK CONSTRUCTION  
**DATUM:** MLLW  
**ADJACENT PROPERTY OWNERS:**  
 1. TOSCO CORPORATION  
 2. SHORE TERMINALS LLC  
 3. CITY OF TACOMA  
**PROJECT COORDINATES:**  
 47° 16' 12" LATITUDE / -122° 34' 48" LONGITUDE  
**LEGAL DESCRIPTION:** PARCEL NO. 6375000183  
 1/4 SEC. 34, SEC. 33, T 21, R03

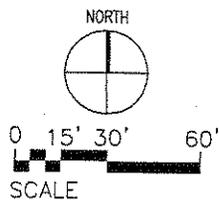
**CENTER FOR URBAN WATERS**  
**FLOATING DOCK PROPOSED SITE CONDITIONS**  
  
**VICINITY MAP**  
  
**NAME:** DAN SENG  
**REFERENCE #:** NWS-2008-415-SO  
**SITE LOCATION ADDRESS:**  
 326 EAST D STREET  
 TACOMA, WASHINGTON 98421

**PROPOSED:** FIXED PIER, RAMP, AND  
 FLOATING DOCK INSTALLATION  
**IN:** THEA FOSS WATERWAY  
**NEAR:** TACOMA  
**COUNTY:** PIERCE **STATE:** WA

**APPLICATION BY:**  
**SHEET:** 1 OF 6 **DATE:** 8 Oct 08

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 Suite 200  
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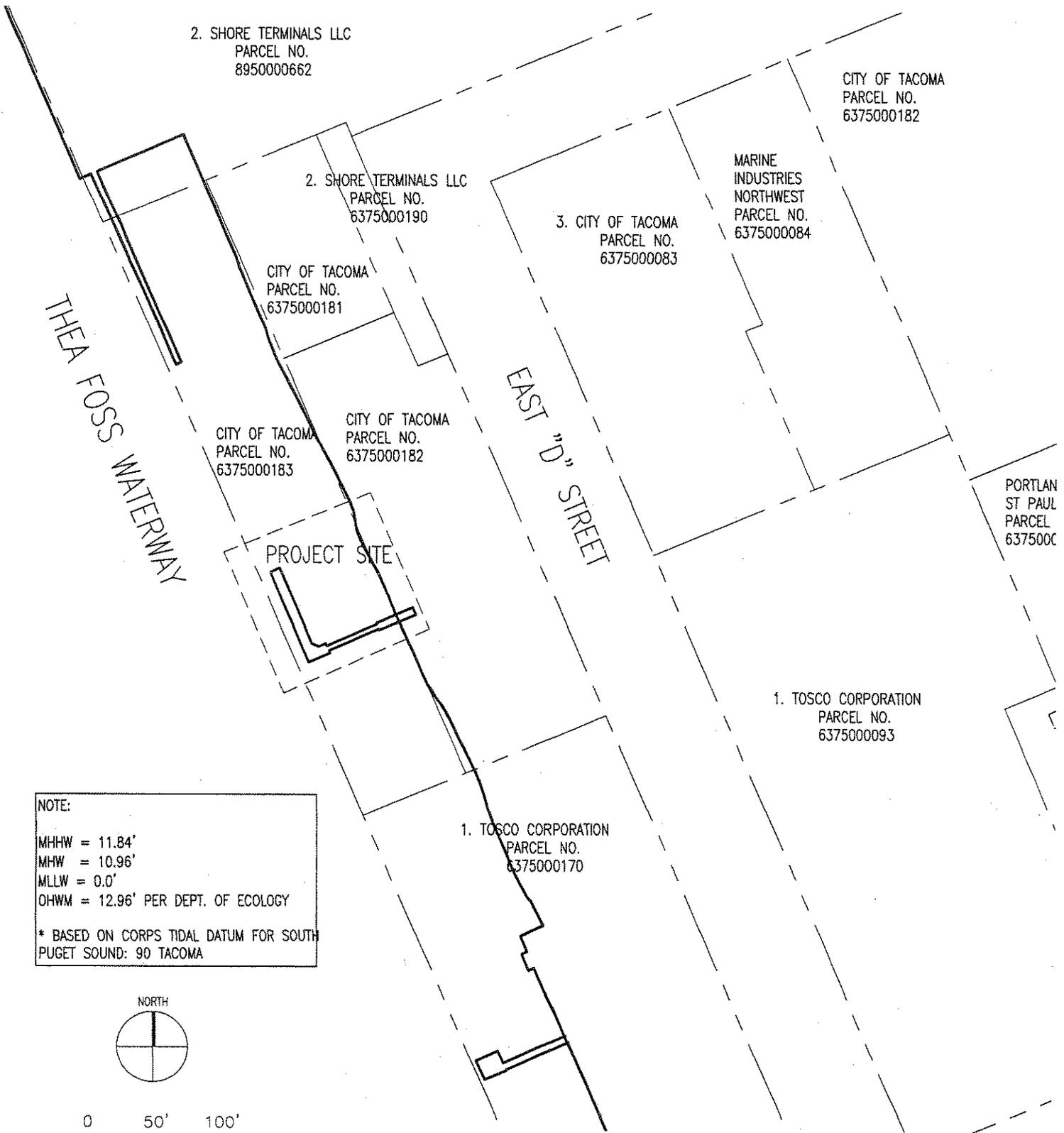


**NWS-2008-415-SO**

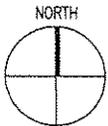
<p><b>PURPOSE:</b> PROPOSED DOCK CONSTRUCTION  <b>DATUM:</b> MLLW  <b>ADJACENT PROPERTY OWNERS:</b>          1. TOSCO CORPORATION          2. SHORE TERMINALS LLC          3. CITY OF TACOMA  <b>PROJECT COORDINATES:</b>          47° 16' 12" LATITUDE / -122° 34' 48" LONGITUDE  <b>LEGAL DESCRIPTION:</b> PARCEL NO. 6375000183          1/4 SEC. 34, SEC. 33, T 21, R03</p>	<p><b>CENTER FOR URBAN WATERS          FLOATING DOCK PROPOSED SITE CONDITIONS</b>   <b>EXISTING CONDITIONS</b>   <b>NAME:</b> DAN SENG  <b>REFERENCE #:</b> NWS-2008-415-SO  <b>SITE LOCATION ADDRESS:</b>          326 EAST D STREET          TACOMA, WASHINGTON 98421</p>	<p><b>PROPOSED: FIXED PIER, RAMP, AND          FLOATING DOCK INSTALLATION</b>  <b>IN:</b> THEA FOSS WATERWAY  <b>NEAR:</b> TACOMA  <b>COUNTY:</b> PIERCE <b>STATE:</b> WA   <b>APPLICATION BY:</b>  <b>SHEET:</b> 2 OF 6 <b>DATE:</b> 8 Oct 08</p>
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NOTE:  
 MHHW = 11.84'  
 MHW = 10.96'  
 MLLW = 0.0'  
 OHWM = 12.96' PER DEPT. OF ECOLOGY  
 \* BASED ON CORPS TIDAL DATUM FOR SOUTH PUGET SOUND: 90 TACOMA



0 50' 100'  
 SCALE

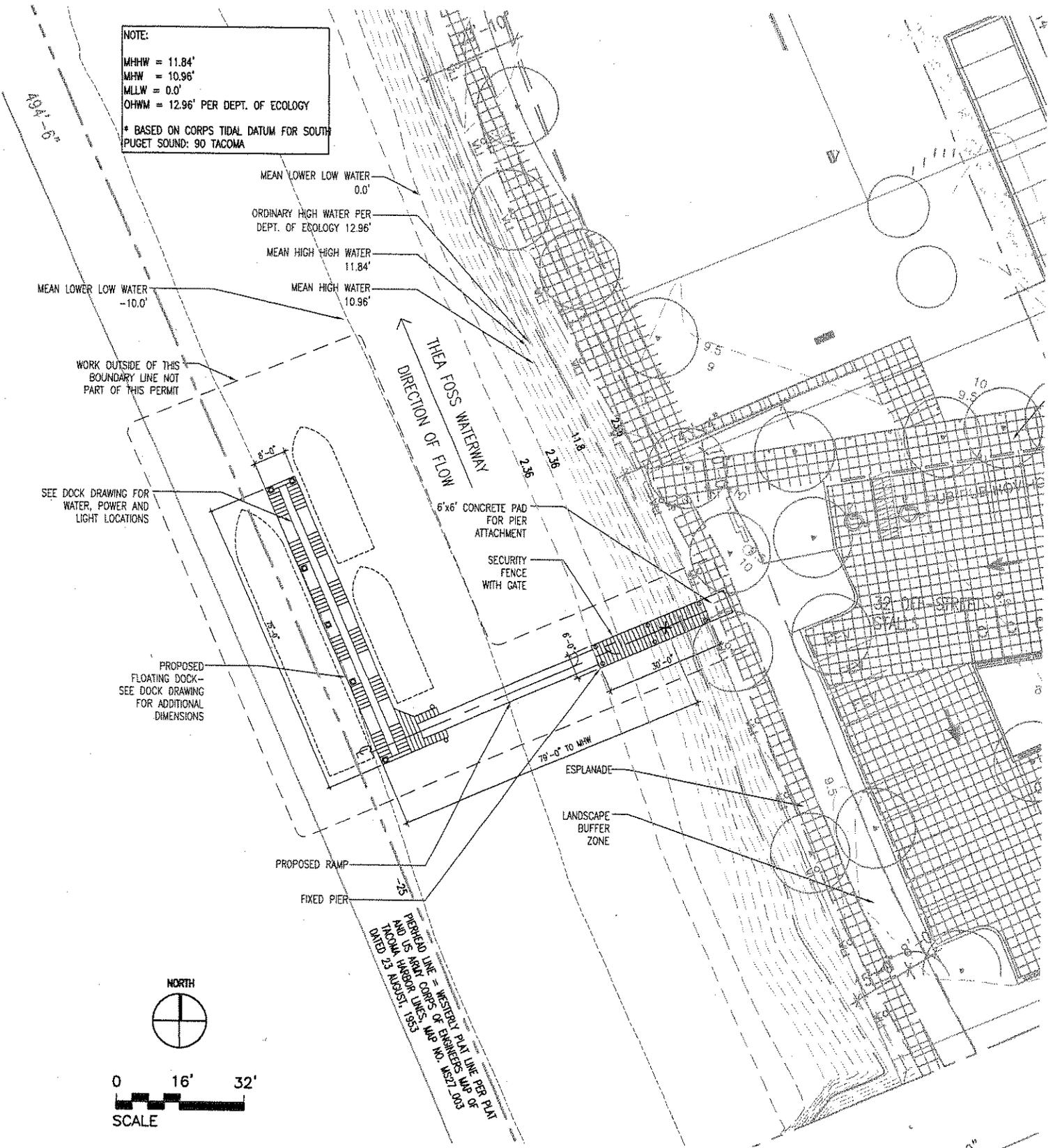
NWS-2008-415-50

<p>PURPOSE: PROPOSED DOCK CONSTRUCTION          DATUM: MLLW          ADJACENT PROPERTY OWNERS:          1. TOSCO CORPORATION          2. SHORE TERMINALS LLC          3. CITY OF TACOMA          PROJECT COORDINATES:          47° 16' 12" LATITUDE / -122° 34' 48" LONGITUDE          LEGAL DESCRIPTION: PARCEL NO. 6375000183          1/4 SEC. 34, SEC. 33, T 21, R03</p>	<p>CENTER FOR URBAN WATERS          FLOATING DOCK PROPOSED SITE CONDITIONS          SITE MAP          NAME: DAN SENG          REFERENCE #: NWS-2008-415-50          SITE LOCATION ADDRESS:          326 EAST D STREET          TACOMA, WASHINGTON 98421</p>	<p>PROPOSED: FIXED PIER, RAMP, AND          FLOATING DOCK INSTALLATION          IN: THEA FOSS WATERWAY          NEAR: TACOMA          COUNTY: PIERCE STATE: WA          APPLICATION BY:          SHEET: 3 OF 6 DATE: 8 Oct 08</p>
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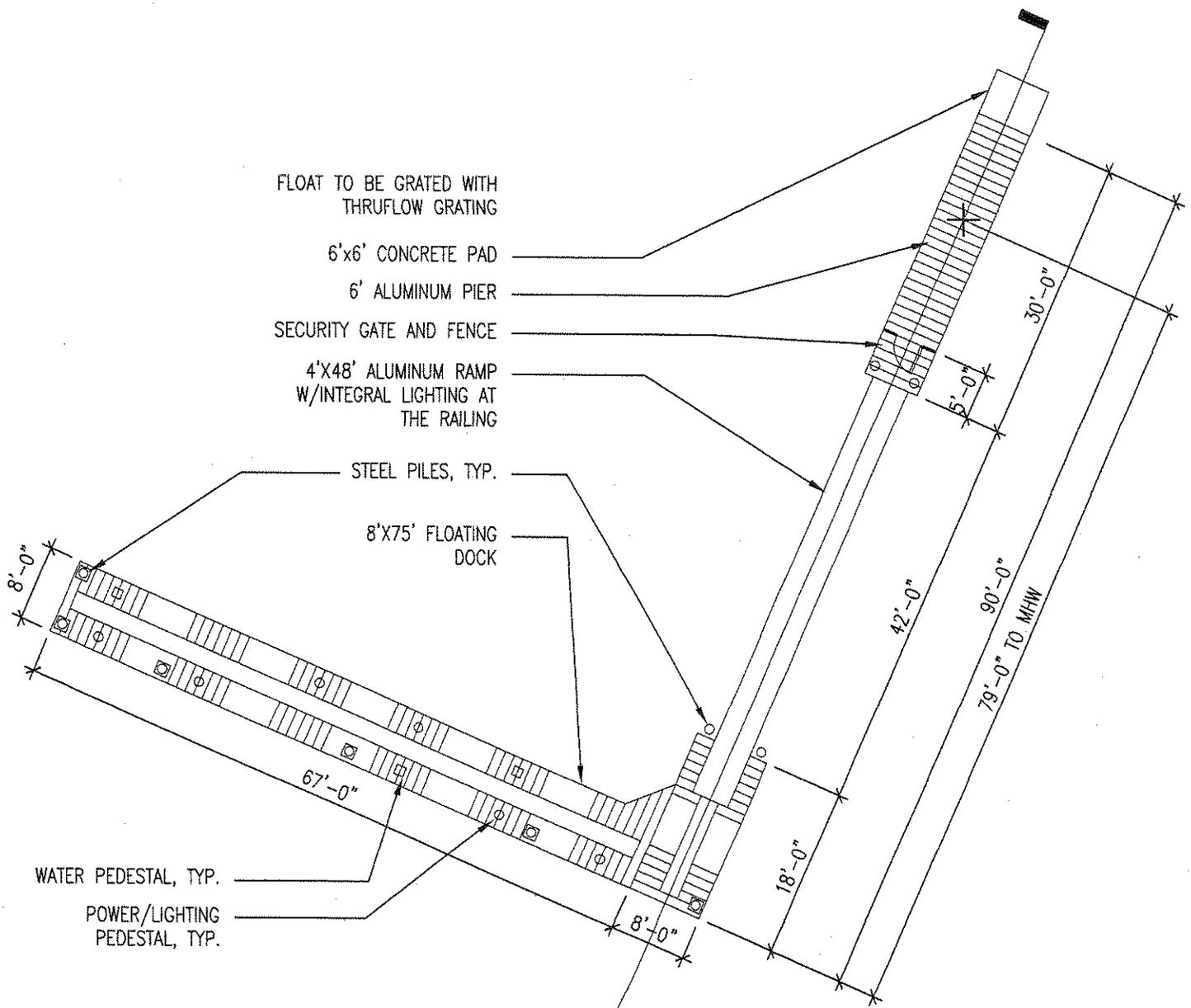
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CENTER FOR URBAN WATERS  
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 SITE PLAN  
 NAME: DAN SENG  
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 SITE LOCATION ADDRESS:  
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 COUNTY: PIERCE STATE: WA  
 APPLICATION BY:  
 SHEET: 4 OF 6 DATE: 8 oct 08

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PLAN VIEW

Proposed Structures:  
 6' WIDE GRATED FIBERGLASS PIER  
 4' WIDE GRATED FIBERGLASS RAMP  
 8' x 75' 50% GRATED FIBERGLASS FLOAT, 50%  
 WOOD DECK COMPOSITE  
 (10) 10-3/4" DIAMETER STEEL PILES

NOTE:  
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\* BASED ON CORPS TIDAL DATUM FOR SOUTH PUGET SOUND: 9D TACOMA

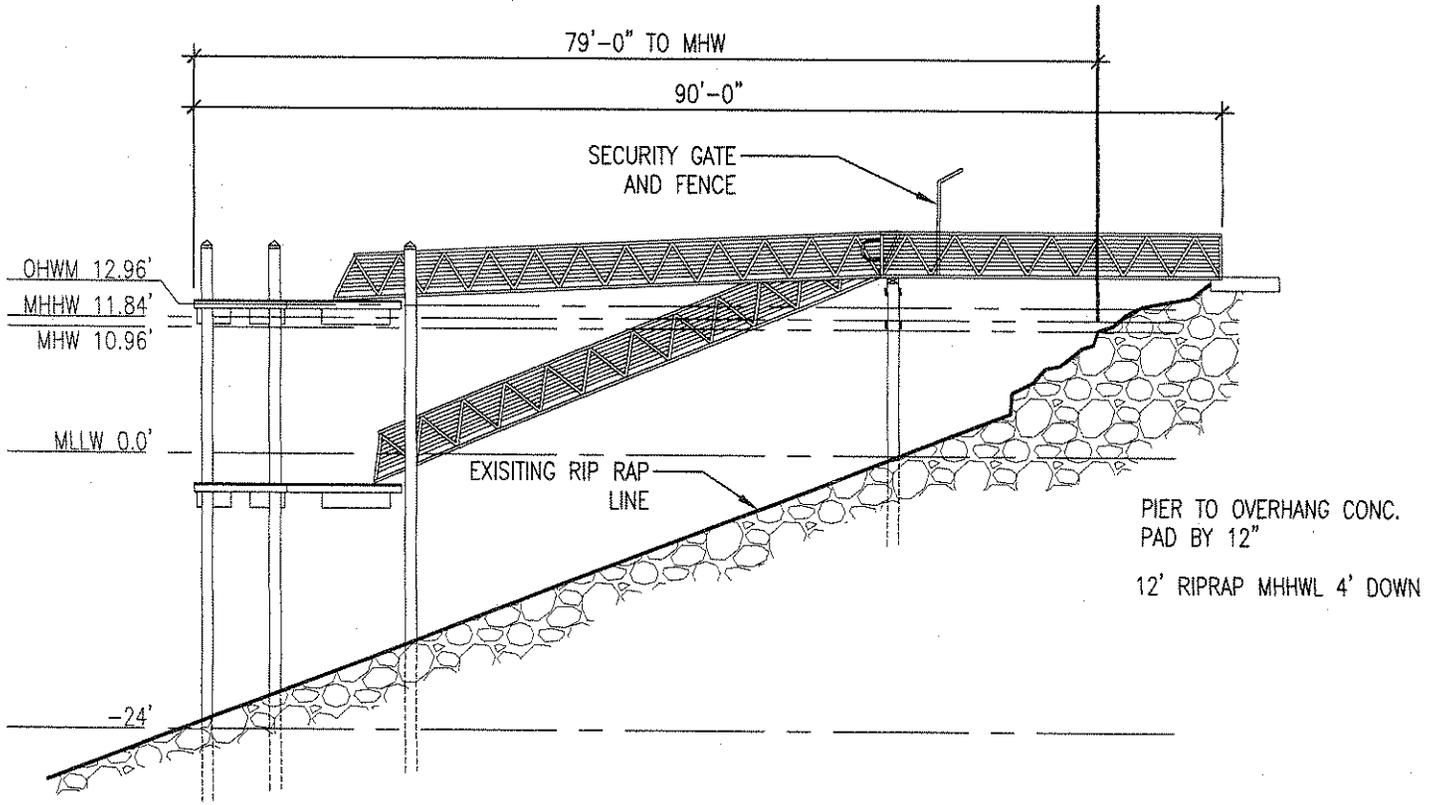
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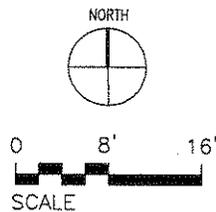
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**DOCK PLAN**  
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**COUNTY:** PIERCE **STATE:** WA  
**APPLICATION BY:**  
**SHEET:** 5 OF 6 **DATE:** 8 Oct 08

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SECTION AT HIGH AND LOW WATER



**Proposed Structures:**  
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 4' WIDE GRATED FIBERGLASS RAMP  
 8' x 75' 50% GRATED FIBERGLASS FLOAT, 50%  
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NWS-2008-415-50

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