



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

CENWS-OD-RG

Draft
Northwest Aggregates Permit Application No. 200001094
Maury Island, King County, Washington

Finding Of No Significant Impact

1. Background. The Corps received an application from Northwest Aggregates (hereafter the applicant) for the proposed repairs and upgrades to the existing dock on 14 August 2000. In September 2000, the Corps informed the applicant that the proposed work would require an individual Section 10 Department of the Army permit. The applicant began the King County permit process two years earlier in 1998 with a request for a shoreline exemption for the proposed repairs. The applicant revised the 2000 proposed project in November 2004 to include all the changes developed during the King County permit process from September 2002 through November 2004.

The Corps circulated a public notice for project proposal on 13 December 2004. The expiration date for public comments was 13 January 2005. During the public comment period, the Corps received numerous comments and requests for a public hearing. On 14 April 2005, the Corps issued a public notice for the public hearing, and a public notice erratum which extended the Corps' evaluation to include a review under authority of Section 404 of the Clean Water Act of the proposed placement of clean pea gravel or sand in holes caused by the removal of timber piles. The expiration date for public comments on the erratum was 31 May 2005. The Corps will continue to consider comments received from the Public up until a final permit decision is made.

The public hearing was held on 17 May 2005 on Vashon Island in King County. The purpose of the hearing was to obtain public views and opinions on the proposed project that were relevant for consideration in making the Corps' permit decision for the proposed project. The Corps received a total of 1035 responses from the public, including verbal and written comment letters, e-mails and cards, during the project public notice, public hearing and the public comment period.

The major issues identified during the public hearing and comment period included groundwater supplies, visual and noise disturbances, the effect of existing arsenic-contaminated topsoils, removal of upland forest habitat, potential impacts on recreational use in the area, navigation impacts, and potential effects on nearshore habitat including eelgrass, forage fish, and endangered and threatened species. Comments received since the end of the public comment period have identified specific concerns about impacts to Southern Resident Killer Whales, salmon, and forage fish.

2. Project Location. The proposed dock would be located on the southeast shoreline of Maury Island, King County, Washington. The upland mine is about 235 acres, mining activities would take place on 193 acres adjacent to the barge loading facility.

3. Proposed Project. The applicant proposes to replace and extend the existing barge loading facility (dock). The proposed work consists of the removal of the existing conveyor trestle, walkways, pier structures, eight dolphins, and four submerged piling. The demolition work includes removal of 228 timber piling and backfilling any depressions left by their removal with clean pea gravel or sand. The existing sunken barges located near the southwest end of the existing dolphin alignment would remain in place. The proposed work includes construction of a barge-loading conveyor tube with three 4- to 6-pile support bents; seven 6-pile berthing dolphins with fenders and aluminum catwalks. A maximum of fifty-six 24-inch steel piles will be installed to support the new trestle and seven berthing dolphins. The replacement dock would extend up to 305 feet waterward of the Mean High Water (MHW) line and would run 510 feet parallel to the shoreline. The new barge berthing area would be located 82 to 104 feet seaward of the existing structure, which would result in greater water depth under the barges being loaded and greater buffer distance (over 100 feet) from the existing eelgrass beds. The replacement dock would cover 7,796 square feet (compared to 8,940 square feet of existing dock). Steel grating with 75% open area would cover the dock. To prevent gravel spillage from the mine to the barge, the conveyor tube would be completely enclosed with telescoping spout attached to the discharge end of the conveyor to lower the material into the barge. The spout would have a retractable chute and spoon to prevent dust and help distribute the material into the barge. A haul-back system (i.e. a system of winches, cables and pulley wheels used to position the barge during loading operations) would be attached to the top of the dolphin frames.

4. Summary of Impacts. During the proposed construction activities, there will be short-term adverse impacts to substrate, general water quality, fish and wildlife species, threatened and endangered species, shellfish, invertebrates, noise levels, aquatic habitat, shoreline vegetation, aesthetics, and recreation. Avoidance of eelgrass areas and nearshore habitat will result in the preservation of the aquatic resources that exhibit the highest physical and biological functions in the project area. Implementation of mitigation measures would reduce the short-term construction impacts substantially.

Operation of the project will increase the volume of marine traffic in the project area above the current baseline conditions, and will result in long-term direct changes in the baseline conditions of noise aesthetics and navigation. Dock operation will be limited (7AM to 7PM five days a week) and implementation of the Barge Approach and Departure Protocol Plan proposed by the applicant will minimize long-term adverse impacts. Further, the applicant's proposed use of long term monitoring of the nearshore habitat will provide notification of any unforeseen changes observed at the site, including changes in water temperature, eelgrass, macroalgae, herring spawning, and bathymetry surveys. The mitigation plan includes measures to reduce potential

impacts through implementation of changes in dock operations and barge movements to address any previously unidentified impacts after consultation with permitting agencies. These mitigation plans and Barge Approach and Departure Protocol are conditions of local permits and will be conditions of any Department of Army permit.

The proposed project would result in economic benefits by meeting regional demand for products that are important in the construction of infrastructure, utilities, and commercial and residential developments and private property ownership.

The applicant has obtained all local and state permits/approvals with the exception of the WDNR aquatic lease, which the applicant can not obtain until all other permits have been issued for the project.

5. Findings of Compliance with the Restrictions on Discharge [40 CFR 230.12].

The proposed discharge of fill into depression or holes from the removal of old timber piles was evaluated pursuant to Section 404 of the Clean Water Act in accordance with the Guidelines promulgated by the Environmental Protection Agency for evaluation of the discharge of fill material into waters of the United States (40 CFR 230.10). Consideration has been given to the need for the work (ESA conservation measure) and to such water quality standards as are appropriate and applicable by law. Alternatives not requiring the discharge of fill material into water of the U.S. are not available. The proposed discharge represents the least environmentally damaging practicable alternative and includes all appropriate and practicable measures to minimize adverse effects on the aquatic environment. The work will not result in the unacceptable degradation of the aquatic environment. The discharge and methods specified in the proposed work are in accordance with the Section 404(b)(1) Guidelines [40 CFR 230.12].

6. Findings for Compliance with NEPA. Based on the project described above, and provided in more detailed in the environmental assessment, this project is not a major Federal action significantly affecting the quality of the human environment, and therefore does not require preparation of an Environmental Impact Statement since the potential impact(s) of this project as a whole shall be mitigated to insignificance.

Date

Michael McCormick
Colonel, Corps of Engineers
District Engineer