



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch

Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Keith Gordon, Project Manager

Public Notice Date: November 03, 2003
Expiration Date: December 02, 2003
Reference: 200000167
Name: Pier 1 Port Inc

ROUTINE SECTIONS 10 AND 404

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Pier 1 Port Incorporated

Mr. Roger Bennett
P.O. Box 1329
Friday Harbor, Washington 98250-1329
Telephone: (360) 378-8524

AGENT -

Ms. Stephanie Johnson O'Day
Post Office Box 2112
Friday Harbor, Washington 98250-2112
Telephone: (360) 378-6278

LOCATION - Within Friday Harbor, Washington abutting on the landward side, 1 Spring Street, Friday Harbor, San Juan County, Washington 98250

WORK - The applicant proposes to install a 3-foot wide, 34-foot long ramp and two 8-foot wide, 20-foot long grated float sections, with float stops, to prevent grounding, and 8 steel stanchions for support. The float and ramp would be installed on the northeast side of the restaurant. The entire ramp and float assembly including stanchions will be set in place each spring and then removed each fall. The applicant also proposes to replace 5 creosote treated pilings with poured in place reinforced concrete pilings under the waterward side of the restaurant (the northeast side). Each piling will have a 4-foot by 4-foot by 2-foot poured in place concrete footing. A steel stairway would be added from the existing restaurant deck down to the beach, terminating in a 5-foot by 3-foot pre-cast concrete landing.

PURPOSE(S) - The new ramp and float will allow the applicant to provide access to excursion boats, workboats, and private craft, including catamarans, barges and pontoon boats. The applicant plans to provide recreational watercraft rental, and allow waterborne access to the northeast side of the existing restaurant. The 5 old creosote-treated timber piles under the restaurant are being proposed for replacement due to their age and combustibility (in the event of a boat fire).

ADDITIONAL INFORMATION – While piling replacements and ramp and float installations are often issued by the U.S. Army Corps of Engineers (Corps), utilizing either Nationwide Permits and/or Letters of Permission, the Corps has opted to process this application as an Individual Permit to provide the opportunity for input from the public on navigation and safety issues and resource issues, such as impacts to eelgrass.

The float and a portion of the ramp would be located over an eelgrass bed because there is no other suitable location that would serve the same purpose. Mitigation of potential impacts to eelgrass and potential endangered species impacts are discussed below.

The ramp and float would be located between the Washington State Ferry Terminal to the south-southeast and the Port of Friday Harbor to the north-northwest. To assure ease of waterborne operation for vessels utilizing the Washington State Ferry Terminal and the Pier 1 Port commercial facilities the applicant and Washington Department of Transportation (WDOT) have reached a settlement agreement that addresses the following:

- coordination of vessel operation, licensure of operators, timing of use and communication between the Pier 1 Port and WDOT Ferry Terminal to address operational and safety concerns.
- coordination of the timing of any required maintenance of the ferry dock and Pier 1 Ports vessel operations.

To assure ease of waterborne operation for vessels utilizing the Washington State Ferry Terminal, Port of Friday Harbor and the Pier 1 Port commercial facilities the applicant and Washington Department of Transportation (WDOT), Port of Friday Harbor, and the Town of Friday Harbor have reached a settlement agreement that addresses the following:

- shortening selected finger piers at the Port's Spring Street Landing Marina to provide the maximum available amount of space for vessel operations between each party's marine facility.
- exploring maintenance dredging under the Brown Island pier to remove silt from ferry system backwash (Note: no maintenance dredging is included within this application).
- signage on some of the Port's finger piers to discourage tie-ups on the end of the piers.

MITIGATION – The applicant has not proposed mitigation. The Corps in consultation with the National Marine Fisheries Service, Washington Department of Fish and Wildlife, and the applicant will determine if and how mitigation will be accomplished.

ENDANGERED SPECIES

The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. Listed species that may occur in the State of Washington within the proposed project area, their listed status, the Corps determination of effect and rationale for that determination are as follows:

Bald eagle (*Haliaeetus leucocephalus*) threatened, may affect, not likely to adversely affect. The nearest documented nest is approximately 1.7 miles from the project area.

Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*) threatened, may affect, likely to adversely affect. The potential negative impact of shading from the ramp, float and vessels may negatively impact the sparse eelgrass bed on site.

Puget Sound bull trout (*Salvelinus confluentus*) threatened, may affect, not likely to adversely affect. Timing of the proposed work should preclude negative impacts to bull trout.

Marbled murrelet (*Brachyramphus marmoratus*) threatened, may affect, not likely to adversely affect. No nests are documented within 1 mile of the project area.

Stellar sea lion (*Eumetopias jubatus*) endangered, may effect, not likely to adversely affect. The infrequent occurrence of the species within this area and the timing of the proposed work are expected to preclude negative impacts to stellar sea lions.

Humpback whale (*Megaptera novaeangliae*), endangered, no effect. The species is not expected to be found within the project area.

Leatherback sea turtle (*Dermochelys coriacea*), endangered, no effect. Due to the lack of documented sightings within the project area the species is not expected to be found.

Formal consultation under Section 7 of the ESA has been initiated with National Marine Fisheries Service. Informal consultation under Section 7 of the ESA has been concluded with the U.S. Fish and Wildlife Service (USFWS). The USFWS concurred with the Corps "not likely to adversely affect determination for bald eagles, bull trout and marbled murrelets.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, Groundfish, Coastal Pelagic Species occurs in the project area. The proposed action would impact approximately 276 square feet of EFH for these species.

The Corps has determined that the proposed action will adversely affect designated EFH for federally managed fisheries in Washington waters. This determination is based on the placement of the ramp, float, stanchions, and vessel use, directly over an eelgrass bed. 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. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area is likely to yield resources eligible for inclusion in the National Register. An investigation for the presence of potentially eligible historic properties is justified.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the 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 - The decision whether to issue a permit will be based on an evaluation of the probable impact, 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,

200000167

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; Federal, State, and local agencies and officials; Indian tribes; 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.

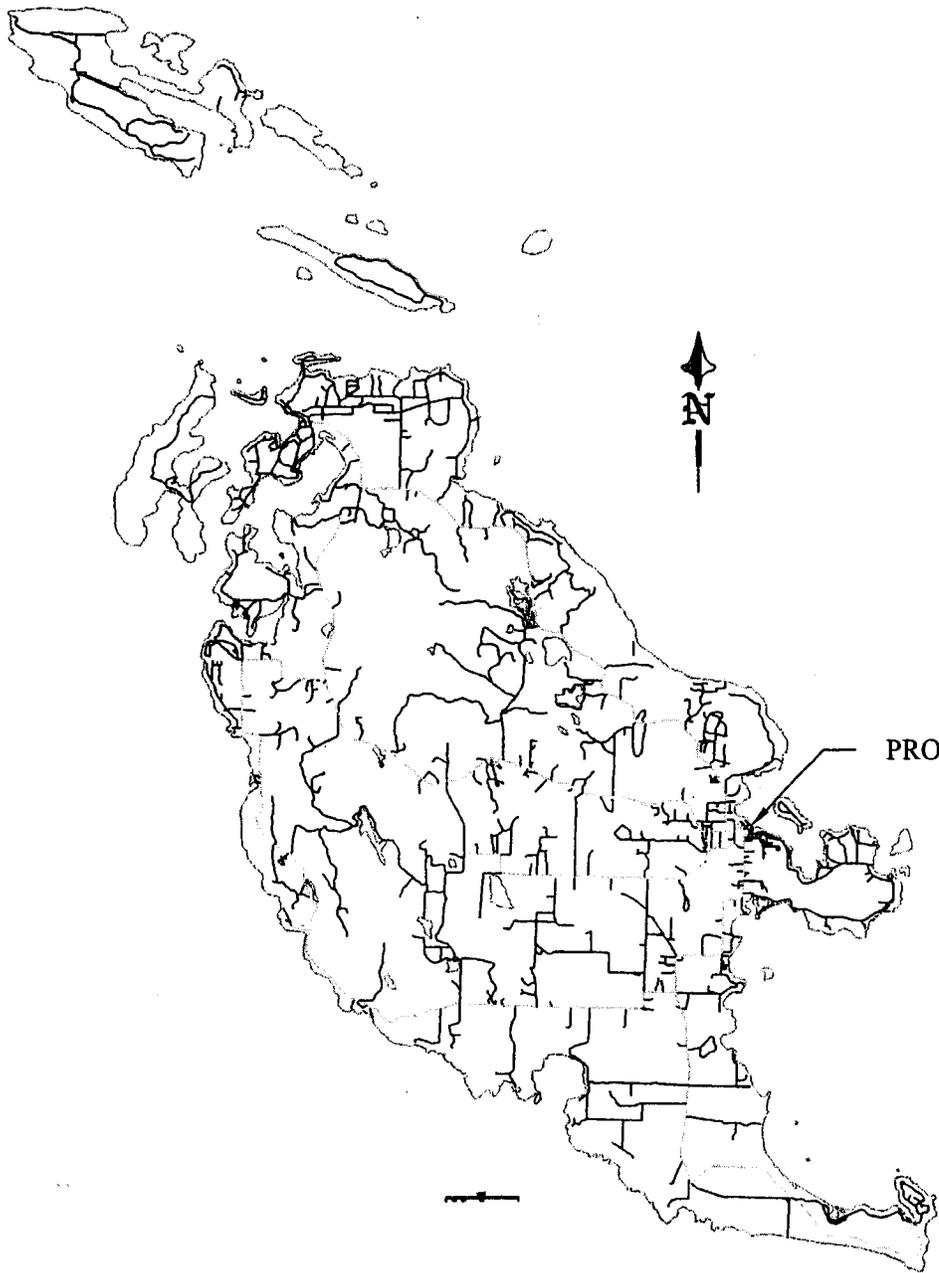
ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development Permit No. 57 which has been issued and revised by the Town of Friday Harbor.

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 Keith.Q.Gordon@nws02.usace.army.mil. Conventional mail comments should be sent ATTN: Regulatory Branch. Both 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. Please include the following name and reference number:

Pier 1 Port Incorporated
200000167

Encl
Drawings (7)
Drawing Addendum (1)



PROJECT LOCATION

Lat: 48 32' 07.27505" N
Lon: 123 00' 53.25902" W
SW of NE Section 13
Tshp 35N, Range 3 W WM

SAN JUAN ISLAND

PURPOSE: Access to Waters of Friday Harbor

DATUM: N.O.S. MLLW=0'

ADJACENT PROPERTY OWNERS:

#351354002 -State of WA
State Lands Division
#2 -Port of Friday Harbor

APPLICANT:

Pier 1 Port, Inc.
1 Spring Street
Friday Harbor, WA 98250

REFERENCE: # 2000 00 167

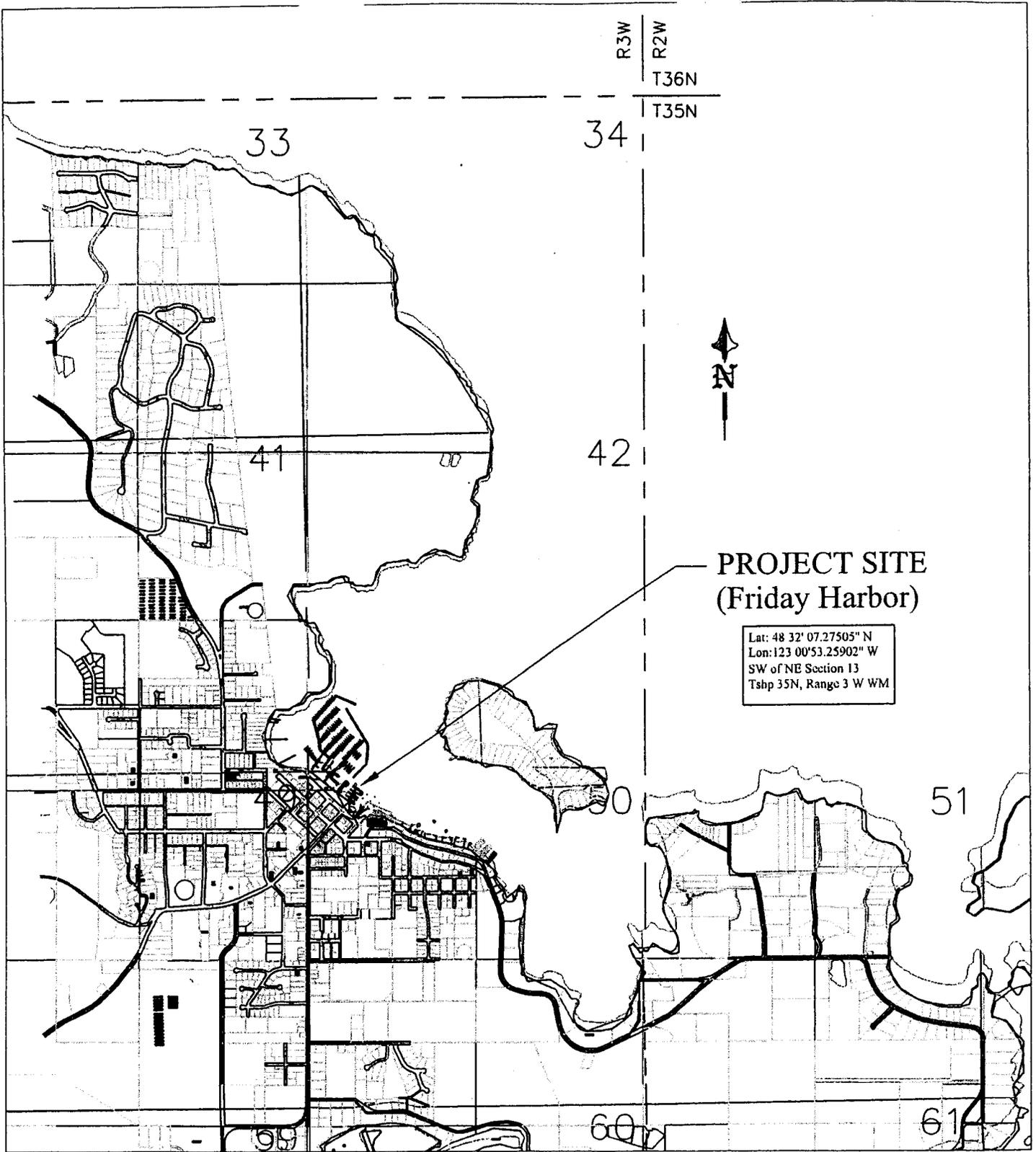
PROPOSED: Construction of New Float & Ramp. Replace 5 Piling. Stairs to beach.

IN: Friday Harbor

AT/NEAR: Town of Friday Harbor

COUNTY: San Juan

DATE: 05/22/01
SHEET 1 OF 7



AREA MAP

Scale: 1:20

PURPOSE: Access to Waters of Friday Harbor

DATUM: N.O.S. MLLW=0'

ADJACENT PROPERTY OWNERS:
 #351354002 - State of Washington
 State Lands Division
 #2 - Port of Friday Harbor

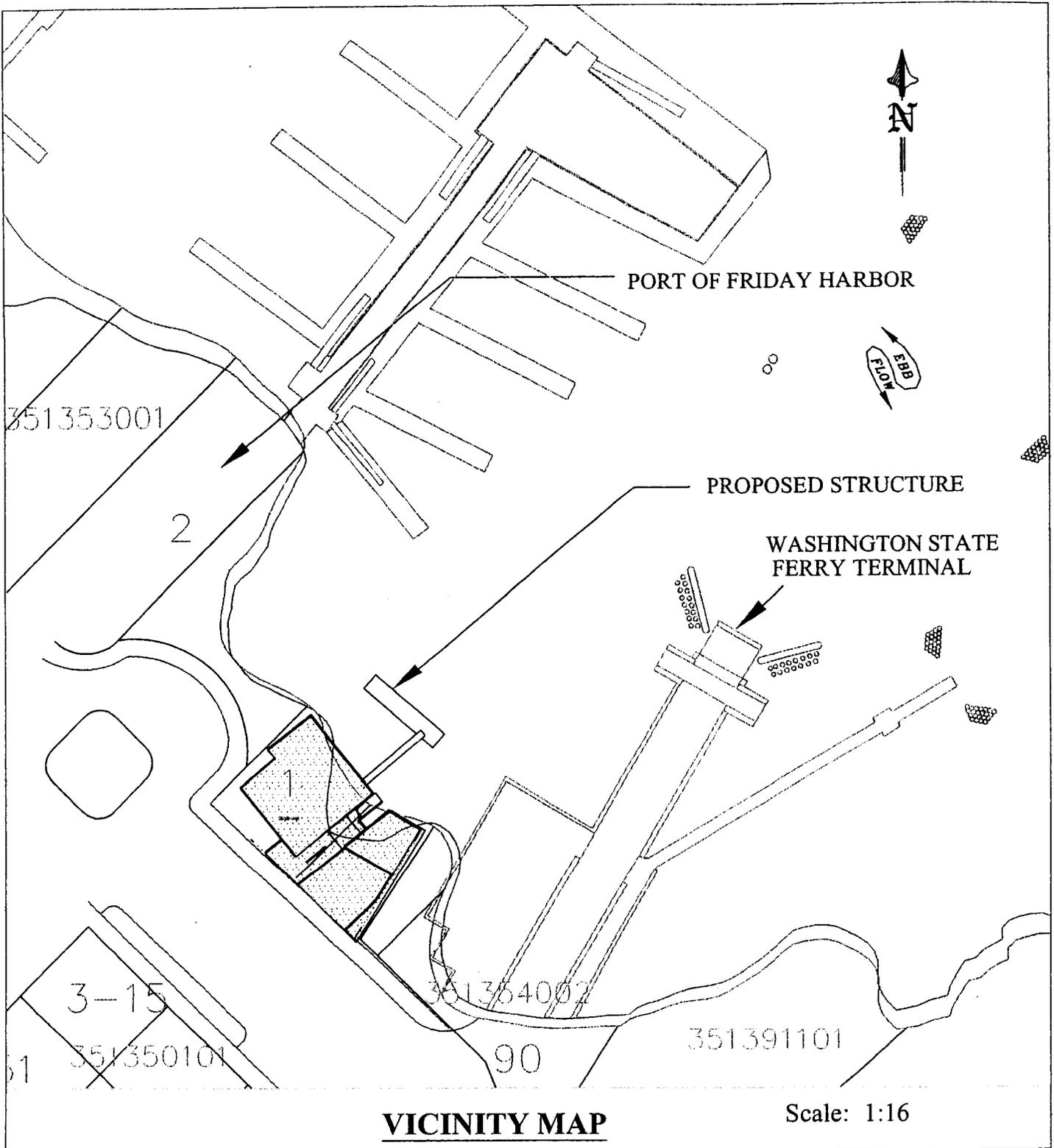
APPLICANT: Pier 1 Port, Inc.
 1 Spring Street
 Friday Harbor, WA 98250

REFERENCE: #2000 00 167

PROPOSED: Construction of New Float & Ramp. Replace 5 Piling. Stairs to Beach.

IN: Friday Harbor
AT/NEAR: Town of Friday Harbor
COUNTY: San Juan

DATE: Rev: 07/28/03
SHEET 2 OF 7



PURPOSE: Access to Waters of Friday Harbor for Recreation.

DATUM: N.O.S. MLLW=0'

ADJACENT PROPERTY OWNERS:
 #351354002 - State of Washington
 State Lands Division
 #2 - Port of Friday Harbor

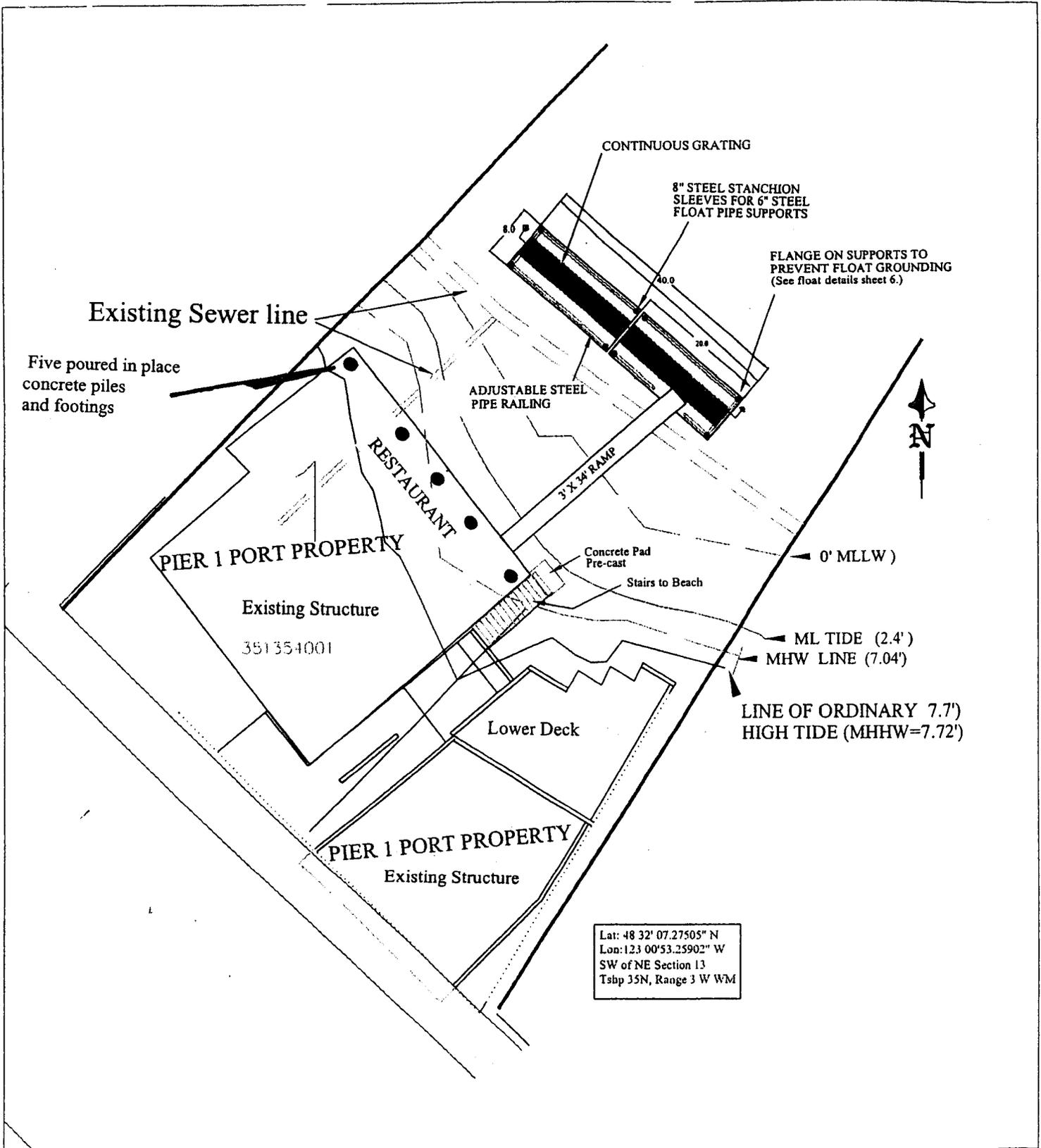
APPLICANT: Pier 1 Port, Inc.
 1 Spring Street
 Friday Harbor, WA 98250

REFERENCE: # 2000 00 167

PROPOSED: Construction of New Float & Ramp. Replace 5 Piling. Stairs to Beach.

IN: Friday Harbor
AT/NEAR: Town of Friday Harbor
COUNTY: San Juan

DATE: Rev: 07/28/03
SHEET 3 OF 7



PLAN VIEW

Scale: 1:20

PURPOSE: Access to Waters of Friday Harbor

DATUM: N.O.S. MLLW=0'

ADJACENT PROPERTY OWNERS:

#351354002 - State of Washington
State Lands Division

#2 - Port of Friday Harbor

APPLICANT: Pier 1 Port, Inc.
1 Spring Street
Friday Harbor, WA 98250

REFERENCE: #2000 00 167

PROPOSED: Construction of New Float & Ramp. Replace 5 Piling. Stairs to Beach.

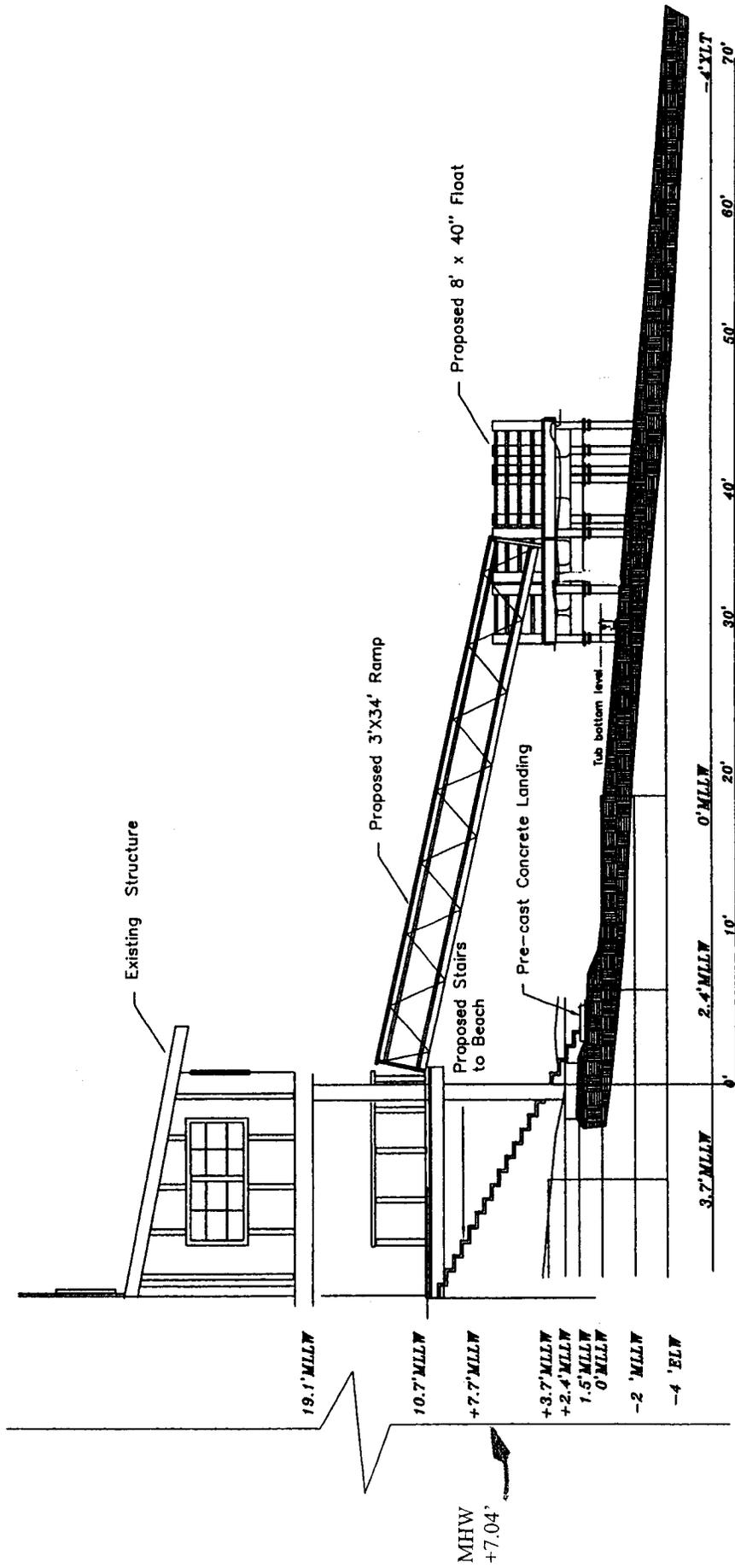
IN: Friday Harbor

AT/NEAR: Town of Friday Harbor

COUNTY: San Juan

SHEET 4 OF 7

DATE: Rev. 07/24/03



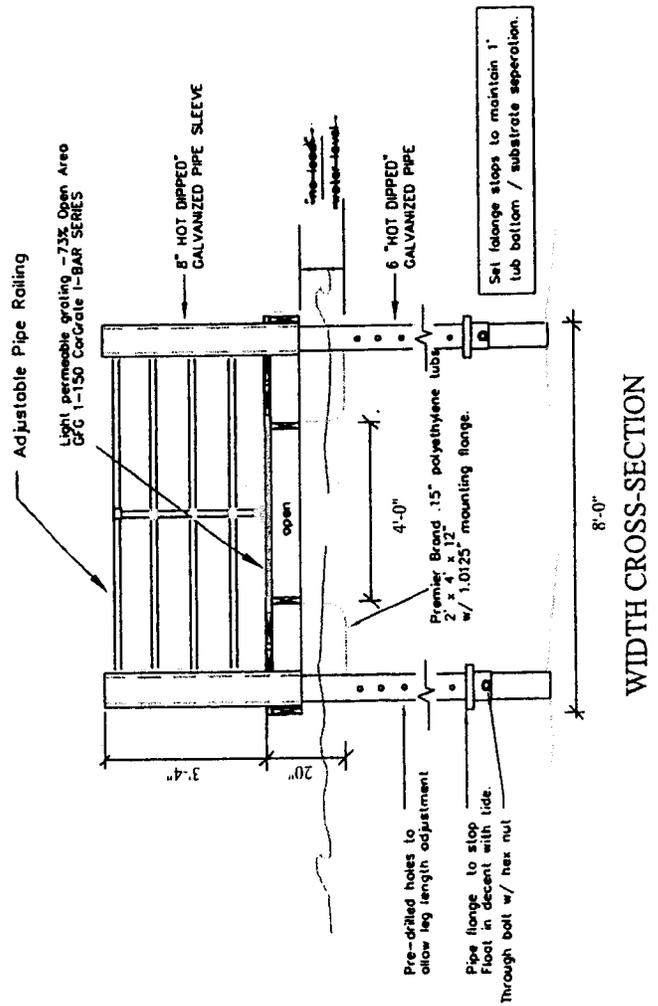
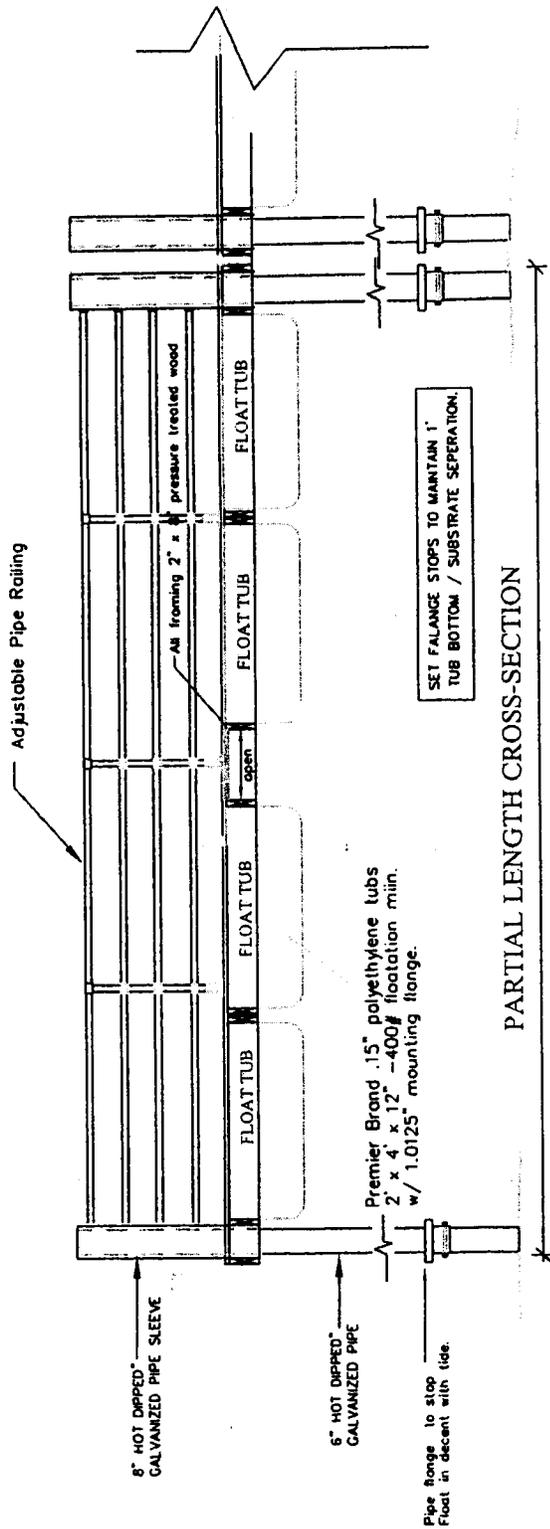
SITE ELEVATION

Scale: 3/32" = 1'

REFERENCE: #2000 00 167
PROPOSED: Construction of New Float & ramp
 Replace 5 Piling. Stairs to beach
IN: Friday Harbor
AT/NEAR: Town of Friday Harbor
COUNTY: San Juan
SHEET 5 of 7
DATE: Rev. 07/24/03

APPLICANT: Pier 1 Port, Inc.
 1 Spring Street
 Friday Harbor, WA 98250

PURPOSE: Access to Waters of Friday Harbor
DATUM: N.O.S. MLLW=0'
ADJACENT PROPERTY OWNERS:
 #351354002 - State of Washington
 State Lands Division
 #2 - Port of Friday Harbor



FLOAT SCHEMATICS

Scale: 1:4

PURPOSE: Access to Waters of Friday Harbor

APPLICANT: Pier 1 Port, Inc.
1 Spring Street
Friday Harbor, WA 98250

DATUM: N.O.S. MLLW=0'

ADJACENT PROPERTY OWNERS:

#351354002 - State of Washington
State Lands Division

#2 - Port of Friday Harbor

REFERENCE: #2000 00 167

PROPOSED: Construction of New Float & Ramp. Replace 5 Piling. Stairs to Beach.

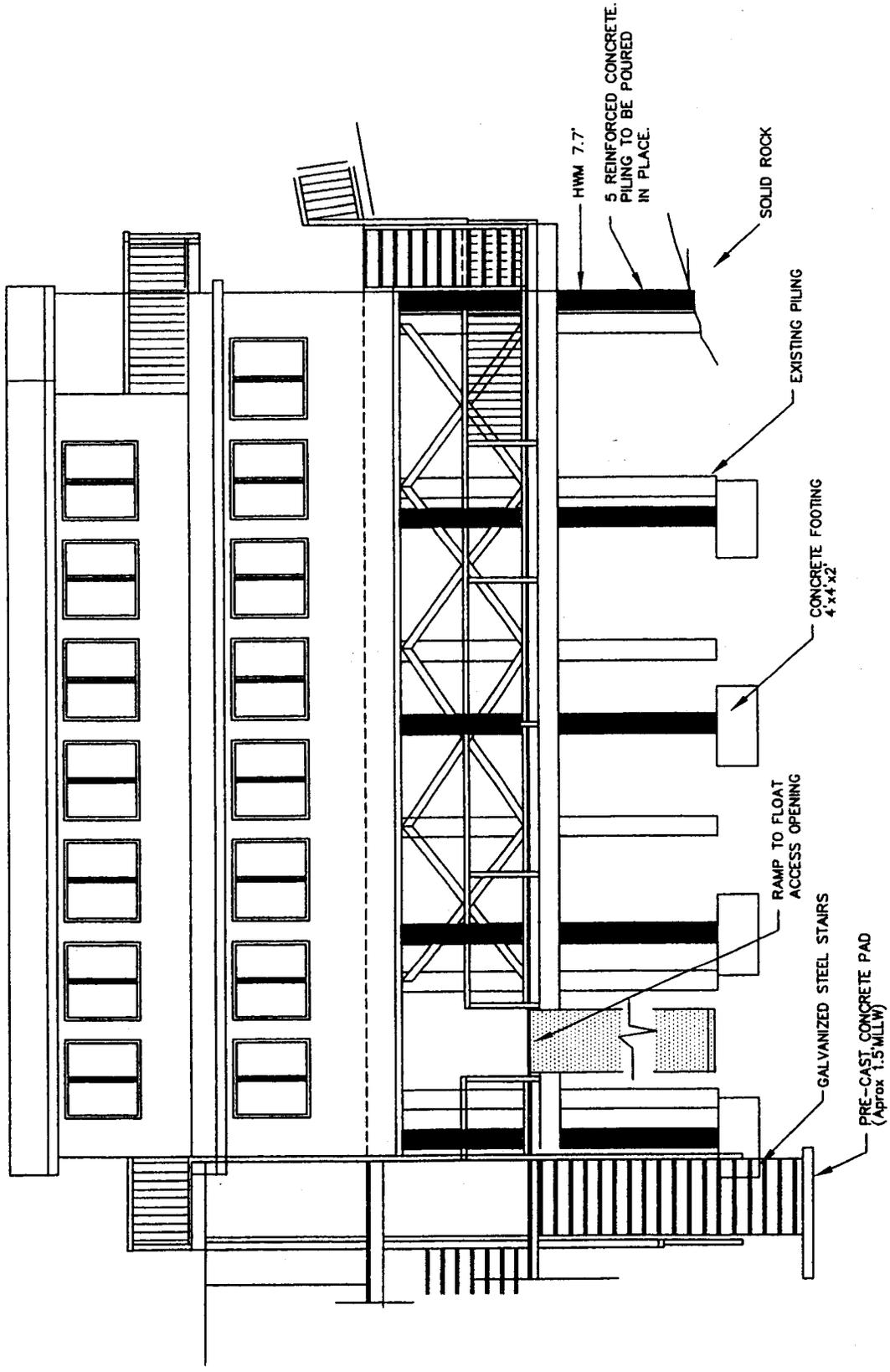
IN: Friday Harbor

AT/NEAR: Town of Friday Harbor

COUNTY: San Juan

SHEET 6 of 7

DATE: Rev. 07/24/03



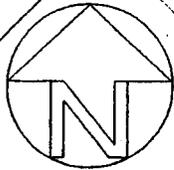
EXISTING BUILDING: 5 Piling Replacement

REFERENCE: #2000 00 167
PROPOSED: Construction of New Float & ramp.
 Replace 5 Piling. Stairs to beach

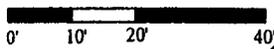
IN: Friday Harbor
AT/NEAR: Town of Friday Harbor
COUNTY: San Juan
SHEET 7 of 7
DATE: Rev. 07/24/03

PURPOSE: Access to Waters of Friday Harbor
APPLICANT: Pier 1 Port, Inc.
 1 Spring Street
 Friday Harbor, WA 98250

DATUM: N.O.S. MLLW=0'
ADJACENT PROPERTY OWNERS:
 #351354002 - State of Washington
 State Lands Division
 #2 - Port of Friday Harbor



SCALE: 1" = 30'

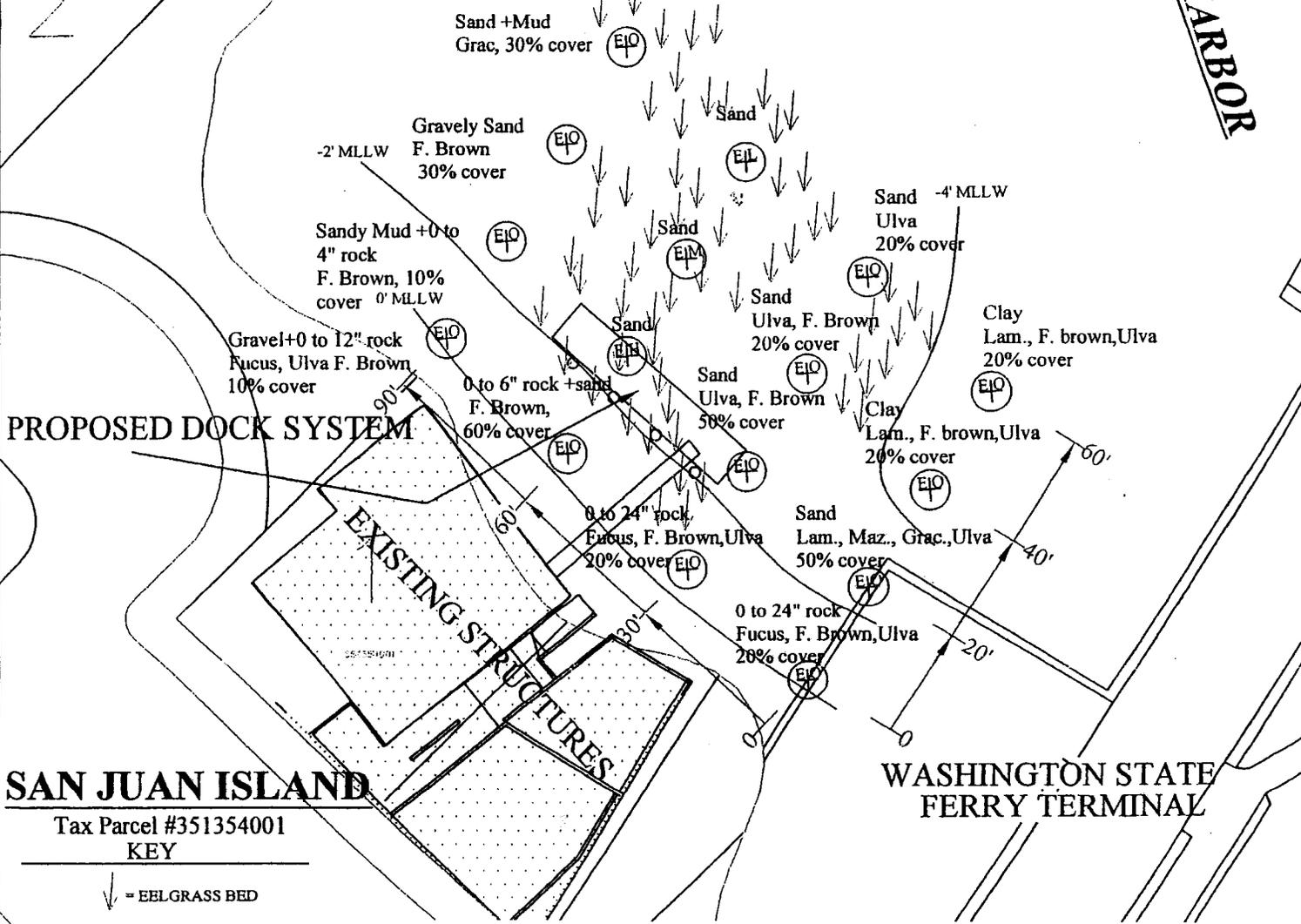


ALGAE ABBREVIATIONS

F. BROWN = filamentous brown
FUCUS = Fucus
GRAC. = Gracilaria
LAM. = Laminaria
ULVA = Ulva

FRIDAY HARBOR

2



SAN JUAN ISLAND

Tax Parcel #351354001
KEY

↓ = EELGRASS BED

E# = Transects with eelgrass estimates;
L=low density
M=medium density
H=high density
0=No eelgrass

#' MLLW = Contour lines corrected to 0'=0' MLLW by Jen-Jay Diving Inc.,

PURPOSE: Access to Waters of Friday Harbor

DATUM: N.O.S. MLLW=0'

DRAWING ADDENDUM

San Juan Island
Section Map

REFERENCE: 99900167

IN: San Juan Channel
AT/NEAR: Friday Harbor, WA
COUNTY: San Juan
APPLICANT: Pier 1
DATE: 8/12/03
SHEET: Addendum



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: November 3, 2003

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200000167 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600