



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: Randel Perry, Project Manager

Public Notice Date: November 24, 2003
Expiration Date: December 13, 2003
Reference: 200201323
Name: Tyee Yacht Club

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 - Tyee Yacht Club
Post Office Box 17036
Seattle, Washington 98107-0736
ATTN: Ms. Andrea Schock
Telephone: (206) 598-4335

LOCATION - In Eagle Harbor at 10134 Northeast Ewing Street, Bainbridge Island, Kitsap County, Washington.

WORK - Maintenance dredge 2,300 cubic yards of sediments at existing float. Work will be performed by barge-mounted clamshell bucket. Dredged material will be loaded onto a barge for open water disposal. Area will be dredged to previously authorized depth of -9.00 feet (Mean Lower Low Water).

PURPOSE - Restore boat access at docking facility.

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 all 2,300 cubic yards were suitable for unconfined disposal at the PSDDA nondispersive open-water disposal site in Elliot Bay and/or the Pacific Sound Resources Marine Sediments Unit capping site. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office.

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 Indian treaty fishing is occurring at the disposal site. The dredger's permit will state that disposal is to occur when there is no treaty 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.

ADDITIONAL INFORMATION – On July 23, 2003, notification was faxed to the Environmental Protection Agency (EPA) requesting comments on the proposed work in relation to the adjacent Eagle Harbor CERCLA Area. In a response dated July 31, 2003, EPA stated that there were no contamination issues in the proposed dredged material nor reason to believe there would be concerns. EPA had no objections to issuance of permit.

ENDANGERED SPECIES - The bald eagle (*Haliaeetus leucocephalus*), listed threatened; marbled murrelet (*Brachyramphus marmoratus*), listed threatened; Puget Sound chinook salmon (*Oncorhynchus tshawytscha*), listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*), listed threatened; steller sea lion (*Eumetopias jubatus*), listed threatened; humpback whale (*Megaptera novaeangliae*), listed endangered; and leatherback sea turtle (*Dermochelys coriacea*), listed endangered in the state of Washington, occur in the proposed project area. A preliminary determination indicated that the activity will affect, but is not likely to adversely affect, endangered or threatened species designated under the Endangered Species Act of 1973. Consultation under Section 7 of the ESA was initiated with National Marine Fisheries Service and U.S. Fish and Wildlife Service on July 28, 2003. The U.S. Fish and Wildlife Service (USFWS) concurred with our determination on September 17, 2003 (USFWS Reference Number 1-3-03-I-1758). The National Marine Fisheries Service (NMFS) concurred with our determination on August 15, 2003 (NMFS Reference Number 2003/00969).

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 0.40 of an acre of EFH for these species. The proposed action will not adversely affect designated EFH for federally-managed fisheries in Washington waters. No further EFH consultation is necessary.

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:

There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

The District Engineer invites responses to this public notice from Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, 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, shoreline erosion

200201323, Tyee Yacht Club

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, 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. 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 evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

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.

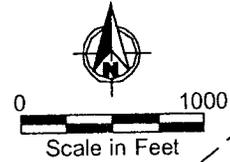
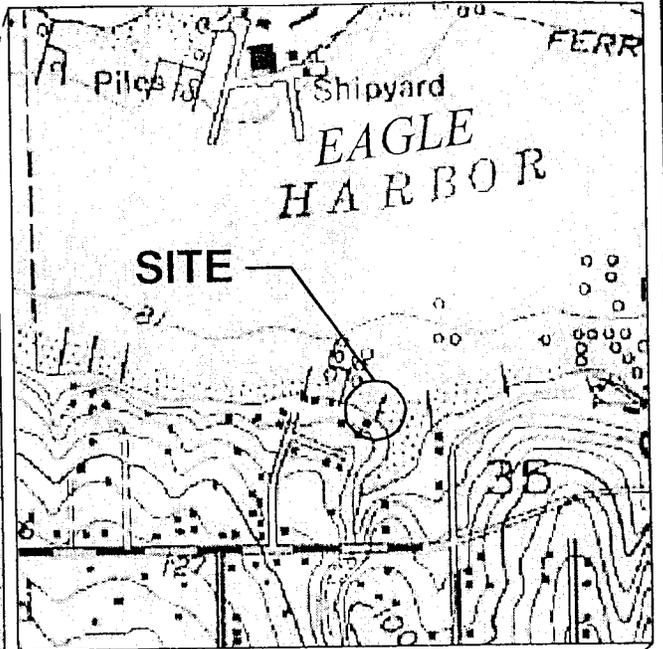
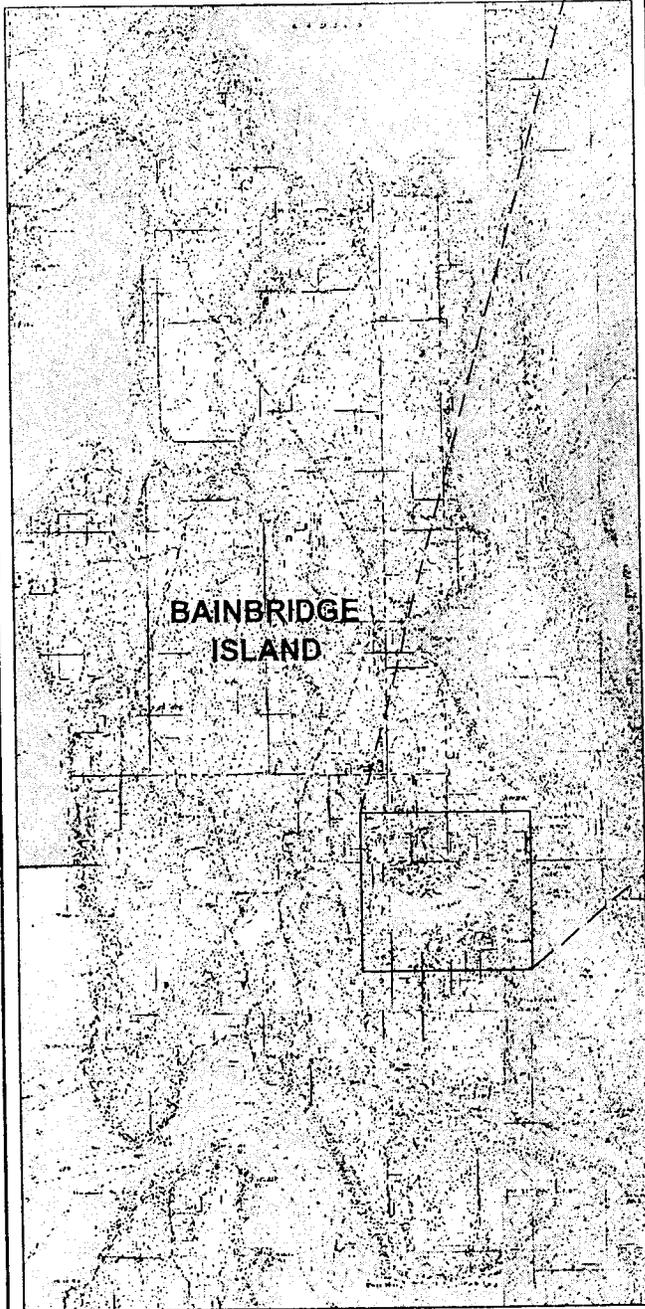
This proposal is the subject of Shorelines Substantial Development Permit No. SSDE12023 which has been issued by the City of Bainbridge Island.

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 Randel.J.Perry@nws.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:

Tyee Yacht Club
200201323

Encl
Drawings (5)

Dec 11, 2002 1:20pm: cdavidson I:\CAD\Jobs\010146-Tyee Marina\01014601\TYM-01014601-02.dwg JARPA Fig 1



Directions to the Tyee Yacht Club

After leaving the ferry, turn left at the first stop light. Proceed through town to Madison Avenue. Turn right on Madison, then left on Wyatt Way. Follow Wyatt Way to Eagle Harbor Drive (at the fork in the road, Eagle Harbor Drive forks to the left). Follow Eagle Harbor Drive to Ward Avenue. Turn left on Ward and right on NE Ewing Street.

Go to the east end of NE Ewing Street. Walk onto the lawn of Tyee Yacht Club's Outstation. Walk down path toward the water to the pier, ramp & dock structure.

Notes:

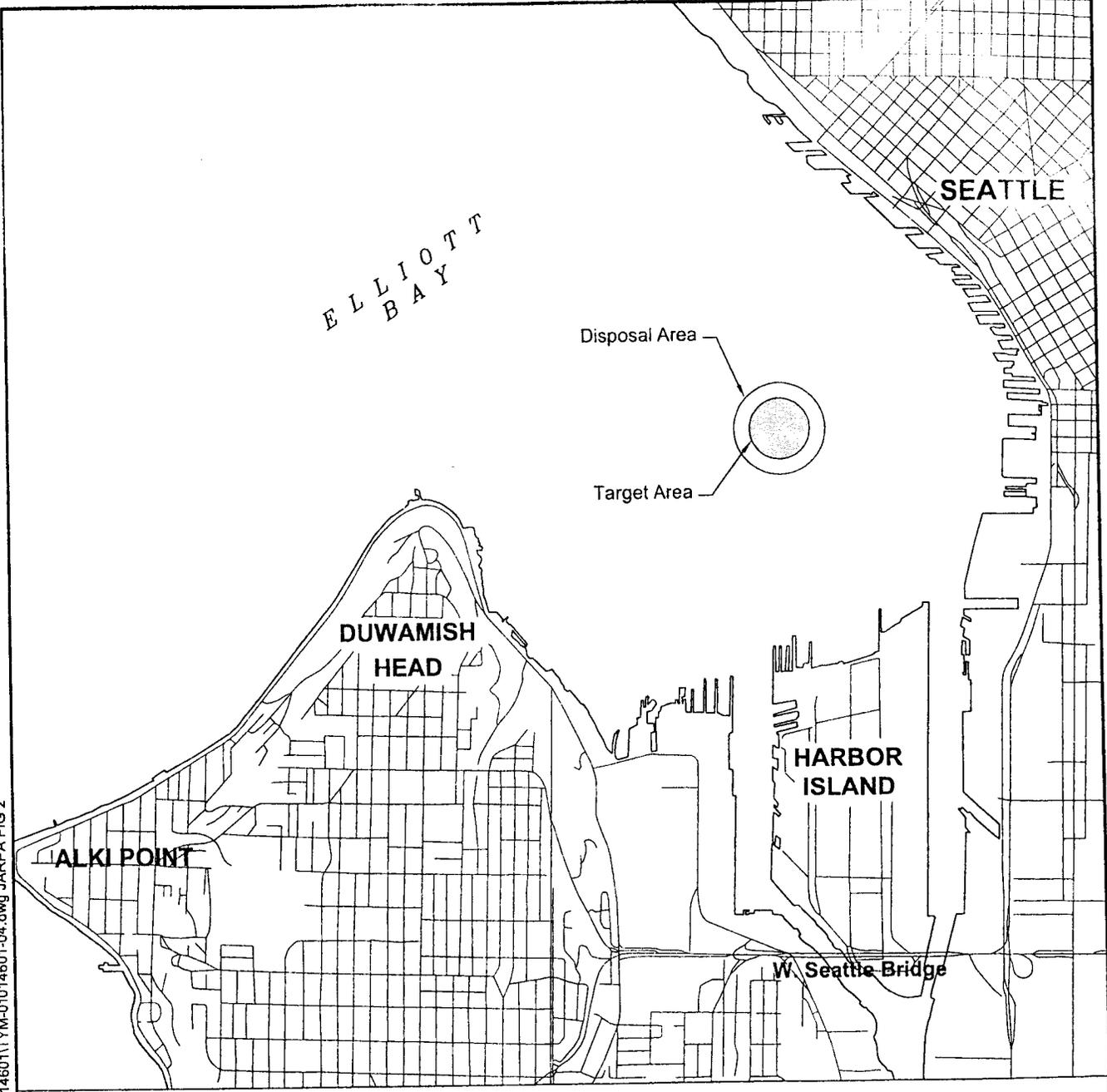
1. Site Location: T25N, R2E, S35
 LAT: 47° 36'52.9"N
 LONG: 122° 30'58.8"W
2. Drawing prepared from USGS quadrangle maps of Suquamish, Bremerton East, Seattle North, and Seattle South.

PURPOSE: PROPOSED DREDGING AT TYEE YACHT CLUB

DATUM:
 ADJACENT PROPERTY OWNERS:
 DARRYL MCNABB
 KITSAP COUNTY
 RICHARD BURKE

VICINITY MAP

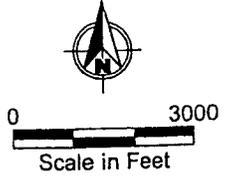
COE Ref. # 2002 01323
 IN: ~~BAINBRIDGE ISLAND~~ Eagle Harbor
 AT: City of Bainbridge Island
 COUNTY OF: KITSAP STATE: WA
 APPLICATION BY: TYEE YACHT CLUB



Dec 10, 2002 4:57pm cdavidson I:\CAD\Jobs\010146-Tyee Marina\01014601-04.dwg JARPA FIG.2

Elliott Bay Disposal Site

TYPE: Nondispersive
 AREA: 415 Acres DEPTH: 300-360 Ft.
 SITE DIMENSIONS: 6200 Ft. by 4000 Ft. Ovoid
 DISPOSAL ZONE: 1800 Ft. Diameter
 TARGET AREA: 1200 Ft. Diameter
 BARGE POSITIONING METHOD: VTS
 NAD 27 LOCATION: Lat 47° 35.97' Long 122° 21.38'
 NAD 83 LOCATION: Lat 47° 35.96' Long 122° 21.45'

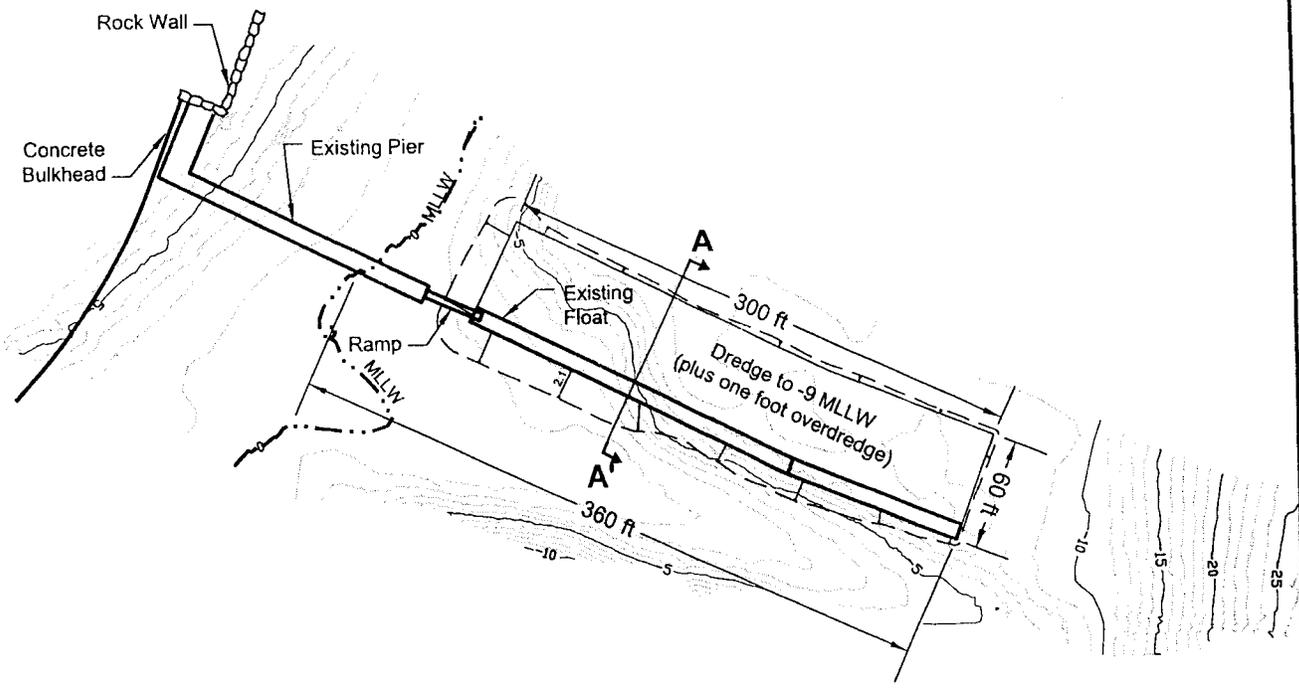


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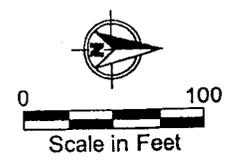
**ELLIOTT BAY
 OPEN WATER DISPOSAL SITE AT**
 Option 1

COE Ref. # 200201323
 IN: Eagle Harbor
 AT: BAINBRIDGE ISLAND, CITY OF
 COUNTY OF: KITSAP STATE: WA
 APPLICATION BY: TYEE YACHT CLUB

Dec 10, 2002 4:54pm cdaivison I:\CAD\Jobs\010146-Tyee Marina\01014601\TYM-01014601-01.dwg JARPA FIG 3



- Notes:
1. 2300 CY will be dredged using a mechanical clamshell bucket suspended from a barge mounted crane. Dredged material is proposed to be disposed of at the Elliot Bay PSSDA Open Water Disposal Site if determined suitable for unconfined open water disposal. If sediment is determined to be unsuitable for open water disposal, it would be disposed of at an approved upland disposal facility.
 2. Mean Higher High Water (MHHW) 11.5 Feet
 Mean High Water (MHW) 10.6 Feet
 Mean Lower Low Water (MLLW) 0.0 Feet
 Mean Low Water 2.9 Feet

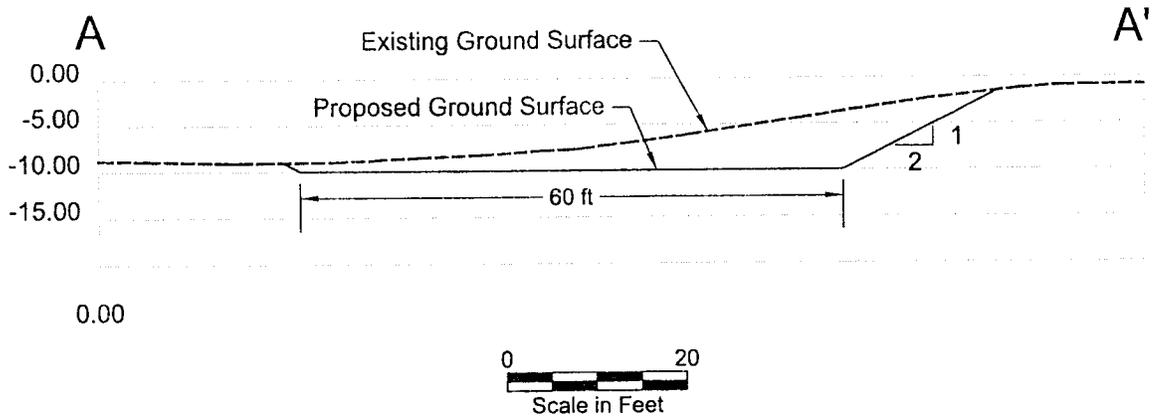


PURPOSE: PROPOSED DREDGING AT TYEE YACHT CLUB
 DATUM:
 ADJACENT PROPERTY OWNERS:
 DARRYL MCNABB
 KITSAP COUNTY
 RICHARD BURKE

PROPOSED DREDGE PLAN

COE Ref # 200301323
 IN Eagle Harbor
 AT BAINBRIDGE ISLAND, City of
 COUNTY OF: KITSAP STATE: WA
 APPLICATION BY: TYEE YACHT CLUB

Dec 10, 2002 4:56pm cdaavidson I:\CAD\Jobs\010146-Tyee Marina\01014601-01.dwg JARPA FIG 4

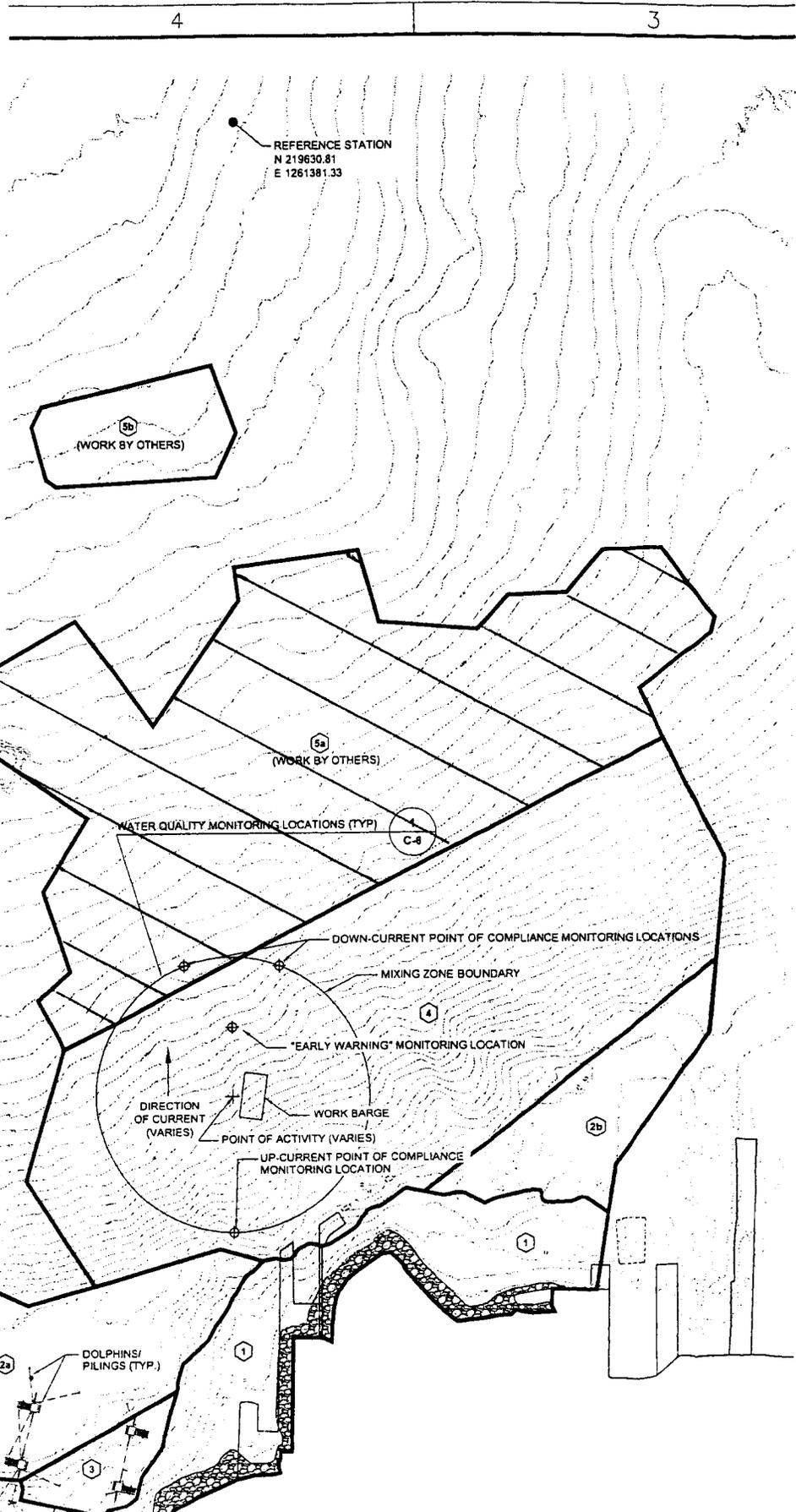
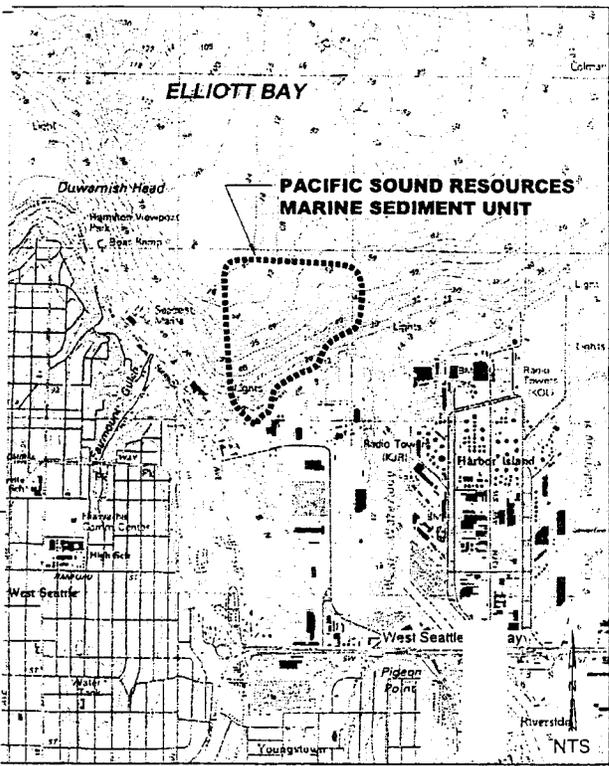


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DATUM:
ADJACENT PROPERTY OWNERS:
DARRELL MCNABB
KITSAP COUNTY
RICHARD BURKE

CROSS SECTION A-A'

COE Ref. # 200301323
IN- Eagle Harbor
AT BAINBRIDGE ISLAND, City of
COUNTY OF: KITSAP STATE: WA
APPLICATION BY: TYEE YACHT CLUB



PURPOSE: PROPOSED DREDGING AT TYEE YACHT CLUB
 DATUM:
 ADJACENT PROPERTY OWNERS:
 DARRYL MCNABB
 KITSAP COUNTY
 RICHARD BURKE

PSR MARINE
 SEDIMENTS UNIT
 Option 2

COE Ref. # 200301323
 W- Eagle Harbor
 AT BAINBRIDGE ISLAND, City of
 COUNTY OF: KITSAP STATE: WA
 APPLICATION BY: TYEE YACHT CLUB



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 24, 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. 200201323 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