



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: Susan Powell, Project Manager

Public Notice Date: November 3, 2003

Expiration Date: December 2, 2003

Reference: 200300797

Name: Oak Harbor, City of

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 - City of Oak Harbor
865 Southeast Barrington Drive
Oak Harbor, Washington 98277-4092
Telephone: (360) 679-5551

AGENT - Peratrovich, Nottingham and Drage, Inc.
811 First Avenue, Suite 260
Seattle, Washington 98104
ATTN: William Gerken, P.E.
Telephone: (206) 624-1387

LOCATION - In Oak Harbor at the city of Oak Harbor, Washington.

WORK - Expand the municipal pier along the city's waterfront and dredge and expand the existing boat basin and entrance channel. The total dredge footprint is approximately 8.33 acres. Dredging will be conducted with a barge-mounted clamshell dredge. The total estimated quantity of material to be dredged is 139,000 cubic yards. The material will be disposed of at the Rosario Strait open-water disposal site. The proposed pier configuration consists of the following elements:

- A 176- by 20-foot fixed approach pier
 - A 310- by 20-foot fixed main pier with a partially penetrating vertical wave barrier, 270- by 12-foot concrete float, observation shelter, and two gangways.
 - A 170- by 12-foot concrete float, for day-use moorage, tour boats, and other recreational uses.
- A 40- by 60-foot float will be located on the east end for seaplane access. An 80-foot gangway will provide access to/from the main pier.
- A connecting float connecting the bases of the two floats.

PURPOSE - Create a multi-modal transportation hub to accommodate passenger ferries, tour boats, and float planes, and promote public waterfront recreational access for transient recreational boats, fishing, and sightseeing.

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 139,000 cubic yards were suitable for unconfined disposal at the PSDDA nondispersive (or dispersive) open-water disposal site in Rosario Strait. 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.

MITIGATION – The applicant proposes to restore a more natural beach profile in the mid to upper intertidal zone. The area will be regraded/excavated at a gentler slope. Two peninsulas that jut into the harbor with steep slopes will be cut back and flattened substantially. Riprap and debris will be removed. A suitable habitat mix composed of coarse sands and gravel will be placed over the area. Large portions of the riparian zone within the project area will be revegetated with native trees and plants. Eelgrass will be transplanted to expand existing beds in Oak Harbor. Transplants will be taken from a large healthy bed approximately 6,600 feet south of the project site and relocated to the edges of a much smaller bed approximately 3,900 feet south of the site. An experimental eelgrass transplant will also be conducted along a portion of the southeastern edge of the new dredge channel slope.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The marbled murrelet (*Brachyramphus marmoratus*) threatened, bald eagle (*Haliaeetus leucocephalus*) threatened, Coastal/Puget Sound bull trout (*Salvelinus confluentus*) threatened, Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*) threatened, Steller sea lion (*Eumetopias jubatus*) threatened, humpback whale (*Megaptera novaeangliae*) endangered, and leatherback sea turtle (*Dermochelys coriacea*) endangered in the State of Washington, *may occur* in the proposed project area. For the marbled murrelet, critical habitat has been designated. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to the bald eagle, marbled murrelet and its critical habitat, coastal/Puget Sound bull trout, Puget Sound Chinook salmon, Steller sea lion, humpback whale and leatherback sea turtle.

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 8.33 acres of EFH for these species.

If the 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 following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The site has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

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, 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.

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 a Shorelines Substantial Development Permit being processed by the city of Oak Harbor.

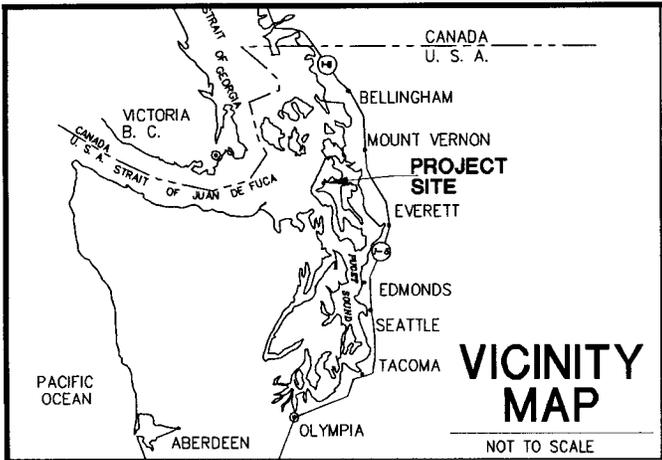
COMMENT AND REVIEW PERIOD - Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to

200200797

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 Susan.M.Powell@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:

Oak Harbor, City of
200300797

Encl
Drawings (14)



Peratrovich, Nottingham & Drage, Inc.

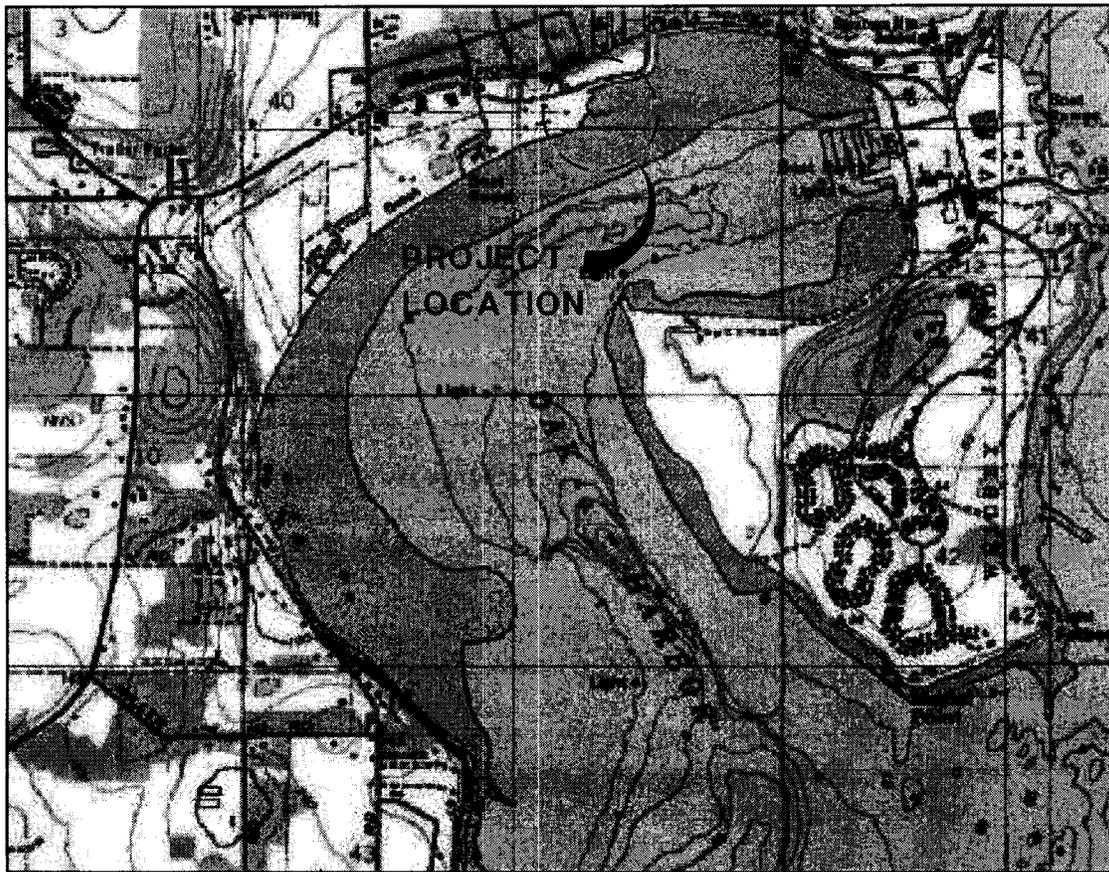
Engineering Consultants

811 First Avenue, Suite 260-Seattle, Washington, 98104- PH: (206) 524-1387 FAX: (206) 524-1388

TIDAL INFORMATION

LOCATION	MEAN HIGHER HIGH WATER	MEAN HIGH WATER	NGVD-29 LEVEL	MEAN LOWER LOW WATER	EXTREME LOW WATER
OAK HARBOR, WA CRESENT HARBOR	11.5'	10.6'	6.13' *	0.0'	-4.5'
REFERENCE NOAA CHART No. 18428 OAK & CRESENT HARBOR					

LONGITUDE 122° 38' 33"
 LATITUDE 47° 17' 15"
 Sec 2, T. 32 N, R 1 E



LOCATION MAP

PURPOSE:

PROVIDE MULTIPURPOSE PUBLIC USE FOR COMMUTER FERRY, FLOAT PLANES, CHARTER SERVICES AND DAY MOORAGE

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

1) CITY OF OAK HARBOR

200300797

OAK HARBOR MUNICIPAL PIER

SCALE AS NOTED

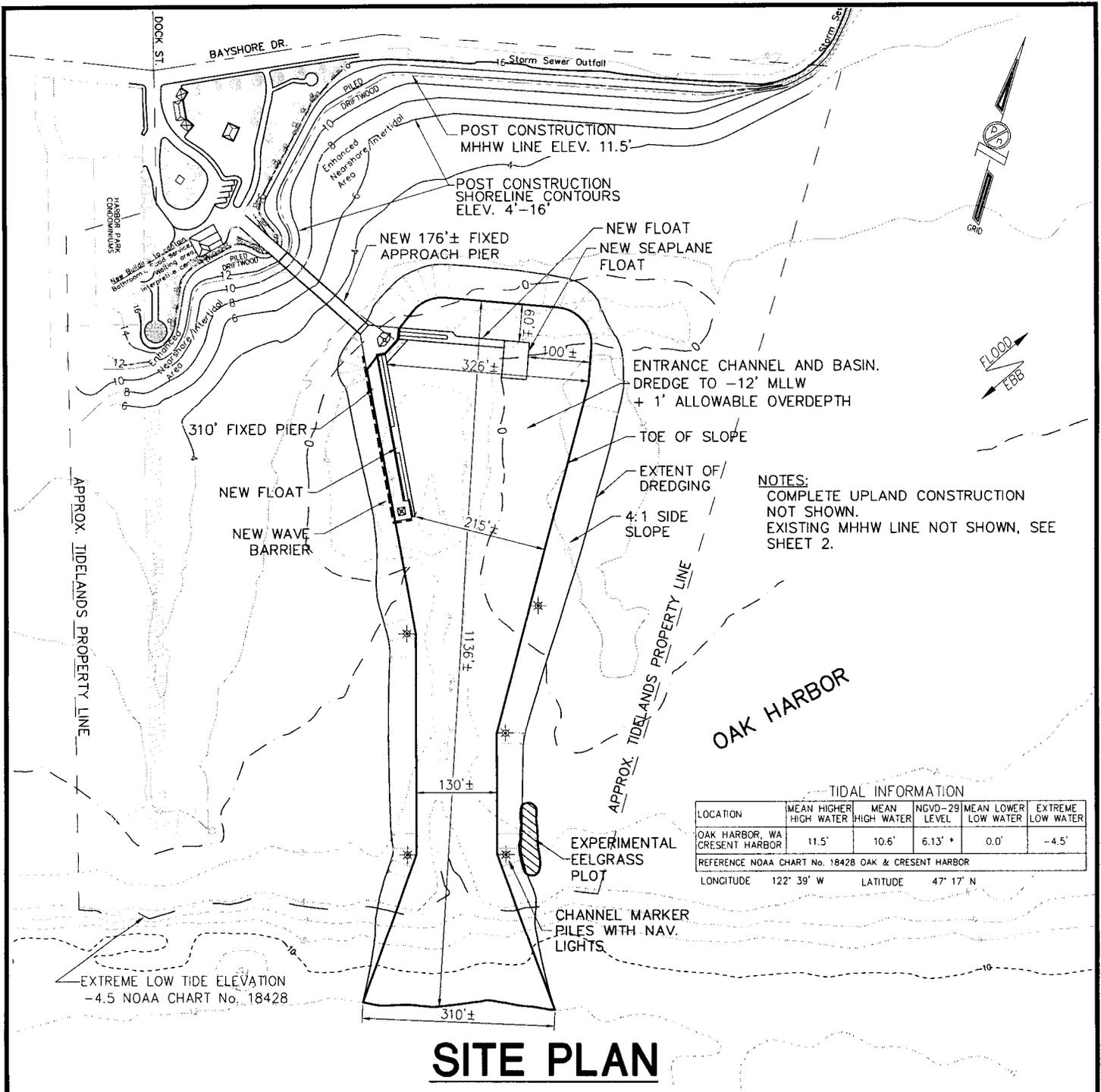
CITY OF OAK HARBOR
 865 S.E. BARRINGTON DRIVE
 OAK HARBOR, WA. 98277

PROPOSED: Dock, Wave Barrier, Floats, 139,000 Cu Yds Dredging, And Shoreline Enhancement

IN: PUGET SOUND
AT: OAK HARBOR, WA.

APPLICATION BY:
 CITY OF OAK HARBOR

SHEET 1 of 14 DATE: MAY, 2003



PURPOSE:
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 OAK HARBOR, WA. 98277

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IN: PUGET SOUND
AT: OAK HARBOR, WA.

APPLICATION BY:
 CITY OF OAK HARBOR

SHEET 3 of 14 DATE: MAY. 2003



Rosario Strait Disposal Site

TYPE: Disposal
 AREA: 650 Acres DEPTH: 97-142 ft.
 SITE DIMENSIONS: 6000 ft. by 6000 ft. circle
 DISPOSAL ZONE: 5000 ft. Diameter
 TARGET AREA: none
 BARGE POSITIONING METHOD: VTS
 NADES LOCATION: Lat 48° 30.88' Long 122° 43.48'
 NADES LOCATION: Lat 48° 30.87' Long 122° 43.58'

PURPOSE:
 PROVIDE MULTIPURPOSE PUBLIC
 USE FOR COMMUTER FERRY,
 FLOAT PLANES, CHARTER
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DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:
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**OAK HARBOR
 MUNICIPAL PIER**

SCALE AS NOTED

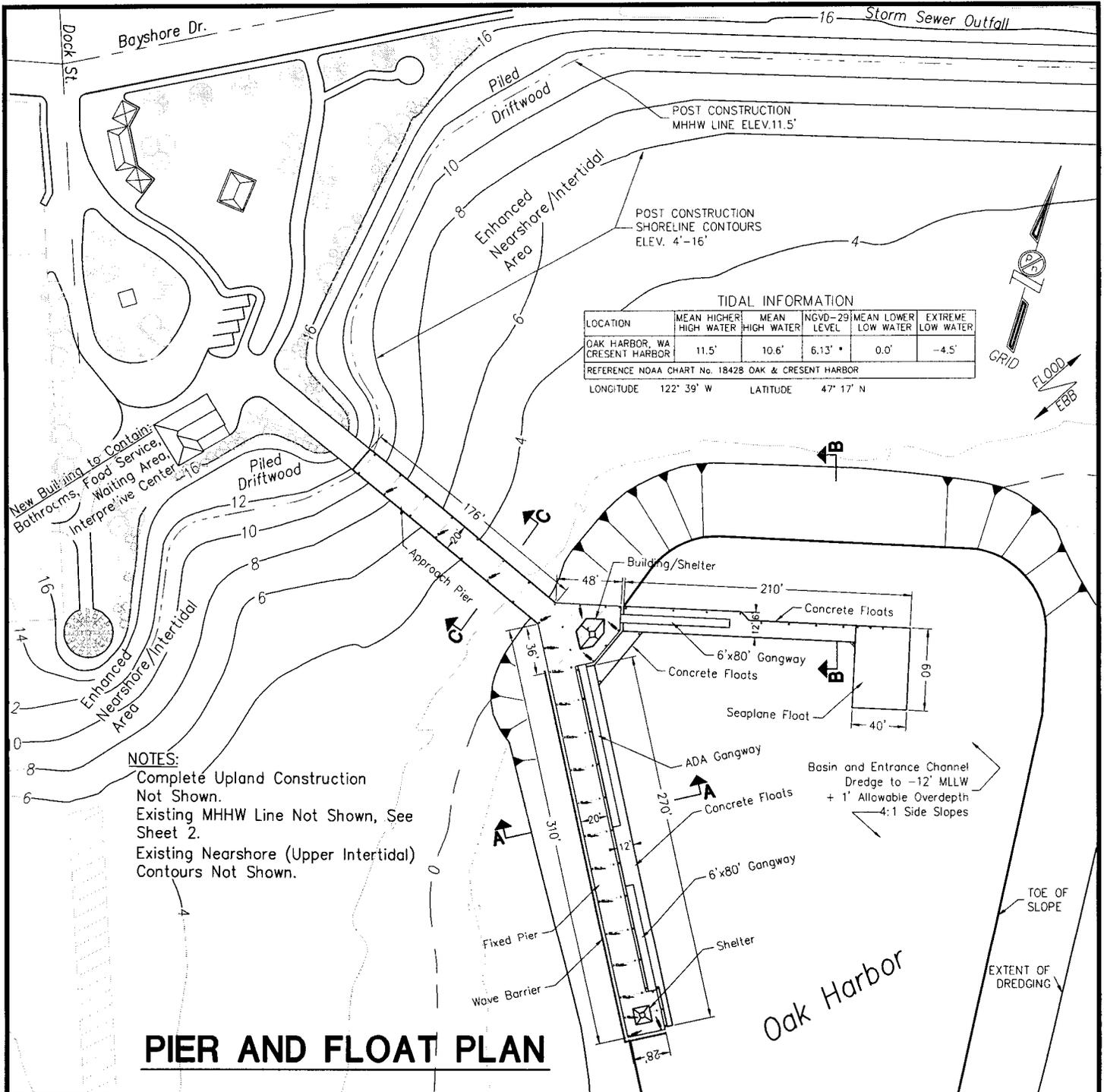
CITY OF OAK HARBOR
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AT: OAK HARBOR, WA.

APPLICATION BY:
 CITY OF OAK HARBOR

SHEET 4 of 14 DATE: MAY. 2003



PURPOSE:

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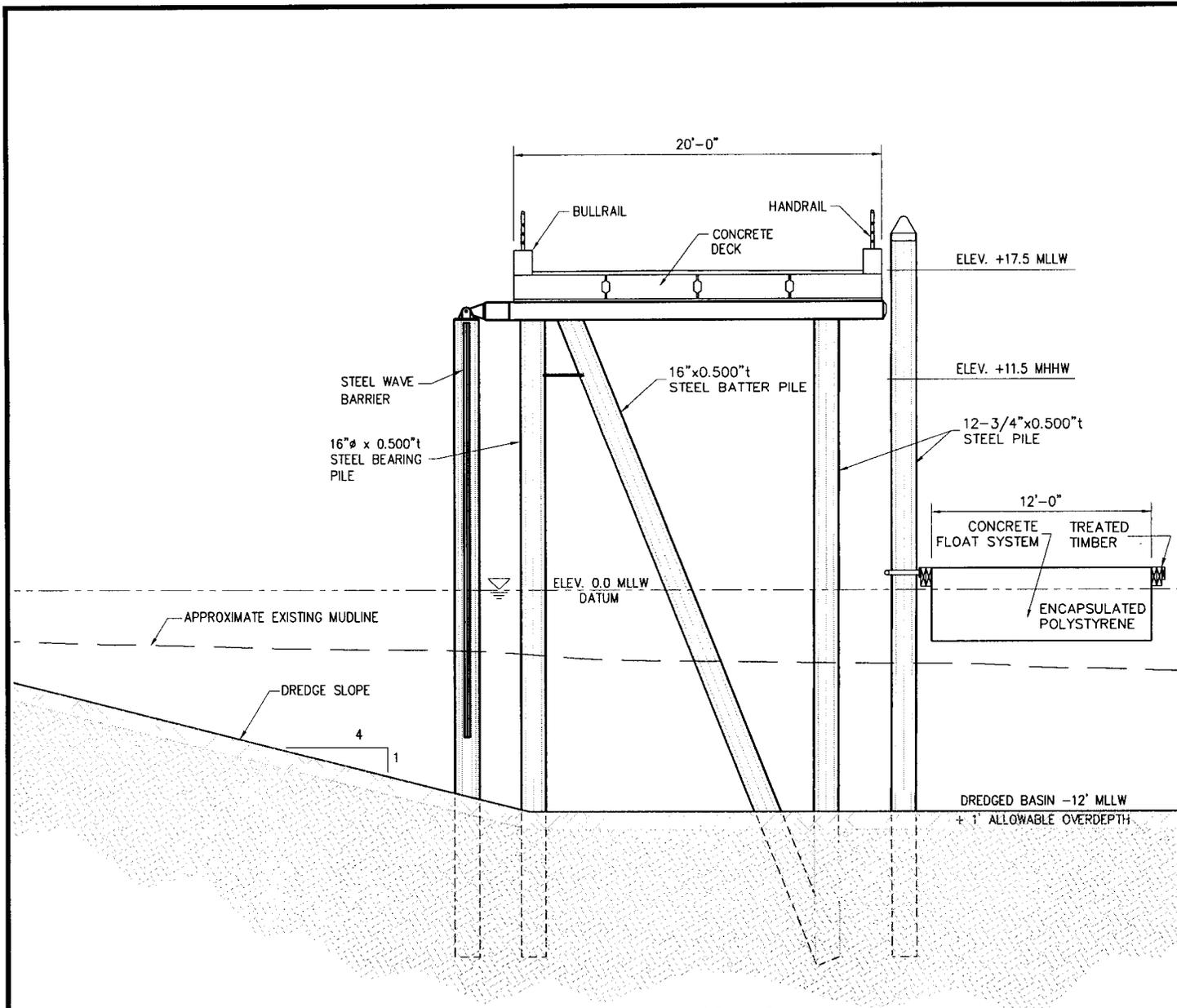
IN: PUGET SOUND

AT: OAK HARBOR, WA.

APPLICATION BY:

CITY OF OAK HARBOR

SHEET 5 of 14 DATE: MAY, 2003



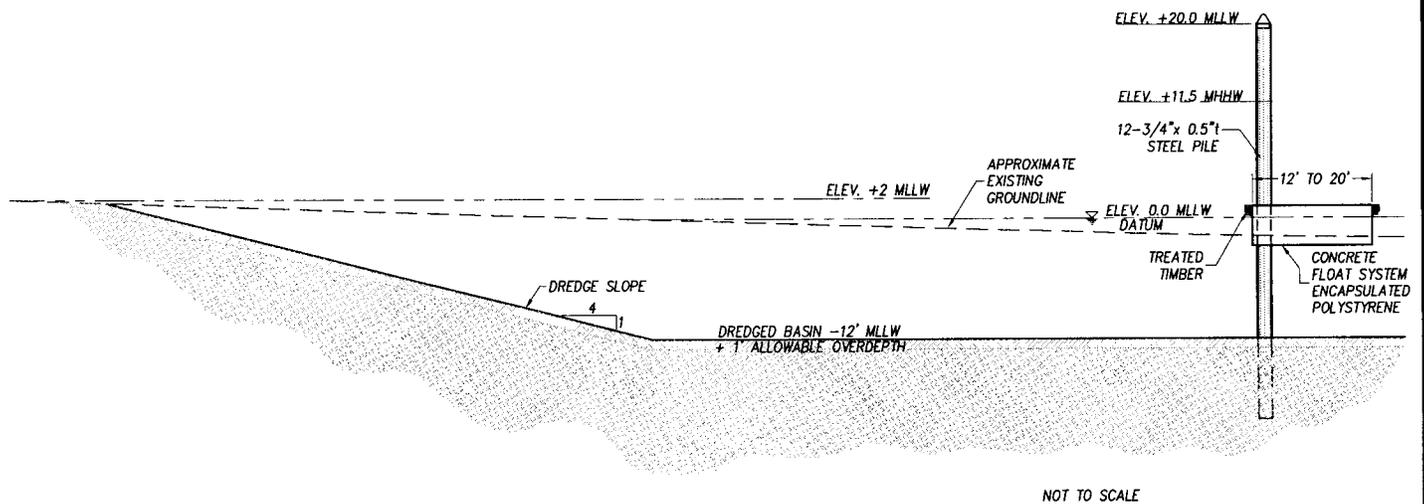
NOT TO SCALE

SECT. A-A

PURPOSE:
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APPLICATION BY:
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SHEET 6 of 14 DATE: MAY. 2003



SECT. B-B

PURPOSE:

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DATUM: 0.0' M.L.L.W.

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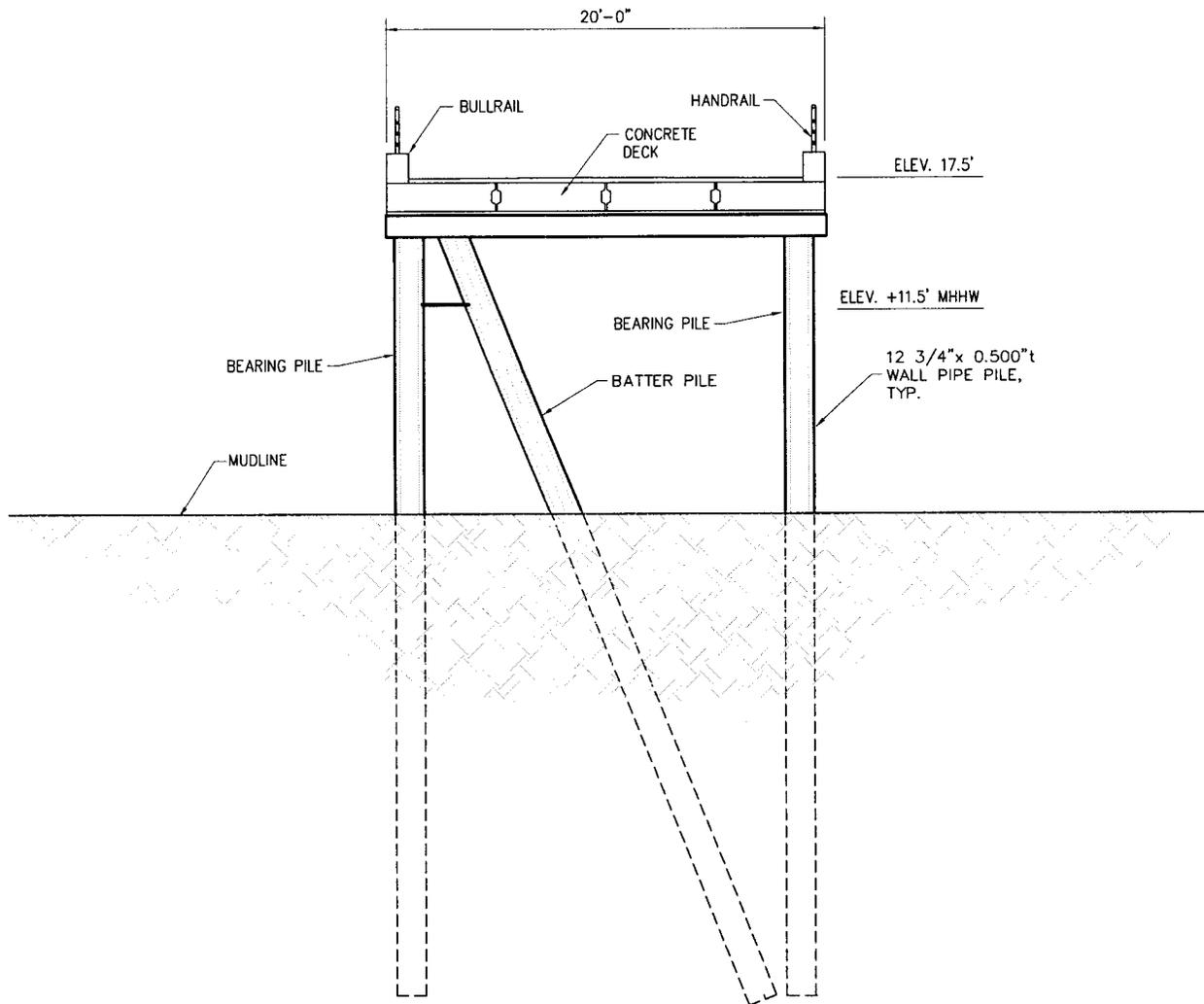
IN: PUGET SOUND

AT: OAK HARBOR, WA.

APPLICATION BY:

CITY OF OAK HARBOR

SHEET 7 of 14 DATE: MAY. 2003



SECT. C-C

NOT TO SCALE

PURPOSE:

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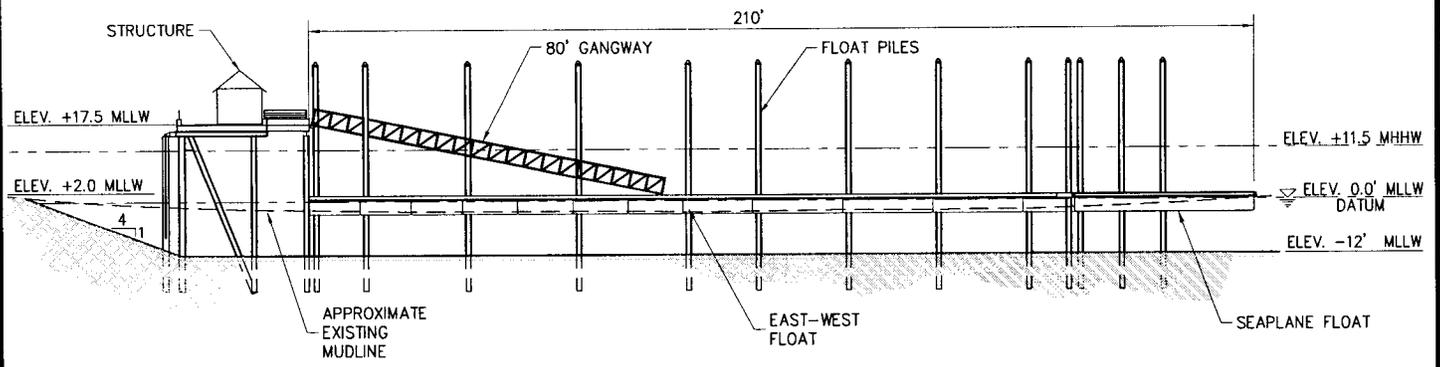
IN: PUGET SOUND

AT: OAK HARBOR, WA.

APPLICATION BY:

CITY OF OAK HARBOR

SHEET 8 **of** 14 **DATE:** MAY. 2003



SOUTH ELEVATION

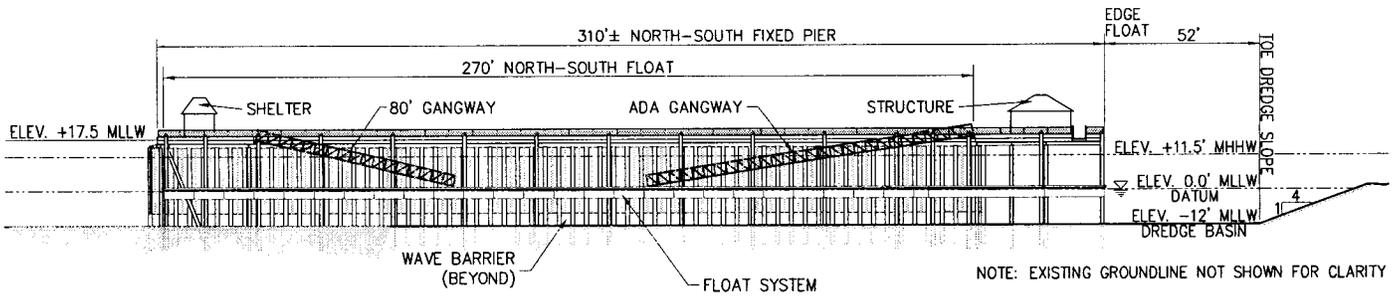
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APPLICATION BY:
 CITY OF OAK HARBOR
SHEET 9 of 14 DATE: MAY. 2003



EAST ELEVATION

PURPOSE:

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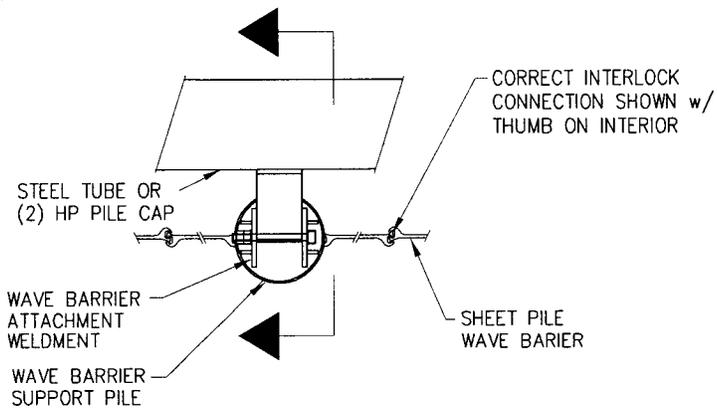
IN: PUGET SOUND

AT: OAK HARBOR, WA.

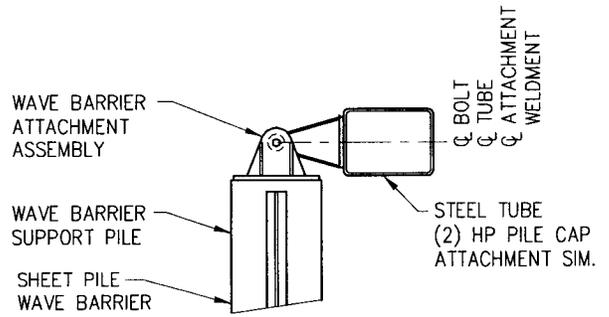
APPLICATION BY:

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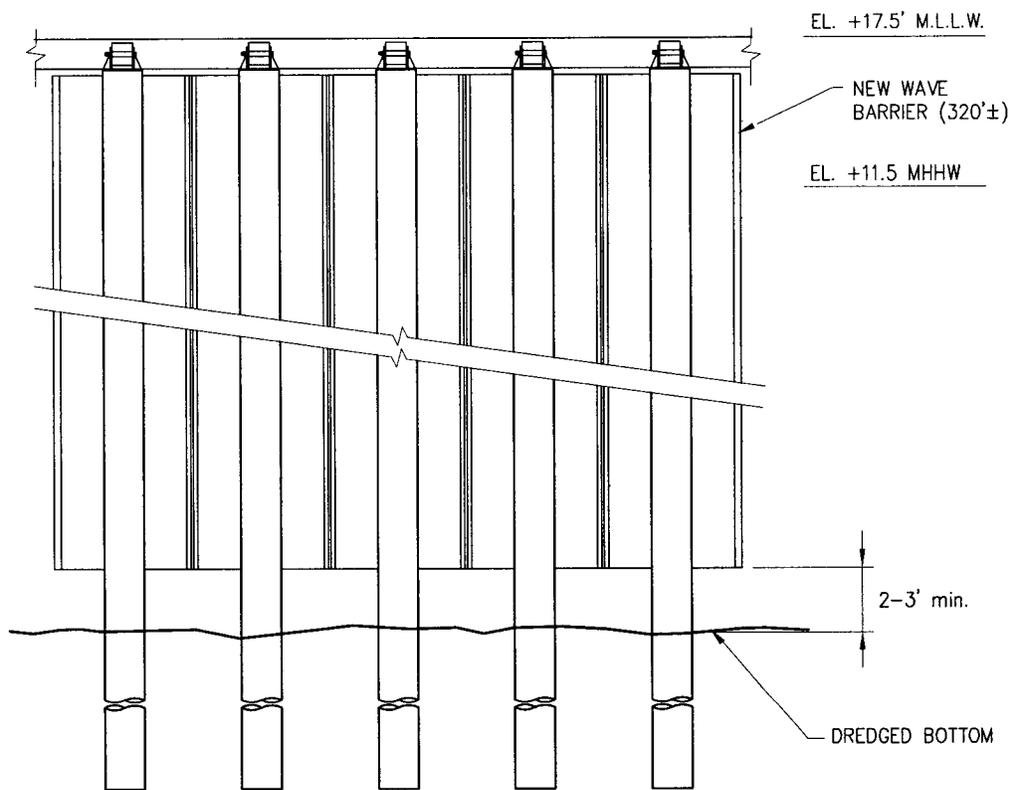
SHEET 10 **of** 14 **DATE:** MAY. 2001



PARTIAL PLAN



SECTION



WAVE BARRIER

PURPOSE:

PROVIDE MULTIPURPOSE PUBLIC USE FOR COMMUTER FERRY, FLOAT PLANES, CHARTER SERVICES AND DAY MOORAGE

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

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OAK HARBOR MUNICIPAL PIER

CITY OF OAK HARBOR
865 S.E. BARRINGTON DRIVE
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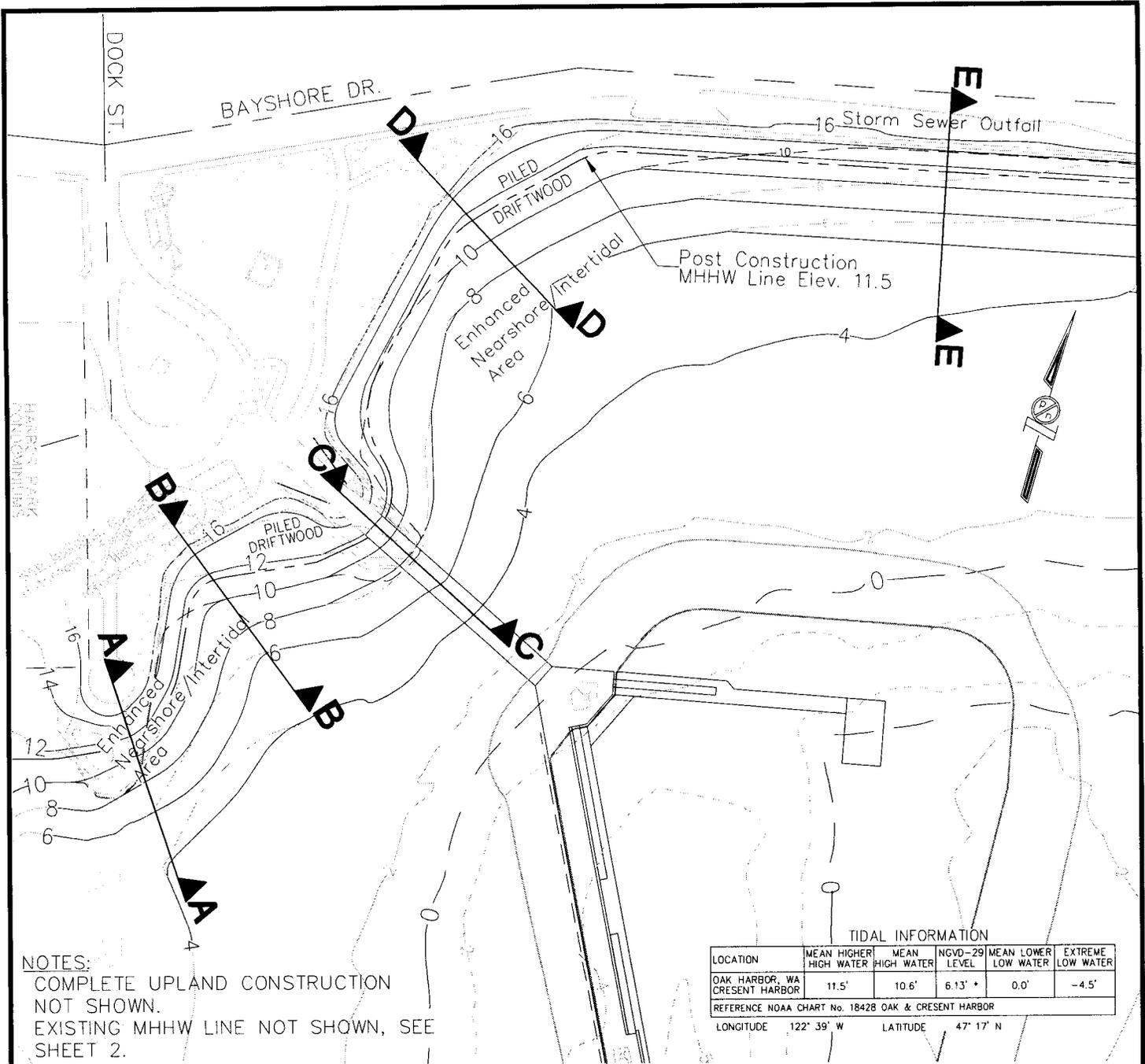
IN: PUGET SOUND

AT: OAK HARBOR, WA.

APPLICATION BY:

CITY OF OAK HARBOR

SHEET 11 **of** 14 **DATE:** MAY. 2003



NOTES:
 COMPLETE UPLAND CONSTRUCTION NOT SHOWN.
 EXISTING MHHW LINE NOT SHOWN, SEE SHEET 2.

TIDAL INFORMATION

LOCATION	MEAN HIGHER HIGH WATER	MEAN HIGH WATER	NGVD-29 LEVEL	MEAN LOWER LOW WATER	EXTREME LOW WATER
OAK HARBOR, WA CRESENT HARBOR	11.5'	10.6'	6.13' ±	0.0'	-4.5'
REFERENCE NOAA CHART No. 18428 OAK & CRESENT HARBOR					
LONGITUDE 122° 39' W			LATITUDE 47° 17' N		

SHORELINE ENHANCEMENT CROSS-SECTION KEY

PURPOSE:

PROVIDE MULTIPURPOSE PUBLIC USE FOR COMMUTER FERRY, FLOAT PLANES, CHARTER SERVICES AND DAY MOORAGE

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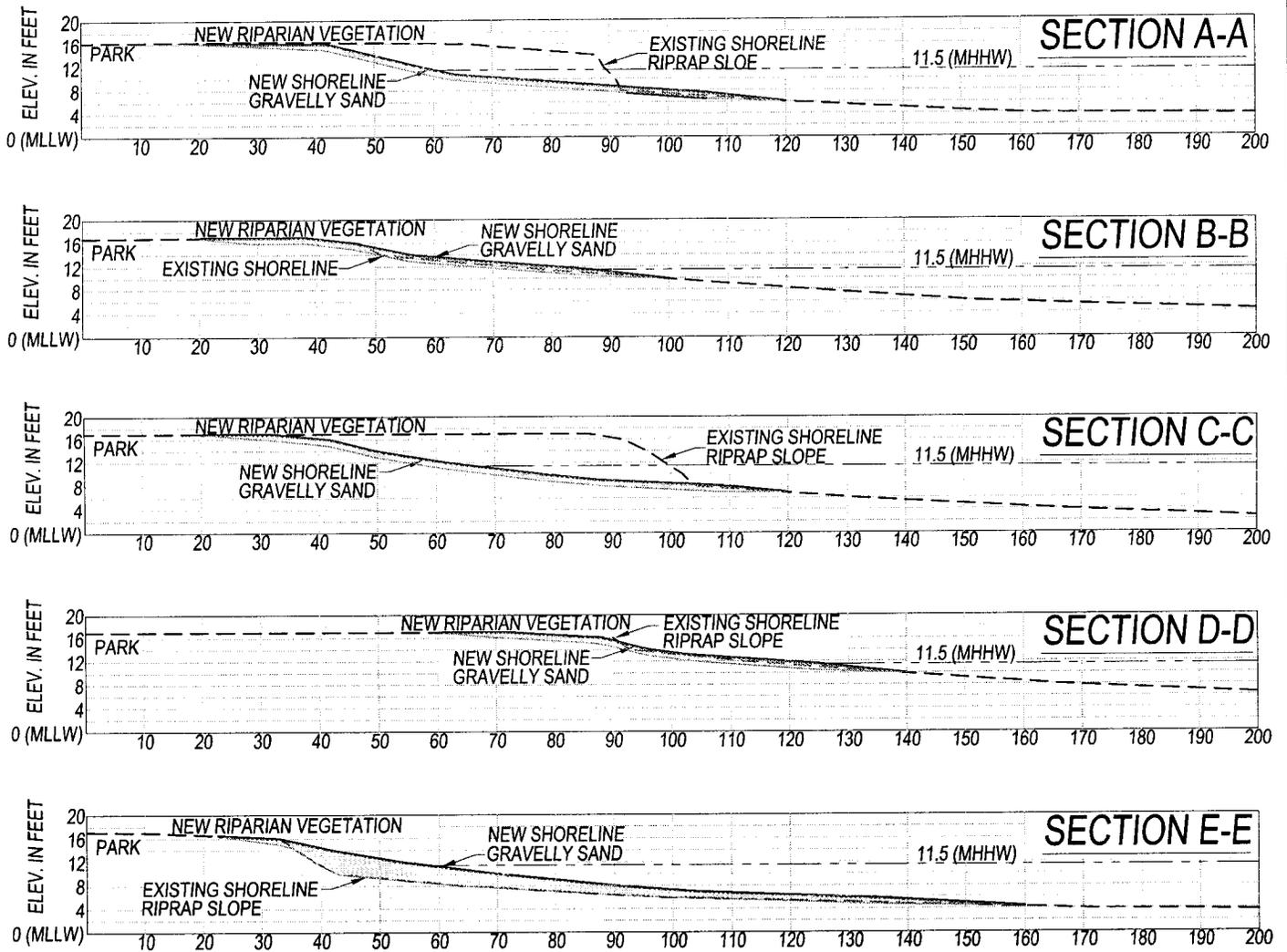
IN: PUGET SOUND

AT: OAK HARBOR, WA.

APPLICATION BY:

CITY OF OAK HARBOR

SHEET 12 of 14 DATE: MAY, 2003



SHORELINE ENHANCEMENT CROSS-SECTIONS

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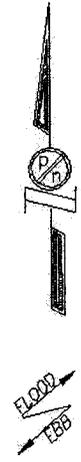
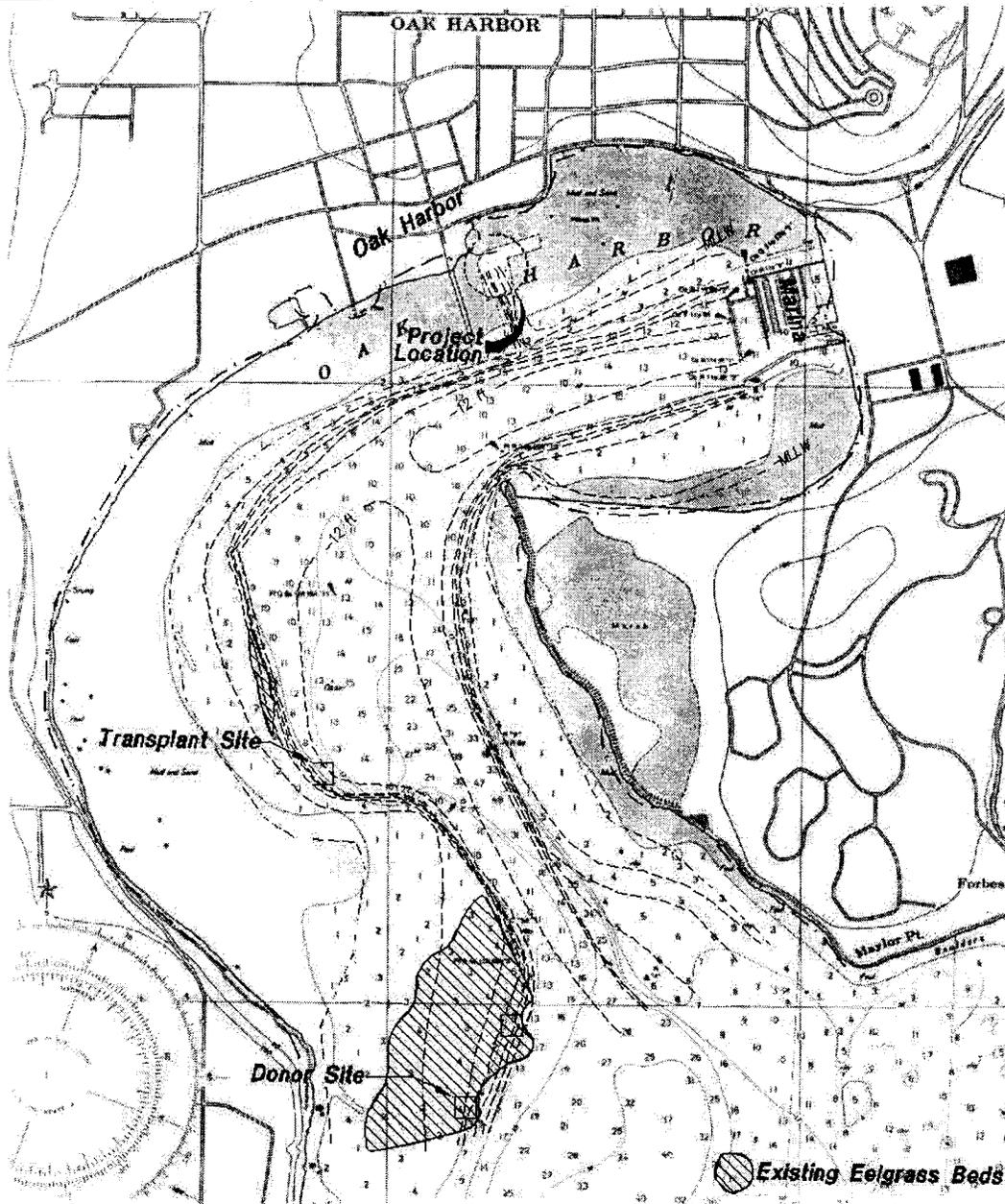
IN: PUGET SOUND

AT: OAK HARBOR, WA.

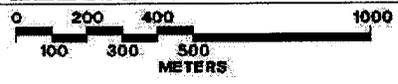
APPLICATION BY:

CITY OF OAK HARBOR

SHEET 13 **of** 14 **DATE:** MAY, 2003



OFFSITE EELGRASS MITIGATION PLAN



PURPOSE:
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AT: OAK HARBOR, WA.
APPLICATION BY:
 CITY OF OAK HARBOR
SHEET 14 of 14 DATE: MAY, 2003



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. 200300797 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