



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: March 22, 2004

Expiration Date: April 22, 2004

Reference: 200400003

Name: Bellingham, Port of

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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 - Port of Bellingham  
Post Office Box 1677  
Bellingham, Washington 98227-1677  
ATTN: Ms. Karen M. Callery  
Telephone: (360) 676-2500

LOCATION - In the Strait of Georgia at Point Roberts, Whatcom County, Washington.

WORK - Remove 112 creosote piles from old pier footprint; install 96 piles and a new 8,190 square feet public pier; rework approximately 30 linear feet of deteriorated riprap (adding 100 cy of rip rap), and install concrete and riprap pier abutment.

PURPOSE - Provide public overwater recreational opportunities for the Point Roberts vicinity.

ENDANGERED SPECIES - The bald eagle (*Haliaeetus leucocephalus*), listed threatened; marbled murrelet (*Brachyramphus marmoratus*), listed threatened; Puget Sound chinook (*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, occurs in the proposed project area. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to the bald eagle, marbled murrelet, Puget Sound chinook, Coastal/Puget Sound bull trout, and steller sea lion, humpback whale, and leatherback sea turtle. A preliminary determination indicates that the activity may affect, will not adversely affect listed chinook salmon, bull trout, bald eagles, marbled murrelets, steller sea lion, humpback whale, and leatherback sea turtle. Informal consultation under Section 7 of the Act will be required.

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 8,190 square feet 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 U.S. Army Corps of Engineers (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:

There are no recorded historic properties within the permit area. The permit area 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, 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 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.

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).

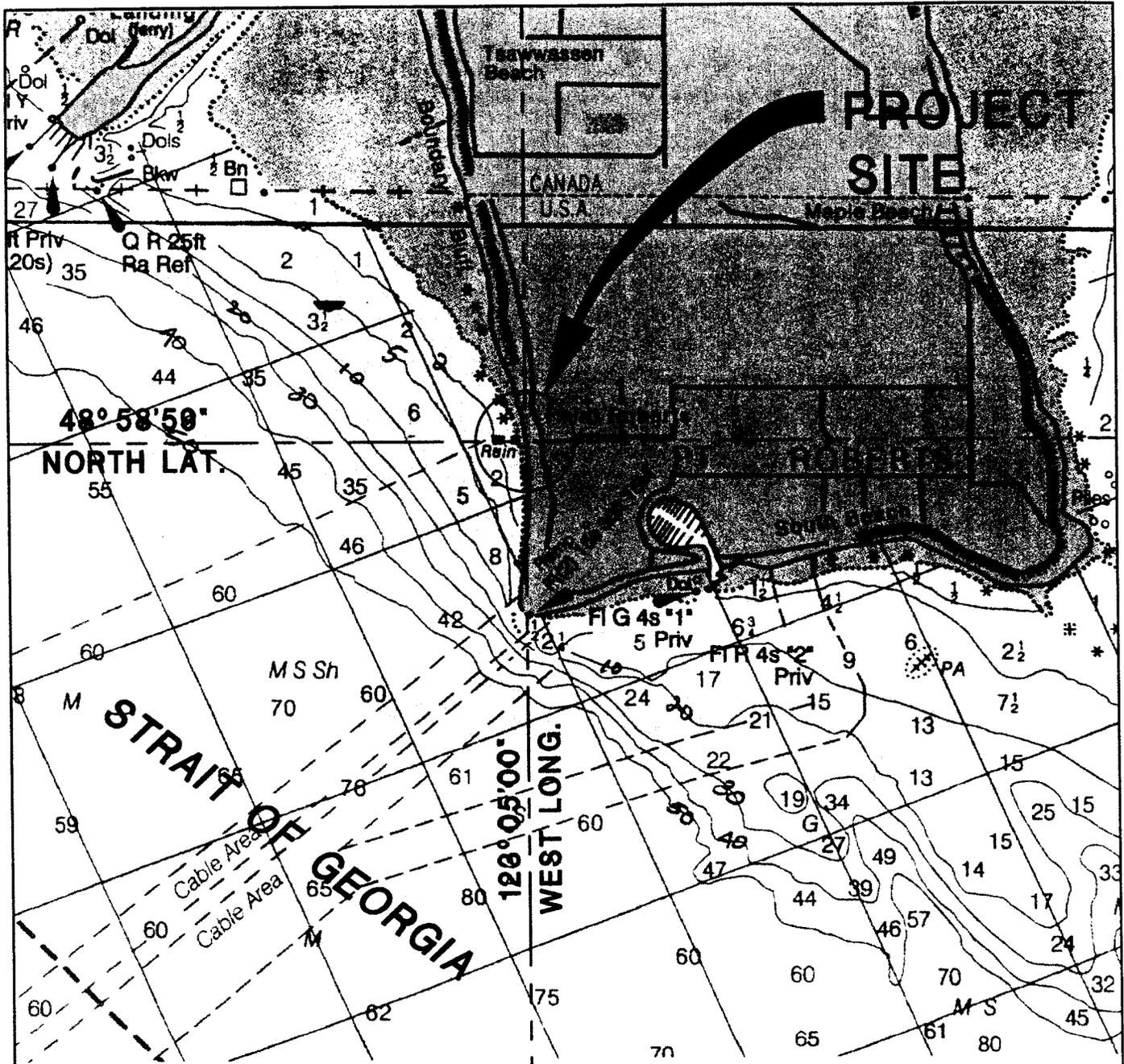
This proposal is the subject of Shorelines Substantial Development Permit No. OOM200300155, being processed by Whatcom County.

200400003, Bellingham, Port of

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@nws02.usace.army.mil](mailto:Randel.J.Perry@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:

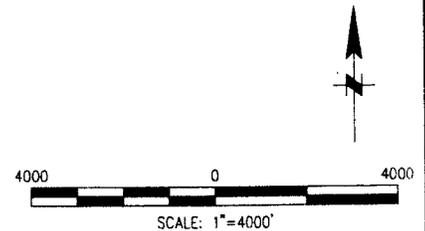
Bellingham, Port of  
200400003

Encl  
Drawings (7)



DIRECTIONS TO SITE FROM SEATTLE

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. I-5 NORTH TO CANADA</li> <li>2. I-5 TURNS INTO 99</li> <li>3. TAKE HWY-17 EXIT TO TSAWASSEN FERRIES</li> <li>4. TURN LEFT ONTO 62B STREET</li> <li>5. TURN LEFT ON 52 STREET</li> <li>6. RIGHT ONTO 12 AVENUE</li> <li>7. LEFT ONTO 50B STREET</li> </ol> | <ol style="list-style-type: none"> <li>8. RIGHT ONTO 8A AVENUE</li> <li>9. LEFT ONTO UNDERHILL DRIVE</li> <li>10. RIGHT ONTO DOGWOOD DRIVE</li> <li>11. RIGHT ONTO 6 AVENUE</li> <li>12. LEFT ONTO ENGLISH BLUFF ROAD</li> <li>13. RIGHT ONTO GULF ROAD</li> <li>14. FOLLOW GULF ROAD TO THE END</li> </ol> |
|---|---|



PURPOSE:  
Remove old Timber Piling & Construct Replacement  
Pier to Provide Public Access to Water

SOURCE: NOAA Chart 18421

DATUM: MLLW = 0.0 (N.O.S.)

Soundings in Fathoms

VICINITY MAP

COE Ref# 200400003

PROPOSED GULF ROAD PIER REPLACEMENT

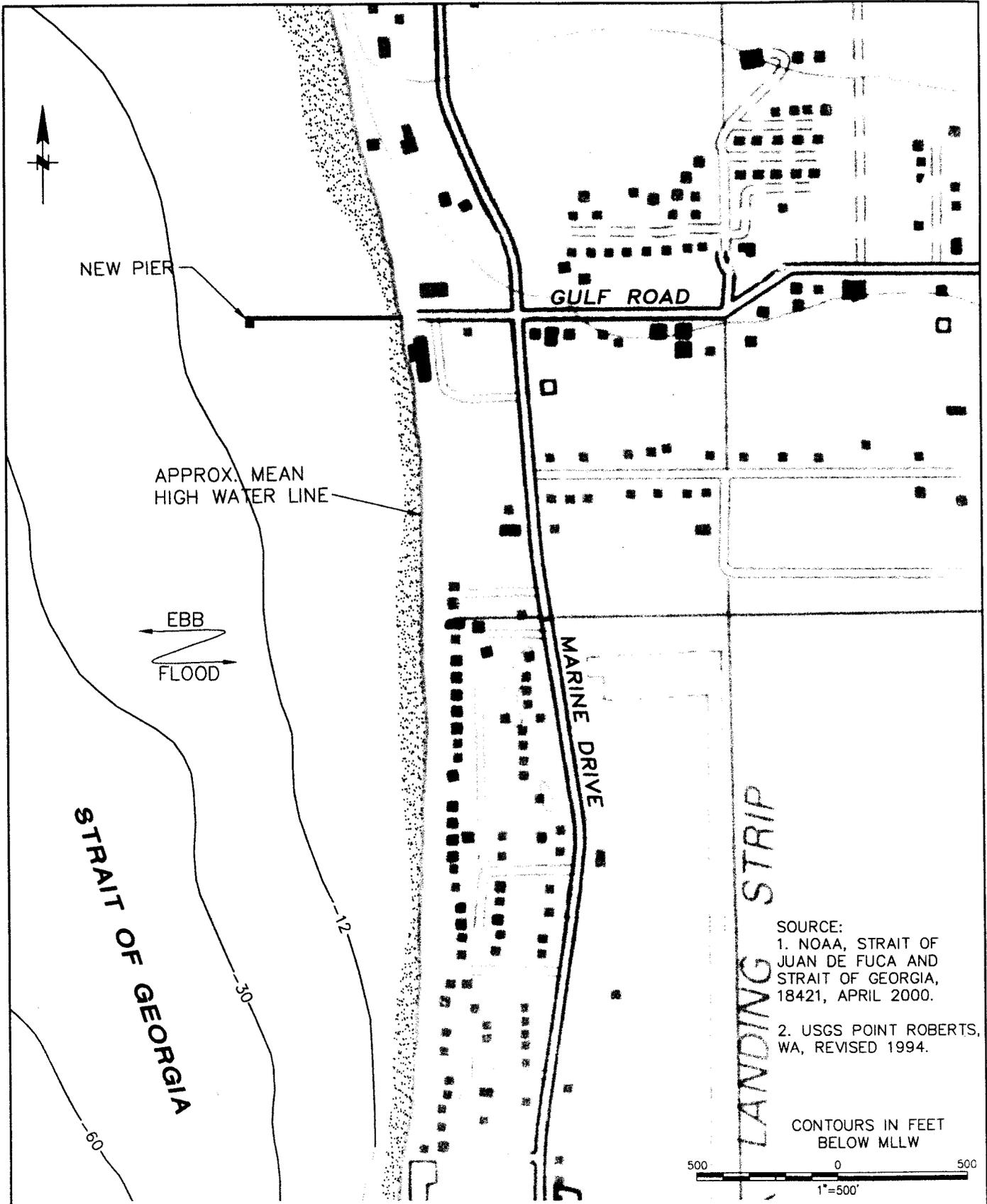
IN: Strait of Georgia

AT: Point Roberts

COUNTY OF: Whatcom STATE: WA

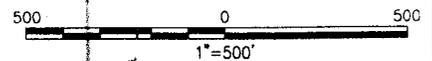
APPLICATION BY: Point Roberts  
Chamber of Commerce 2/3/04

SHEET: 1 OF 7 DATE: 2/4/04



SOURCE:  
 1. NOAA, STRAIT OF JUAN DE FUCA AND STRAIT OF GEORGIA, 18421, APRIL 2000.  
 2. USGS POINT ROBERTS, WA, REVISED 1994.

CONTOURS IN FEET BELOW MLLW



PURPOSE:  
 Remove old Timber Piling & Construct Replacement Pier to Provide Public Access to Water

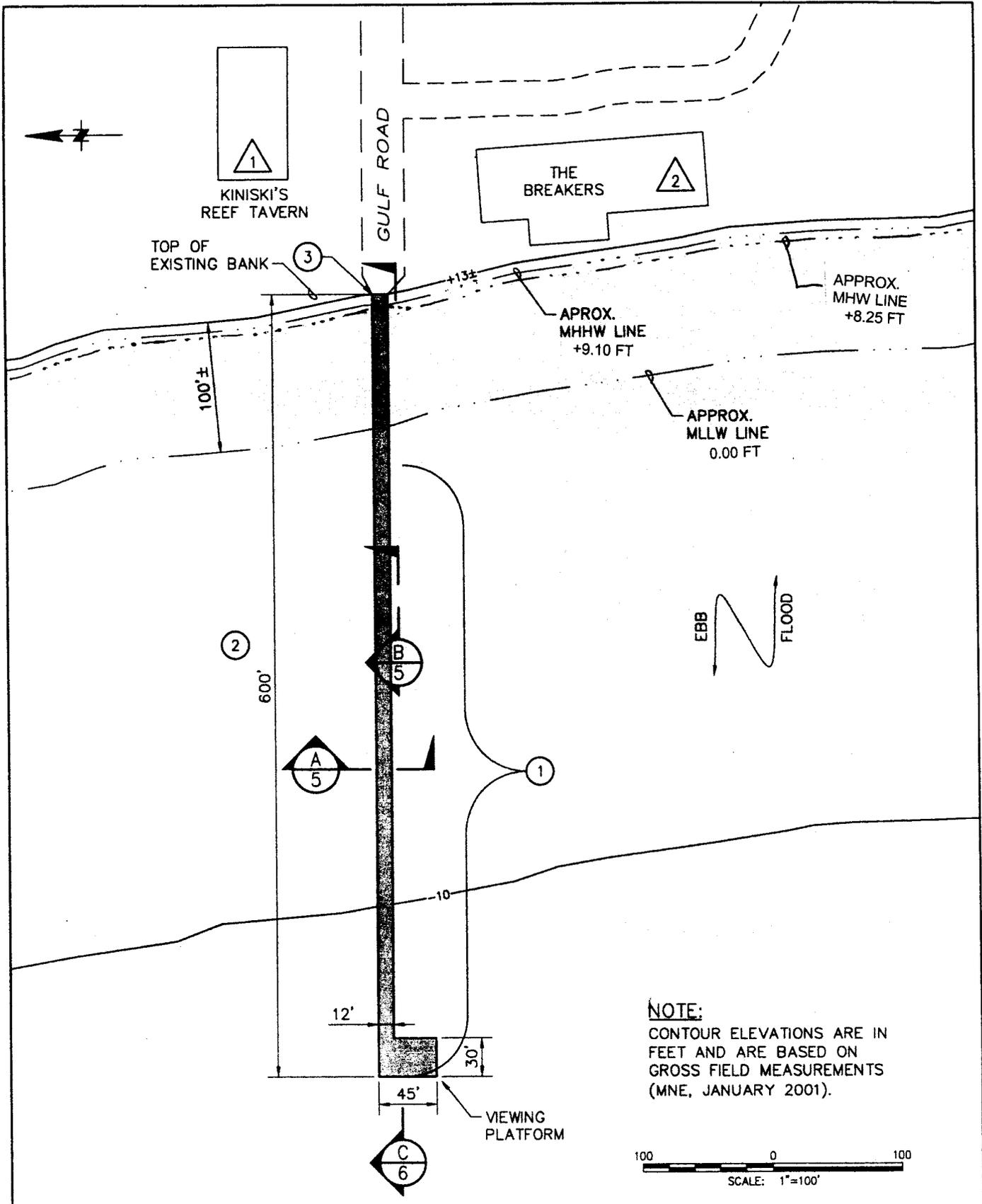
DATUM: MLLW = 0.0 (N.O.S.)

**SITE MAP**

COE Ref. # 20040003

PROPOSED GULF ROAD PIER REPLACEMENT

IN: Strait of Georgia  
 AT: Point Roberts  
 COUNTY OF: Whatcom STATE: WA  
 APPLICATION BY: Point Roberts Chamber of Commerce 2/3/04  
 SHEET: 2 OF 7 DATE: 11/1/04



**NOTE:**  
 CONTOUR ELEVATIONS ARE IN FEET AND ARE BASED ON GROSS FIELD MEASUREMENTS (MNE, JANUARY 2001).

**PURPOSE:**  
 Remove old Timber Piling & Construct Replacement Pier to Provide Public Access to Water

**DATUM:** MLLW = 0.0 (N.O.S.)

**PLAN VIEW**

(OE Ref # 2004003)

**PROPOSED GULF ROAD PIER REPLACEMENT**  
 IN : Strait of Georgia  
 AT: Point Roberts  
 COUNTY OF: Whatcom STATE: WA  
 APPLICATION BY: Point Roberts Chamber of Commerce 2/3/04  
 SHEET: 3 OF 7 DATE: 11/4/01

NOTES:

- ① EXISTING PIER CONSISTS OF UP TO 112 CREOSOTE-TREATED TIMBER PILES TO BE REMOVED AS PART OF PROJECT.
- ② REPLACE UP TO 600 LINEAR FEET OF PIER. PIER DECK WILL BE 12 FEET WIDE. VIEWING PLATFORM WILL BE 30'x45'. TOTAL PIER AREA WILL BE 8,190 SQ FT. INSTALL UP TO 96 STEEL PIPE PILES.
- ③ SHORE PROTECTION REPAIR REQUIRES RECONTOURING UP TO 30 LINEAR FEET OF EXISTING DETERIORATED RIPRAP. INSTALL CONCRETE PIER ABUTMENT AND PROTECT ABUTMENT FLANK WITH UP TO 100 CY OF RIPRAP.

ADJACENT PROPERTY OWNERS:

- ① KINISKI'S REEF TAVERN - 1334 GULF ROAD, POINT ROBERTS, WA 98281
- ② THE BREAKERS - 531 MARINE DRIVE, POINT ROBERTS, WA 98281

PURPOSE:  
Remove old Timber Piling & Construct Replacement Pier to Provide Public Access to Water

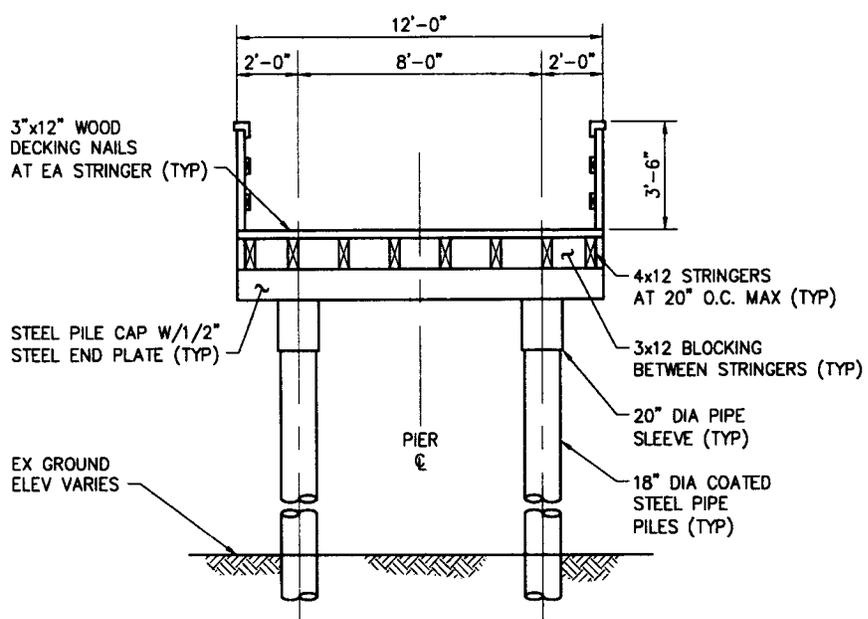
DATUM: MLLW = 0.0 (N.O.S.)

**NOTES**

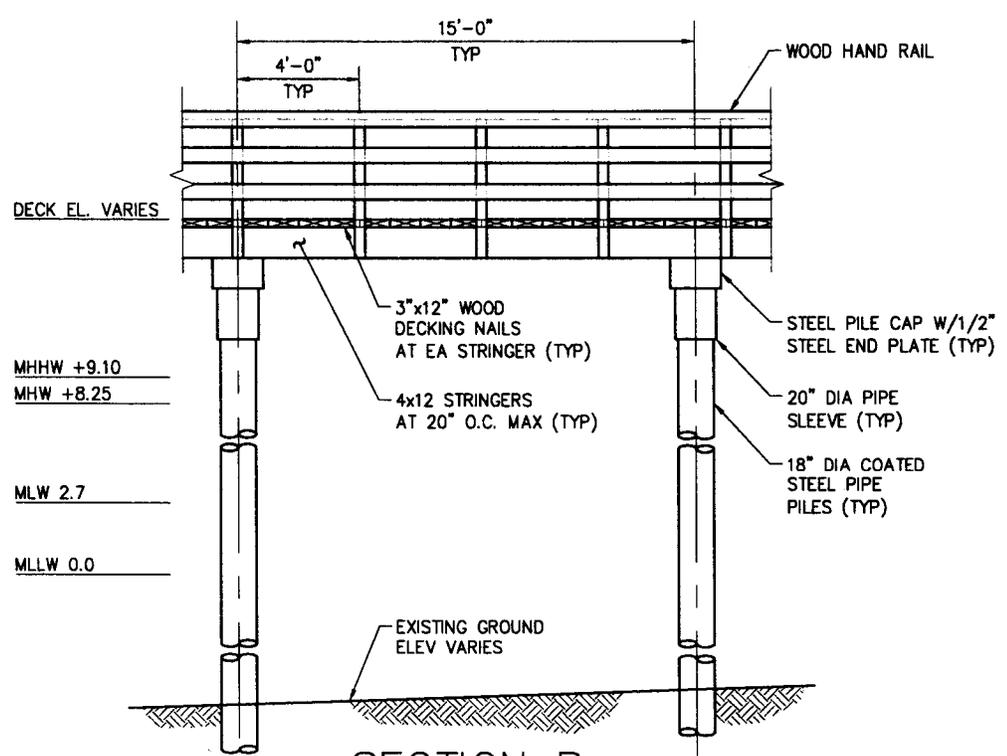
Ref. # 20040003

PROPOSED GULF ROAD PIER REPLACEMENT

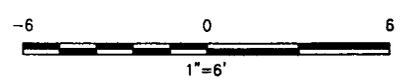
IN : Strait of Georgia  
AT: Point Roberts  
COUNTY OF: Whatcom STATE: WA  
APPLICATION BY: Point Roberts Chamber of Commerce 2/3/04  
SHEET: 4 OF 7 DATE: 11/4/04



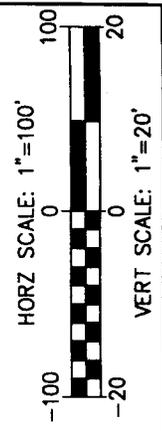
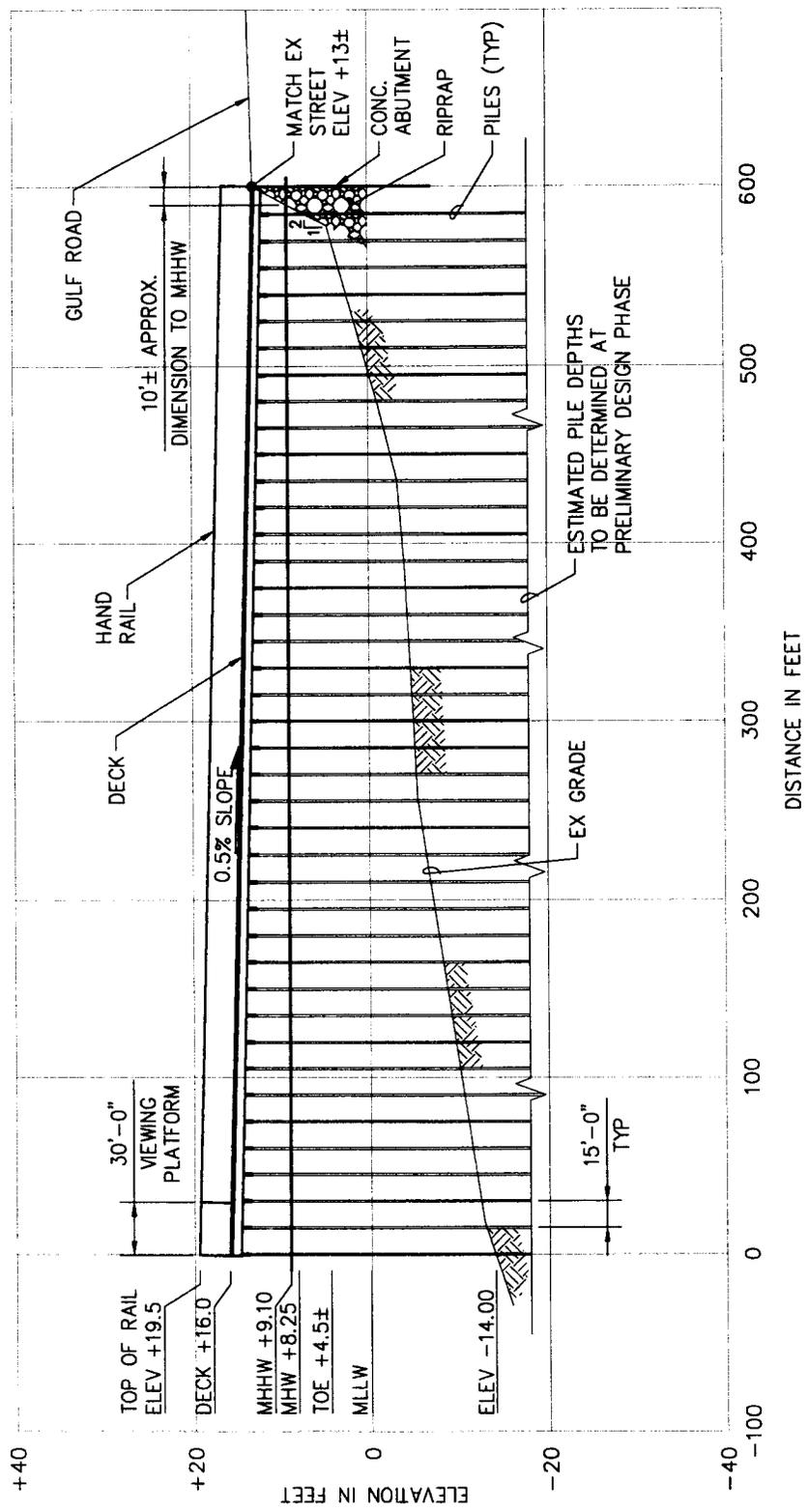
SECTION A



SECTION B



<p>PURPOSE: Remove old Timber Piling &amp; Construct Replacement Pier to Provide Public Access to Water</p> <p>DATUM: MLLW = 0.0 (N.O.S.)</p>	<p><b>PIER CROSS SECTIONS</b></p> <p>COE Ref.# 20040003</p>	<p>PROPOSED GULF ROAD PIER REPLACEMENT</p> <p>IN: Strait of Georgia AT: Point Roberts COUNTY OF: Whatcom STATE: WA APPLICATION BY: Point Roberts Chamber of Commerce SHEET: 5 OF 7 DATE: 2/3/04</p>
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PURPOSE:  
 Remove old Timber Piling & Construct Replacement  
 Pier to Provide Public Access to Water

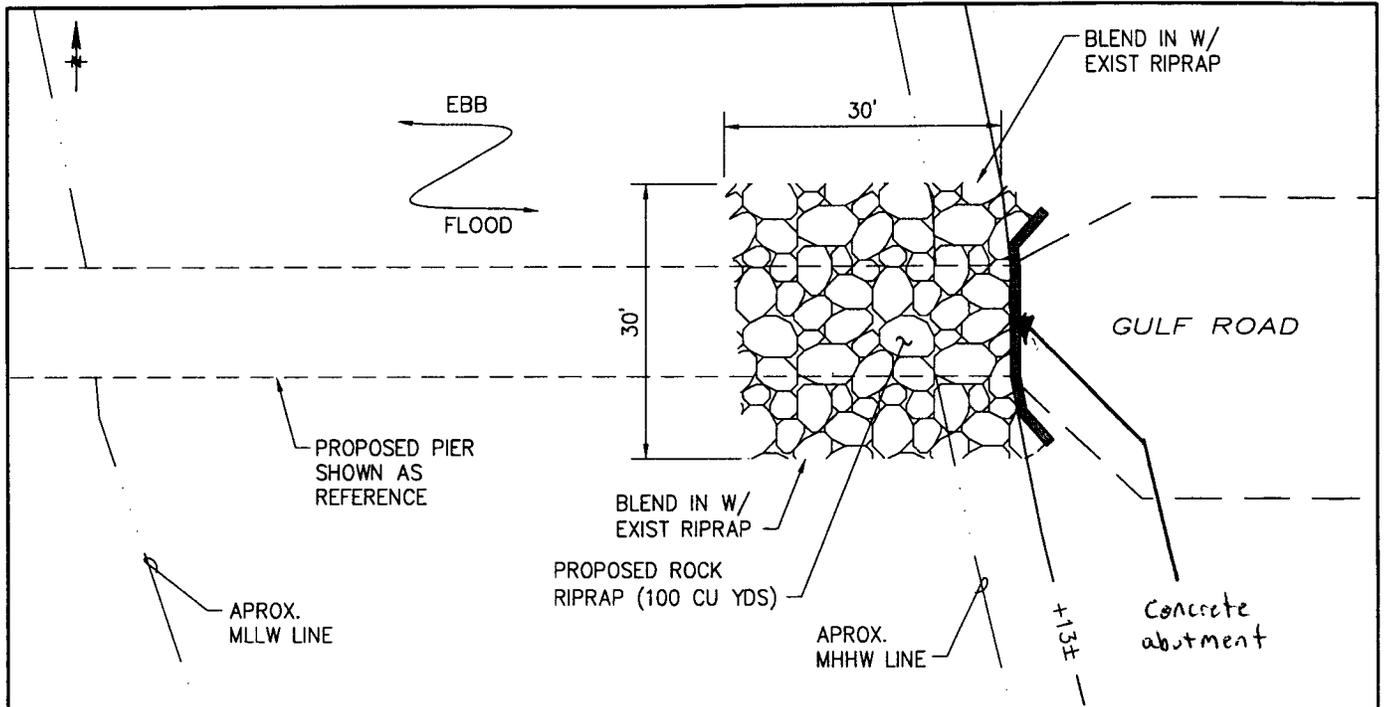
DATUM: MLLW = 0.0 (N.O.S.)

**SECTION C**

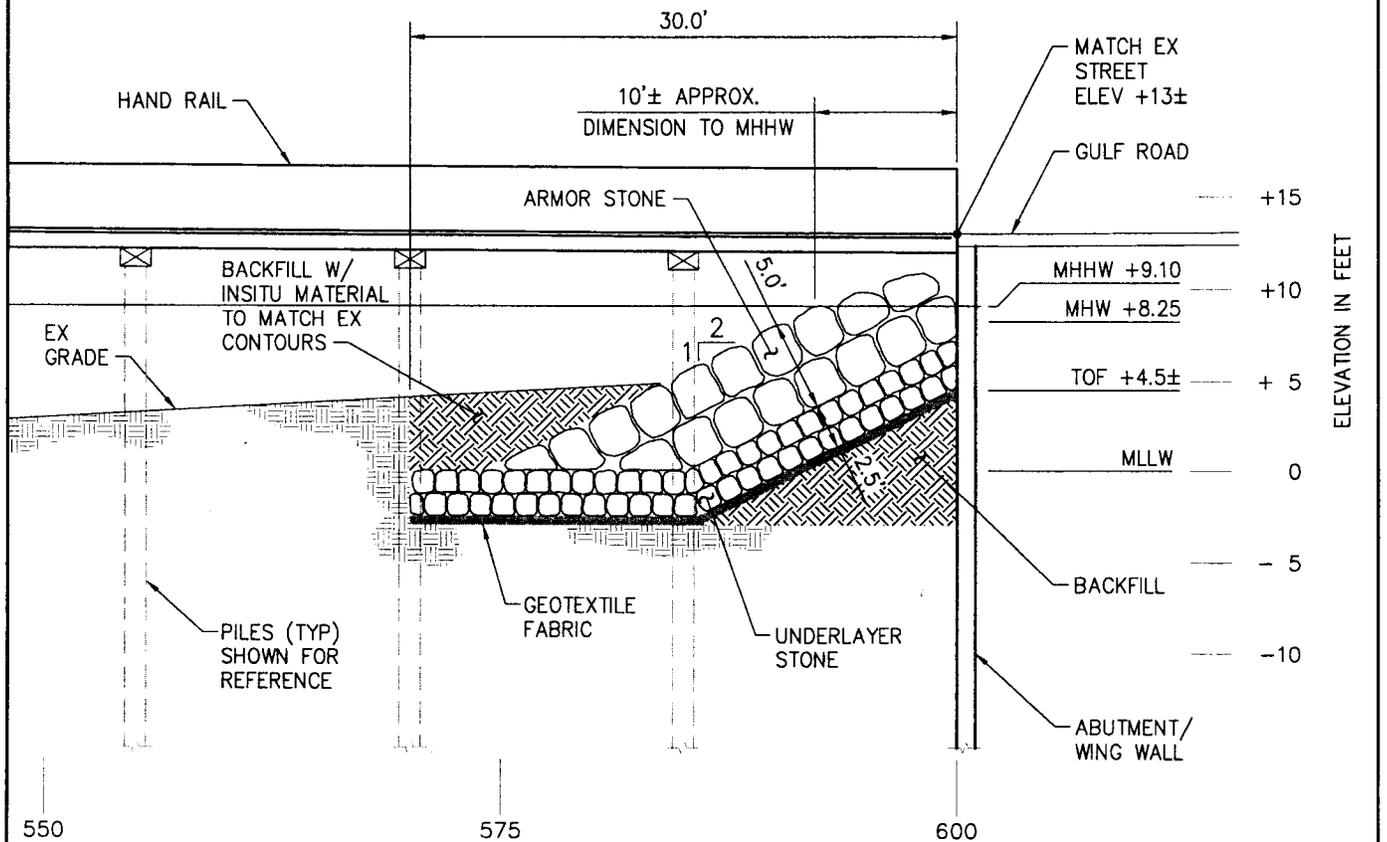
COE Ref. # 2004 0003

PROPOSED GULF ROAD PIER REPLACEMENT

IN : Strait of Georgia  
 AT: Point Roberts  
 COUNTY OF: Whatcom STATE: WA  
 APPLICATION BY: Point Roberts  
 Chamber of Commerce 2/1/04  
 SHEET: 6 OF 7 DATE: 11/1/01



**PLAN VIEW**



**SECTION**

PURPOSE:  
Remove old Timber Piling & Construct Replacement Pier to Provide Public Access to Water

DATUM: MLLW = 0.0 (N.O.S.)

**REWORK OF EXIST. RIPRAP**

COE Ref. # 200400003

PROPOSED GULF ROAD PIER REPLACEMENT

IN: Strait of Georgia  
 AT: Point Roberts  
 COUNTY OF: Whatcom STATE: WA  
 APPLICATION BY: Point Roberts Chamber of Commerce 2/3/04  
 SHEET: 7 OF 7 DATE: 02/03/04



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: March 22, 2004

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. 200400003 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