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: Jessica Winkler, Project Manager

Public Notice Date: 6 August 2004
Expiration Date: 6 September 2004
Reference: 200400190
Name: Port of Seattle

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 Seattle
Post Office Box 1209
Seattle, Washington 98111-1209
ATTN: Mr. George Blomberg
Telephone: (206) 728-3194

LOCATION – Terminal 37, 42, and 46 in Elliott Bay, at Seattle, Washington.

WORK – Dredge up to 27,000 cubic yards (cy) of material to achieve a berth depth of minus 50 feet mean lower low water (MLLW), with up to 2 feet over-dredge, and dispose of 13,038.5 cy of suitable material in the Elliott Bay Puget Sound Dredged Disposal Analysis open-water disposal site. The dredging at the toe of the slope may result in the migration of riprap down the slope causing damage to the existing concrete piling. Up to 15.5 cy of epoxy may be used to repair up to 28 concrete piling in the event of damage.

PURPOSE – Restore berthing capacity for deep draft vessels.

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 13,038.5 cubic yards were suitable for unconfined disposal at the PSDDA nondispersive (or dispersive) open-water disposal site in Elliott Bay. The remaining 13,961.5 cubic yards were found unsuitable for open-water disposal. After mechanical removal, this material will be loaded onto trucks and transported to an upland disposal area, approved by the Washington State Department of Ecology and the King County Department of Health. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office.

Dredging Plan: A dredging plan, sufficient to adequately separate contaminated material from sediments suitable for open-water disposal will be prepared by the applicant and submitted to

the regulatory agencies for review prior to dredging. A pre-dredging conference will be held to review quality control plans and procedures for material separation and disposal positioning.

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.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The Coastal/Puget Sound bull trout (*Salvelinus confluentus*), threatened; Puget Sound Chinook (*Oncorhynchus tshawytscha*), threatened; Bald eagle (*Haliaeetus leucocephalus*) threatened; Marbled murrelet (*Brachyramphus marmoratus*), 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 Marbled murrelet and Steller sea lion critical habitat has been designated. A preliminary determination indicates that the activity may affect, but is not likely to adversely affect endangered or threatened species, or their critical habitat, designated under the Endangered Species Act of 1973.

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, and Coastal Pelagic Species occur in the project area. The proposed action would impact approximately 5.6 acres of EFH for these species.

The Corps has determined that 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 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.

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.

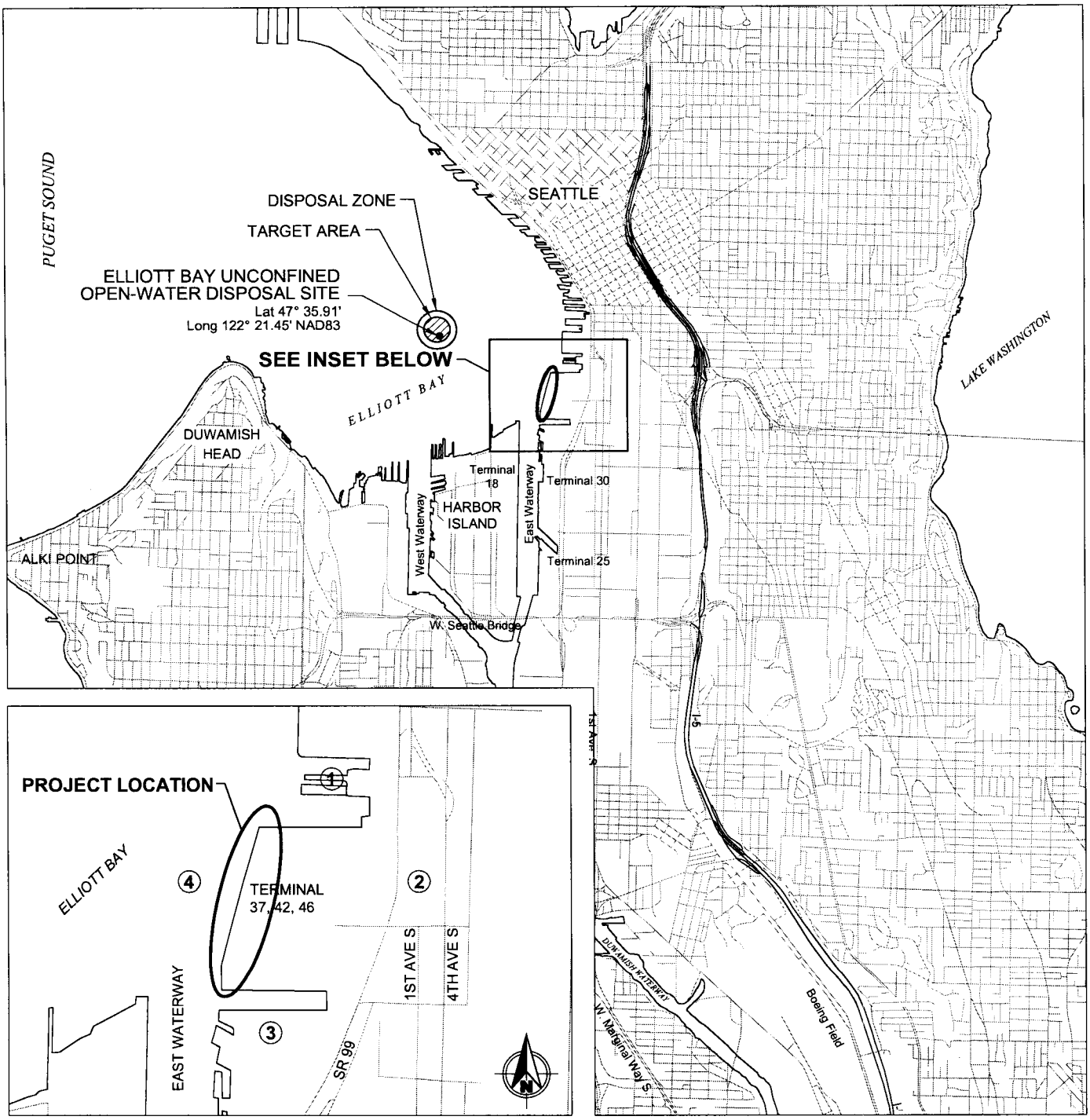
ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development Permit No. 240163, being processed by the City of Seattle, Department of Design, Construction and Development.

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 Jessica.G.Winkler@nws02.usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. 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:

Port of Seattle, 200400190

Encl
Drawings (6)



ADJACENT PROPERTY OWNERS:

1. Port of Seattle
2. City of Seattle
3. U.S. Coast Guard
4. Washington Department of Natural Resources

0 1500
Scale in Feet

0 1
Scale in Miles

PURPOSE: BERTH MAINTENANCE DREDGING

DATUM: HORIZONTAL: SP NAD83 WA N
47° 35' 40" N
122° 21' 00" W
VERTICAL: NOS MLLW=0.0

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE
PORT OF SEATTLE
US COAST GUARD
STATE OF WASHINGTON

VICINITY MAP

200400190

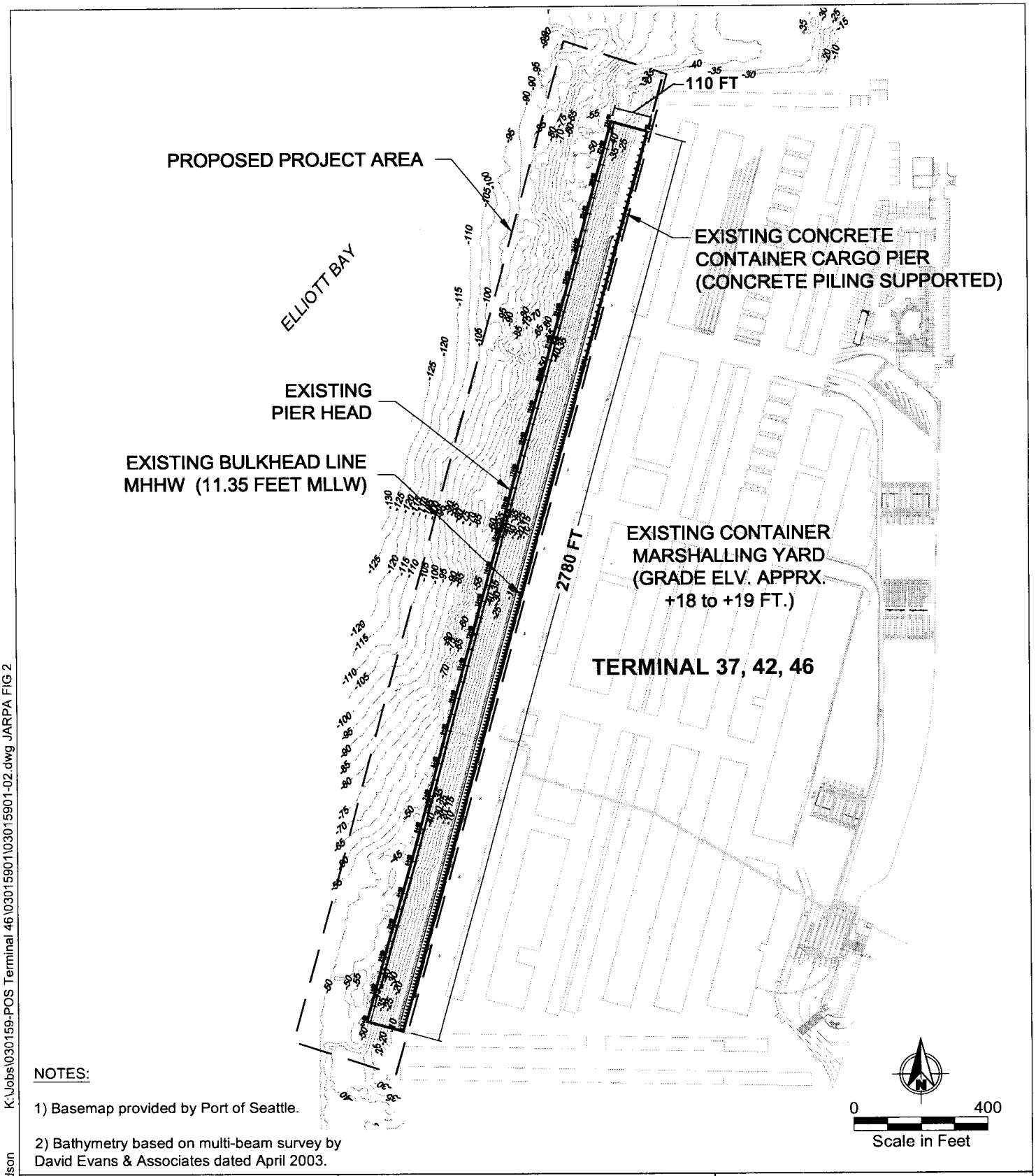
FIGURE 1

IN: CITY OF SEATTLE
AT: TERMINAL 37, 42, 46
COUNTY OF: KING STATE: WA
APPLICATION BY: PORT OF SEATTLE

SHEET 1 OF 6 DATE: FEB. 2004

K:\Jobs\030159-POS Terminal 46\03015901\03015901-01.dwg JARPA FIG 1

Feb 20, 2004 10:55am cdavidson



NOTES:

1) Basemap provided by Port of Seattle.

2) Bathymetry based on multi-beam survey by David Evans & Associates dated April 2003.

PURPOSE: BERTH MAINTENANCE DREDGING

DATUM: HORIZONTAL: SP NAD83 WA N
47° 35' 40" N
122° 21' 00" W
VERTICAL MLLW

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE
PORT OF SEATTLE
US COAST GUARD
STATE OF WASHINGTON

EXISTING CONDITIONS

200400190

FIGURE 2

IN: CITY OF SEATTLE
AT: TERMINAL 37, 42, 46
COUNTY OF: KING STATE: WA
APPLICATION BY: PORT OF SEATTLE

SHEET 2 OF 6 DATE: FEB. 2004

K:\Jobs\030159-POS Terminal 46\03015901\03015901-02.dwg JARPA FIG 2

Feb 20, 2004 10:29am cdavidson

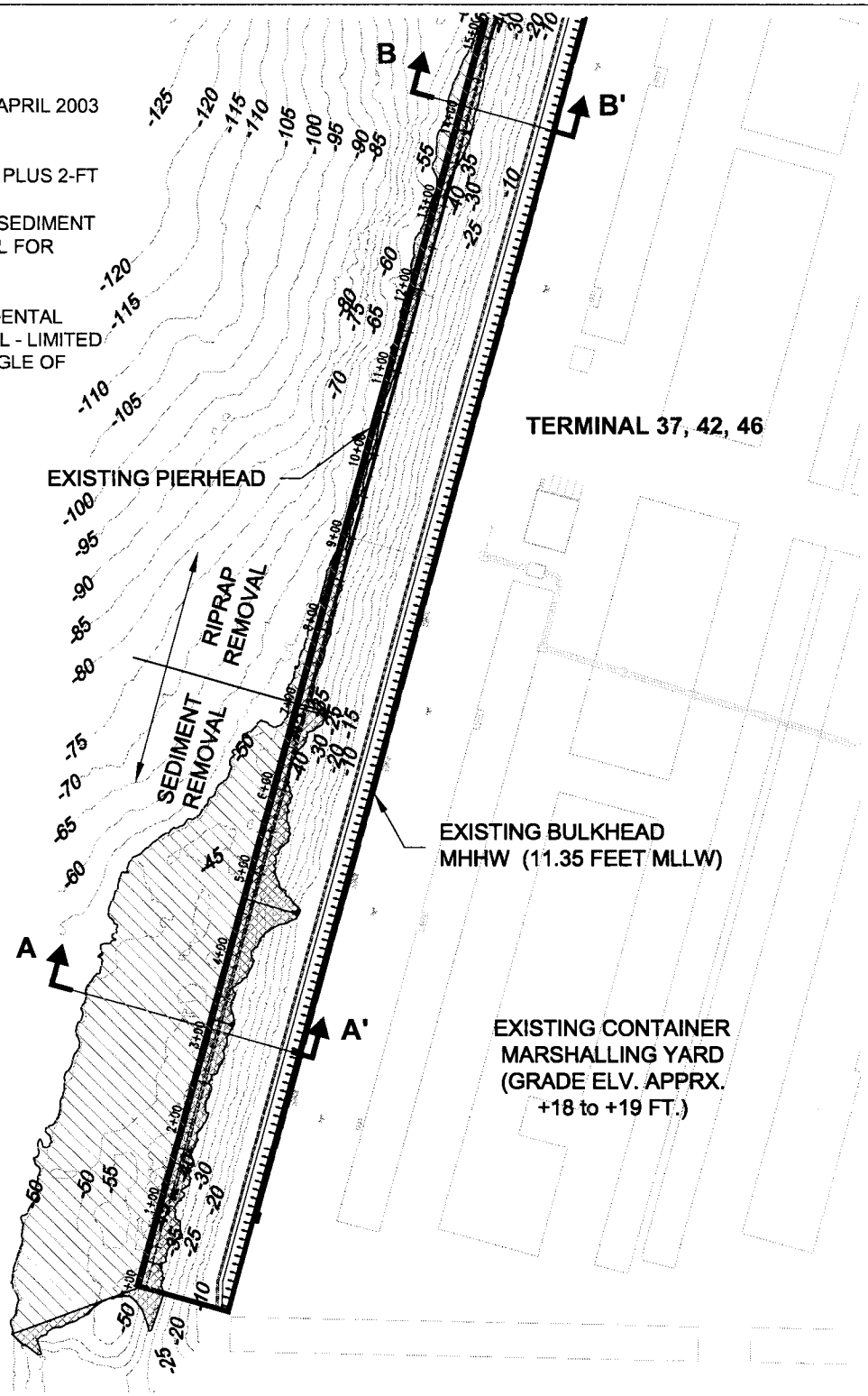
LEGEND

BATHYMETRIC CONTOUR - APRIL 2003 (5-FT INTERVAL)

DREDGING TO -50 FT MLLW PLUS 2-FT ALLOWABLE OVERDEPTH. APPROXIMATELY 22,100 cy SEDIMENT AND 4,900 cy RIPRAP (TOTAL FOR PROJECT) TO BE DREDGED

POTENTIAL MAXIMUM INCIDENTAL SEDIMENT / ROCK REMOVAL - LIMITED BY SEDIMENT NATURAL ANGLE OF REPOSE

BB' CROSS SECTION LOCATION (SEE FIGURES 5 AND 6)



NOTES:

1) Basemap provided by Port of Seattle.

2) Bathymetry based on multi-beam survey by David Evans & Associates dated April 2003.

0 200
Scale in Feet

PURPOSE: BERTH MAINTENANCE DREDGING

DATUM: HORIZONTAL: SP NAD83 WA N
47° 35' 40" N
122° 21' 00" W
VERTICAL MLLW

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE
PORT OF SEATTLE
US COAST GUARD
STATE OF WASHINGTON

DREDGE PLAN (SOUTH)

200400190

FIGURE 3

IN: CITY OF SEATTLE
AT: TERMINAL 37, 42, 46
COUNTY OF: KING STATE: WA
APPLICATION BY: PORT OF SEATTLE

SHEET 3 OF 6 DATE: FEB. 2004

K:\Jobs\030159-POS Terminal 46\03015901\03015901-03.dwg JARPA FIG 3

Feb 20, 2004 10:26am cdavidson

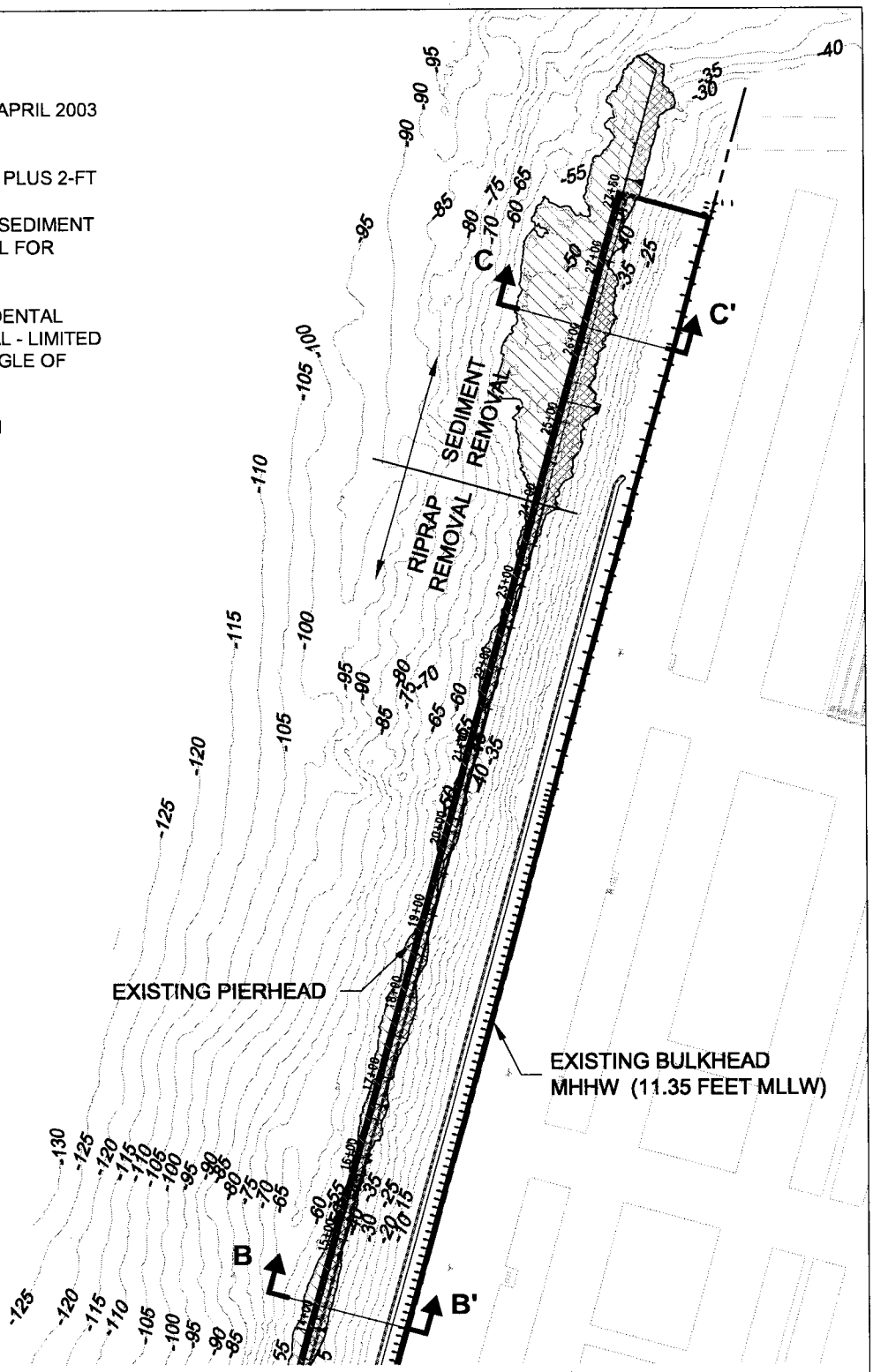
LEGEND

BATHYMETRIC CONTOUR - APRIL 2003 (5-FT INTERVAL)

DREDGING TO -50 FT MLLW PLUS 2-FT ALLOWABLE OVERDEPTH. APPROXIMATELY 22,100 cy SEDIMENT AND 4,900 cy RIPRAP (TOTAL FOR PROJECT) TO BE DREDGED

POTENTIAL MAXIMUM INCIDENTAL SEDIMENT / ROCK REMOVAL - LIMITED BY SEDIMENT NATURAL ANGLE OF REPOSE

BB' CROSS SECTION LOCATION (SEE FIGURES 5 AND 6)



NOTES:

1) Basemap provided by Port of Seattle.

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PURPOSE: BERTH MAINTENANCE DREDGING

DATUM: HORIZONTAL: SP NAD83 WA N
47° 35' 40" N
122° 21' 00" W
VERTICAL MLLW

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE
PORT OF SEATTLE
US COAST GUARD
STATE OF WASHINGTON

DREDGE PLAN (NORTH)

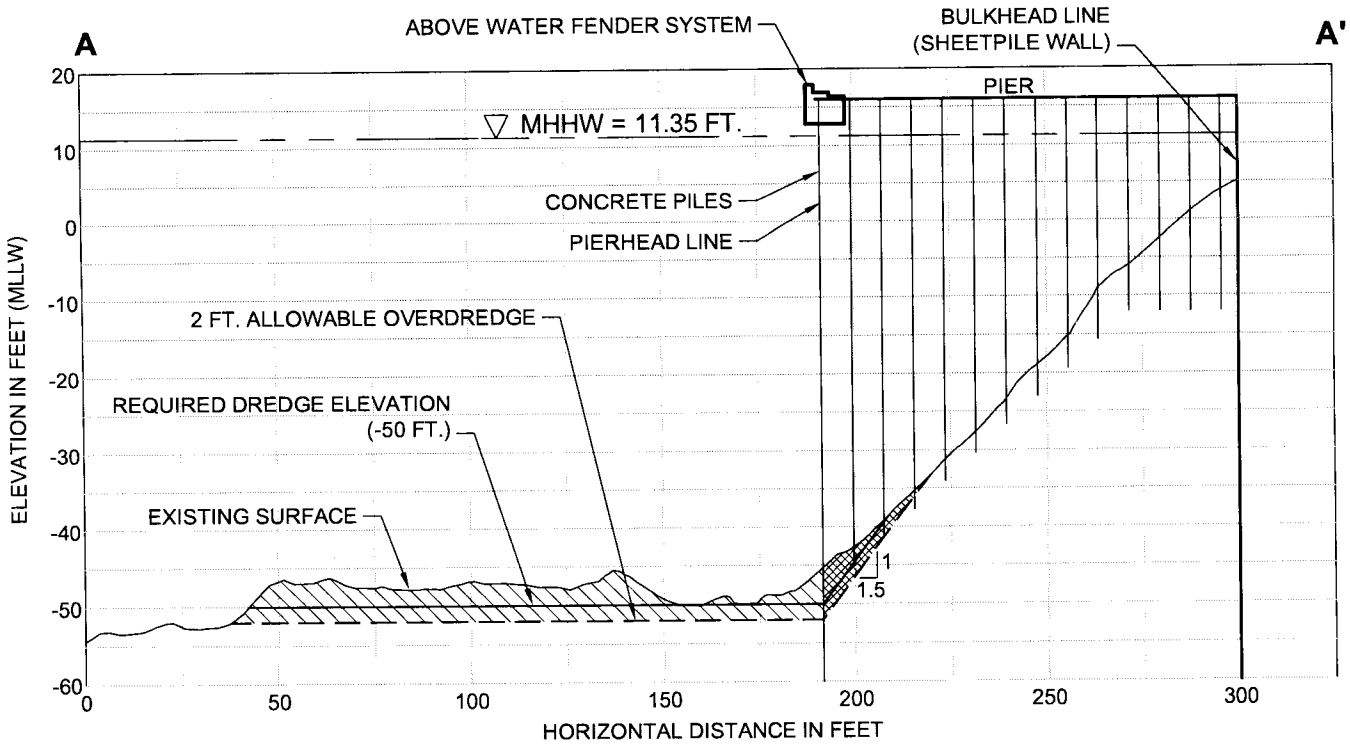
200400190

FIGURE 4

IN: CITY OF SEATTLE
AT: TERMINAL 37, 42, 46
COUNTY OF: KING STATE: WA
APPLICATION BY: PORT OF SEATTLE

SHEET 4 OF 6 DATE: FEB. 2004

Feb 20, 2004 10:44am cdavidson K:\Jobs\030159-POS Terminal 46\03015901\03015901-03.dwg JARPA FIG 4



HORIZONTAL SCALE IN FEET

0 50 100

0 25 50

VERTICAL SCALE IN FEET

Vertical Exaggeration x 2

DREDGE AREA

POTENTIAL MAXIMUM INCIDENTAL SEDIMENT REMOVAL - LIMITED BY NATURAL ANGLE OF REPOSE

PURPOSE: BERTH MAINTENANCE DREDGING

DATUM: HORIZONTAL: SP NAD83 WA N
47° 35' 40" N
122° 21' 00" W
VERTICAL MLLW

ADJACENT PROPERTY OWNERS:
City of Seattle
PORT OF SEATTLE
US COAST GUARD
STATE OF WASHINGTON

CROSS SECTION A-A'

200400190

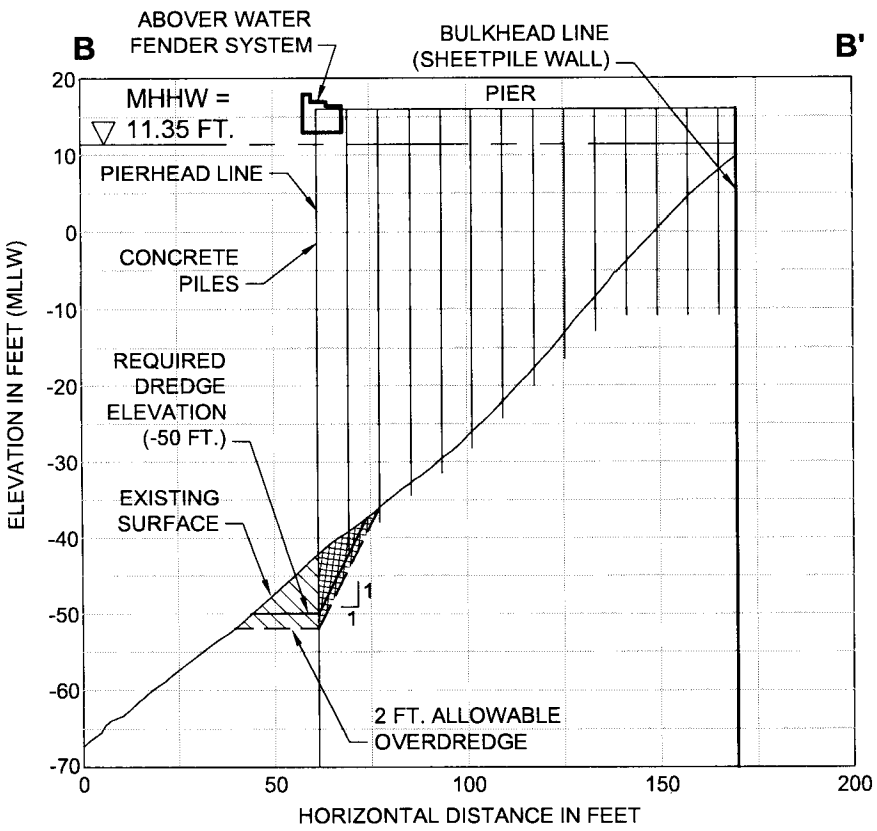
FIGURE 5

IN: CITY OF SEATTLE
AT: TERMINAL 37, 42, 46
COUNTY OF: KING STATE: WA
APPLICATION BY: PORT OF SEATTLE

SHEET 5 OF 6 DATE: FEB. 2004

K:\Jobs\030159-POS Terminal 46\03015901\03015901-04.dwg FIG 5 JARPA

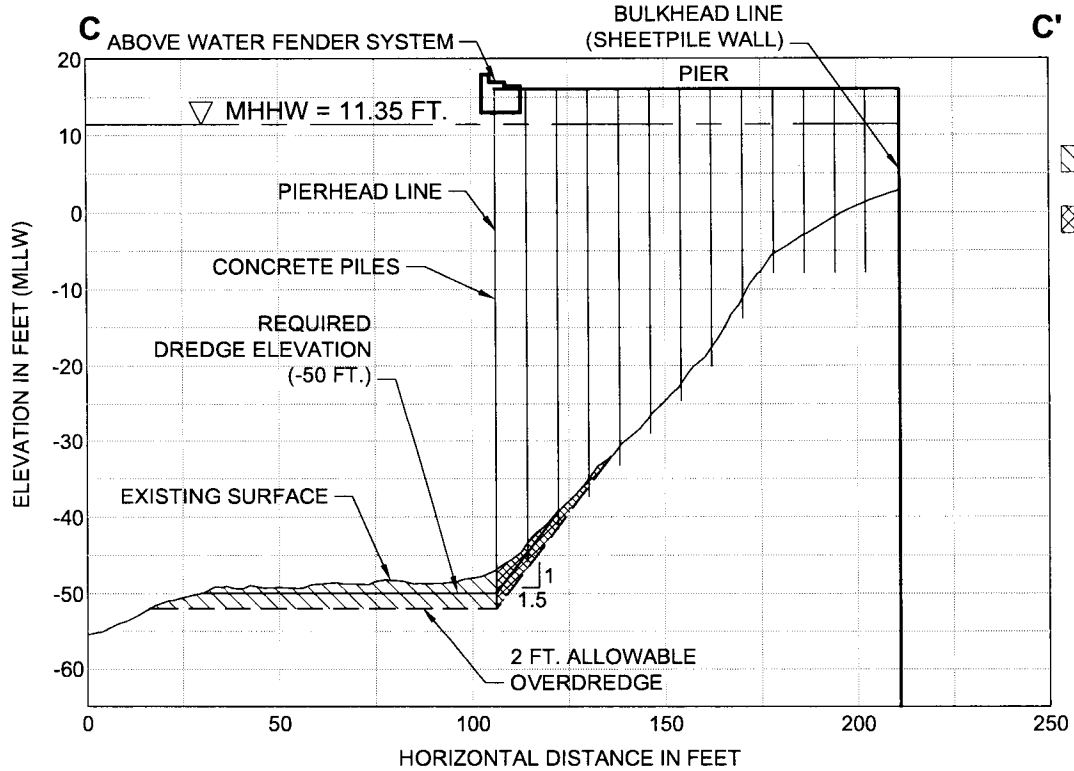
Feb 20, 2004 10:33am cdavidson



DREDGE AREA

POTENTIAL MAXIMUM INCIDENTAL RIPRAP REMOVAL - LIMITED BY NATURAL ANGLE OF REPOSE

HORIZONTAL SCALE IN FEET
0 50 100
0 25 50
VERTICAL SCALE IN FFET
Vertical Exaggeration x 2



DREDGE AREA

POTENTIAL MAXIMUM INCIDENTAL SEDIMENT REMOVAL - LIMITED BY NATURAL ANGLE OF REPOSE

K:\Jobs\030159-POS Terminal 46\03015901\03015901-04.dwg FIG 6 JARPA

Feb 20, 2004 10:36am cdavidson

PURPOSE: BERTH MAINTENANCE DREDGING

DATUM: HORIZONTAL: SP NAD83 WA N
47° 35' 40" N
122° 21' 00" W
VERTICAL MLLW

ADJACENT PROPERTY OWNERS:
CITY OF SEATTLE
PORT OF SEATTLE
US COAST GUARD
STATE OF WASHINGTON

CROSS SECTIONS B-B' AND C-C'

200400190

FIGURE 6

IN: CITY OF SEATTLE
AT: TERMINAL 37, 42, 46
COUNTY OF: KING STATE: WA
APPLICATION BY: PORT OF SEATTLE

SHEET 6 OF 6 DATE: FEB. 2004

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: August 6, 2004

Notice is herby 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. 200400190 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 herby 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