



US Army Corps  
of Engineers  
Seattle District

# Public Notice

## Proposal to Issue a Regional General Permit

Regulatory Branch  
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Seattle, Washington 98124-3755  
Telephone (206) 764-3495  
ATTN: Jack Kennedy, Project Manager

Public Notice Date: August 8, 2003  
Public Notice Expiration Date: September 8, 2003  
Reference: CENWS-OD-RG-RGP-7, 200300154  
Name: Repairs at Industrial Facilities

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Interested parties are hereby notified that, in accordance with 33 CFR 325.3(e), the Seattle District of the U.S. Army Corps of Engineers (Corps) is proposing to issue a regional general permit (RGP) that would authorize the work described herein, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

PERMIT NUMBER – CENWS-OD-RG-RGP-7

PERMIT TITLE – The proposed RGP is titled “Routine Maintenance and Repairs of Structures at Public and Industrial Facilities.

ISSUING OFFICE – U.S. Army Corps of Engineers, Seattle District  
Regulatory Branch, CENWS-OD-RG  
P.O. Box 3755  
Seattle, Washington 98124-3755

LOCATION OF AUTHORIZED ACTIVITIES – The proposed RGP would be applicable in all navigable waters within the State of Washington. A list of all Washington waters designated navigable is available at the following Seattle District web site:

[www.nws.usace.army.mil/publicmenu/DOCUMENTS/navigable\\_waters.xls](http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/navigable_waters.xls)

We expect almost all of the work this RGP would authorize would be concentrated in the following navigable waters:

- Urban waterfronts in marine waters
- Snohomish River to its upstream confluence with Ebey Slough
- Lake Washington Ship Canal, Lake Union, Lake Washington
- Chehalis River to River Mile 4 (Cosmopolis)
- Willapa River to River Mile 8 (South Bend)
- Columbia River, mouth to Vancouver
- Cowlitz River to River Mile 5 (New SR 4 Bridge in Kelso)
- Snake River, from its confluence with Columbia River to the Idaho border

WORK – The proposed RGP would authorize actions necessary to maintain usability of existing structures, or to replace broken, damaged, or aging components of structures, or of entire structures themselves, in industrial settings, port facilities, ferry terminals, and other facilities under the ownership of Federal, state, local or Tribal government entities.

PURPOSE – The purpose of this RGP is to expedite the authorization of the above-described repair, maintenance, and replacement activities. Use of this RGP would reduce the amount of paperwork and time required to authorize qualifying projects. It would make available for limited use an already-issued Department of Army general permit that will likely include concluded Endangered Species Act Section 7 consultations, Essential Fish Habitat consultation, State water quality certification, and coastal zone management consistency concurrence. All instances of work would be similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. We would not authorize any work with this RGP that could not be similarly authorized by Nationwide Permit 3.

ENDANGERED SPECIES – The Endangered Species Act of 1973 (ESA) requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (FWS), pursuant to Section 7 of the ESA, on any action or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that the categories of activities to be authorized by this RGP may affect federally listed species and, therefore, will consult with the NMFS and FWS as appropriate.

ESSENTIAL FISH HABITAT – The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). If the Corps determines that issuance of this RGP may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate consultation with the NMFS.

CULTURAL RESOURCES – The specific individual locations of activities that might be authorized by the proposed RGP are not known and, therefore, the District Engineer cannot determine at this time whether any of the activities that would be authorized by the proposed RGP may affect an historic property listed, or eligible for listing, in the National Register of Historic Places (NRHP). However, if issued, the proposed RGP would not authorize any activity that may affect historic properties listed, or eligible for listing, in the NRHP until the provisions of 33 CFR 325, Appendix C, have been satisfied. Upon the receipt of an application for work under this RGP, the Seattle District would screen the location against a database for proximity to established cultural resources. Applicants would also be required to notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing, or may be eligible for listing in the NRHP, and would not be authorized to conduct the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties with knowledge of, or concerns with, historic properties.

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 the proposed permit will be based on an evaluation of the probable impact, including cumulative impacts of the authorized activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The

benefits that may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, 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 proposal. Any comments received will be considered, by the Corps in determining whether or not to issue the proposed RGP. Comments are used to help the Corps assess likely impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. The comments we receive will be used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act, and will be used to determine the need for a public hearing. Some comments may lead the Corps to modify the wording, conditions, or scope of coverage of the proposed RGP. If the Corps decides to issue this RGP, we will circulate the final wording in an informational public notice.

ADDITIONAL EVALUATION – The Washington Department of Ecology (Ecology) will determine, pursuant to Section 401 of the CWA and Chapters 173-225 of the Washington Administrative Code (WAC), that the discharge of fill authorized by this RGP for purposes of habitat enhancement or sediment capping related to pile removal, will not violate established water quality standards.

Ecology will also determine, pursuant to the requirements of the U.S. Coastal Zone Management Act (16 U.S.C. 1452 et seq.) and its implementing regulations (15 CFR 923-930), whether the activities that would be authorized by the proposed RGP and for which Ecology is responsible will be consistent with the State's Coastal Zone Management program.

COMMENT AND REVIEW PERIOD – Comments on this proposal will be accepted and made part of the record and will be considered in determining whether it would be in the best public interest to issue the proposed permit. Comments should reach this office, Attn: Regulatory Branch, not later than the expiration date of this public notice to ensure that they can be considered. Please include in your comments the following name and RGP number:

Maintenance and Repairs at Public and Industrial Facilities  
CENWS-OD-RG-RGP-7

Encl  
Draft CENWS-OD-RG-RGP-1