



**US Army Corps
of Engineers®**

Seattle District

Public Notice under Clean Water Act Section 404

US Army Corps of Engineers
Navigation Section
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Notice Date: 25 June 2019
Expiration Date: 8 July 2019
Reference: CENWS-PMP-19-05

**U.S. ARMY CORPS OF ENGINEERS, SQUALICUM WATERWAY FEDERAL
NAVIGATION CHANNEL, MAINTENANCE DREDGING AND DISPOSAL, WHATCOM
COUNTY, WASHINGTON**

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Seattle District (USACE) plans to conduct routine dredging and disposal activities associated with maintenance of the Squalicum Waterway Federal Navigation Channel at Bellingham, Whatcom County, Washington. The maintenance dredging and disposal operation is described below, and the location of the proposed dredging is shown on the attached figures. USACE has prepared, pursuant to the National Environmental Policy Act (NEPA), a draft Supplemental Environmental Assessment (SEA) and draft Amended Finding of No Significant Impact (FONSI) to address the potential environmental impacts associated with the proposed action. The purpose of this Public Notice is to solicit comments from interested persons, groups, and agencies on USACE's proposal for dredging and disposal of dredged material into the waters of the U.S.

This Public Notice is being issued under Clean Water Act Section 404 and in accordance with rules and regulations published as 33 CFR 335 "Operation and Maintenance of Army Corps of Engineers Civil Works Projects Involving the Discharge of Dredged or Fill Material into Waters of the U.S. or Ocean Waters"; 33 CFR 336 "Factors to be Considered in Evaluation of Army Corps of Engineers Dredging Projects Involving the Discharge of Dredged Material into Waters of the U.S. and Ocean Waters"; 33 CFR 337 "Practice and Procedure"; and 33 CFR 338 "Other Corps Activities Involving the Discharge of Dredged Material or Fill into Waters of the U.S."

AUTHORITY

The Squalicum Waterway and maintenance dredging by the Department of the Army was authorized by the Rivers and Harbors Act of 3 July 1930 (House Document 290, 71st Congress, 2nd Session). The project was constructed in 1931; additional congressional action in 1937 authorized dredging of berthing areas adjacent to the inner portion of the channel and a turning basin at mid-channel on the

northwest side, both authorized at -26 feet mean lower low water (MLLW). Federal maintenance began in 1949 and has continued to the present. Authorized features of the Federal navigation project include:

- From deep water to the pier head line, a waterway entrance channel 200 feet wide and 26 feet deep at MLLW.
- A turning basin 700 feet long, 26 feet deep, and 216 to 516 feet wide.
- A channel 300 feet wide by approximately 3,500 feet long.

LOCATION

This project is located in the Squalicum Waterway Federal navigation channel in Bellingham Bay at Bellingham in Whatcom County, Washington (Township 38N, Range 2E, Section 43). The location of the navigation channel appears in Figure 1. The project site is accessed by traveling north on I-5 to Bellingham, take Exit 256A-256B for WA-539 N/Meridian Street, keep left at the fork to continue toward Meridian Street, turn left onto Meridian Street, continue straight to stay on Meridian Street, turn right onto Squalicum Way/Squalicum Parkway, take a slight left onto Roeder Avenue.

The project is at 48.758333 N latitude and -122.513889 W longitude.

PROPOSED PROJECT

USACE proposes to conduct routine maintenance dredging of accumulated sediment from the Squalicum Waterway in Bellingham Bay. The project consists of removing approximately 320,000 cubic yards (cy) of material dredged from the main channel and the turning basin, and 31,000 cy from the inner channel for a total of 351,000 cy. All dredging will occur in the federally authorized footprint. Sediments in the main channel, turning basin, and inner channel have been determined suitable for aquatic disposal.

USACE will use a clamshell dredge to remove sediments that have accumulated along the length of the Federal navigation channel. A clamshell bucket is dropped to the bottom of the waterway in an open position and is then closed to “trap” sediment. This sediment is hauled to the surface and deposited on an awaiting barge and then transported to the disposal site. Once arriving at the disposal site, a bottom-dump barge drops the material into its intended location.

Work performed at the Squalicum Waterway will use a clamshell bucket holding 5-25 cy. Dredged material will be placed on a bottom-dump barge holding approximately 2,000 cy. The barge will be managed such that the dredged sediment load does not exceed the capacity of the barge. The load will be placed in the barge to maintain an even keel and avoid listing. The sideboards and scuppers of the barge will be covered by a filter media, such as straw bales and/or geotextile fabric, to filter and retain suspended sediment while allowing the filtered water to drain back into the waterway. The material will be transported to the appropriate disposal site for disposal.

The original public notice and draft 2019 Environmental Assessment (EA) proposed to undergo maintenance between stations 0+00 to 33+88. The project includes an additional 2 feet of allowable overdepth and may include an additional 2 feet of advance maintenance, for a total depth of up to 30 feet below MLLW. This EA was finalized in May 2019. The official comment period for the final

EA was from 25 February to 25 March 2016. This document is available online:
<http://www.nws.usace.army.mil/Missions/Environmental/Environmental-Documents/>

The footprint shown in Figure 3 of the May 2019 EA incorrectly indicated the area in the red polygon (station 33+88 to 35+00) was unsuitable for open-water disposal due to chemical contaminants. This area is not contaminated at the surface, only at depths greater than -14 ft MLLW. Under the proposed action, dredging will only occur to a maximum of -11 ft MLLW in that location, to still avoid unsuitable areas. Stated differently, the dredge footprint will now include the dredging of material in the red polygon (Figure 3 of the May 2019 EA) that is suitable for open-water disposal. The project description in the May 2019 Final EA will change to reflect the correct dredge footprint:

In all action alternatives, the navigation channel would undergo maintenance between stations 0+00 to 31+47 to the authorized depth of -26 feet mean lower low water (MLLW) plus two feet of allowable overdepth and two feet of authorized advance maintenance; and to the authorized depth of -26 feet MLLW plus two feet of allowable overdepth between stations 31+47 and 33+00. In addition, the navigation channel would undergo maintenance between stations 33+00 to 35+00 to a depth of -10 feet MLLW plus one foot of allowable overdepth (Figure 2).

All dredge quantities and disposal locations will remain the same as those described in the May 2019 Final EA. Despite the minor increased footprint, the estimate of dredge amount remains unchanged as the original provided estimate was high and covers the added materials. According to sediment sampling and the associated Suitability Determination of May 3, 2017 (DMMP 2017), approximately 320,000 cy of sediment in the main channel and turning basin have been determined suitable for aquatic disposal at a dispersive site. Portions of the sediment at the head of the waterway from station 33+00 to 35+00 contain low levels of dioxin and are approved for aquatic disposal at non-dispersive sites only; this quantity is up to 31,000 cy (Appendix A of the SEA). Deeper sediments (-14 feet MLLW) from station 33+88 to 35+00 will not be dredged due to higher levels of contamination. For the purposes of environmental impacts analysis, dredged quantities have been estimated conservatively high; actual quantities may be less. All sediment testing data are available at USACE Dredged Material Management Office (DMMO) website at:

<http://www.nws.usace.army.mil/Missions/Civil-Works/Dredging/>

Disposal of dredged material is proposed at two sites that are available in northern Puget Sound; the Rosario Strait Puget Sound Dredged Disposal Analysis Program (PSDDA) Site (Figure 3), the Port Gardner PSDDA Site near Everett, Washington (Figure 4). The Rosario Strait site is a dispersive site at 97-142 feet deep and permitted to receive the majority of the estimated quantity of sediments as long as the dioxin level is below the threshold permitted. The Port Gardner site is non-dispersive site at 420 feet deep. The Port Gardner site are eligible to receive material that has a dioxin level above the threshold permitted at Rosario. The haul distance from the dredging area to the disposal sites are as follows:

- Rosario Strait PSDDA dispersive disposal site is 25 nautical miles
- Port Gardner PSDDA non-dispersive disposal site is 60 nautical miles

Dredging may take up to 70 days, depending on total quantity of material removed, mechanical breakdowns, and weather conditions. Dredging will occur 24 hours per day except for periods of machinery maintenance and crew changes. Timing of this project will adhere to the July 16 through February 15 in-water work window to avoid vulnerable life stages of sensitive and ESA-listed species.

PROJECT PURPOSE

The purpose of the project is to provide for safe navigation by maintaining the authorized depth of -26 feet MLLW in the Squalicum Waterway. Maintenance dredging of the navigation channel is needed because shoaling sediment from Squalicum Creek and the Nooksack River has reduced the depth of the navigation channel. The navigation channel was last dredged in 2004. The navigation channel provides access to the pier at Bellingham Cold Storage, one of the largest employers in Whatcom County, and Squalicum Harbor. The navigation channel provides access for commercial fishing vessels from the northwestern U.S, Alaska, and Canada. Commercial fishing intake and the associated fish and frozen food processing are important to the regional economy. The channel must be maintained to support safe navigation for commercial activities and regular shipping traffic.

ENVIRONMENTAL AND CULTURAL RESOURCES COMPLIANCE

The proposed maintenance activities have been reviewed in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.); Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. §1801 et. seq.); Section 404 of the Clean Water Act (33 U.S.C. 1344); Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1451 et seq.), and the National Historic Preservation Act of 1966 as amended (54 U.S.C. 300101 et seq.).

A Draft Environmental Assessment (EA) and Clean Water Act, Section 404(b)(1) Analysis have been prepared for the original action and are posted online under the name “Bellingham Harbor – Squalicum Waterway” at the following website:

<http://www.nws.usace.army.mil/Missions/Environmental/Environmental-Documents/> .

This EA was finalized in May 2019. USACE has prepared a draft Supplemental Environmental Assessment (SEA) to evaluate the incremental increase in impacts from the expanded dredge footprint. The draft SEA’s public comment period is concurrent with the comment period for this Public Notice. Once complete, the Final EA will be posted and available on the Seattle District website listed above.

USACE has prepared a Biological Assessment (BA) for the project that evaluates potential effects to threatened and endangered species pursuant to Section 7(a)(2) of the ESA. USACE has determined that the proposed work has the potential to affect several species and informal consultation under Section 7 of the Act has been requested. The BA was submitted to the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) on 25 January 2018. Letters of concurrence with USACE’s findings from the USFWS and the NMFS were received on 9 May 2018 and 15 February 2018, respectively. USACE contacted the National Marine Fisheries Service and U.S. Fish and Wildlife Service on 13 June 2019 regarding the changes to the dredge footprint, concluding that the proposed action still “may affect, but is not likely to adversely affect” ESA listed

species given the dredge quantities, duration, timing, methods, and disposal locations are the same. USACE is still waiting on a response from the Services, which will be complete upon the finalization of this SEA. In 2010, USACE submitted a BA for ESA consultation for the DMMP disposal sites. The USACE received a Biological Opinion on 17 December 2015 from NMFS and a letter of concurrence on 28 July 2015 from USFWS for the DMMO disposal sites.

The USACE received a Water Quality Certification (WQC) from Washington Department of Ecology (WDOE) on 26 March 2019 on the original dredge footprint. USACE agreed to adhere to all its criteria and conditions (Appendix E). The USACE contacted WDOE on 13 June 2019 with the revised dredge footprint to verify if an amended WQC is warranted. USACE is still waiting on their response. In conducting activities involving the discharge of dredged material into waters of the U.S., USACE will abide by the conditions of the WQC to ensure compliance with State water quality standards. USACE has determined that the proposed work is consistent to the maximum extent practicable with the enforceable policies of the approved Washington Coastal Zone Management Program and given the minor change in footprint (~3% increase), the amount of material dredged and the disposal location will remain the same that a new Coastal Zone Consistency Determination is not warranted for the revised dredge footprint the original is still substantively consistent with the enforceable policies of the City of Bellingham, City of Everett, and Skagit County Shoreline Master Programs. The Coastal Zone Management Act General Consistency Determination with the revised dredge footprint is in Appendix F of the Draft SEA. The USACE contacted WDOE on 13 June 2019 with the revised dredge footprint to verify if that the project is still consistent. USACE is still waiting on their response. USACE has coordinated the work with the Washington State Historic Preservation Office (SHPO) and the Jamestown S’Klallam Tribe, the Lower Elwha Klallam Tribe, the Lummi Nation, the Nooksack Tribe, the Port Gamble S’Klallam Tribe, the Suquamish Tribe, the Swinomish Indian Tribal Community, the Tulalip Tribes, and the Skagit River System Cooperative.

PUBLIC INTEREST EVALUATION

The decision to proceed with this disposal of dredged material will be preceded by a determination of whether the proposed activity would be in the public interest. All factors which may be relevant to the proposal’s public interest will be considered; among those are navigation and the Federal standard for dredged material disposal; water quality; coastal zone consistency; wetlands; endangered species; historic resources; scenic and recreation values; fish and wildlife; marine sanctuaries; applicable state/regional/local land use classifications, determinations, and/or policies; conservation; economics; shoreline erosion and accretion; safety; and considerations of property ownership.

As a foundation for its public interest determination USACE will consider, on an equal basis, all alternatives that are both reasonable and practicable, i.e., available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. USACE typically selects the alternative that represents the least costly alternative, constituting the discharge of dredged or fill material into waters of the United States in the least costly manner and at the least costly and most practicable location, that is consistent with sound engineering practices, and that meets the environmental standards established by the Clean Water Act, Section 404(b)(1) evaluation process. However, the Port of Bellingham, the local sponsor, made an agreement with the Lummi Tribe not use the Bellingham Bay PSSDA site for disposal, which is the closest disposal site to Squalicum Creek, and therefore the least costly alternative. The Port of Bellingham is required to pay the difference in cost between the cost to dispose of material in the Bellingham Bay disposal site

(the Federal Standard) and alternative disposal sites. A Memorandum of Agreement (MOA) is required to document the cost share requirements for the placement of dredged material using other than the Federal Standard alternative if a non-federal interest pays all additional costs. The Port of Bellingham shall provide to USACE funds to pay all costs, including the costs of environmental compliance, supervision and administration, and engineering and design, associated with the dredged material placement that exceed the costs of the Federal Standard dredged material placement alternative.

Given the minor change in dredge footprint, the same amount of material will be dredged, and the disposal locations will be the same, USACE has determined that the updated preferred alternative with an increased dredge footprint is still consistent with sound engineering practices, meets the environmental standards established by the Clean Water Act Section 404(b)(1) evaluation process, and is in the public interest and a new analysis is not warranted. Appendix D of the SEA contain the original 404(b)(1) analysis with the revised dredge footprint.

PUBLIC HEARING

Any person may request, in writing and within the comment period specified in this Public Notice, that a public hearing be held to consider this proposal. Requests for a public hearing must clearly set forth the following: the interest that may be affected, the manner in which the interest may be affected by this activity, and the particular reason for holding a public hearing regarding this activity.

COMMENT AND REVIEW PERIOD

USACE is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties to consider and evaluate the effects of this activity. To make this decision, comments are used to assess impacts on ESA-listed species, historic properties, water quality, general environmental effects, and other public interest factors listed above. The proposed discharge will be evaluated for compliance with guidelines promulgated by the EPA under authority of Section 404(b)(1) of the Clean Water Act.

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. Submitted comments should include the public notice number on the subject line. The comment must include the commentator'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. The nature or scope of the proposal may be changed upon consideration of the comments received.

Requests for additional information should be directed to Mr. John Pell, Project Manager at (206) 764-3413 or via email at John.L.Pell@usace.army.mil.

All e-mail comments should be sent to Chemine.R.Jackels@usace.army.mil or John.L.Pell@usace.army.mil. Conventional mail comments should be sent to: Mrs. Chemine Jackels (CENWS-PMP-E) or Mr. John Pell (CENWS-ODS-NS), U.S. Army Corps of Engineers, Post office Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information that is submitted such as names, phone numbers,

and addresses.

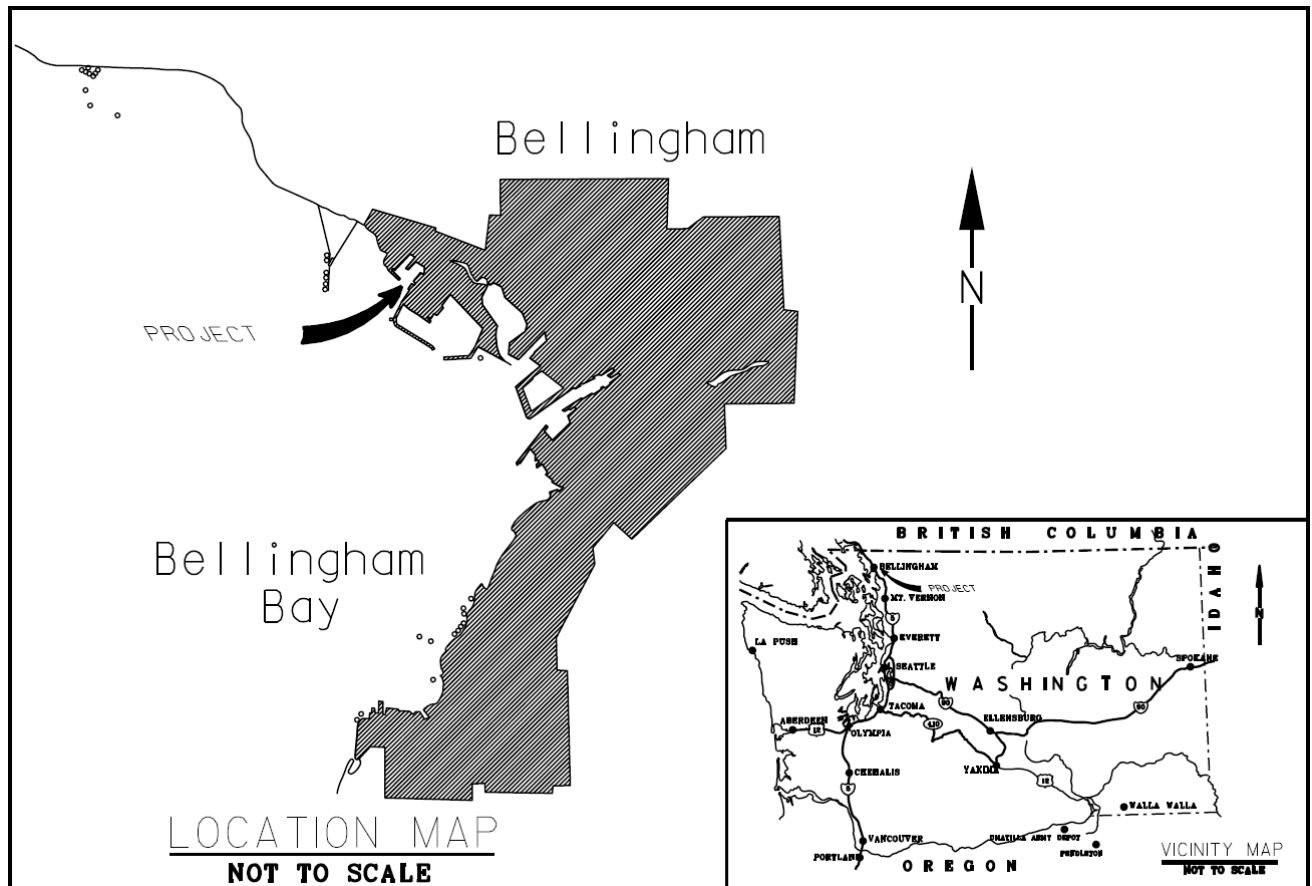


Figure 1. Vicinity map for Squalicum Waterway Maintenance Dredging located in Bellingham Bay at City of Bellingham of Whatcom County, Washington.

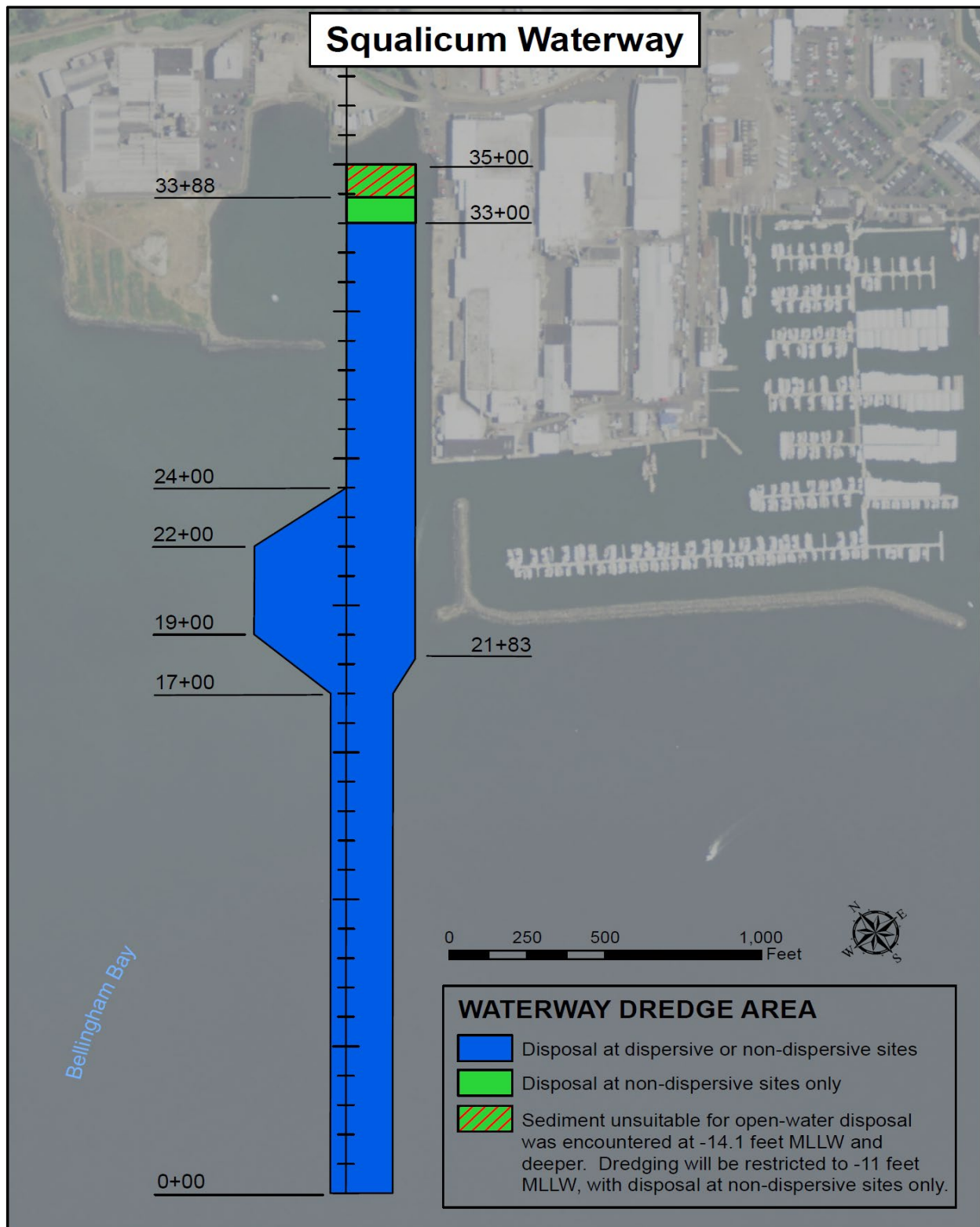


Figure 2. Revised dredge area in the Squalicum Waterway Federal navigation channel.

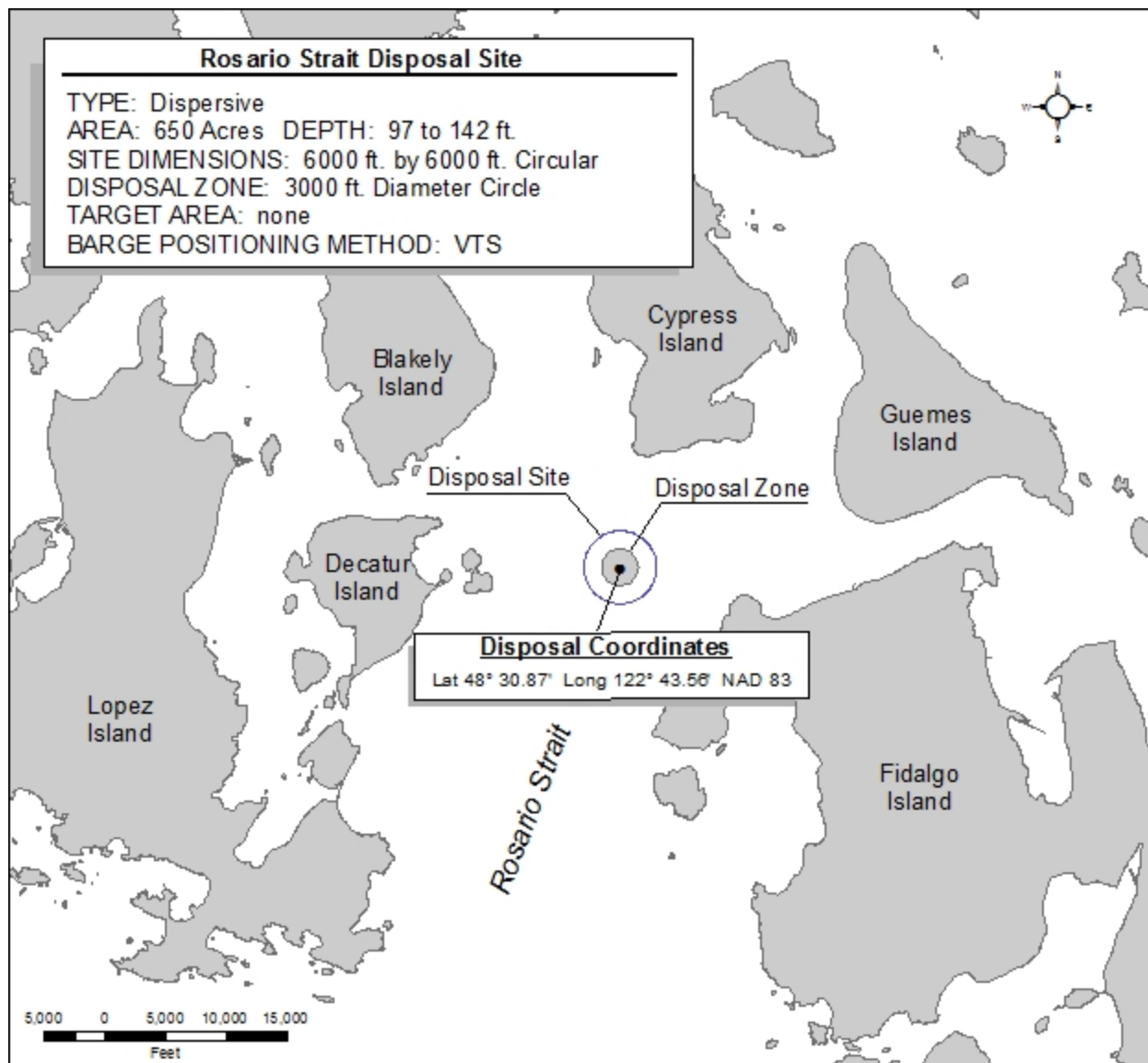


Figure 3. Rosario Strait PSDDA (Puget Sound Dredged Disposal Analysis) Program Disposal Site.

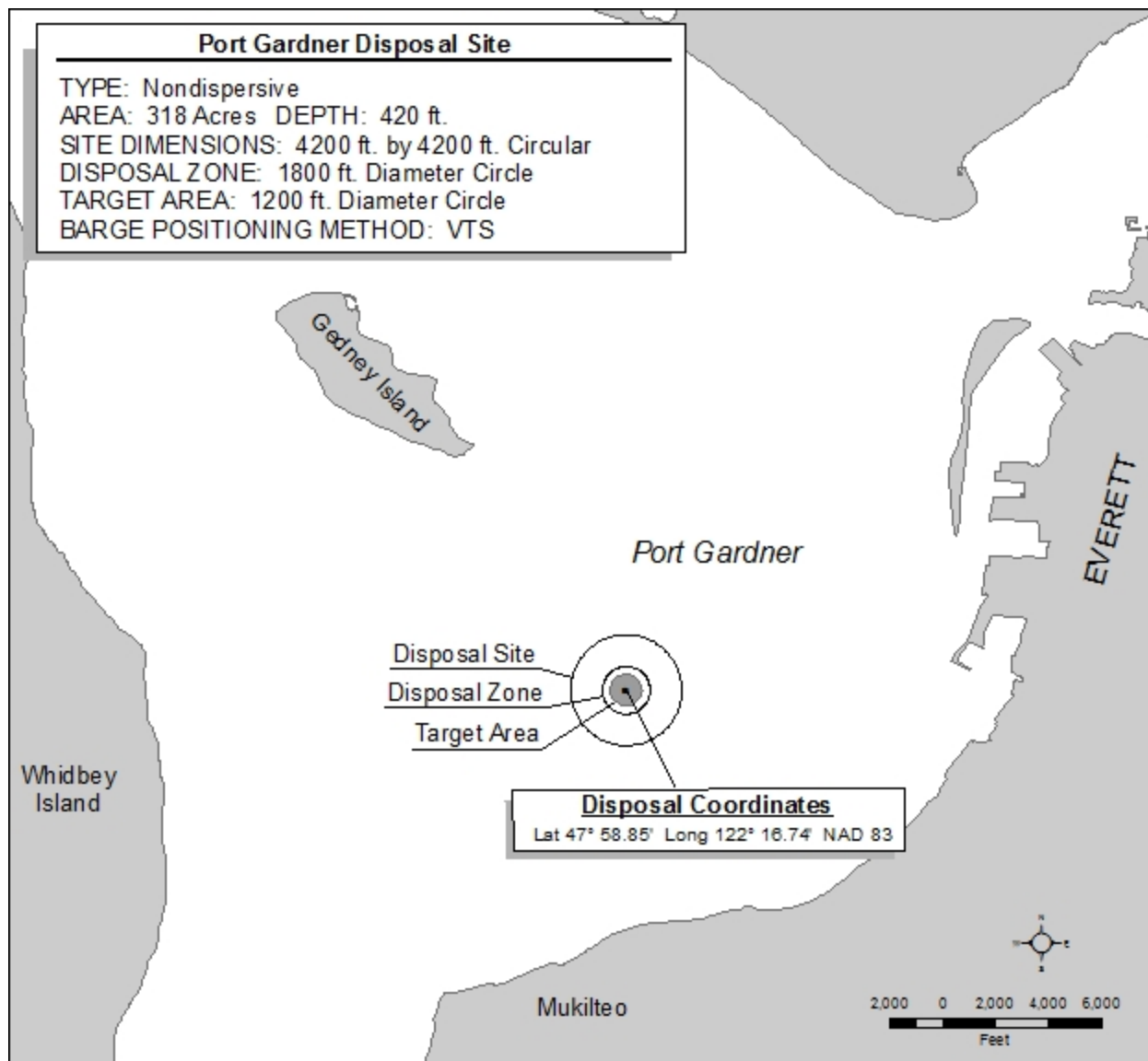


Figure 4. Port Gardner PSDDA (Puget Sound Dredged Disposal Analysis) Program Disposal Site.