US Army Corps
of Engineers®
Seattle District

U.S. Army Corps of Engineers
Navigation Section
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Seattle, Washington 98124-3755
Attn: Chemine Jackels (PMP-E)
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Notice Date: 4 February 2020
Expiration Date: 4 March 2020
Reference: CENWS-PMP-20-01

PUBLIC NOTICE UNDER CLEAN WATER ACT SECTION 404

U.S. ARMY CORPS OF ENGINEERS, KEYSTONE HARBOR FEDERAL NAVIGATION CHANNEL FY 2020 THROUGH 2035[1], 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 Keystone Harbor, Island 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 Environmental Assessment (EA) and draft Finding of No Significant Impact and Statement of Findings (FONSI/SOF) 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 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."

PROJECT PURPOSE AND OBJECTIVE

The purpose of this project is to provide necessary safe navigation conditions for the Washington State Ferry System vessels to dock at Keystone Harbor for uninterrupted service on the Port Townsend/Coupeville ferry route, and to ensure continuity of the sediment transport processes along the shoreline in the project area. When the channel and ferry slip become too shallow, the ferry must cancel sailings, and the ferry has run aground during landings at low tide. This limits service on the Port Townsend/Coupeville run. Another purpose of the project is to prevent erosion of the beach to the point of undermining the jetty and losing park infrastructure due to the hindrance of

[1] FY (fiscal years) span from 1 October to 30 September. This document covers dredging events from 16 July 2020 to 15 February 2035 (these dates are associated with the in-water work window)

sediment transport and delivery caused by the navigation features.

AUTHORITY

The Keystone Harbor Project is authorized by several acts that together created the current authorized project scope. The Department of the Army Lake Crockett navigation project and maintenance dredging was authorized by Section 2 of the River and Harbor Act 1945 (March 2, 1945), Public Law 79-14. In 1971, the project was widened under authority of Section 107 of the River and Harbor Act of 1960 (July 14, 1960), Public Law 86-645. In 1993, the project was deepened by authority of Section 107 of the River and Harbor Act of 1960 (July 14, 1960), Public Law 86-645, as amended by Section 915 of the Water Resources Development Act of 1986 (November 17, 1986) Public Law 99-662.

This artificial harbor is a dredged basin originally constructed by the USACE in 1947-48 and modified in 1971 and 1993. USACE constructed the harbor by dredging a triangular shaped bay from an existing barrier beach, and connected the harbor to Admiralty Bay with a navigation channel. USACE built a stone breakwater on the eastern side of the harbor. The basin provides a harbor of refuge, a boat launch ramp, and a terminal for the Washington State ferry run between the city of Port Townsend and Whidbey Island. The channel is designed to be 1,800 feet long, 200 feet wide, and 25 feet below Mean Lower Low Water (MLLW), herein notated as -25 MLLW, with authorized overdepth of 2 more feet below MLLW. This allows safe navigation for the ferries to dock during tides as low as -4.5 MLLW.

LOCATION

Keystone Harbor is located in northern Puget Sound on the west side of Whidbey Island in Island County, Washington (T31N, R1E, Sections 22, 23, and 24). Keystone Harbor is the eastern terminal of the Port Townsend/Coupeville ferry route (Figure 1). The navigation channel connects Admiralty Inlet to the Washington State Ferry terminal (Figure 2). The Harbor is surrounded by Ebey's Landing National Historic Reserve and by Fort Casey State Park. Lake Crockett lies to the northeast across State Route 20, and is connected hydraulically to the harbor through a culvert with a tidegate.

PROPOSED PROJECT

USACE proposes to conduct routine maintenance dredging of accumulated sediment from the Keystone Harbor in Admiralty Bay. The project consists of maintenance dredging of up 50,000 cubic yards (cy) of material per dredge event from the Keystone navigation channel from stations 0+00 to 15+00 (Figure 3), with a maximum of five dredge events totaling 165,000 cy over the 15-year period. The method would be either mechanical dredging with material placed on a barge or hydraulic pipeline dredging. Placementof the dredged material would occur on the adjacent previously used beach disposal site, which is approximately 2.5 acres. All the dredged sand and gravel would be used beneficially to re-nourish a section of the beach to the breakwater (Figure 3). Extreme ends of the beach disposal site and the disposal site baseline would be staked in the field. Dredged material would be placed water-ward, starting from the existing beach and graded uniformly to the existing grade. The method used to deposit material on the beach depends on the dredge equipment, and is described in the Environmental Assessment.

USACE expects the duration of dredging and disposal to take up to 60 days. Dredging would take place at night from 9pm to 5am to accommodate ferry traffic. Material placement would typically take place during the daylight hours for clamshell dredging, and night time hours for

hydraulic dredging. Dredging and disposal would occur within the approved Washington Department of Fish and Wildlife (WDFW) in-water construction window of 16 July to 15 February.

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 EA and Clean Water Act, Section 404(b)(1) Analysis have been prepared for public comment and are posted online under the name "Keystone Harbor Maintenance Dredging and Disposal Fiscal Year 2020 through FY 2035" at the following website:

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

The official public comment period is 4 February 2020 through 4 March 2020. Once complete, the Final EA will be posted and available on the Seattle District website listed above.

The USACE submitted a Combined-Projects Biological Assessment (BA) for maintenance dredging to comply with the ESA, of which this dredging action is one component, to the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). USFWS concurred with USACE's determination of "may affect, not likely to adversely affect" (NLAA) for bull trout and their critical habitat, and marbled murrelet on 24 May 2017. NMFS did not concur with all of USACE's effects determinations of NLAA, but did determine that action would not cause jeopardy to these species or adversely modify their critical habitat. NMFS issued a Biological Opinion (2018 BiOp) with an incidental take statement to USACE on 26 January 2018. An Essential Fish Habitat (EFH) determination for the maintenance dredging of Keystone Harbor was included in the Combined-Projects Biological Assessment submitted to NMFS. The USACE has determined that maintenance dredging may adversely affect EFH for the entire maintenance dredging program, including the Keystone Harbor, because removal of dredged material will constitute a detectable effect to EFH by disturbing the substrate and associated water quality impacts. NMFS concurred with this determination in a letter dated 26 January 2018.

The USACE is requesting a 401 Water Quality Certification (WQC) from the Washington Department of Ecology (WDOE) and will comply with conditions associated with the discharge of dredged material into the waters of the U.S. The USACE has determined that the proposed project is consistent to the maximum extent practicable with the enforceable policies of the approved Washington State Coastal Zone Management Program, using Island County's Shoreline Management Program. The USACE has prepared a Coastal Zone Consistency Determination and has submitted it to WDOE.

USACE, has determined the proposed dredging will have no adverse effects to historic properties" within the area of potential effect. No further archaeological work is recommended. USACE will send a determination of effect letter to the State Historic Preservation Officer for review and concurrence. Tribal notification letters were sent to the Jamestown Sklallam Tribe, Lower Elwah Klallam, Lummi Nation, Port Gamble Skallam Tribe, Skokomish Tribe, Suquamish Tribe, Swinomish Tribe, and Tulalip Tribe. Response from the SHPO and tribes is pending.

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 will select 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.

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 reference 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.

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.

COMMENTS TO THE CORPS OF ENGINEERS

All e-mail comments should be sent to Chemine.R.Jackels@usace.army.mil or Michael.w.suh@usace.army.mil. Conventional mail comments should be sent to: Ms. Chemine Jackels (CENWS-PMP-E) or Mr. Michael Suh (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. Requests for additional information should be directed to Mr. Michael Suh, Project Manager at (206) 764-6671 or via email at Michael.w.suh@usace.army.mil.

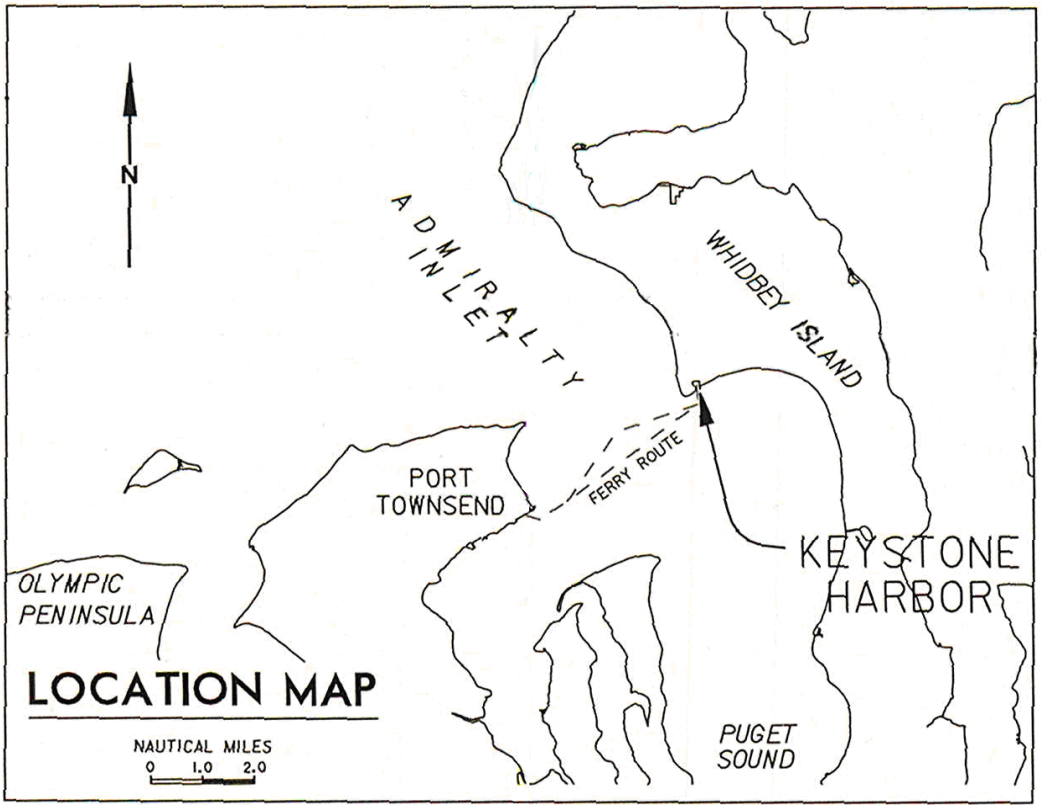

Figure 1. Project location.

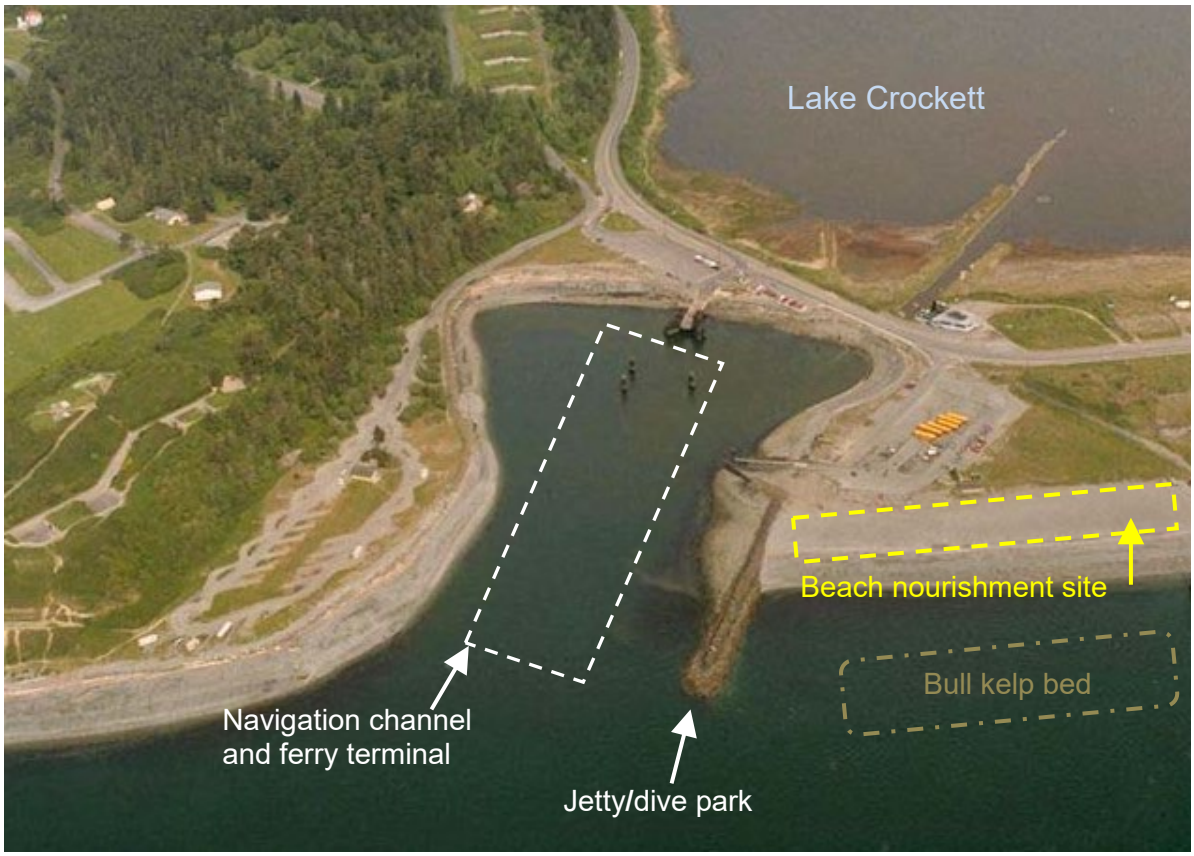

Figure 2. Aerial photograph of Keystone Harbor taken 5 May 1993 (photo courtesy of the Washington Department of Ecology).

Figure 3. Plan view with channel and disposal area dimensions