



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers

Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 316-3164
ATTN: Brandon Clinton,
Project Manager

WA Department of Ecology

SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6076
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: February 4, 2021

Expiration Date: March 6, 2021

Reference No.: NWS-2009-1188

Name: Zittel, Michael
(Zittel's Marina Maintenance
Dredging)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated October 22, 2020.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Zittel's Marina
Attention: Mr. Michael Zittel
9144 Gallea Street Northeast
Olympia, Washington 98516
Telephone: (360) 459-1950

AGENT: Confluence Environmental Company
Attention: Mr. Chris Cziesla
146 North Canal Street, Suite 111
Seattle, Washington 98103
Telephone: (206) 397-3741

LOCATION: In Baird Cove, Nisqually Reach, near Olympia, Thurston County, Washington

WORK: Zittel's Marina proposes to perform subtidal dredging within the marina basin area indicated on pages 5 and 6 of the attached project drawings dated October 22, 2020. Dredging work would remove up to 26,060 cubic yards (cy) of sediment over 3.28 acres to a target depth of -10 feet mean lower low water (MLLW) and a maximum dredge depth of -11 ft MLLW (includes 1 foot overdepth). Up to 17,060 cy of sediment is proposed for removal in 2021 or 2022, with two potential subsequent dredges of up to 4,500 cy proposed in 2026 and 2031.

Dredging would be performed using a barge-mounted boom with clamshell dredge bucket. Dredged material would be loaded onto a split-hull, bottom-dump barge for transport and disposal. Dredged material is proposed for disposal at the Anderson-Ketron open-water disposal site in Pierce County, Washington.

NWS-2009-1188; Zittel, Michael (Zittel's Marina Maintenance Dredging)

PURPOSE: The purpose of the project is to maintain safe navigation depths at Zittel's Marina

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

Dredged Material Testing: The proposed dredged material has been tested according to the procedures specified by DMMP, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Washington State. The DMMP evaluations may include both chemical and biological testing of sediments. For this project, the DMMP agencies determined that the 17,060 cubic yards to be dredged initially are suitable for unconfined disposal at the DMMP nondispersive open-water disposal site until 2025. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office. Prior to each maintenance dredging cycle, the DMMP agencies will determine whether additional sediment testing is required. If additional testing is required, no disposal will take place at a DMMP site until the material has been determined suitable for open-water disposal by the DMMP agencies.

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 if a permit is issued: (1) disposal operations must not interfere with Indian treaty fishing at the disposal site, including gill nets and other fishing gear; (2) the permittee must coordinate any nighttime disposal with the Corps, Seattle District, Regulatory Branch Project Manager; and (3) approval must be received from the District Engineer prior to conducting nighttime disposal. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

ADDITIONAL INFORMATION: The project is under review as a 10-year maintenance dredge and disposal permit.

The applicant has committed to the following minimization and avoidance measures:

In-water Best Management Practices (BMPs):

- All in-water work would be restricted to USACE-approved in-water work window for Tidal Reference Area 3 for salmon and bull trout
- If activities occur in, or adjacent to an area listed as documented surf smelt or sand lance spawning habitat by WDFW, a survey for forage fish eggs will be conducted within 2 weeks of construction
- During in-water work, a floating debris boom shall be installed around the perimeter of the in-water work. If water quality requirements are not being met, a turbidity curtain will be installed

Equipment and Inspection:

- All equipment to be used for construction activities shall be cleaned and inspected prior to arriving at the project site to ensure no potentially hazardous materials are exposed, no leaks are present, and the equipment is functioning properly.
- All hydraulic fluids and lubricants will be vegetable-based
- All construction activities will be restricted to daylight hours
- Should any BMPs not function as intended, the contractor shall take additional action to minimize erosion, maintain water quality, and achieve the intended environmental performance

Maintenance Dredging BMPs:

- Turbidity and other water quality parameters will be monitored to ensure construction activities are in conformance with Washington State Surface Water Quality Standards, or other conditions as specified in Ecology's Water Quality Certification. The Contractor will monitor turbidity during dredging operations in

NWS-2009-1188; Zittel, Michael (Zittel's Marina Maintenance Dredging)

order to ensure compliance with water quality standards. Appropriate BMPs will be employed to minimize sediment loss and turbidity generation during dredging, re-handling, and dewatering. Monitoring results will be submitted weekly to Ecology.

- A detailed Dredging and Dredge Material Handling Plan (the Plan) will be developed by the contractor and submitted to the Marina Project engineer for review and approval prior to the start of construction. The Plan will include descriptions of site-specific work equipment, activities and approaches, and the corresponding BMPs and water quality protection measures that will be implemented for conformance with the permit requirements.
- The contractor will be responsible for the preparation of a Spill, Prevention, Control, and Countermeasure (SPCC) plan to be used for the duration of the project. The SPCC plan will be submitted to and approved by the Marina Project engineer prior to the commencement of any construction activities. A copy of the SPCC plan with any updates will be maintained at the work site by the contractor. The SPCC plan will provide advanced planning for potential spill sources and hazardous materials (gasoline, oils, chemicals, etc.) that the contractor may encounter or utilize as part of conducting the work. The SPCC plan will outline roles and responsibilities, notifications, inspection, and response protocols.
- Dredging operations will utilize equipment appropriate to the site conditions to minimize turbidity and other possible adverse impacts, including using as large a bucket for the clamshell dredge as possible and minimizing dragging of the bucket on the bed.
- Dredging will also follow the requirements established pursuant to the Dredged Material Management Office (DMMO) suitability determination.

MITIGATION: The applicant has indicated that impacts to aquatic resources have been minimized to the maximum extent practicable. To reduce potential impacts to salmon, bull trout, forage fish, and other aquatic species, in-water work would occur during the approved in-water work window from July 16 – September 30.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

A preliminary determination indicates that the activity will affect endangered or threatened species and their critical habitat. Consultation under Section 7 of the ESA will be initiated.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, 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). The proposed action would affect EFH in the project area.

If the U.S. Army Corps of Engineers (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 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 Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to

NWS-2009-1188; Zittel, Michael (Zittel's Marina Maintenance Dredging)

have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

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 – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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; Native American Nations or tribal governments; Federal, 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 described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION – ECOLOGY: Ecology 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. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: This proposal is the subject of a Shorelines Substantial Development Permit being processed by Thurston County.

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 authorizing the work would not be contrary to the public interest. 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. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter'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.

CORPS COMMENTS: All e-mail comments should be sent to brandon.c.clinton@usace.army.mil.

NWS-2009-1188; Zittel, Michael (Zittel's Marina Maintenance Dredging)

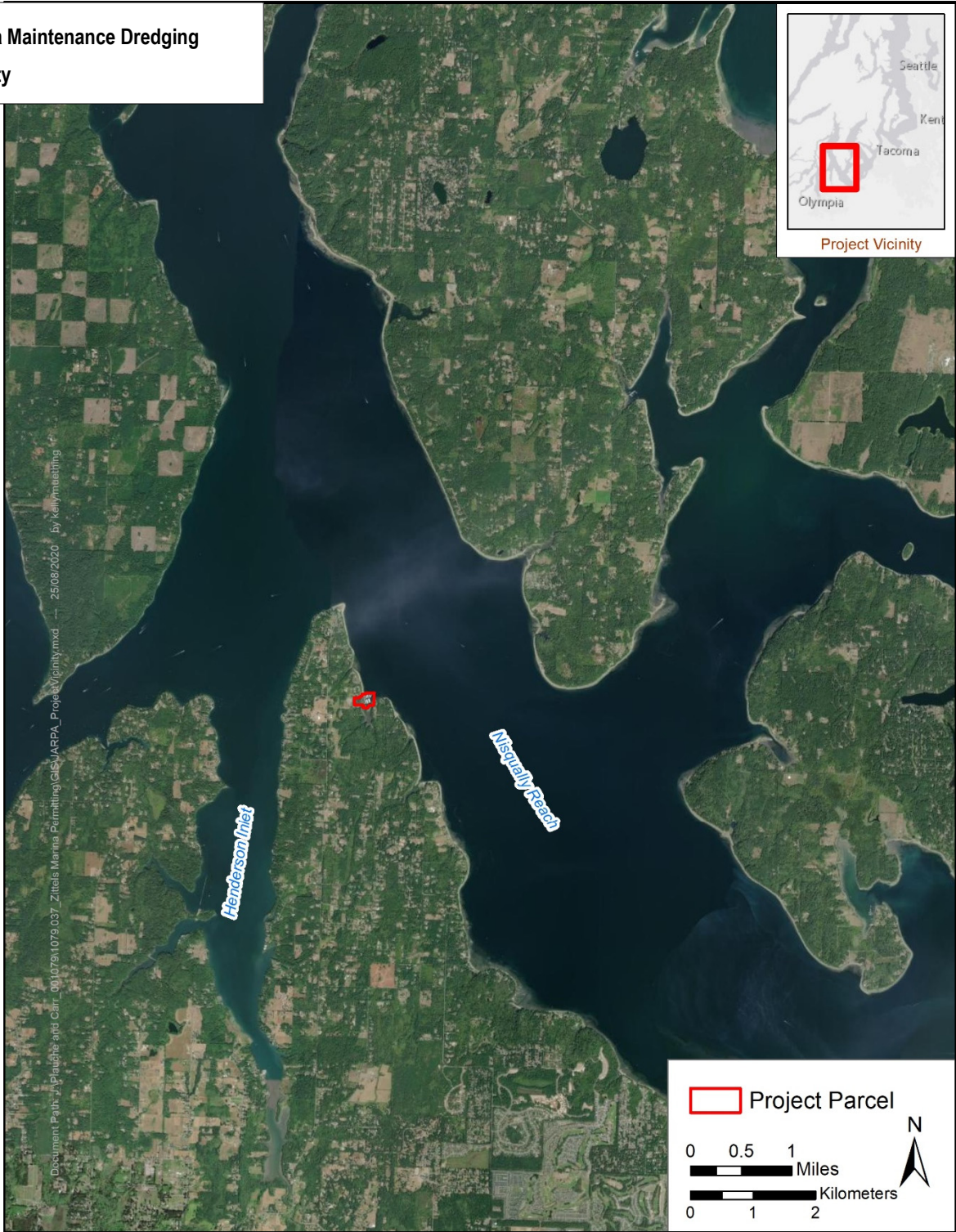
Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Brandon Clinton, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Zittel, Michael; NWS-2009-1188

Encl: Figures (6)

**Zittel's Marina Maintenance Dredging
Project Vicinity**



Document Path: J:\Plauche and Carr_00\1079\1079.037_Zittels Marina Permitting\GIS\ARPA_ProjectVicinity.mxd -- 25.08.2020 -- by Kellymanning

APPLICANT:
Michael Zittel

SITE ADDRESS:
9144 Gallea Street NE
Olympia, WA 98516

In: Puget Sound, Nisqually Reach
County: Thurston
State: WA

PARCEL IDs/Owners:
11904130500/ Zittel, Michael

ADJACENT PROPERTY OWNERS (West to East):
See Attachment C

NWS-2009-1188

PROPOSED PROJECT:
Zittel's Marina Maintenance Dredging

Tidal Datum: NA
Scale: 1:70,204
Coordinate System: WA State Plane N

Sheet 1 of 6
Date: October 22, 2020

**Zittel's Marina Maintenance Dredging
Plan View**



APPLICANT:
Michael Zittel

SITE ADDRESS:
9144 Gallea Street NE
Olympia, WA 98516

In: Puget Sound, Nisqually Reach
County: Thurston
State: WA

PARCEL IDs/Owners:
11904130500/ Zittel, Michael

ADJACENT PROPERTY OWNERS (West to East):
See Attachment C

NWS-2009-1188

PROPOSED PROJECT:
Zittel's Marina Maintenance Dredging

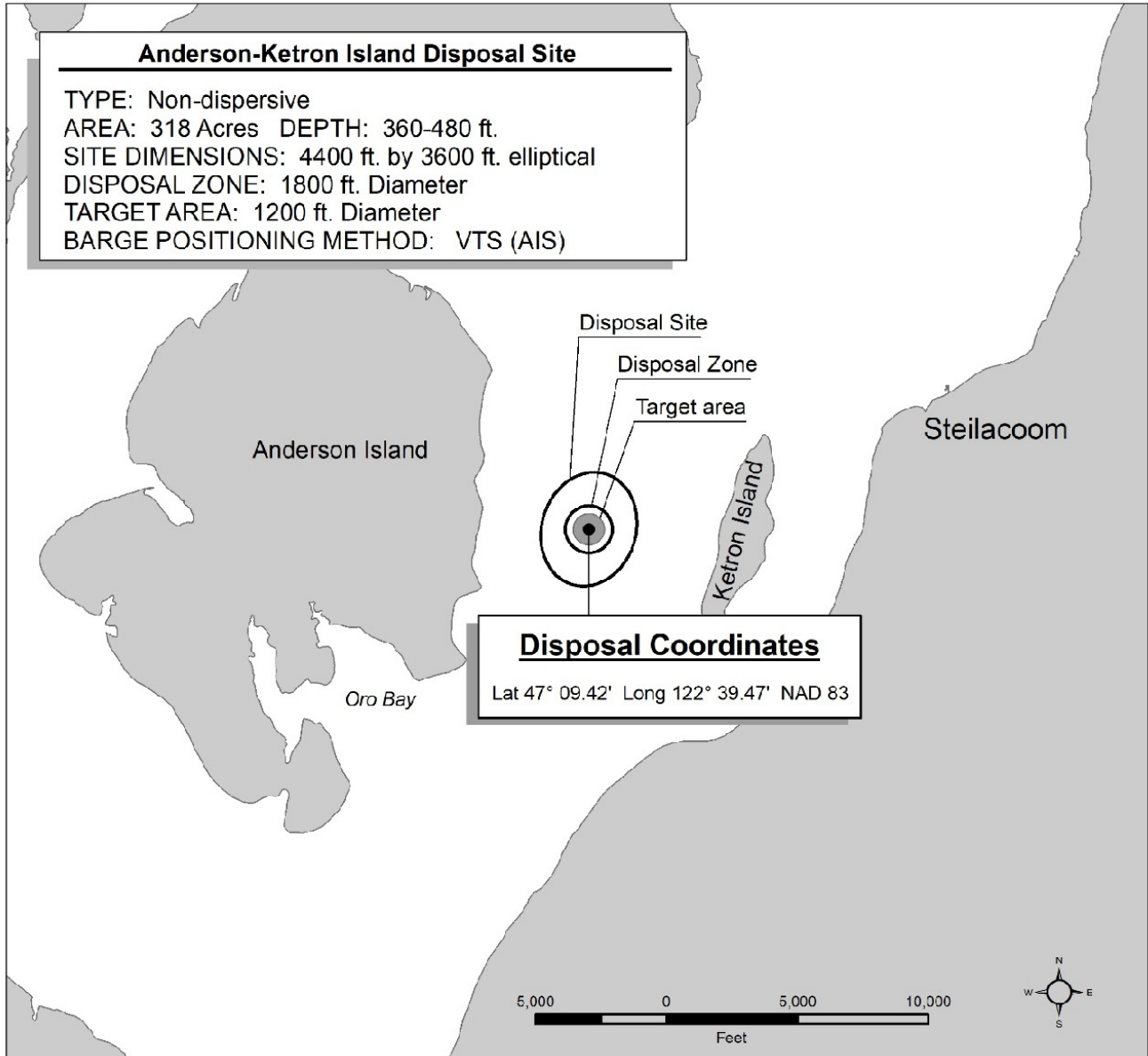
Tidal Datum: NA
Scale: 1:2,388
Coordinate System: WA State Plane N

Sheet 2 of 6
Date: October 22, 2020

Zittel's Marina Maintenance Dredging

Anderson-Ketron Non-Dispersive Disposal Site

Figure reference: DMMP 2018. Dredged material evaluation and disposal procedures user manual. Prepared by Dredged Material Management Office, US Army Corps of Engineers, Seattle District. December 2018. Figure 13-3.



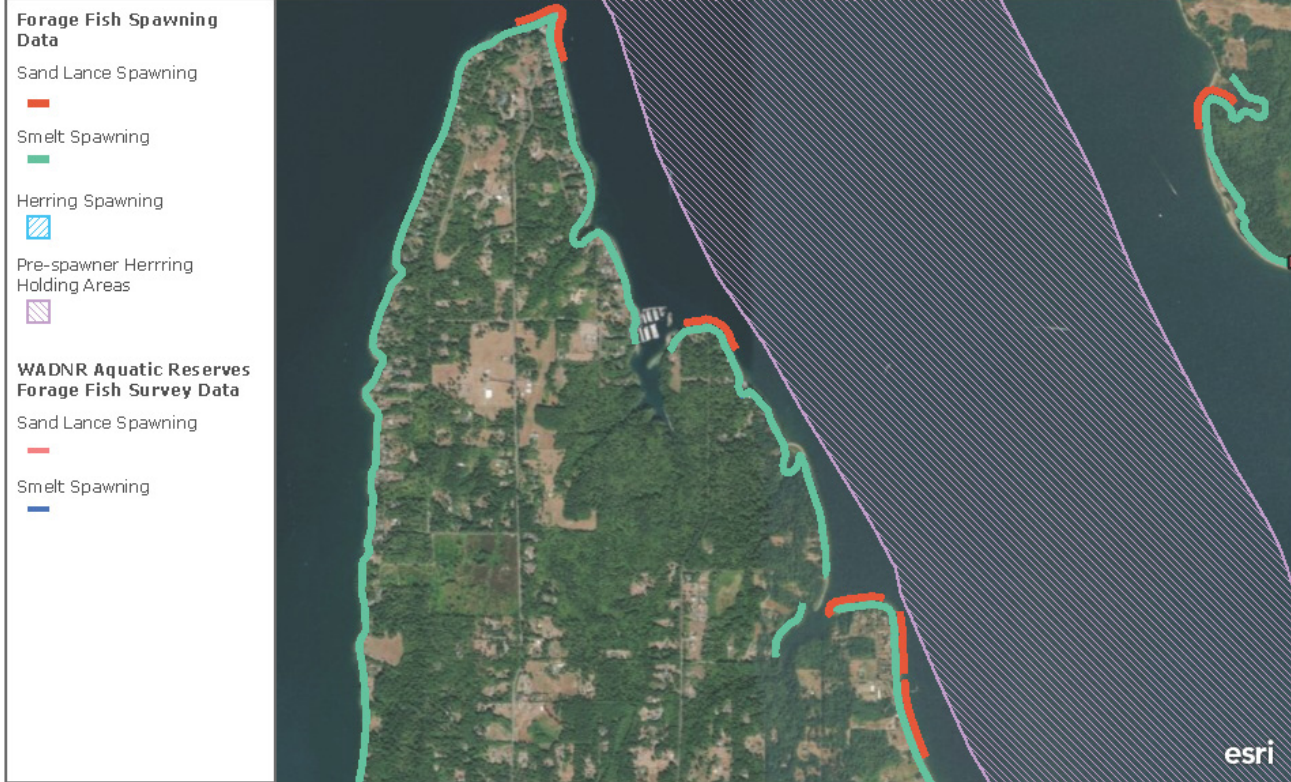
<p>APPLICANT: Michael Zittel</p>	<p>PARCEL IDs/Owners: 11904130500/ Zittel, Michael</p>	<p>PROPOSED PROJECT: Zittel's Marina Maintenance Dredging</p>
<p>SITE ADDRESS: 9144 Gallea Street NE Olympia, WA 98516</p> <p>In: Puget Sound, Nisqually Reach County: Thurston State: WA</p>	<p>ADJACENT PROPERTY OWNERS (West to East): See Attachment C</p> <p>NWS-2009-1188</p>	<p>Tidal Datum: NA Scale: 1:2,388 Coordinate System: WA State Plane N</p> <p>Sheet 3 of 6 Date: October 22, 2020</p>

Zittel's Marina Maintenance Dredging
Forage Fish Spawning

2/24/2020

ArcGIS - Forage Fish Spawning Map - Washington State

Forage Fish Spawning Map - Washington State



This map displays sand lance, smelt, herring spawning areas, herring pre-spawner holding areas, and the forage fish spawning survey beaches in Washington State.

USDA FSA, DigitalGlobe, GeoEye, CNES/Airbus DS | Washington Department of Natural Resources Aquatics Division | Washington Department of Fish and Wildlife | Esri, HERE, Garmin | These data were collected by WDFW staff with contributions from the North Olympic Salmon Coalition and the Friends of the San Juans.

<https://www.arcgis.com/home/webmap/print.html>

1/1

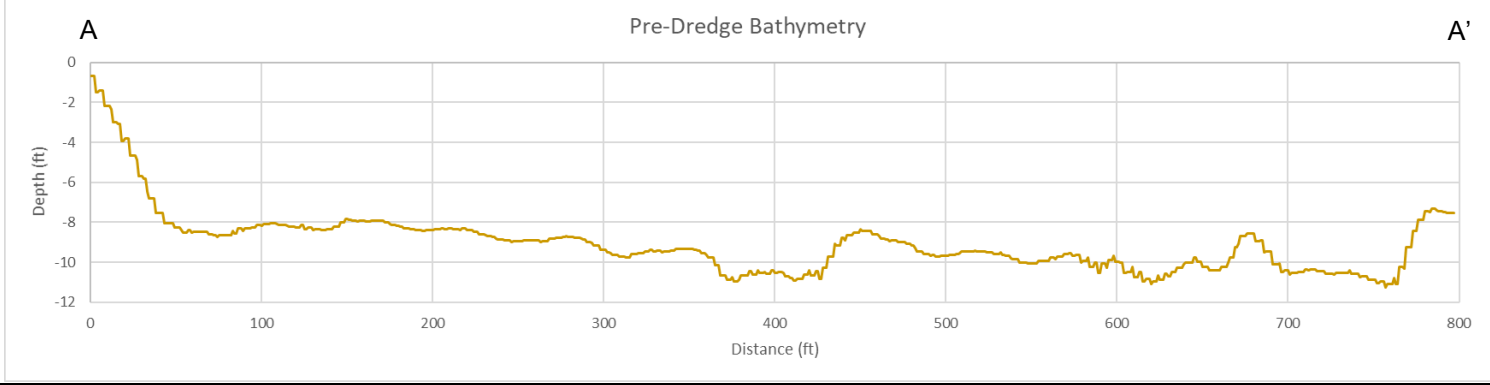
<p>APPLICANT: Michael Zittel</p>	<p>PARCEL IDs/Owners: 11904130500/ Zittel, Michael</p>	<p>PROPOSED PROJECT: Zittel's Marina Maintenance Dredging</p>
<p>SITE ADDRESS: 9144 Gallea Street NE Olympia, WA 98516</p> <p>In: Puget Sound, Nisqually Reach County: Thurston State: WA</p>	<p>ADJACENT PROPERTY OWNERS (West to East): See Attachment C</p> <p>NWS-2009-1188</p>	<p>Tidal Datum: NA Scale: 1:70,204 Coordinate System: WA State Plane N</p> <p>Sheet 4 of 6 Date: October 22, 2020</p>

Zittel's Marina Maintenance Dredging Pre-Dredge Cross Section



NWS-2009-1188
Sheet 5 of 6
Date: October 22, 2020

--- Cross Section Path (A -> A')
--- Pre-Dredge Bathymetry Contour



**Zittel's Marina Maintenance Dredging
Post-Dredge Cross Section**



NWS-2009-1188
Sheet 6 of 6
Date: October 22, 2020

--- Cross Section Path (A -> A')
— Approximate Post-Dredge Bathymetry Contour

