



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: April 1, 2019**  
**Expiration Date: May 1, 2019**

**Reference No.: NWS-2018-1153**  
**Name: Dunlap Towing Company**

---

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 2018.

The Corps will review the work in accordance with Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

**APPLICANT:** Attention: Mr. Michael Harlan  
Dunlap Towing Company  
P.O. Box 593  
La Conner, Washington 98257-0593  
Telephone: (425) 339-1303

**AGENT:** Attention: Ms. Darcey Miller  
Perennial Consulting, LLC  
6523 California Avenue Southwest, Suite 172  
Seattle, Washington 98136  
Telephone: (206) 427-9505

**LOCATION:** In Budd Inlet at Olympia, Washington

**WORK:** Perform maintenance dredging at the Dunlap Towing Company log-sorting property in Budd Inlet, to include the removal of up to 4,814 cubic yards (cy) of wood waste and sediment from up to 30,522 square feet (sf) of the nearshore. Wood waste and sediment have accumulated at the loading station area as a result of log-sorting activities, and the applicant is required to maintain a natural grade and depth as part of their aquatic lands lease with the Washington State Department of Natural Resources (DNR).

Dredging of wood waste and sediment would be conducted from upland with the use of a long-reach excavator. Wood waste would be removed from the entire Dredged Material Management Units (DMMU) 1 and 2, down to native soil levels identified as -3.0 feet mean lower low water (MLLW). Dredging is proposed to greater than

## **NWS-2018-1153, Dunlap Towing Company (Dunlap Towing Wood Waste Removal)**

-3.0 feet MLLW if wood waste is present below that depth.

An excavator would be used to mechanically dredge wood waste from the DMMUs. The excavator would transfer material from the dredge bucket to the bed of a dump truck staged in the uplands. Depending on tidal levels and water content of the dredged material, the dump truck would either transport material to an onsite, upland holding facility for dewatering, or would transfer material directly to the Kennedy Creek Disposal Site for permanent offsite disposal.

All dredging activities would take place in the intertidal zone, and construction would be planned to conduct dredge operations when the DMMUs are fully or mostly exposed during low tides. Approximately 90% of the total dredge area is above MLLW. For dredging activities that extend into the water below MLLW, on-site water quality monitoring would be conducted to measure water column turbidity and any plumes created by the dredging activities. Monitoring would be done from a vessel with a water-quality probe. Samples would be taken at hourly intervals and recorded. If water column turbidity increases beyond acceptable thresholds for State marine surface waters, dredging would be suspended until turbidity returns to an acceptable level relative to background conditions.

Dredge material was sampled in 2015 and 2016 for chemical analysis and showed elevated levels of dioxin/furan congeners and benzoic acid in wood waste and sediment. The Corps designated the sediments in DMMU 1 and 2 as not suitable for offshore disposal; therefore, they would be disposed at the approved facility listed above.

**PURPOSE:** Restore tidal depths to natural, pre-sedimentation, and wood waste deposit levels.

**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 none of the sediments proposed for dredging were acceptable for open-water disposal. Therefore, the dredged material will be deposited at an upland site, approved by the Washington State Department of Ecology and the Thurston County Department of Health. The sediment testing data are available at the Corps, Seattle District, Dredged Material Management Office.

**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.

**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 impact 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.

## **NWS-2018-1153, Dunlap Towing Company (Dunlap Towing Wood Waste Removal)**

The U.S. Army Corps of Engineers (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 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. There are no recorded historic properties within the permit area. The permit area has been so extensively disturbed by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. 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 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.

**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.

**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.

**NWS-2018-1153, Dunlap Towing Company (Dunlap Towing Wood Waste Removal)**

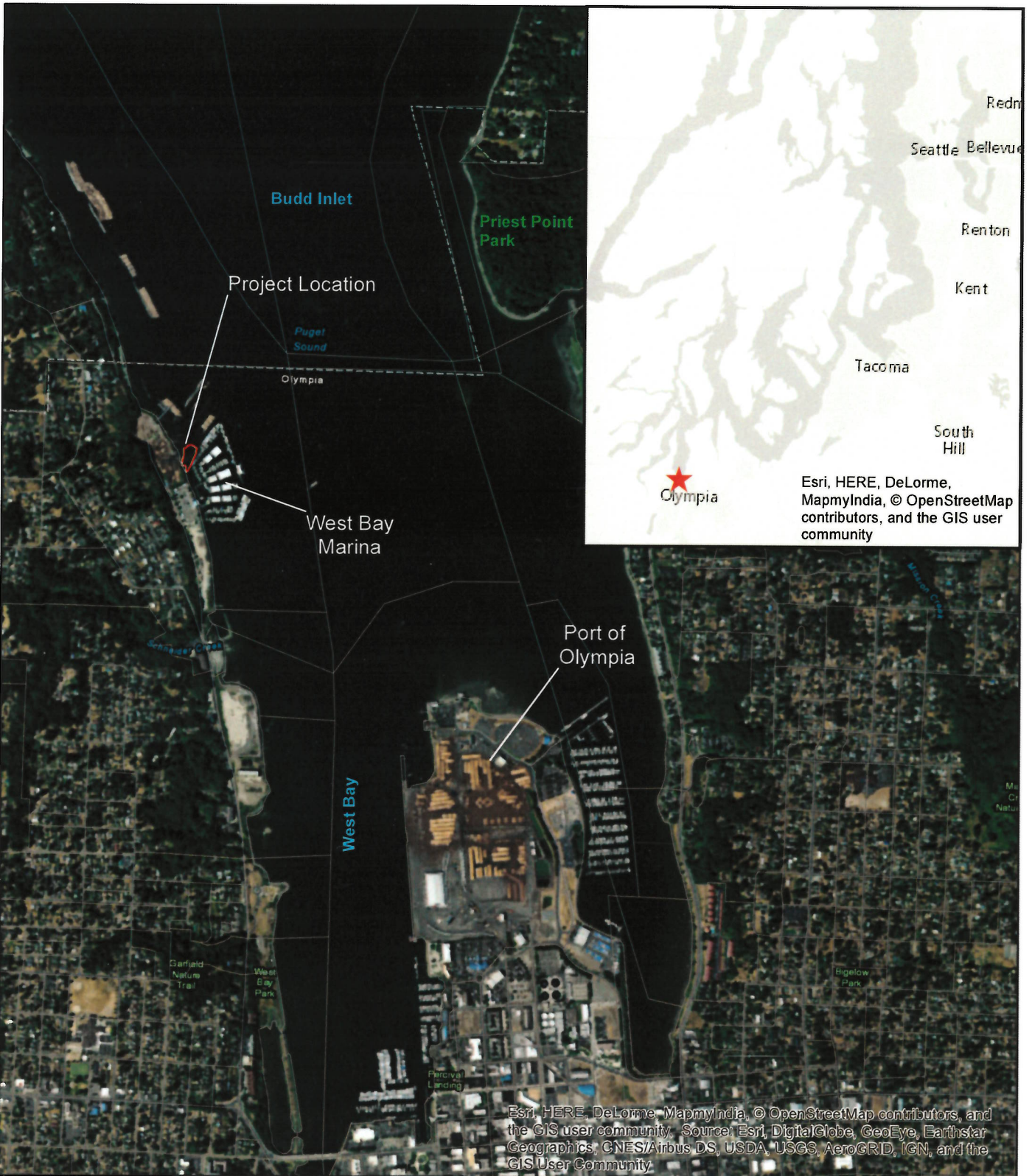
CORPS COMMENTS: All e-mail comments should be sent to [brandon.c.clinton@usace.army.mil](mailto:brandon.c.clinton@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Brandon Clinton, P.O. Box 3755, Seattle, Washington 98124-3755. 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 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](mailto: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: Dunlap Towing Company; NWS-2018-1153

Encl: Project Drawings (9 pages)

**SHEET 1**



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Legend**

 Dredge footprint



**SHEET 1**

**VICINITY MAP**  
Dunlap Towing Wood Waste Removal  
Budd Inlet, Olympia, WA

Reference Number: (USACE to provide)  
Applicant Name: Michael Harlan  
Proposed Project: Dunlap Towing Wood Waste Removal  
Location: S8/T18/R2W, Parcel: 09750016000

**GRAVITY**

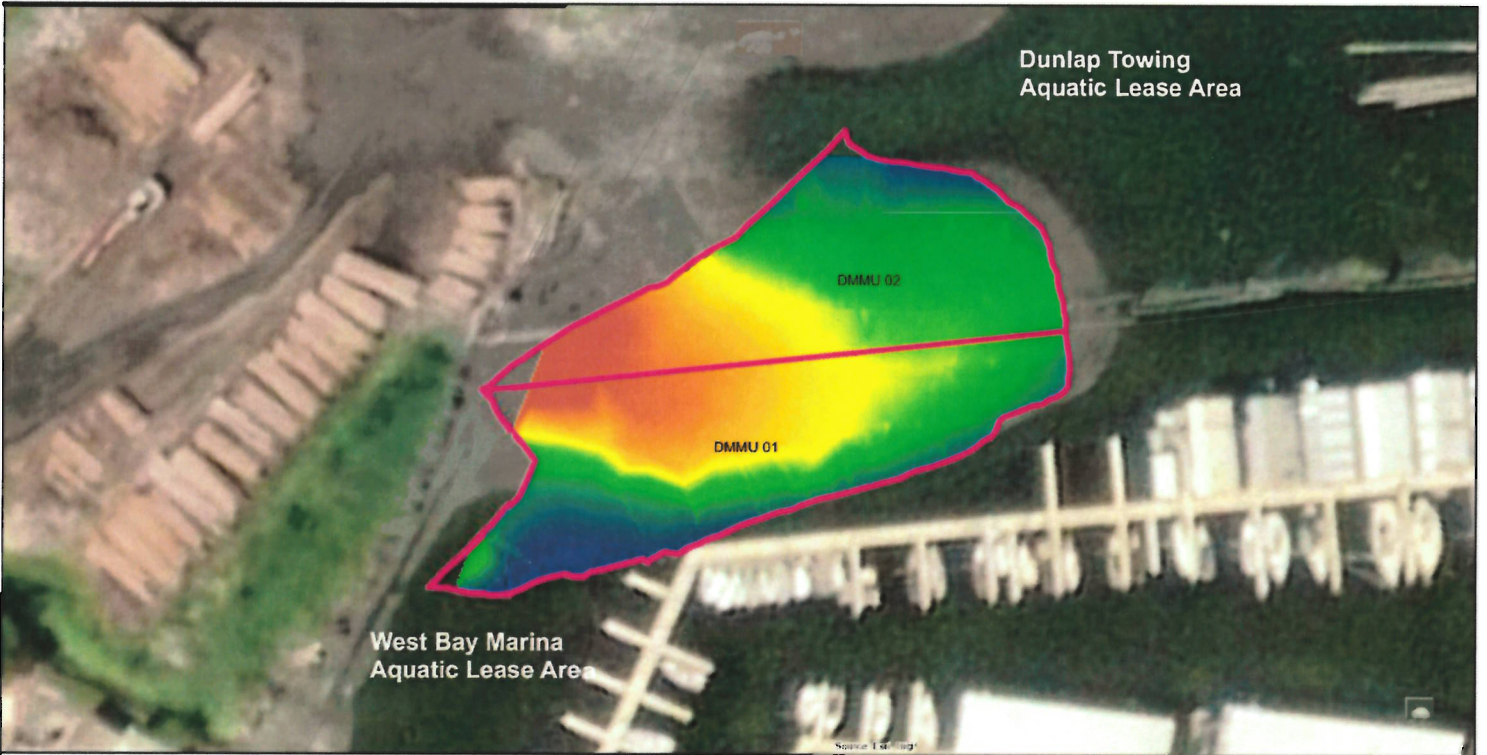


NWS-2018-1153

**Date: October 2018**



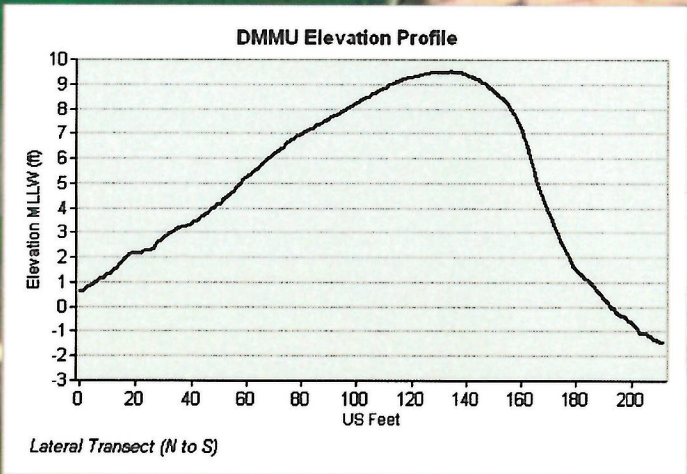
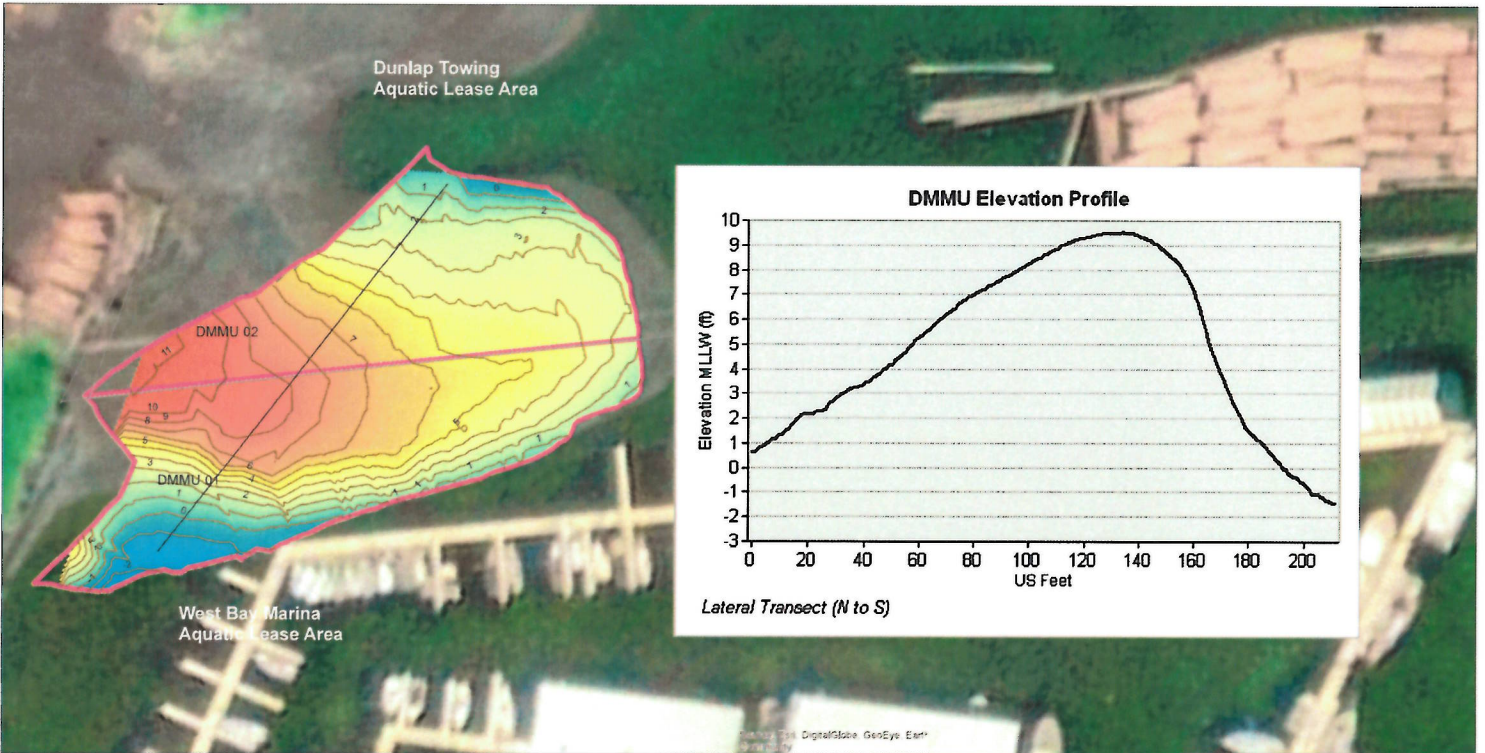
**SHEET 3**



<p><b>Legend</b></p> <p> DMMU Boundaries</p>	<p><b>Dredge Cut Depth (ft)</b></p> <p><b>Value</b></p> <p> High : 14.5</p> <p>Low : 0.70</p>	<p><b>Dredging Geometry</b></p> <p>Footprint Area (sq ft): 30522</p> <p>Footprint Area (acre): 0.7</p>	<p>0 10 20 40 60 80 Feet</p> <p></p> <p></p> <p></p>	<p><b>SHEET 3</b>  <b>DREDGE CUT DEPTH ISOPATCH</b>          Dunlap Towing Wood Waste Removal          Budd Inlet, Olympia, WA</p> <p>Reference Number: (USACE to provide)          Applicant Name: Michael Harlan          Proposed Project: Dunlap Towing Wood Waste Removal          Location: S8/T18/R2W, Parcel: 09750016000</p> <p>Date: November 2018</p>
--	---	--	--	--

NWS-2018-1153


SHEET 4

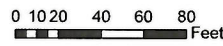


**Legend**

- DMMU Boundaries
- 1ft Contours MLLW

**DMMU DTM MLLW**

**Value (US FEET)**  
 High : 11.48  
  
 Low : -2.30



**SHEET 4**  
**ELEVATION PROFILE - LATERAL**  
**Dunlap Wood Waste Removal**  
**Budd Inlet, Olympia, WA**

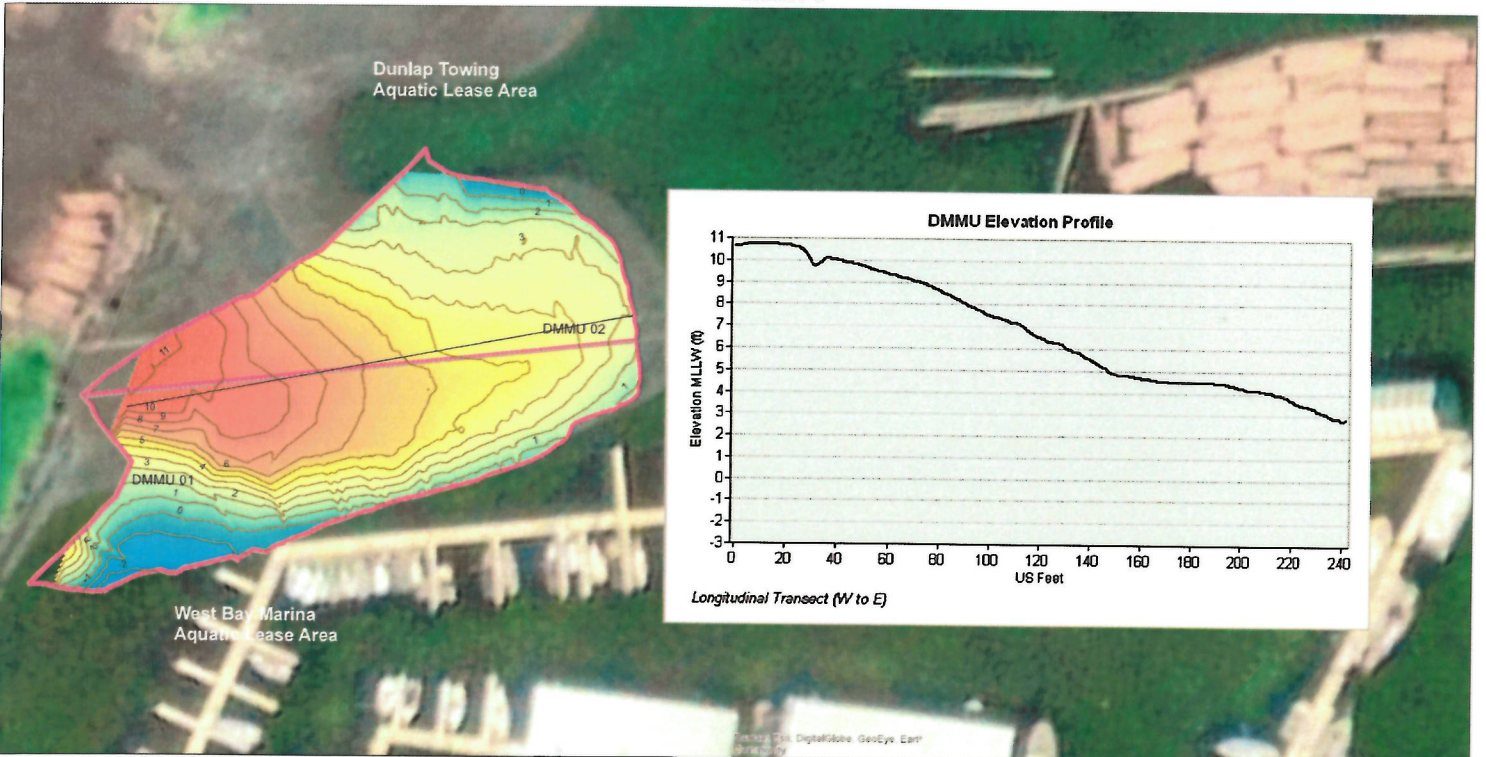
Reference Number (USACE to provide)  
 Applicant Name: Michael Haslan  
 Proposed Project: Dunlap Towing Wood Waste Removal  
 Location: S&T 15&P 2W Parcel 09750016000

Date: October 2018


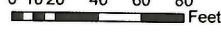

NWS-2018-1.153



SHEET 5



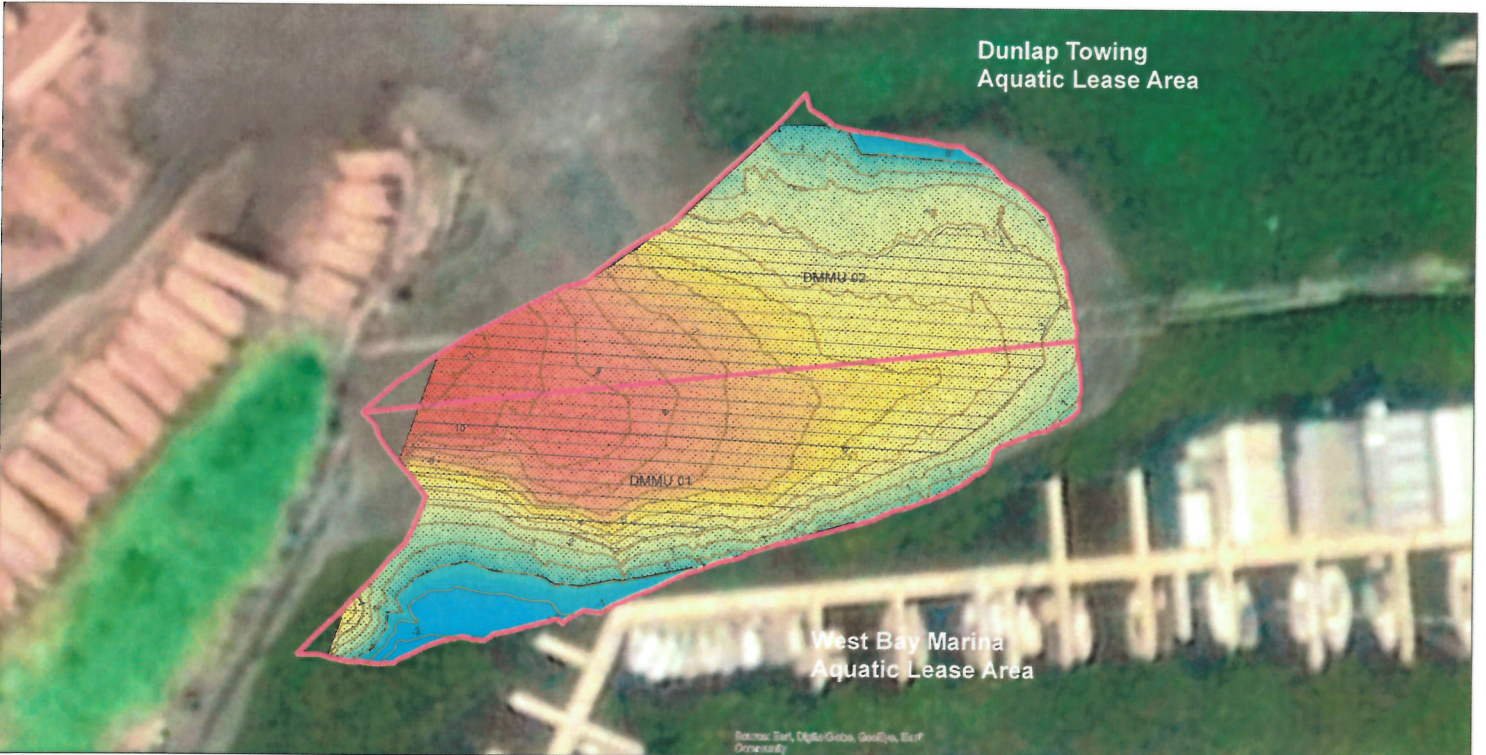
PROJECTION: NAD 83, UTM, Zone 18Q, Datum: NAD 83, Units: US Feet








<p><b>Legend</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid pink; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> DMMU Boundaries</li> <li><span style="border-bottom: 1px solid yellow; display: inline-block; width: 15px; margin-right: 5px;"></span> 1ft Contours MLLW</li> </ul>	<p><b>DMMU DTM MLLW</b></p> <p>Value (US FEET)</p> <p>High : 11.48</p>  <p>Low : -2.30</p>	<p>0 10 20 40 60 80 Feet</p>  	<p><b>SHEET 5</b>  <b>ELEVATION PROFILE-LONGITUDINAL</b>          Dunlap Wood Waste Removal          Budd Inlet, Olympia, WA</p> <p>Reference Number: (USACE to provide)          Applicant Name: Michael Huston          Proposed Project: Dunlap Towing Wood Waste Removal          Location: SBT16/R2W Parcel: 09750016000</p> <p>Date: October 2018</p>
--	---	---	---

NWS-2018-1153



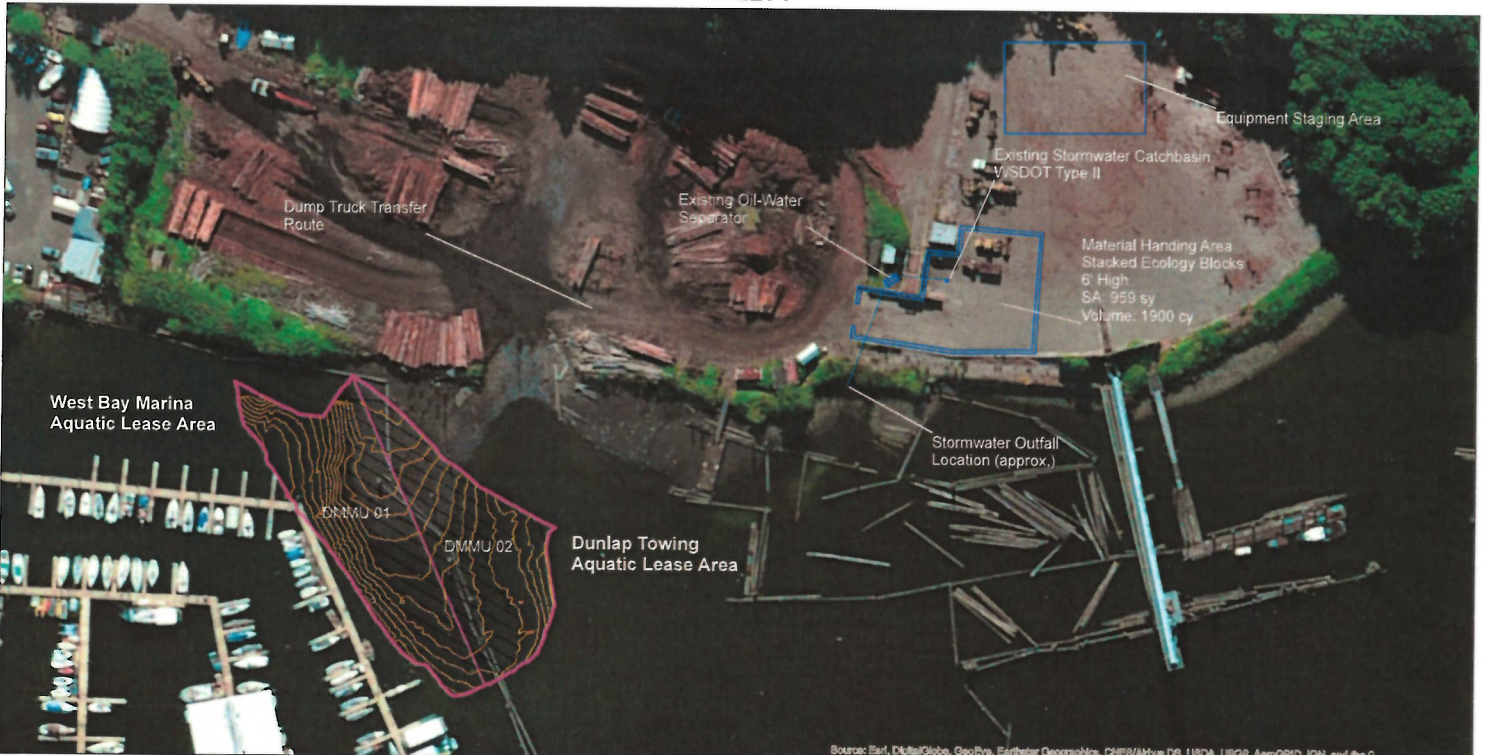
SHEET 6



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Area Above MLLW (3.08 ft MLLW)</li> <li> Area Above MLLW (0 ft)</li> <li> DMMU Boundaries</li> <li> 1ft Contours MLLW</li> </ul>	<p><b>DMMU DTM MLLW</b></p> <p><b>Value (US FEET)</b></p> <p>High : 11.48</p>  <p>Low : -2.30</p>	<p><b>DMMU Tidal Exposure</b></p> <p>MLLW: 27621 sqft/ 90% DMMU          MHW: 19358 sqft/ 63% DMMU          MHW: 0 sq ft/ 0% DMMU          MHHW: 0 sqft/ 0% DMMU</p>	<p>0 10 20 40 60 80 Feet</p>  <p><b>GRAVITY</b></p> 	<p><b>SHEET 6</b>  <b>DREDGE POLYGON TIDAL ELEVATIONS</b>          Dunlap Towing Wood Waste Removal          Budd Inlet, Olympia, WA</p> <p>Reference Number: (USACE to provide)          Applicant Name: Michael Hardan          Proposed Project: Dunlap Towing Wood Waste Removal          Location: S8/T18/R2W, Parcel: 05750016000          Date: October 2018</p>
---	--	--	--	---

NWS-2018-1153

SHEET 7



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Area Above MLW (3.08 ft MLLW)</li> <li> Area Above MLLW (0 ft)</li> <li> Stormwater Pipe (approx)</li> <li> DMMU Boundaries</li> <li> 1ft Contours MLLW</li> </ul>		<p>Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the G</p> <p>0 20 40 80 120 160 Feet</p>		<p><b>SHEET 7</b></p> <p><b>MATERIAL HANDLING AREA</b> Dunlap Towing Wood Waste Removal Budd Inlet, Olympia, WA</p>	
<p><b>GRAVITY</b></p>				<p>Reference Number: (USACE to provide) Applicant Name: Michael Hartan Proposed Project: Dunlap Towing Wood Waste Removal Location: SBT 18/R2W Parcel 05750916200 Date: October 2018</p>	

NWS-2018-1153



<b>Legend</b>	<p>*NOTE: wetland boundaries displayed on this drawing are not to scale and not representative of accurate area of wetlands. Areas depicted here are from visual observations only, and no delineation was performed to define actual boundaries of wetlands. This figure should be used for internal planning purposes only, and no further analyses should be performed with the data represented here.</p>	<p>0 25 50 100 150 200 Feet</p>	<p><b>SHEET 8 WETLAND/DRAINAGE OBSERVATIONS</b> Dunlap Towing Wood Waste Removal Budd Intert. Olympia, WA</p>
<p> Approximate wetland boundary  DMMU</p>			<p>Reference Number: (USACE to provide) Applicant Name: Michael Harlan Proposed Project: Dunlap Towing Wood Waste Removal Location: S8/T16N/R2W, Parcel: 09750016000 Date: October 2018</p>

NWS-2018-1153

SHEET 9



PROJECT: NWS 2018-1153; SHEET: 9; DATE: 10/20/16

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, AeroGRID, IGN, Esri, DeLorme, NAVTEQ, SwireHaworth, Swire

**Legend**

-  Pilings
-  DMMU
-  Concrete Bulkhead
-  Log Boom
-  Piling Cluster



**GRAVITY**



**SHEET 9  
EXISTING MARINE STRUCTURES**

Dunlap Wood Waste Removal  
Budd Inlet, Olympia, WA

Reference Number: (USACE to provide)  
Applicant Name: Michael Harlan  
Proposed Project: Dunlap Towing Wood Waste Removal  
Location: S8/T18/NR2W, Parcel 05750016000

Date: October 2016

NWS-2018-1153