



## **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) 316-3360 ATTN: Rory Lee, 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: June 12, 2019 Expiration Date: July 12, 2019

Reference No.: NWS-2019-336 Name: Vigor Industrial, LLC (Fender Pile Replacement)

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 United States as described below and shown on the enclosed drawings dated March 2019.

The Corps will review the work in accordance with 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.

<u>APPLICANT</u>: Vigor Industrial, LLC

ATTN: Mr. Eagle Hilton 1801 16<sup>th</sup> Avenue Southwest Seattle, Washington 98134 Telephone: (206) 409-0047 I <u>AGENT</u>: Floyd Snider ATTN: Erin Murray 601 Union Street, Suite 600 Seattle, Washington 98101

Telephone: (206) 292-2078

LOCATION: In Elliot Bay at Seattle, Washington.

<u>WORK</u>: Vigor Industrial, LLC (Vigor) has proposed to perform maintenance to their existing facility by replacing fender piles. Maintenance would occur on Piers 3, 4, 5, and 6. Vigor would replace up to two-hundred-forty-eight fender piles with a maximum of one-hundred piles per year, over a ten-year period.

<u>PURPOSE</u>: To provide safe commercial vessel moorage.

<u>ADDITIONAL INFORMATION</u>: Vigor Shipyard is within the Harbor Island Superfund Site. Between 2004 and 2007, a remedial action was completed that consisted of dredging of contaminated sediment in open-water areas and placement of temporary sand caps beneath the piers where no dredging occurred. Piers 3 and 6 received a 1-foot thick sand cap, while Piers 4 and 5 received 3-foot-thick sand caps.

## NWS-2019-336; Vigor Industrial LLC (Fender Pile Replacement)

Pile replacement would include the removal of one-hundred-ninety-six 15-inch diameter creosote piles and twentyone steel piles ranging in diameter (16, 18, and 30 inches). Additional maintenance would include replacing up to twenty steel piles over the ten-year period identified at a future date. The proposed work would also include the replacement of the rubber energy absorbers and steel walers at each fender pile.

Work would be performed using a vibratory hammer mounted to a crane barge. All debris would be transported by barge to an approved upland disposal facility.

<u>ENDANGERED SPECIES</u>: 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.

<u>ESSENTIAL FISH HABITAT</u>: 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.

<u>CULTURAL RESOURCES</u>: 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. Historic properties are recorded near the proposed project. However, they do not occur in 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.

<u>PUBLIC HEARING</u>: 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.

<u>EVALUATION – CORPS</u>: 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.

## NWS-2019-336; Vigor Industrial LLC (Fender Pile Replacement)

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.

<u>EVALUATION – ECOLOGY</u>: 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.

<u>ADDITIONAL EVALUATION</u>: The City of Seattle is reviewing the Shorelines Substantial Development permit for this project.

<u>COMMENT AND REVIEW PERIOD</u>: 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.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at http://www.nws.usace.army.mil/ and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

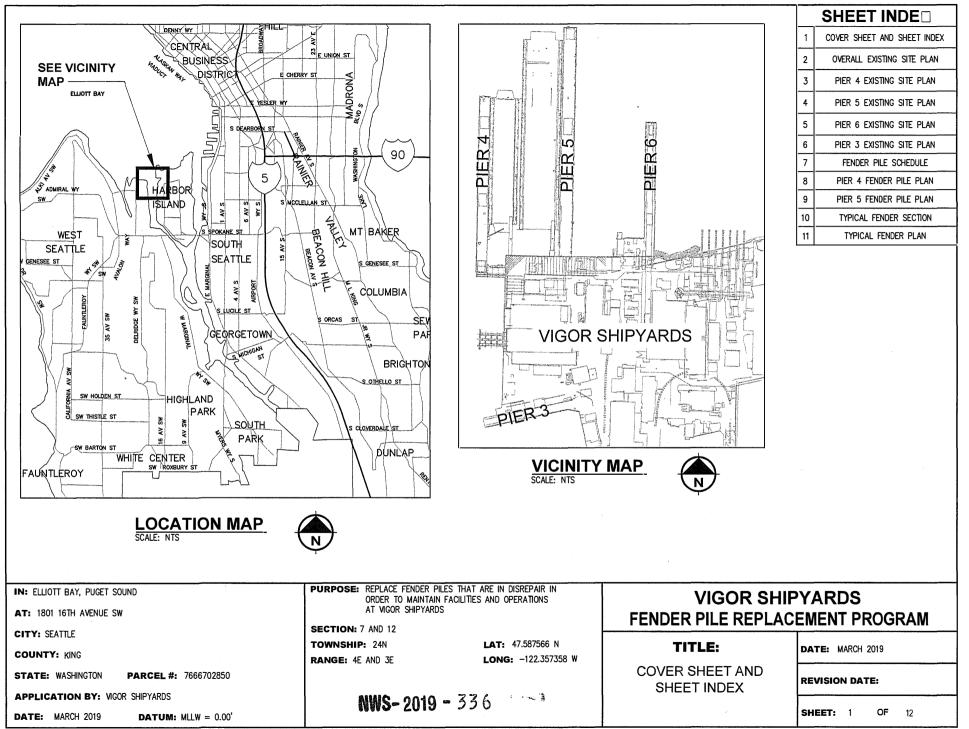
<u>CORPS COMMENTS</u>: All e-mail comments should be sent to rory.w.lee@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch,

Attention: Rory Lee, 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.

<u>ECOLOGY COMMENTS</u>: 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: Department of Ecology, Attention: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

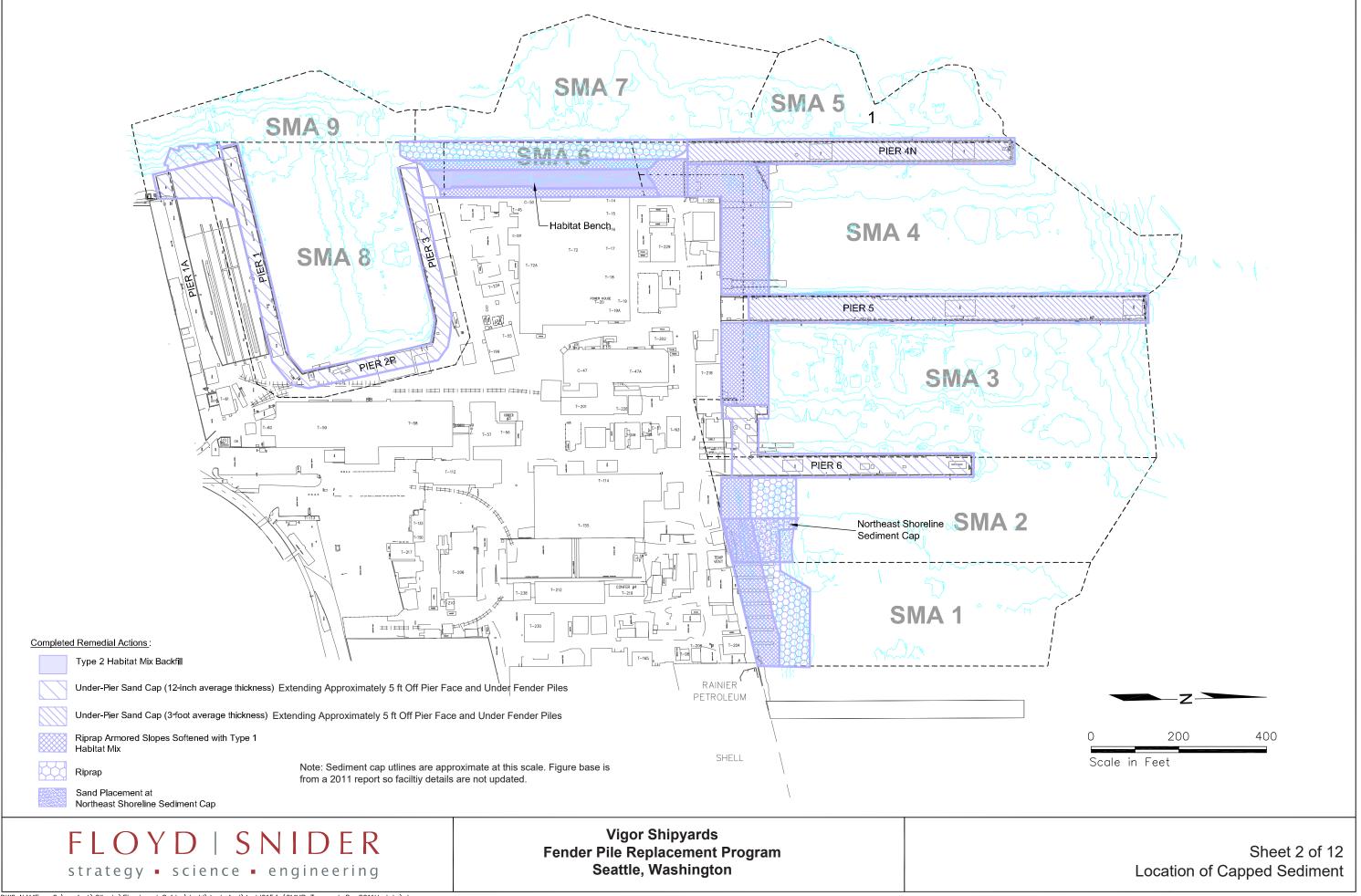
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Vigor Industrial, LLC; NWS-2019-336.

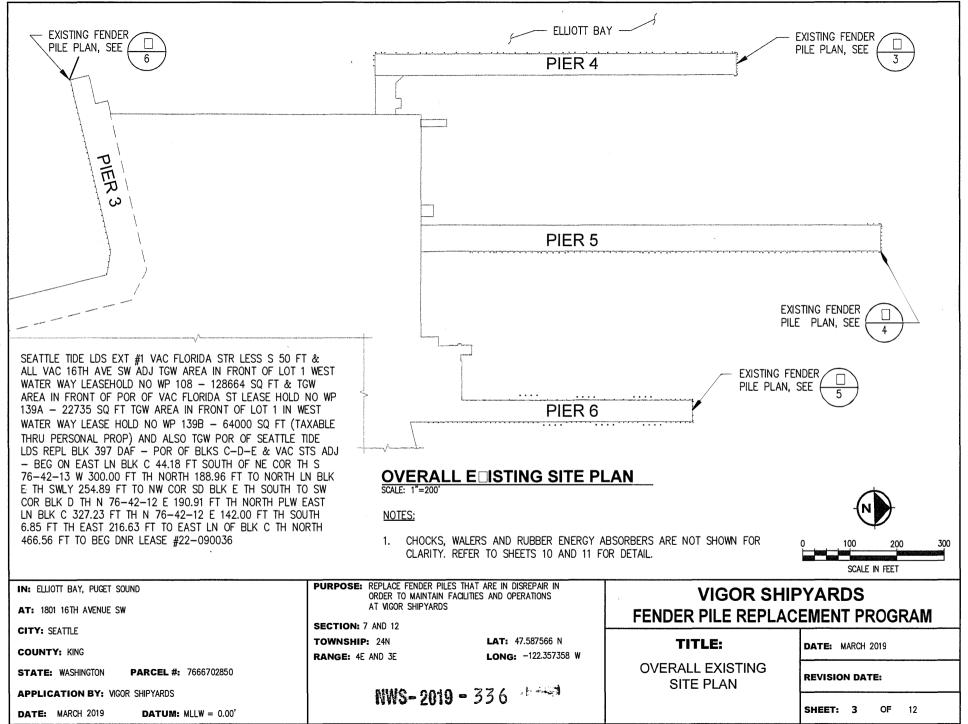
Encl: Figures (12)



Plotted: Mar 26, 2019 - 8:59am pcece Layout: Cover Sheet & Sheet Index

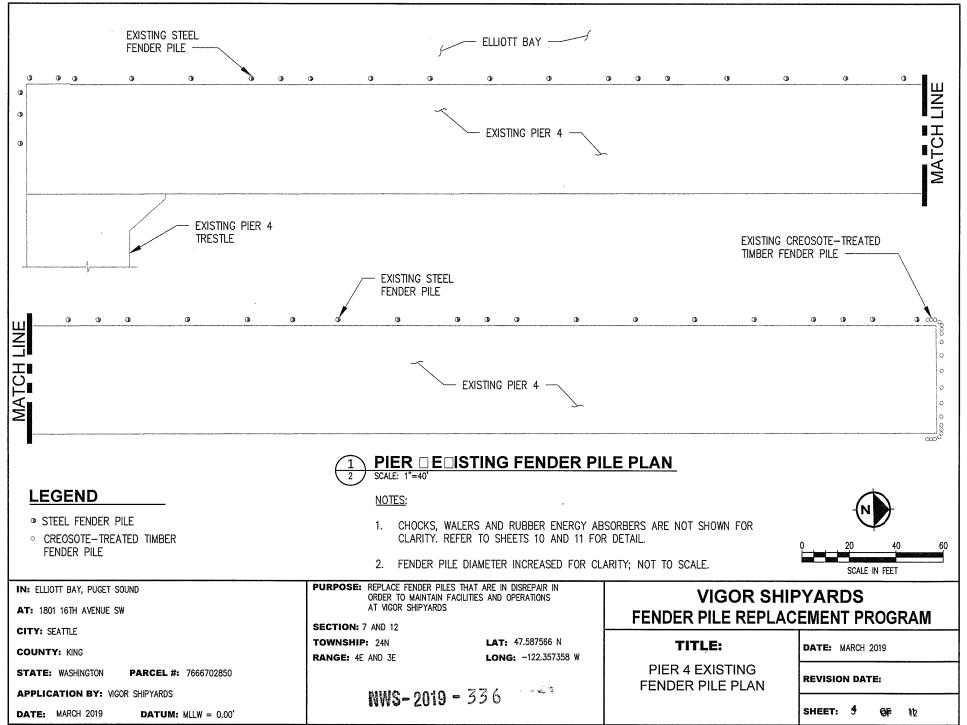
M: \2018\1800169 Vigor Fender Pile Replacement \9.00 Drawings \Current \01 - Cover Sheet & Sheet Index.dwg





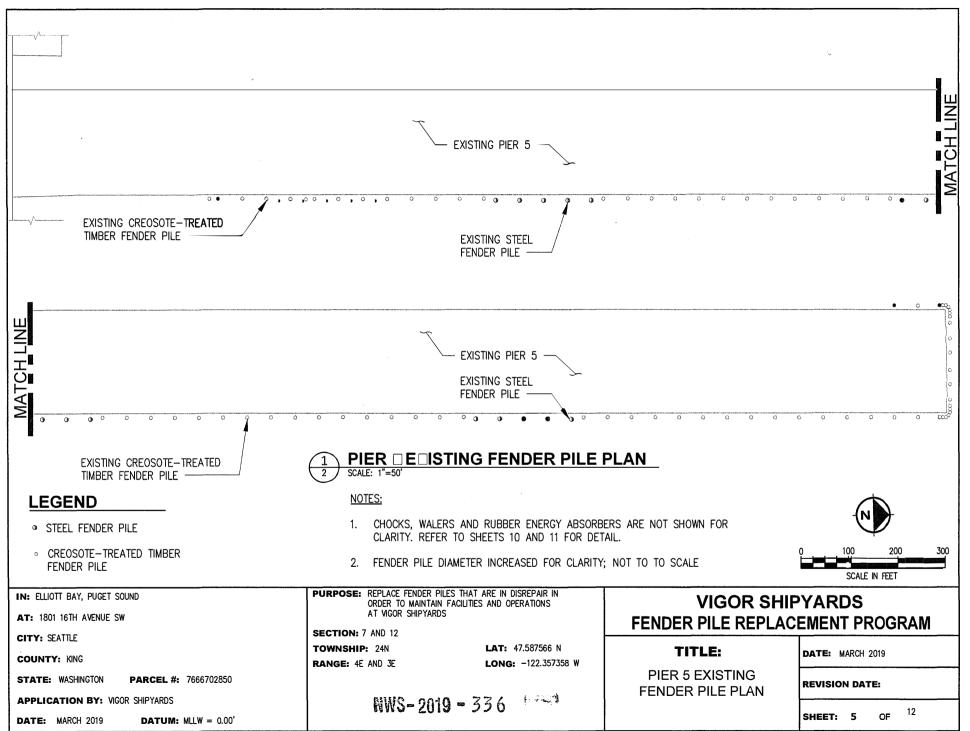
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M:\2018\1800169 Vigor Fender Pile Replacement\9.00 Drawings\Current\02 - Overall Ex Site Plan.dwg



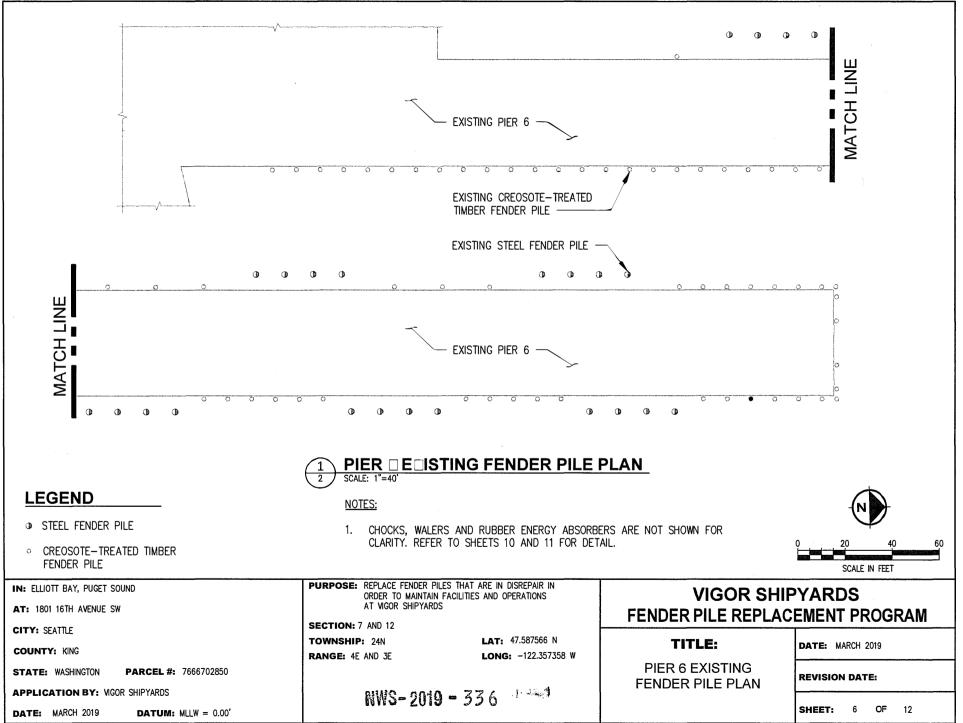
Plotted: Mar 26, 2019 - 8:59am pcece Layout: Existing Pier 4

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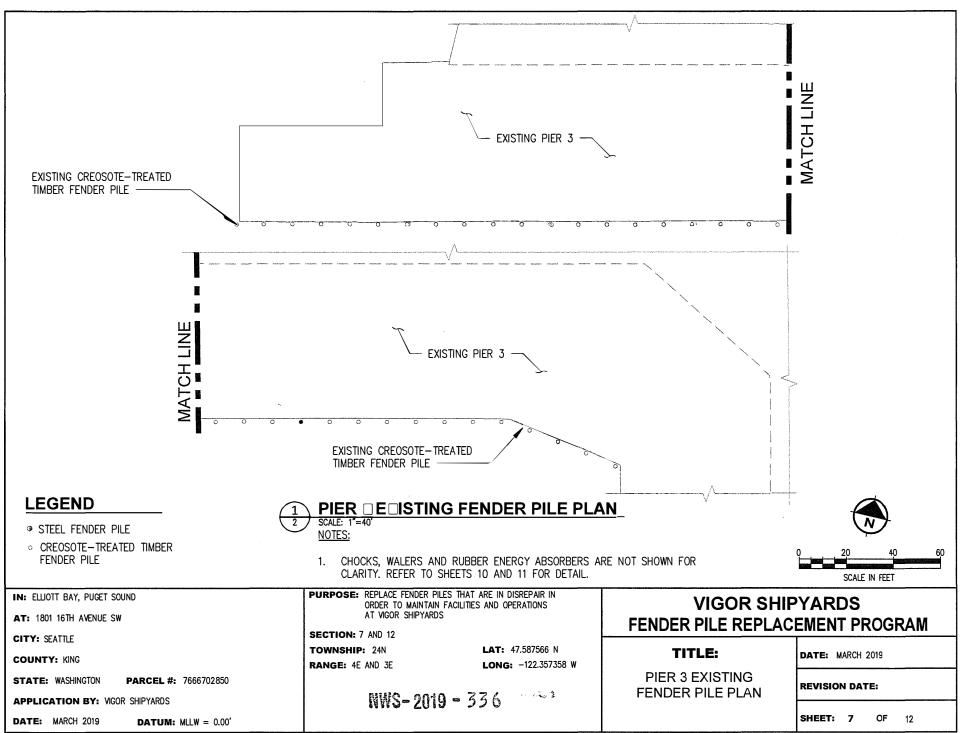
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Plotted: Mar 26, 2019 - 9:00am pcece Layout: Existing Pier 6

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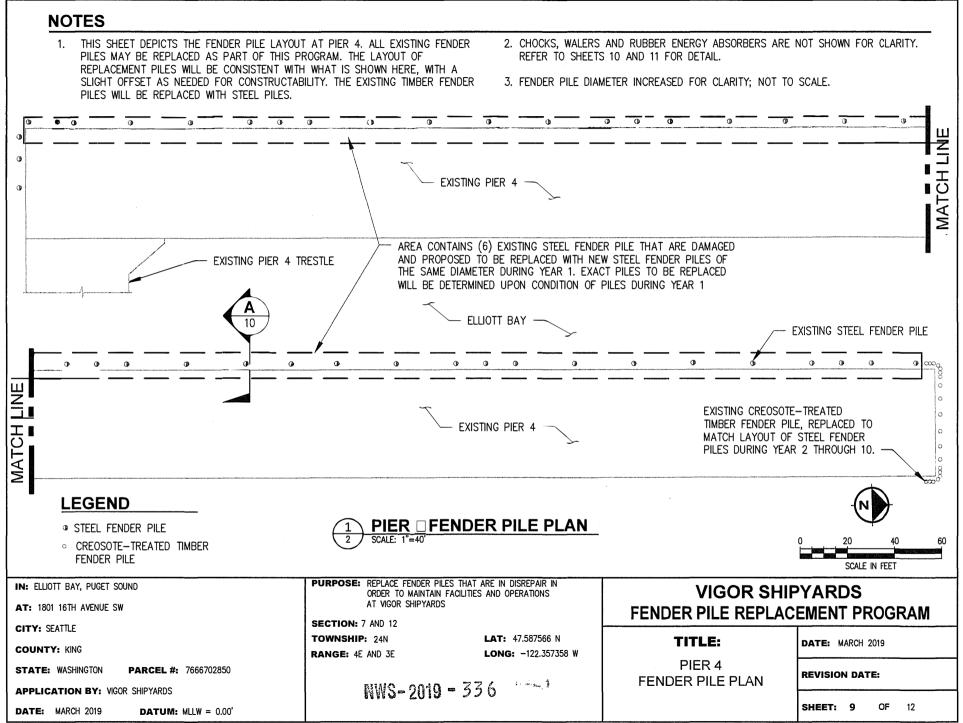
Plotted: Mar 26, 2019 - 9:00am pcece Layout: Existing Pier 3 Site Plan

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						1 2 3					
FENDER PILE SCHEDULE 1, 2, 3											
				Replacem							
		<b>.</b>				1	Year 2 through Year 10		-		
		Existing		Remove		1	Remove New				
	Timbe		Timber	Steel	Steel	Timber	Steel	Steel			
Pier 3	35/15		0	0	0	35/15"¢	0	23/16"¢			
Pier 4		φ 41/16"φ		6/16"ø	6/16"¢	1	35/16"ø				
Pier 5		<u>φ 15/18"φ</u>		0	15/18"ø	68/15"¢	0	80/18"¢			
Pier 6		<u>φ</u> 24/30"φ	0	0	0	61/15"¢	0	62/30"¢			
Contin		0	0	0	0	0	0	20/30"¢	<b>.</b>		
Totals	196	0	10	internet I		104			Totals		
	r Removed		12			184	25		196	-	
	Removed			6	21		35	227	41		
New St		······································			21			227	248		
LEGEND: #/#"ø – number of piling/outer diameter of piling Notes:											
	1. UP TO 100 PILES MAY BE INSTALLED EACH YEAR BUT NO MORE THAN 248 PILES WILL BE INSTALLED OVER THE 10 YEAR PROGRAM DURATION.										
	2. REFER TO SHEETS 3 AND 4 FOR PROPOSED FENDER PILE LAYOUT ON PIER 4 AND 5, RESPECTIVELY.										
3. PROPOSED FENDER PILE LAYOUTS FOR PIER 3 AND 6 ARE EXPECTED TO BE SIMILAR TO 4 AND 5, RESPECTIVELY. PLANS WILL BE PROVIDED PRIOR TO WORK ON THESE PIERS, FOLLOWING DESIGN.											
IN: ELLIOTT BAY, PUGET SOUND	PURPOSE: REPLACE FENDER PILES THAT ARE IN DISREPAIR IN ORDER TO MAINTAIN FACILITIES AND OPERATIONS					VIGOR SHIPYARDS					
AT: 1801 16TH AVENUE SW		AT VIGOR SHIPYARDS				F	FENDER PILE REPLACEMENT PROGRAM				
CITY: SEATTLE		SECTION: 7 AND 12 TOWNSHIP: 24N		LAT: 47. Long: -			<b>TITLE:</b> FENDER PILE SCHEDULE			DATE: MARCH 2019	
COUNTY: KING		RANGE: 4E AND 3E									
STATE: WASHINGTON PARCEL #: 7666702850 APPLICATION BY: VIGOR SHIPYARDS					- 444 1				REVISION DATE:		
DATE: MARCH 2019 DATUM: MLLW = 0.00'		NWS-2019 - 336								SHEET: 8 OF 12	

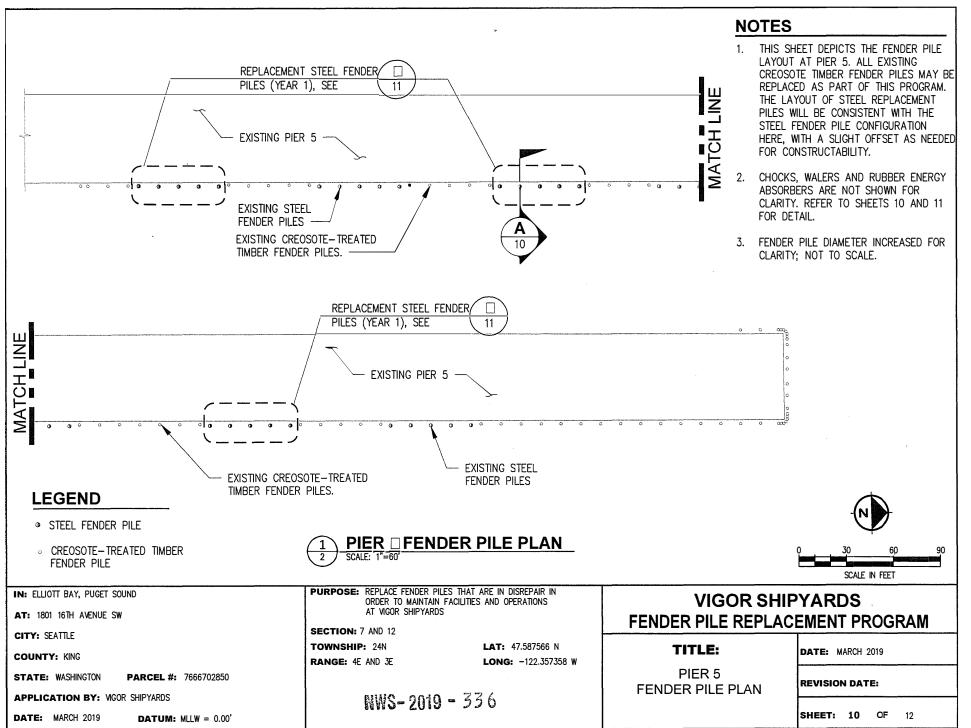
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Plotted: Apr 01, 2019 - 2:58pm pcece Layout: Pile Schedule M:\2018\1800169 Vigor Fender Pile Replacement\9.00 Drawings\Current\07 - Pile Schedule.dwg



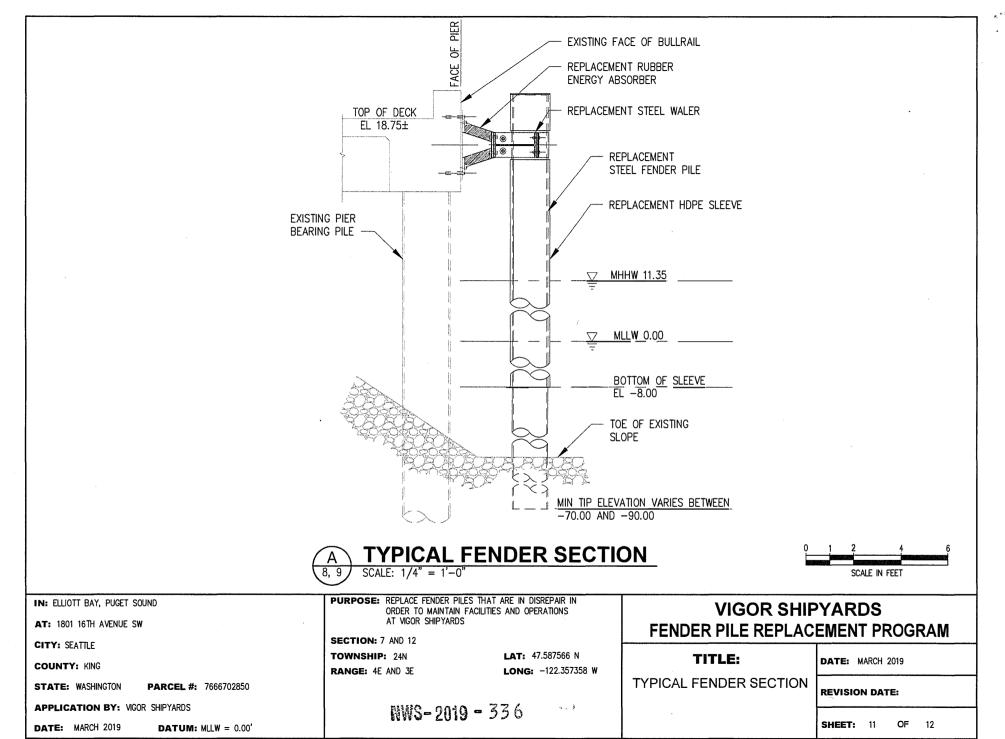
Plotted: Mar 26, 2019 - 9:00am pcece Layout: Pier 4 Fender Plan

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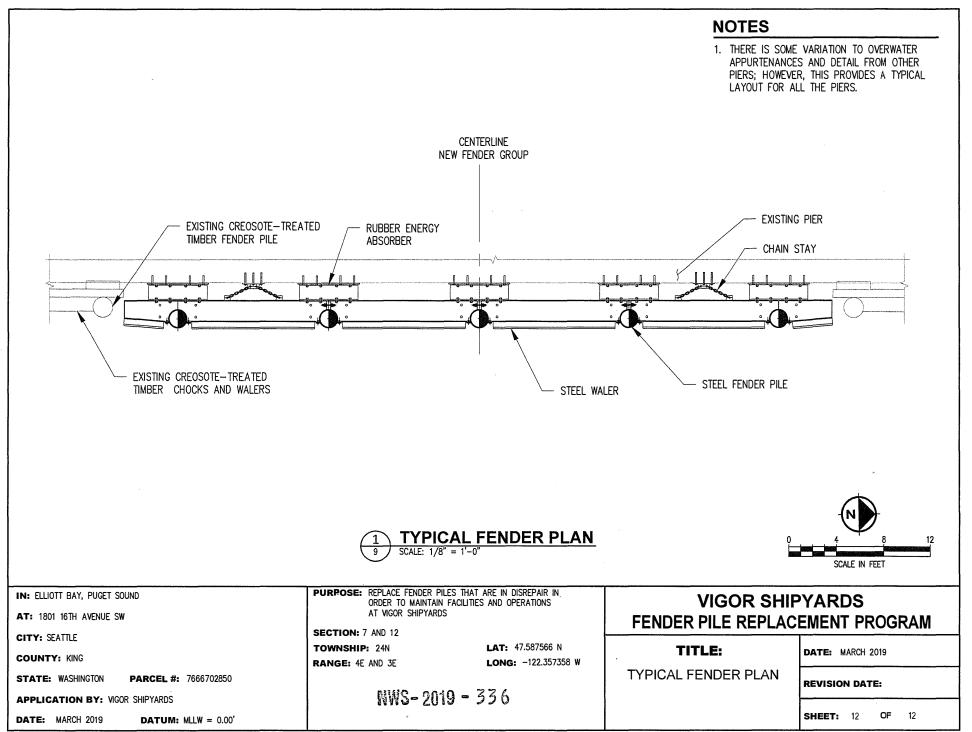
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Plotted: Mar 26, 2019 - 9:00am pcece Layout: Typical Fender Section

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Plotted: Mar 26, 2019 — 9:00am pcece Layout: TYP FENDER PLAN M:\2018\1800169 Vigor Fender Pile Replacement\9.00 Drawings\Current\11 — Typical Fender Plan.dwg