



US Army Corps
of Engineers®
Seattle District

Public Notice

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER 33 USC 408 (Section 408) & NOTICE TO PREPARE AN ENVIRONMENTAL ASSESSMENT

Planning, Environmental and Cultural
Resources Branch
ATTN: Section 408 Coordinator
P.O. Box 3755
Seattle, WA 98124-3755

Public Notice Date: 07 January 2020
Expiration Date: 06 February 2020
Reference: 408-NWS-2019-0042

PROJECT TITLE: Olympic Pipe Line Swinomish Channel (Section 408 Reference Number: 408-NWS-2019-0042)

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, Olympic Pipe Line Company LLC (Requester) has requested permission from the U.S. Army Corps of Engineers (USACE) to replace a 16-inch in diameter pipeline crossing beneath the Swinomish Channel in Swinomish, Washington (Federal Project), an existing Federal navigation project. The Federal Project provides a protected channel between south Puget Sound and north Puget Sound and allows navigation users a northerly route that bypasses Deception Pass. The Federal Project is used for commercial log and barge towing and for recreational purposes. The Federal Project comprises an 11-mile-long channel; it is 100 feet wide and 12 feet deep and runs from Skagit Bay to Padilla Bay. It provides marine access to the City of La Conner waterfront, Swinomish Tribal commercial facilities, boat yards, and several marinas. In 2016 channel commerce totaled 130,000 tons.

LOCATION: The Olympic Pipeline (Proposed Alteration) would pass at least 40 feet beneath the Swinomish Channel, approximately 5 miles southwest of Anacortes, WA. The Proposed Alteration would run parallel to, and just south of, Washington State Route 20. Figure 1 provides the general location of the Proposed Alteration relative to the Federal Project, and Figure 2 provides more detailed location information.



Figure 1. General Location of the Proposed Alteration and the Federal Project (Swinomish Channel)

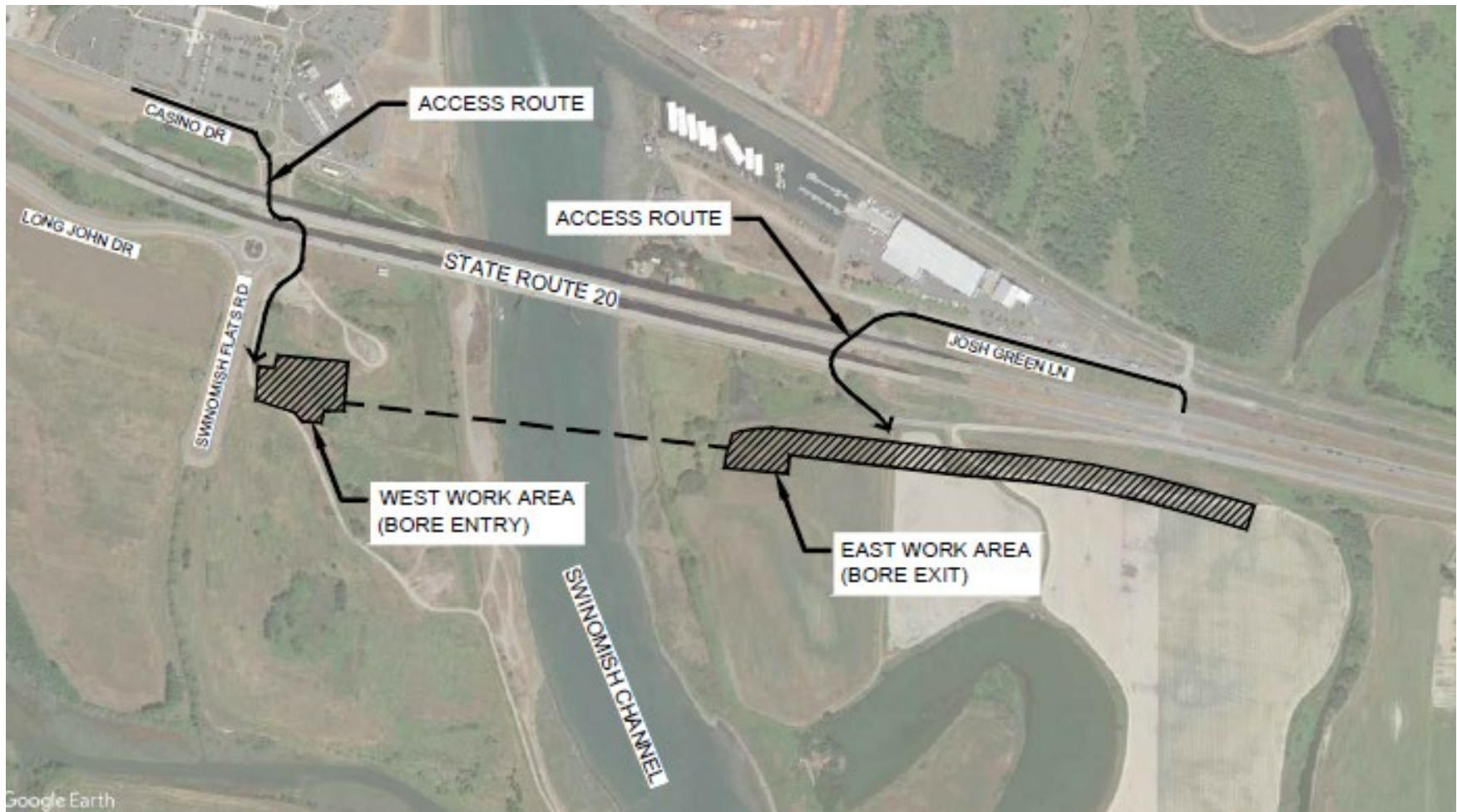


Figure 2. Detailed Location of the Proposed Alteration

REQUESTER'S PROPOSED ACTION: In compliance with Section 408, Olympic Pipe Line Company LLC requested permission from USACE to alter the Federal Project by replacing the existing 16-inch diameter pipe beneath the Swinomish Channel. A new 16-inch diameter pipe would be installed at least 40 feet below the bottom of the channel. All work would be completed using horizontal directional drilling from designated work sites shown in Figure 2. Figure 3 provides a cross section view of the Proposed Alteration.

EVALUATION: USACE has determined that the proposed Olympic Pipe Line would entail an alteration to the Federal Project, and therefore requires permission under Section 408.

NATIONAL ENVIRONMENTAL POLICY ACT: A decision on a Section 408 request is a federal action subject to the National Environmental Policy Act (NEPA) and other federal environmental and cultural resources compliance requirements. Pursuant to NEPA, an Environmental Assessment will be prepared evaluating two alternatives: 1) no action (i.e., denial of 408 request) and 2) requester's proposed alteration as discussed above (i.e. issuance of 408 permission). If significant effects on the quality of the human environment are subsequently identified and cannot be mitigated, USACE will initiate an Environmental Impact Statement (EIS) and afford all the appropriate participation opportunities attendant to an EIS. The public is invited to comment on the impacts of the proposal on the quality of the human environment.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation, or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest, will not limit the ability of the USACE project to function as authorized, and will not compromise or change any authorized project conditions, purposes or outputs. The Secretary of Army's authority under Section 408 has been delegated to USACE, Chief of Engineers. USACE Chief of Engineers has further delegated the authority to USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by Federal, state, and local laws or regulations, including any required permits from USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

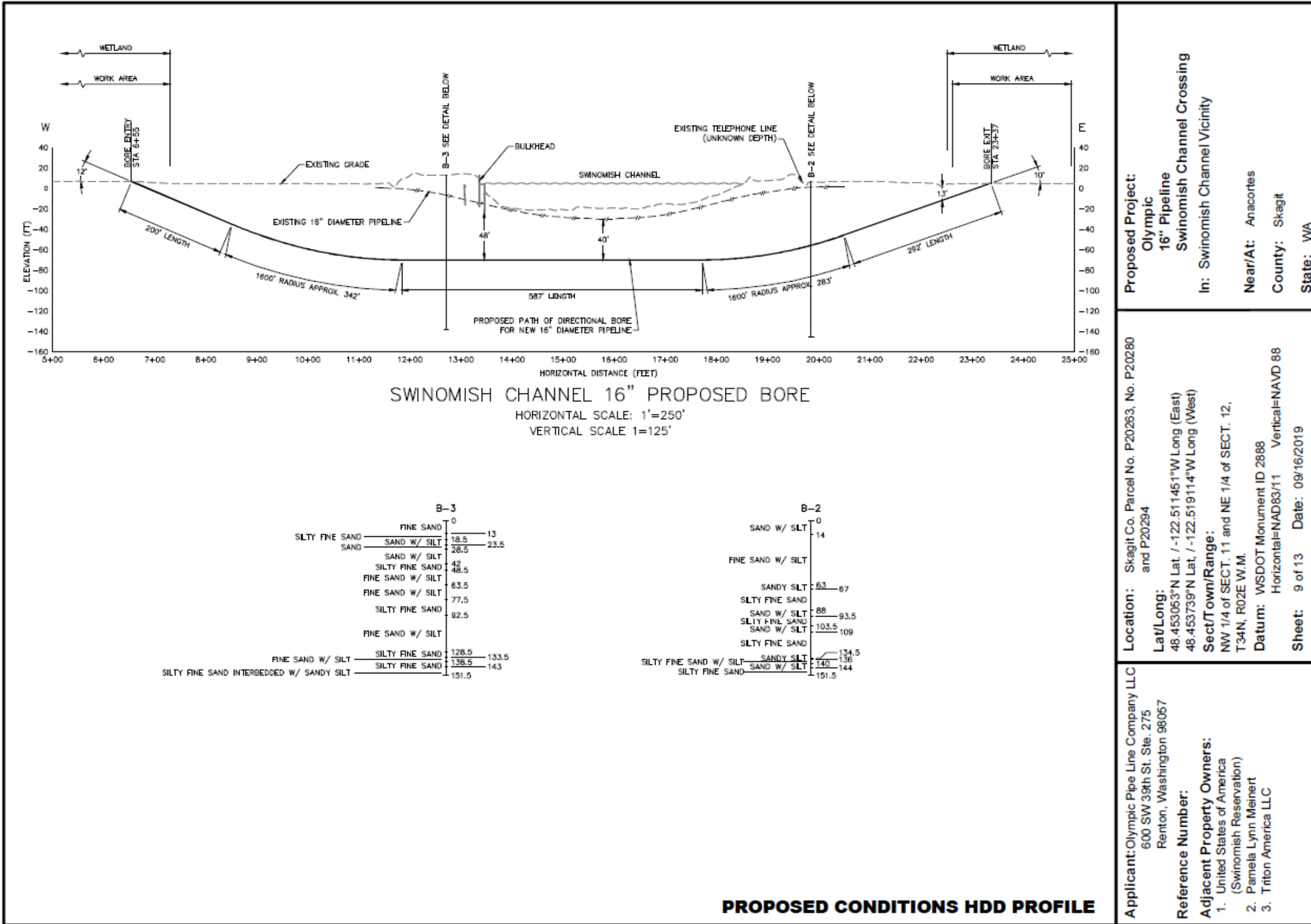


Figure 3. Cross Section of the Proposed Alteration

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PUBLIC INVOLVEMENT: USACE will accept comments on this Public Notice and make them part of the evaluation record and consider them in determining whether the proposed alteration would be injurious to the public interest or would impair the usefulness of the Federal Project, and in assessing the impacts of those determinations on the quality of the human environment. Interested parties may submit in writing any comments concerning this notice. USACE will consider all submissions received before the expiration date of this notice.

This Public Notice will be posted to the following website:
<http://www.nws.usace.army.mil/Business-With-Us/Section408/>

SUBMITTING COMMENTS: Comments pertaining to this public notice must be submitted via email or conventional mail on or before 06 February 2020, and include Reference Number 408-NWS-2019-0042. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act, including personally identifiable information such as names, phone numbers, and addresses.

All email comments should be sent to: CENWS-Section408@usace.army.mil.

Conventional mail comments should be sent to: Planning, Environmental and Cultural Resources Branch, ATTN: Section 408 Coordinator, P.O. Box 3755, Seattle, WA 98124-3755