



US Army Corps
of Engineers
Seattle District



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

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) 316-3165
ATTN: Ms. Bethany Nickison,
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: September 3,
2019

Expiration Date: October 2, 2019

Reference No.: NWS-2012-0157

Name: Willapa Harbor, Port of

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 February 17, 2012.

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.

The Corps will also review the work in accordance with Section 14 of the Rivers and Harbors Act of 1899, as codified at 33 U.S.C. Section 408 (Section 408), for work that may alter a Corps civil works project. An alteration is defined as any action that builds upon, alters, improves, moves, occupies or otherwise affects the usefulness, or the structural or ecological integrity of a Corps federally authorized project. The proposed project may alter the Willapa River and Harbor and Naselle River, Washington federal navigation project.

APPLICANT: Port of Willapa Harbor
Attention: Ms. Rebecca Chaffee
1725 Ocean Avenue
Raymond, Washington 98577
Telephone: (360) 942-3422

LOCATION: Bay Center Marina, Federal Navigational Channel, and Bay Center Mariculture Docks that connect to the Palix River at Bay Center, Pacific County, Washington.

WORK: Dredge up to 20,000 cubic yards of accumulated sediment from 2.15 acres of the Bay Center Marina and Federal Navigational Channel, to a depth of -11 feet Mean Lower Low Water (MLLW). Additionally, the applicant proposes to dredge up to 1,000 cubic yards from 0.40 of an acre at the Bay Center Mariculture Docks, to -8 feet MLLW. Dredging at both locations would occur with the use of a 10-inch hydraulic suction dredge and would be discharged into the Palix River flow lane within the channel, east of the marina. Dredging is anticipated to occur on a four-year cycle; therefore, in total, over the life of a 10 year permit, the applicant proposes to dredge up to 63,000 cubic yards of accumulated sediment over 2.55 acres.

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PURPOSE: Maintenance dredging for vessel navigation and mooring.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

Dredged Material Testing:

1. Bay Center Marina. The proposed dredged material from the Bay Center Marina 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 all materials unconfined disposal at a nearby dispersive flowlane disposal location in the Palix River. The sediment testing data is available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office. The current testing is valid through September 2021. The next round of project sediment characterization is scheduled for 2019-2020.
2. Bay Center Mariculture. The proposed dredged material from the Bay Center Mariculture has been evaluated according to the guidelines specified by DMMP. Under DMMP guidelines, very small dredging projects in generally uncontaminated areas provide little reason to believe that unacceptable adverse effects are possible, and are, therefore, exempt from testing. The dredging volume for this project falls below that which would trigger sediment testing (8,000 cubic yards in a "low-ranked" area). The DMMP agencies approved the dredged material for unconfined open-water disposal at the a nearby dispersive flowlane disposal location in the Palix River.

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: (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:

Dredging has historically been completed at the Bay Center Marina and Channel every two to six years. The applicant proposes to dredge in 2020/2021 and expects to complete maintenance dredging every four years.

The line of mean high water and mean higher high water shown on the project drawings have not yet been verified by the Corps. If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

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 and initiate Section 7 consultation as appropriate.

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

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(EFH). The proposed action would impact EFH in the project area. The U.S. Army Corps of Engineers (Corps) has determined that the proposed action will adversely affect designated EFH for federally managed fisheries in Washington waters. The Corps will initiate EFH consultation with the National Marine Fisheries Service as appropriate.

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.

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 Shorelines Substantial Development Permit and will be processed by Pacific County.

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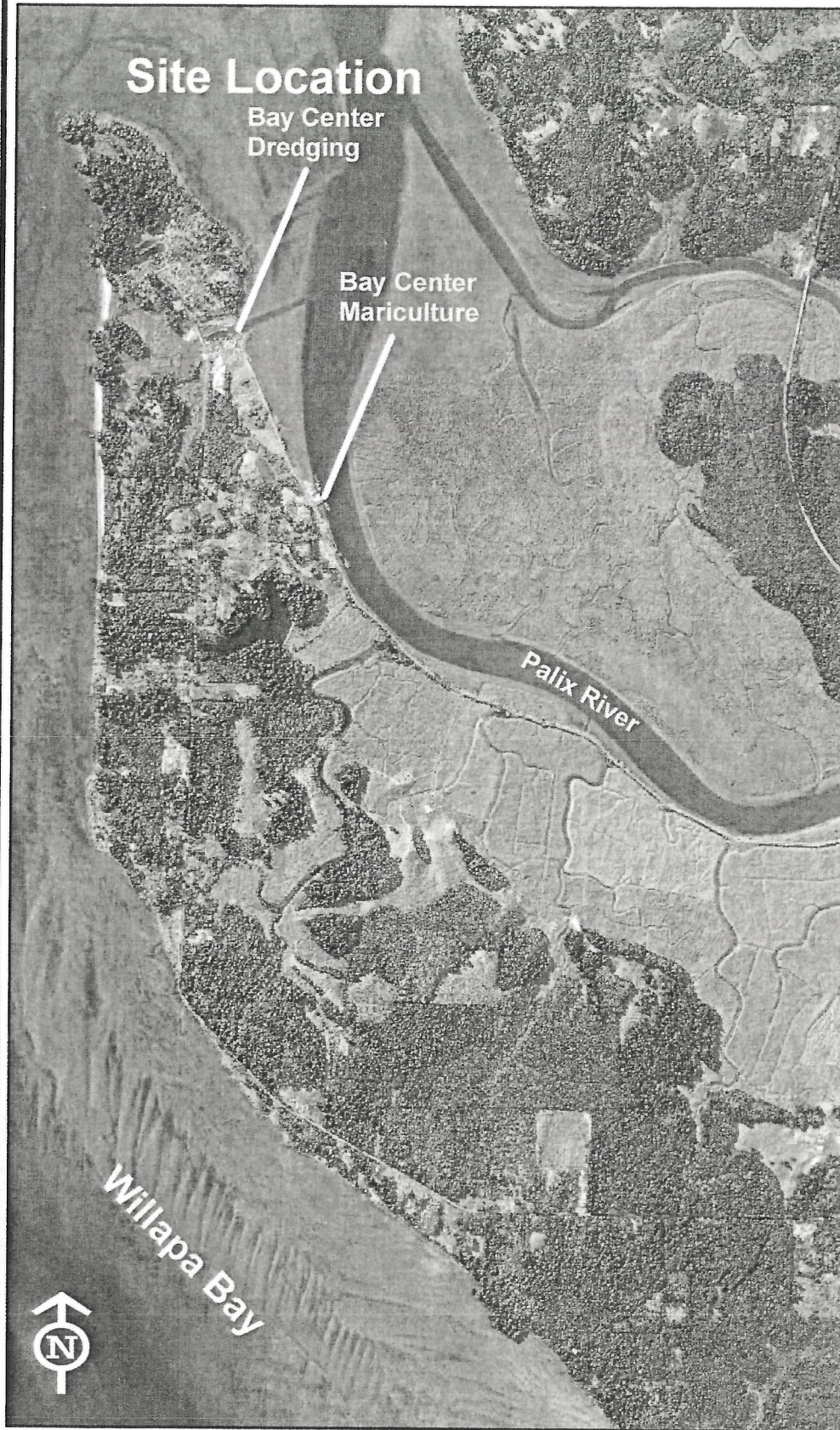
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from 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 bethany.f.nickison@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Bethany Nickison, 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: Willapa Harbor, Port of and NWS-2012-0157.

Encl: Figures (6)



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ADJACENT PROPERTY OWNERS:
BAY CENTER MERICULTURE
TOKELAND FISH AND OYSTER CO. INC.

Bay Center Marina Vicinity Map

0 500 1,000 2,000 3,000 4,000 Feet

Map Scale 1:24,000

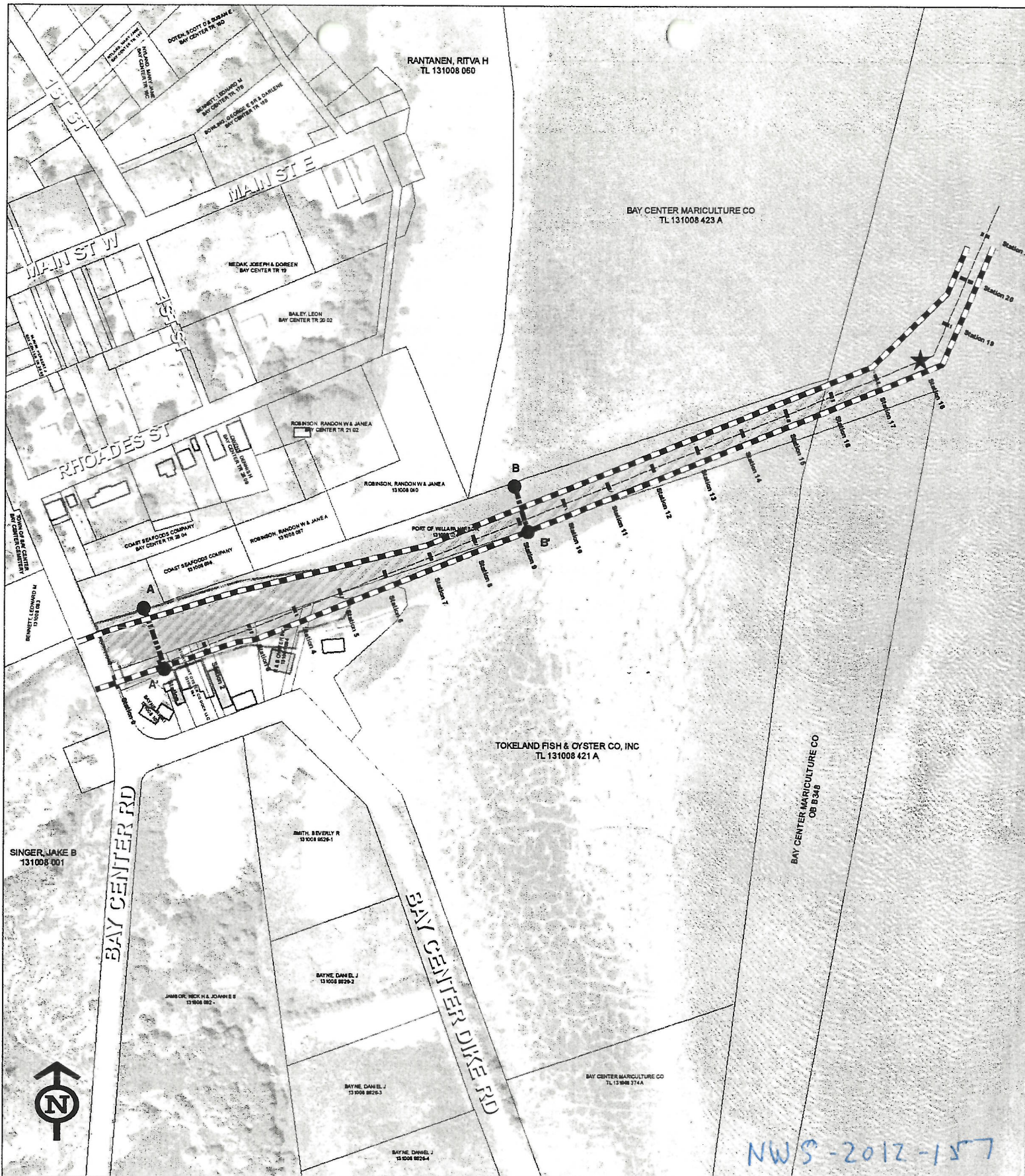
PROPOSED: BAY CENTER MAINTENANCE
DREDGING

IN: PALIX RIVER

AT: BAY CENTER

SHEET 1 OF 6

DATE: 2/17/2012



PURPOSE: BAY CENTER
MAINTENANCE DREDGING
DATUM: MLLW
IN: THE PALIX RIVER
AT: BAY CENTER

Bay Center Dredging Site Map

0 250 500
Feet

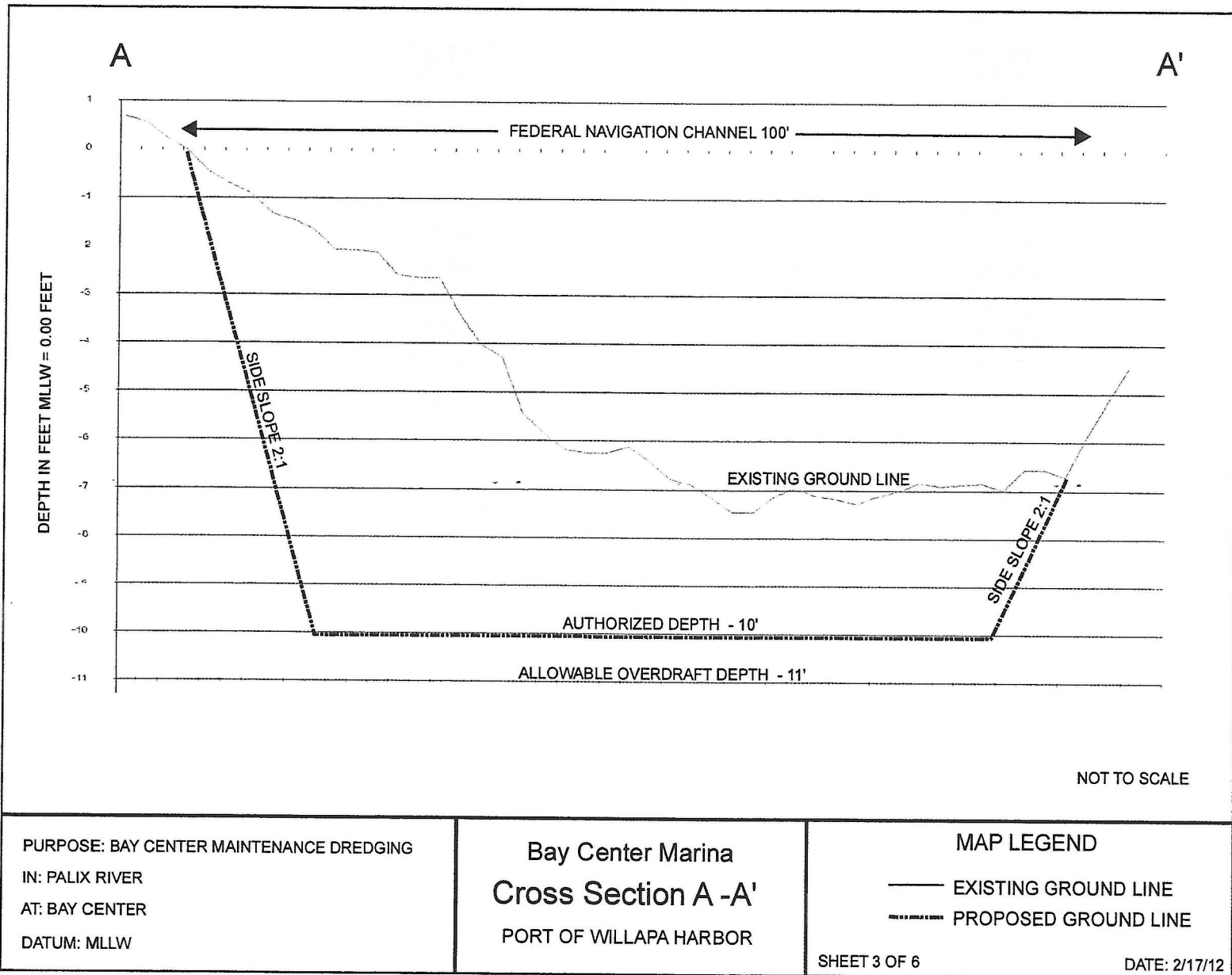
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MAP LEGEND

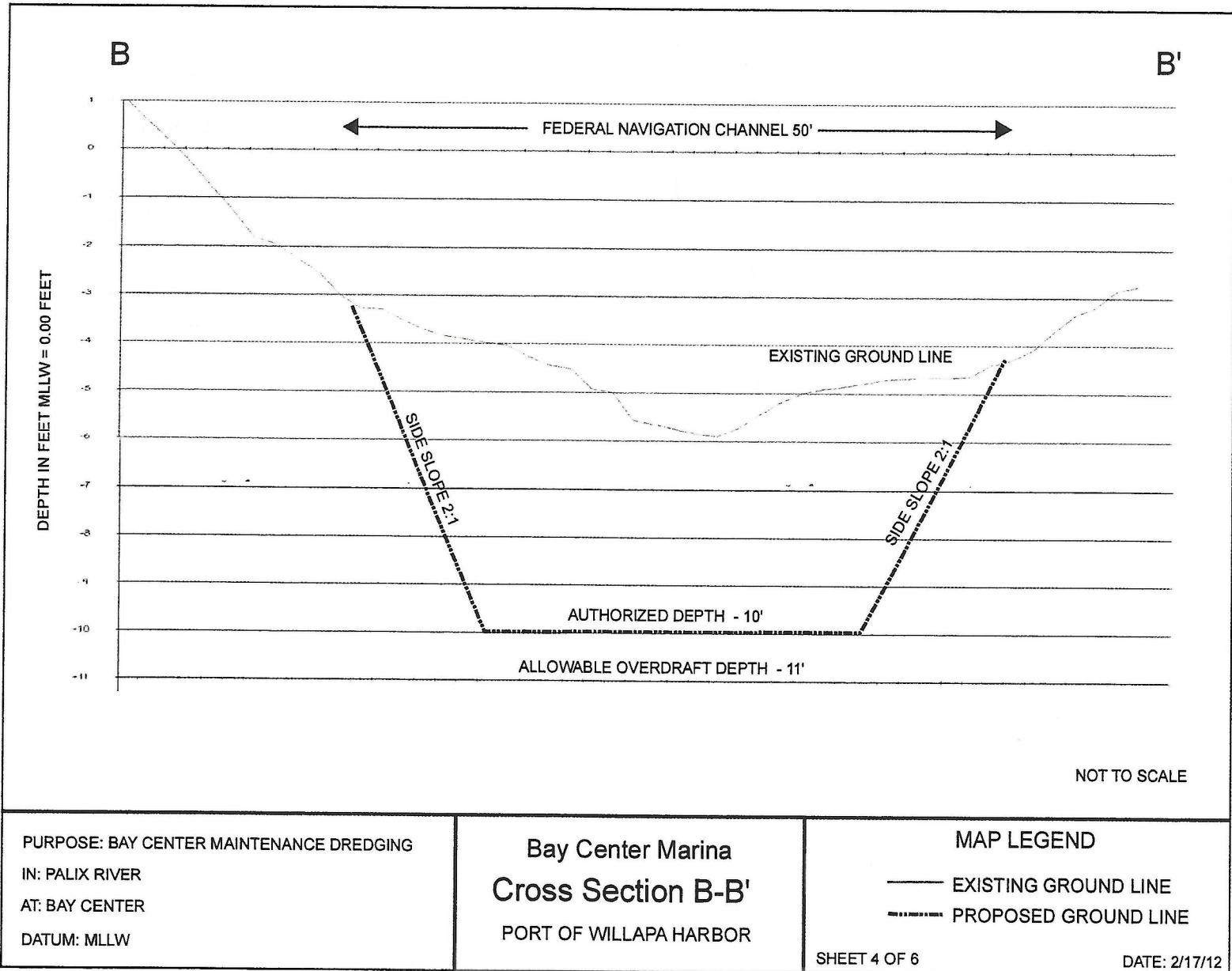
- A A CROSS SECTION LOCATIONS
- 2011 PACIFIC COUNTY TAXLOTS
- DREDGING FOOTPRINT

SHEET 2 OF 6

DATE: 2/17/12



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PURPOSE: BAY CENTER
MAINTENANCE DREDGING
DATUM: MLLW
IN: THE PALIX RIVER
AT: BAY CENTER

Bay Center Mariculture Site Map

0 25 50 100
Feet

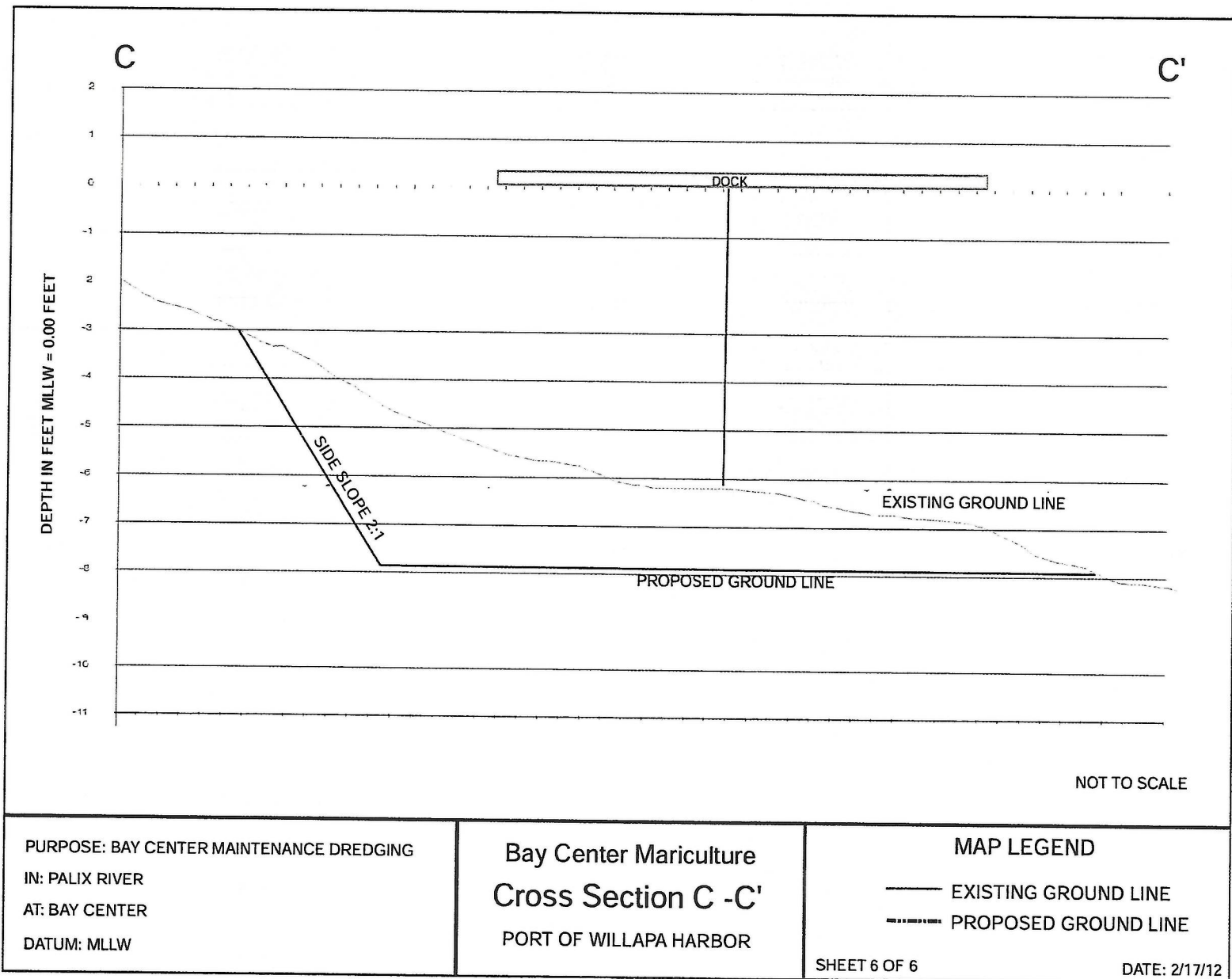
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MAP LEGEND

- A --- A CROSS SECTION LOCATIONS
- 2011 PACIFIC COUNTY TAXLOTS
- DREDGING FOOTPRINT

SHEET 5 OF 6

DATE: 2/17/12



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