

Public Notice of Application for Permit

US Army Corps of Engineers Regulatory Branch 4735 E. Marginal Way S., Bldg 1202 Seattle, WA 98134-2388 Telephone: (206) 402-9276 ATTN: Jaime Liljegren, Project Manager Public Notice Date: June 23, 2025 Expiration Date: July 23, 2025

Reference No.: NWS-2025-375 Name: City of Oak Harbor

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, for certain work described below and shown on the enclosed drawings dated May 15, 2025. The Corps will also review the work in accordance with Section 404 of the Clean Water Act (CWA).

APPLICANT:

Attention: City of Oak Harbor Mr. Brian Smith 865 Southeast Barrington Drive Oak Harbor, Washington 98277 Telephone: (360) 279-4526

AGENT:

Attention: Moffatt & Nichol Ms. Taylor Meyers 600 University Street, Suite 610 Seattle, Washington 98101 Telephone: (206) 501-2319

<u>LOCATION</u>: In Oak Harbor at 1401 Southeast Catalina Drive at Oak Harbor, Island County, Washington (Lat: 48.28567; Long: -122.63650). Disposal of dredged material is proposed at both the Port Gardner non-dispersive disposal site (Lat: 47.98083; Long: -122.27900) as well as the Rosario Strait dispersive disposal site (Lat: 48.51450; Long: -122.72600).

<u>WORK</u>: The applicant is proposing to dredge a total volume of 180,759 cubic yards (cy) over 962,750 square feet (sf) within the Oak Harbor Marina in Oak Harbor, Island County, Washington. The proposed dredging would occur within previously dredged areas. Three dredge prisms are identified within the marina as a Dredge Elevation -9', Dredge Elevation -12', and Dredge Elevation -14'. The proposed work would dredge to achieve elevations of -10' MLLW, -13' MLLW, and -15' MLLW, respectively. Dredging activities within the marina would be permitted over a ten-year period. Contingent on obtaining funding for the project, key areas within the marina may be prioritized and phased if funding is not secured to complete all proposed dredging in a given year. Work would be conducted within the approved work window

and dredging would be completed using a hydraulic and/or mechanical dredge, to be finalized with the chosen contractor and provisions of the final Dredge Material Suitability Determination. Dredged material would be disposed of at the Port Gardner nondispersive open-water disposal site. The Rosario Strait dispersive open-water disposal site may be used for portions of sediment that meet DMMP guidelines.

Proposed compensatory mitigation actions include removal of sunken barges, covered moorage roofing and support structures; finger floats within B and D docks; a creosote-treated boat launch; and the complete removal of the A dock. Because the proposed dredging would be contingent on annual funding, mitigation activities would be completed in segments as dredging activities are completed. All restoration actions may not be completed if all proposed dredging does not occur. Mitigation reports would be submitted annually over the life of the 10-year maintenance dredging period and as specified in all permit conditions, to document the completed dredging and affiliated mitigation activities.

Sunken barges would be removed by mechanical means using a barge mounted crane, barge mounted long arm excavator, or similar method. A debris boom would be installed prior to removal activities. Water quality monitoring would be implemented to monitor the impacts from barge removal activities. Removed debris and associated sediment would be placed on the barge in a storage area with a row of hay or straw bales, filter fabric, or similar material placed around the perimeter of the barge.

Existing covered moorage roofing and support structures may be removed from B Dock, C Dock, D Dock, and E Dock. There is approximately 67,046 sf of covered moorage at the marina that may be removed depending on dredging actions. Work crews with hand tools would use man lifts on barges to disassemble and transport the covered moorage elements. Removed covered moorage would be placed on a small barge for disposal or transported by truck to an appropriate upland disposal facility.

Existing finger floats from B Dock and D Dock may be removed to offset mitigation requirements. Approximately 2,866 sf of solid concrete finger floats would be removed from the western side of B Dock and up to approximately 3,483 sf of solid concrete finger floats would be removed from the eastern side of D Dock. Removal and disposal of the floats would require waler and thru-rod disassembly using hand tools. Removed finger floats would be towed away or placed on a small barge and moved to an appropriate upland disposal facility. Associated 12-inch diameter creosote-treated piles (six for B Dock floats and ten for D Dock floats) would also be removed. Pilings would be removed by vibratory extraction if feasible, using equipment likely operated from a derrick barge. Up to 15, 12-inch-diameter steel piles would need to be installed along the main walkway after finger float removal to secure the main walk (5 at B Dock and 10 at D Dock). Most piling installations would be accomplished using vibratory methods; however, limited impact pile driving may be required if obstructions or difficult ground conditions are encountered.

An existing creosote-treated boat-launcher may also be removed to offset mitigation requirements. The boat launcher is no longer in use and consists of 26, 12-inch diameter

creosote-treated piles, creosote-treated pile caps, and creosote-treated struts. Removal of the boat launcher is anticipated to result in the removal of approximately 1,550 cubic ft of creosote-treated wood and approximately 400 sf of overwater coverage. Demolition would occur in stages by removing portions of the superstructure and piling proceeding from the outermost structure toward the shore. Creosote-treated pile caps and struts would be cut using a power saw from the piles and then be loaded onto a barge. Piles would be removed by vibratory extraction if feasible, using equipment likely operated from a derrick barge.

The removal of the A Dock may be used to offset mitigation requirements. Up to 4,838 sf of existing A-Dock floats may be removed. Removal and disposal of the float modules would require localized waler and thru-rod disassembly using hand tools. After disassembly, in-water float modules would be towed away or placed on a small barge and disposed of at an appropriate upland facility. Eight existing 12-inch diameter creosote-treated piles would also be removed. Pilings would be removed by vibratory extraction if feasible, using equipment operated from a derrick barge. Direct-pull methods would be used if vibratory extraction methods are not successful.

PURPOSE: To maintain safe use of the existing marina.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

<u>Dredged Material Testing</u>: The applicant has chosen to not complete the testing before this Public Notice was published. Prior to completing our review, the proposed dredged material must be tested according to procedures specified by the Dredged Material Management Program (DMMP). The DMMP evaluation may include both chemical and biological testing of sediments. For this project, the DMMP agencies will determine whether the dredged material is suitable for disposal at a DMMP open-water disposal site or must be disposed of at an upland location. Sediment testing data will be available at the Corps, Seattle District, Dredged Material Management Office.

<u>Disposal Site Use Conditions</u>: 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 in response to comments received during the public review period for this public notice.

<u>ADDITIONAL INFORMATION</u>: Copies of this public notice feature drawings in color, as these accurately communicate the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <u>http://www.nws.usace.army.mil/</u> and under the heading Open Public Comment Periods, select Regulatory Public Notices. Recently issued public notices are listed in chronological order by date of issuance. Select and view the listing for this project.

The line of mean high water and the high tide line shown on the project drawings have not been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines water boundaries are substantially inaccurate a new public notice may be published.

<u>MITIGATION</u>: Proposed compensatory mitigation actions include removal of sunken barges, covered moorage roofing and support structures; finger floats within B and D docks; a creosote-treated boat launch; and the complete removal of the A dock as shown on Sheets 8-10 of the project drawings dated May 15, 2025. See detailed descriptions above. The applicant is also proposing to purchase conservation offsets as needed.

<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 regarding this public notice, the Corps will evaluate 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).

If the Corps determines 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 need for mitigation measures is subject to review by, and coordination with, the NMFS.

<u>CULTURAL RESOURCES</u>: The Corps has reviewed the current, published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. The permit area may contain historic properties eligible for inclusion in the National Register. An investigation for the presence of eligible historic properties is justified. The Corps invites responses to this public notice from Native American Nations 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 regarding this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Nations in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

<u>PUBLIC HEARING</u>: Any person may request, in writing and within the comment period specified in this notice, a public hearing be held to consider this application. Requests for public hearings shall specifically state the reasons for holding a public hearing.

<u>EVALUATION:</u> The decision whether to issue a permit will be based on an evaluation of probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect national concern for both protection and utilization of important resources. Benefits that may be reasonably expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that 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 Washington Department of Ecology has or will evaluate the proposed project in accordance with Section 401 of the Clean Water Act and for consistency with the Coastal Zone Management Act.

The U.S. Army Corps of Engineers is soliciting comments from the public (Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties) 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>COMMENT AND REVIEW PERIOD</u>: Conventional mail or e-mail comments regarding 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. To be accepted, e-mail comments must originate from the author's e-mail account and be sent to jaime.liljegren@usace.army.mil. All conventional mail or e-mail comments must include the permit applicant's name and project reference number as shown below, and the commenter's name, address, and phone number. 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. All comments sent in any form must reach this office no later than the expiration date of this public notice to ensure consideration.

You may also submit project-specific comments to the Corps through the new Regulatory Request System (RRS) available at <u>https://rrs.usace.army.mil/rrs</u>, Click Public Notices, then filter for Washington State to see all current Seattle District Public Notices, including this notice. You may submit your comments directly through this portal.

Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Jaime Liljegren, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: City of Oak Harbor; NWS-2025-375.

Encl: Figures (10)



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PROJECT SITE LOCATION

OAK HARBOR

VICINITY MAP

APPLICATION BY:

CITY OF OAK HARBOR

USACE REFERENCE #: TBD

DATUM: MIIW

ADJACENT PROPERTY OWNERS:

1 DNR

2. UNITED STATES OF AMERICA

3. SKAGIT VALLEY COLLEGE

4. ROBERT & RHONDA SEVERNS

5. CLAUS FAMILY CORPORATION

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PROPOSED: MARINA MAINTENANCE DREDGING AND ASSOCIATED MITIGATION ACTIVITIES MARINA DREDGING

IN: OAK HARBOR

AT: CITY OF OAK HARBOR

COUNTY: ISLAND STATE: WASHINGTON SHEET 1 OF 10

DATE: 05/15/25





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S1 T32N R1E



S1 T32N R1E MITIGATION ACTIVITIES LEGEND: REMOVAL OF SUNKEN BARGES (23,000 SF) REMOVAL OF COVERED MOORAGE (49,900 SF) REMOVAL OF SLIPS (6,336 SF) REMOVAL OF CREOSOTE-TREATED BOAT LAUNCHER (400 SF) REMOVAL OF A-DOCK (4,838 SF) 12" DIAMETER STEEL PILES TO BE PLACED AT B-DOCK (5) AND D-DOCK (10) 500 HTL: +13.48 MHW: +10.7 0 A - DOCK B - DOCK C - DOCK 0 D - DOCK E - DOCK Ø: $\langle \rangle$ 0 F - DOCK FI OATING BREAKWATER PARCEL/PROPERTY LINE, TYP 0.0 1° 320 8 are , 0 NOTES: 1. ELEVATIONS SHOWN IN THESE DRAWINGS FROM MULTI-BEAM BATHYMETRIC AND TERRESTRIAL LASER SCANNER TOPOGRAPHIC SURVEY CONDUCTED BY AKS JANUARY 16-17, 2023. ADDITIONAL BATHYMETRIC DATA FROM NOAA HYDROGRAPHIC SURVEY H11801 SHOWN FOR REFERENCE. 2. HORIZONTAL COORDINATE SYSTEM: NAD83/11 STATE PLANE COORDINATE SYSTEM, WASHINGTON NORTH ZONE, WITH UNITS IN US SURVEY FEET. 200' 3. VERTICAL DATUM: MEAN LOWER LOW WATER (MLLW) IN FEET USING THE GEOID 12B SEPARATION MODEL. ELEVATIONS BASED ON NOAA TIDAL DATUM STA 9447952, CRESCENT HARBOR, WHIDBEY ISLAND. SCALE BAR USACE REFERENCE #: TBD PROPOSED: MARINA MAINTENANCE DREDGING AND OAK HARBOR ASSOCIATED MITIGATION ACTIVITIES MARINA DREDGING DATUM: MIIW IN: OAK HARBOR ADJACENT PROPERTY OWNERS: AT: CITY OF OAK HARBOR 1. DNR SITE PLAN - MITIGATION ACTIVITIES 2. UNITED STATES OF AMERICA COUNTY: ISLAND 3. SKAGIT VALLEY COLLEGE STATE: WASHINGTON 4. ROBERT & RHONDA SEVERNS APPLICATION BY: DATE: 05/15/25 SHEET 8 OF 10 5. CLAUS FAMILY CORPORATION CITY OF OAK HARBOR

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USACE REFERENCE #: TBD

DATUM: MLLW ADJACENT PROPERTY OWNERS: 1. DNR 2. UNITED STATES OF AMERICA

3. SKAGIT VALLEY COLLEGE

4. ROBERT & RHONDA SEVERNS

5. CLAUS FAMILY CORPORATION

OAK HARBOR MARINA DREDGING

DETAIL -BOAT LAUNCHER TO BE REMOVED APPLICATION BY: CITY OF OAK HARBOR PROPOSED: MARINA MAINTENANCE DREDGING AND ASSOCIATED MITIGATION ACTIVITIES

IN: OAK HARBOR

AT: CITY OF OAK HARBOR COUNTY: ISLAND STATE: WASHINGTON SHEET 10 OF 10

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DATE: 05/15/25