

of Engineers Seattle District

# 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) 419-7901 ATTN: Ana Reyes, Project Manager Public Notice Date: July 10, 2025 Expiration Date: August 9, 2025

Reference No.: NWS-2025-492 Name: Alaska Marine Lines (Maintenance Dredging)

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 March 2025.

The Corps will also review the work in accordance with Section 404 of the Clean Water Act (CWA).

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 federal navigation channel.

# APPLICANT: Don Reid

- Alaska Marine Lines PO Box 24348 Seattle, Washington 98124 Telephone: (206) 749-6626
- AGENT: Robert Bennington Anchor QEA, Inc. 1201 3<sup>rd</sup> Avenue, Suite 2600 Seattle, Washington 98101 Telephone: (443) 480-0545

LOCATION: In Lower Duwamish Waterway (Puget Sound), at Seattle, King County, Washington. At the following four locations: Yard 1 North (47.551926, -122.341828), Yard 1 South (47.550652, -122.340931), Yard 5 Float Tank (47.545205, -122.338491), Yard 5 South (47.544324, -122.337806).

WORK: Maintenance dredging and upland disposal of dredged material.

<u>PURPOSE</u>: Maintain safe navigation within the Lower Duwamish Waterway at Seattle, Washington.

# DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

<u>Dredged Material Testing</u>: The applicant has chosen not to complete the testing before this Public Notice was published. Prior to completing our review, the proposed dredged material must be tested according to the 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. The 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 as a result of comments received during the public review period for this public notice.

## ADDITIONAL INFORMATION:

The applicant proposes to conduct maintenance dredge activities by dredging up to 23,550-cubic yards of sediment within a 2.5-acre area over a period of 10 years below the Mean High Water (MHW) in the Lower Duwamish Waterway.

The project area consists of four facility barge berth areas: Yard 1 North (dredge 3,300 cy; over 0.38 acre), Yard 1 South (dredge 3,250 cy; over 0.42 acre), Yard 5 Float Tank (dredge 1,800 cy; over 0.32 acre), and Yard 5 South (dredge 10,850 cy; over 1.38 acre). The dredge total includes 4,350-cubic-yards of slough material that would be dredged if needed. Maintenance dredging is proposed to a depth of -22-feet mean lower low water (MLLW), with an additional 1foot of over dredge allowance to an elevation of -23 MLLW. The elevation of -23-feet would accommodate for the placement of a 1-foot layer of clean sand. 746-cubic-yards of clean sand would be placed at Yard 1 North Berth, 703-cubic-yards at Yard 1 South Berth, 663-cubic-yards at Yard 5 North Berth, and 2,544-cubic-yards would be placed at Yard 5 South Berth. Maintenance dredging would be limited to previously dredged elevations and would only occur in the existing berth areas. The sediment would be disposed of at an approved upland site. 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.

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

MITIGATION: The applicant has not proposed mitigation.

<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).

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. The proposed project consists of four locations (two in Yard 1 and two in Yard 5). In Yard 1, there are no recorded historic properties within the permit area. The permit area has been so extensively distributed by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. In Yard 5, a historic properties investigation has been conducted within the permit area. No historic properties determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. 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 from 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>EVALUATION:</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. 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 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>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. All e-mail comments must include the permit applicant's name and reference number as shown below. All 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 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 whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

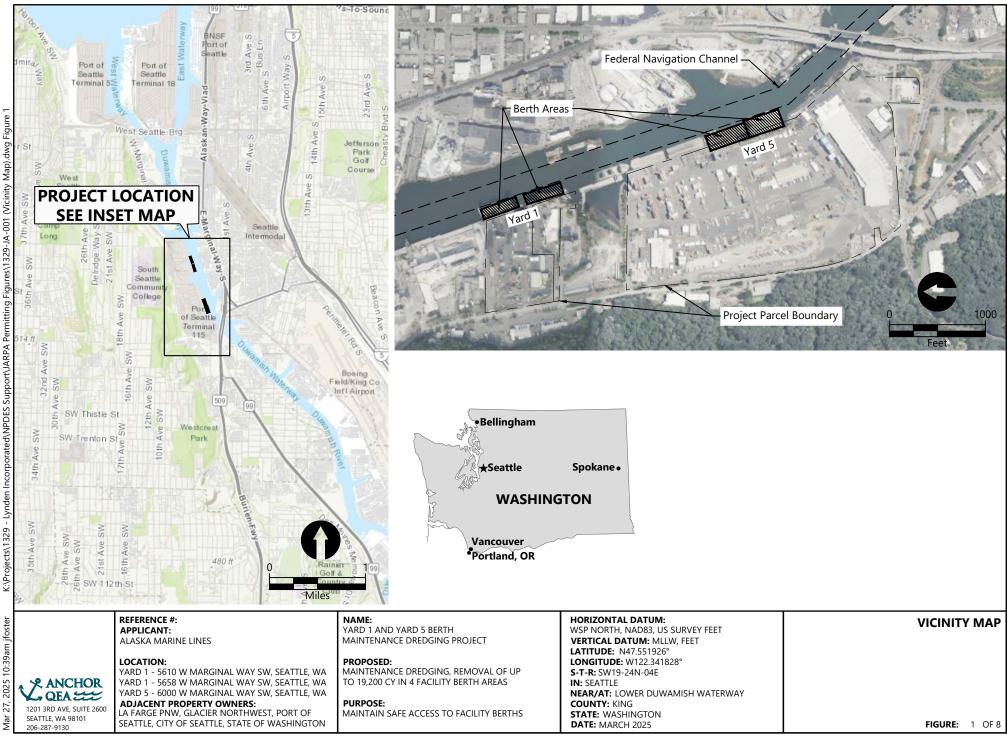
You may also now submit project specific comments to the Corps through the new Regulatory Request System (RRS) through this link: <u>https://rrs.usace.army.mil/rrs</u>; Click Public Notices and filter to Washington State to see all current Seattle District Public Notices, including this notice. You may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

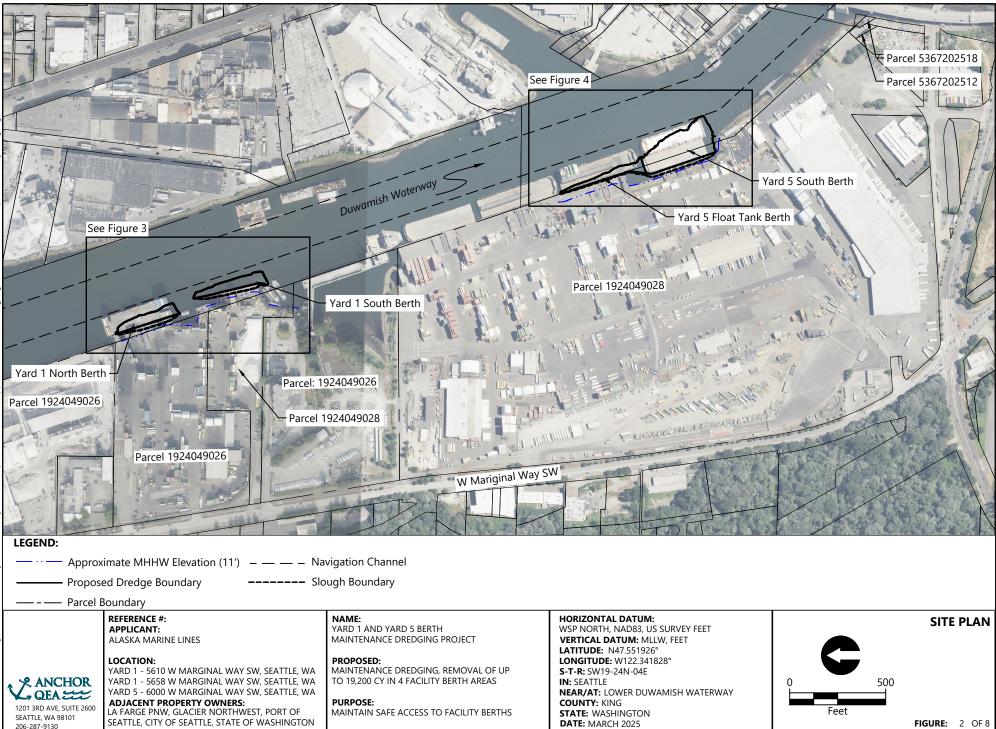
Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch,

Attention: Ana Reyes, 4735 E. Marginal Way S, Bldg. 1202, Seattle, Washington, 98134-2388.

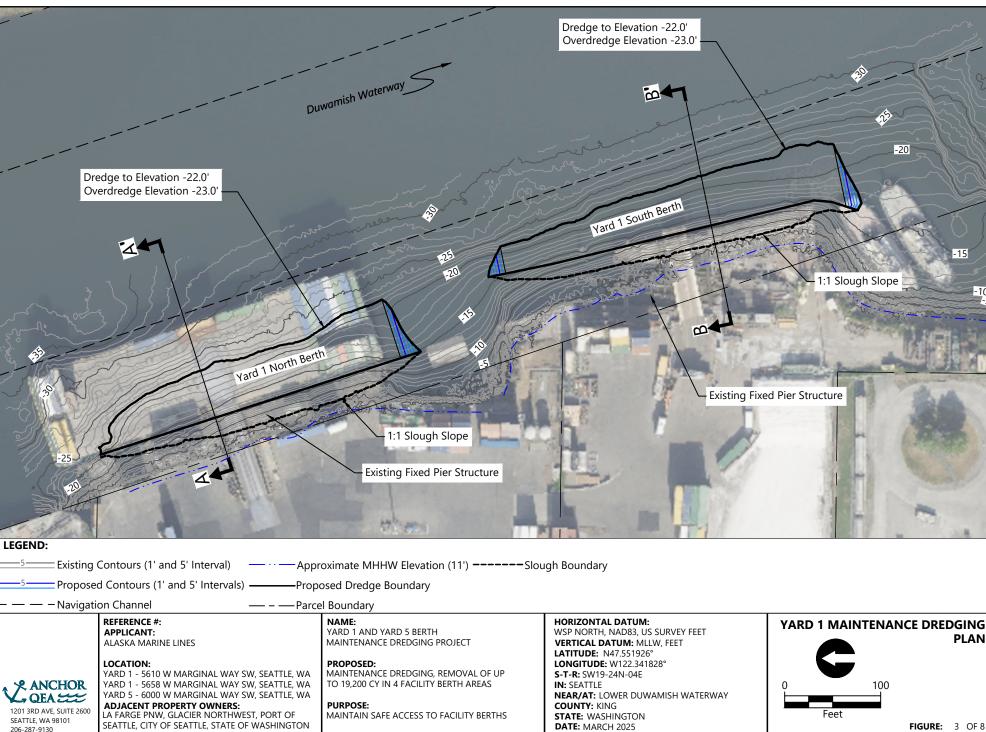
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: NWS-2025-492 Alaska Marine Lines (Maintenance Dredging)

Encl: Figures (8)



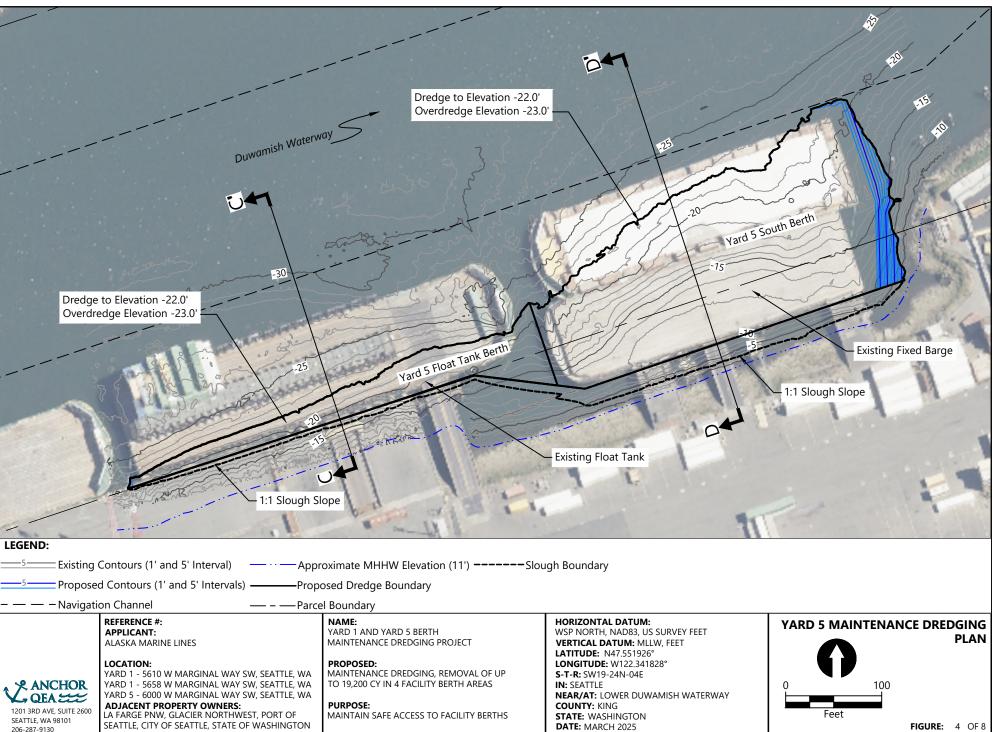


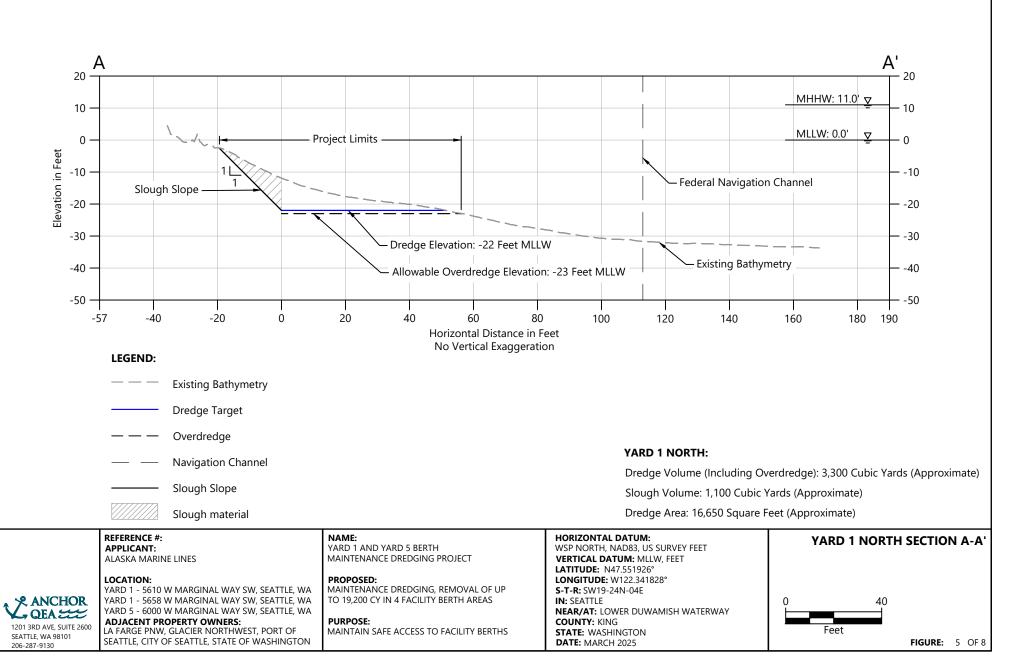
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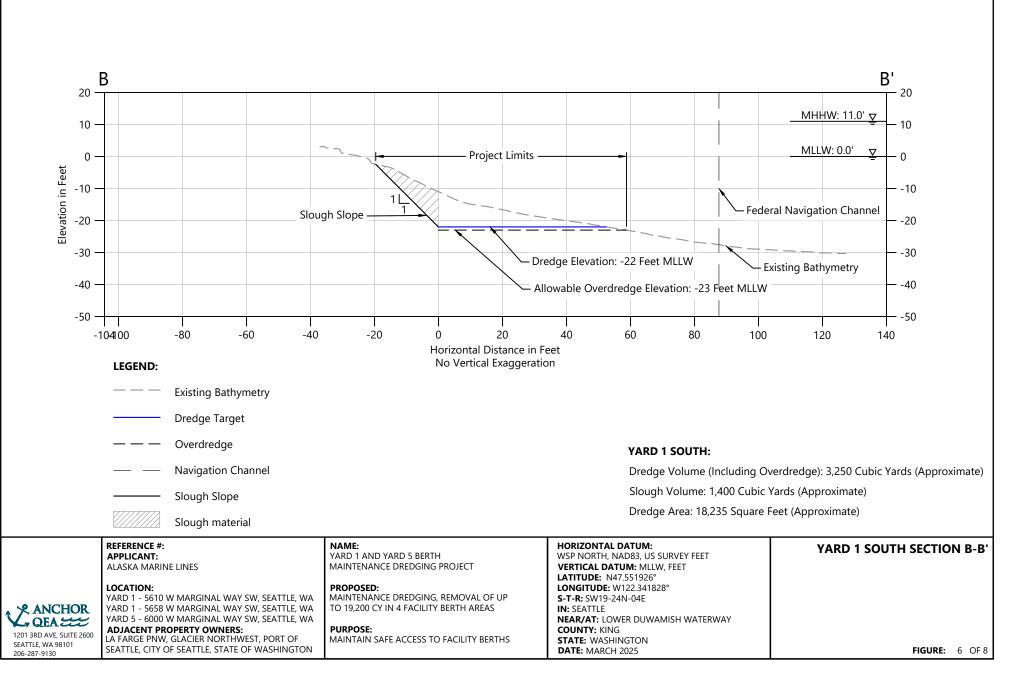
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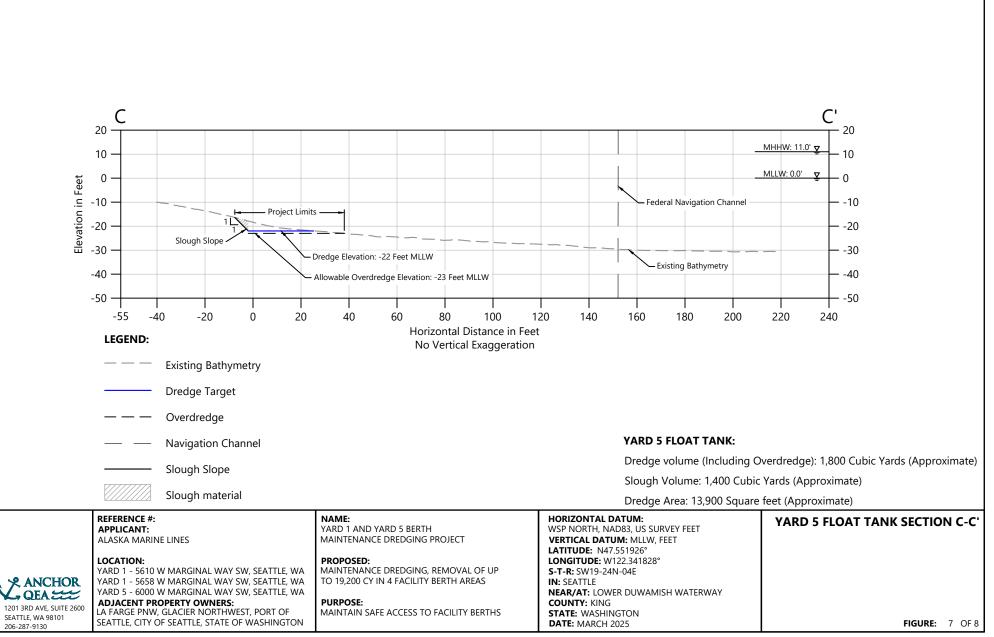




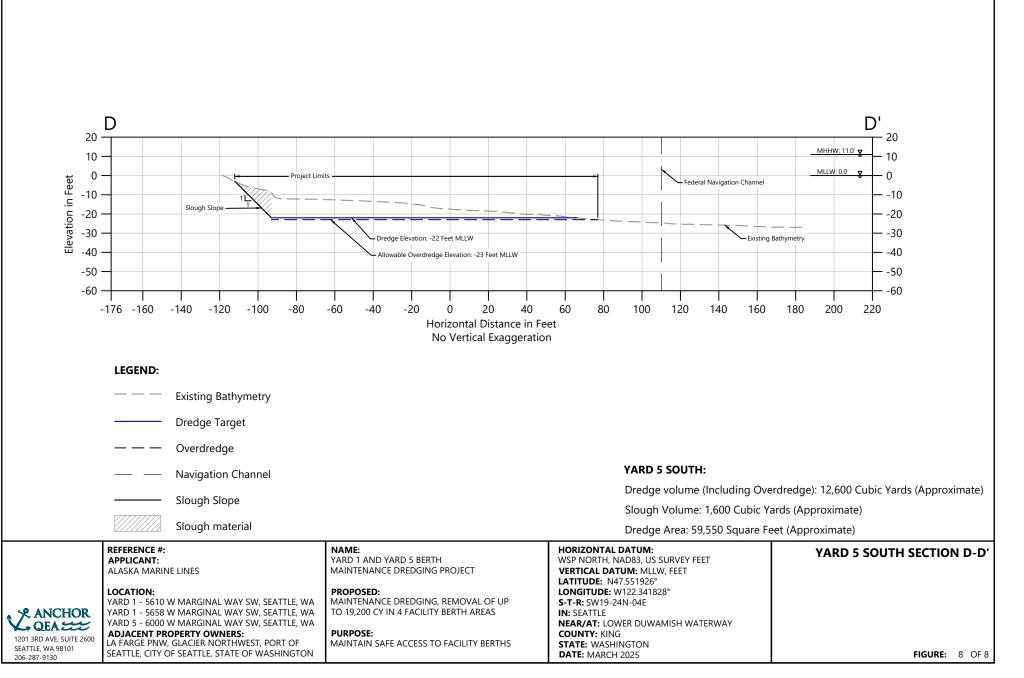
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