



US Army Corps  
of Engineers  
Seattle District



# 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 (360) 734-3156  
Attn: Randel Perry, Project Manager

WA Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600  
Telephone (360) 407-6068  
Attn: SEA Program, Federal Permit  
Coordinator

Public Notice Date: March 16 2022  
Expiration Date: April 15, 2022

Reference No.: NWS-2022-141  
Name: Bellingham, Port of

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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 March 10, 2022.

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 Whatcom Waterway federal navigational channel.

APPLICANT: Port of Bellingham  
Attention: Mr. Brian Gouran  
Post Office Box 1677  
Bellingham, Washington 98227  
Telephone: (360) 676-2500

AGENT: Moffat and Nichol  
Attention: Ms. Victoria England  
600 University Street, Suite 610  
Seattle, Washington 98101  
Telephone: (206) 622-0222

LOCATION: In Bellingham Bay (Whatcom Waterway) at Bellingham, Washington.

WORK: Maintenance dredging.

PURPOSE: Restore navigable depths in a channel at the Bellingham Shipping Terminal.

**ADDITIONAL INFORMATION:** The applicant proposes to undertake maintenance dredging of Berths 1 and 2 and the Bellingham Shipping Terminal. Work would involve removal of up to 19,000 cubic yards of accumulated sediments from an area of 3.1 acres. The proposed dredge prism would have a finished dredge elevation of -35.5 feet MLLW (+1 foot allowable over dredge) to accommodate the placement of the 6-inch residual management cover (RMC) layer and allow for a final design elevation of -35 feet MLLW for safe vessel access. The dredging would extend up the slope under the wharf to minimize sloughing from future erosion of that slope. Approximately 4,000 cubic yards (cy) would be removed from beneath the wharf. RMC material would not be placed beneath the wharf. A minimum 6-inch layer (approximately 2,000 cy) of clean sand RMC material would be placed in an area of 2.45 acres after dredging to address the potential presence of residual contaminated sediment left behind after dredging is completed in accordance with the existing Whatcom Waterway MTCA Consent Decree. The RMC layer would be placed using clamshell equipment. Dredging would be accomplished using mechanical (e.g. clamshell) dredging equipment operated from a barge. Dredged material would be disposed of at an upland landfill 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.

**MITIGATION:** No mitigation is proposed.

**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. The U.S. Department of Transportation's Maritime Administration (MARAD), as the lead agency for ESA consultation, will consult with the NMFS and/or the USFWS as required under Section 7 of the ESA.

**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 (EFH). The proposed action would impact EFH in the project area. MARAD, as the lead agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary.

**CULTURAL RESOURCES:** MARAD, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Officer and Native American Nations as appropriate.

**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 application, being processed by the City of Bellingham.

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 it would be in the public interest to authorize this proposal. 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 commentator'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 [randel.j.perry@usace.army.mil](mailto:randel.j.perry@usace.army.mil). Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Randel Perry, Post Office 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: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to [ecyrefedpermits@ecy.wa.gov](mailto: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: NWS-2022-141, Bellingham, Port of

Encl: Figures (5)





Reference: NWS-2022-141  
 Applicant: Port of Bellingham  
 Adjacent Property Owner: Port of Bellingham

Lat/Long: 48.744979°;122.495209°  
 S/T/R: NE S36, T38N R02E

**PORT OF BELLINGHAM  
 BELLINGHAM SHIPPING TERMINAL  
 BERTHS 1 & 2 -MAINTENANCE DREDGING**

**VICINITY MAP  
 DRAFT**

PROPOSED: MAINTENANCE DREDGING  
 IN: WHATCOM WATERWAY  
 AT: BELLINGHAM  
 COUNTY: WHATCOM  
 STATE: WASHINGTON

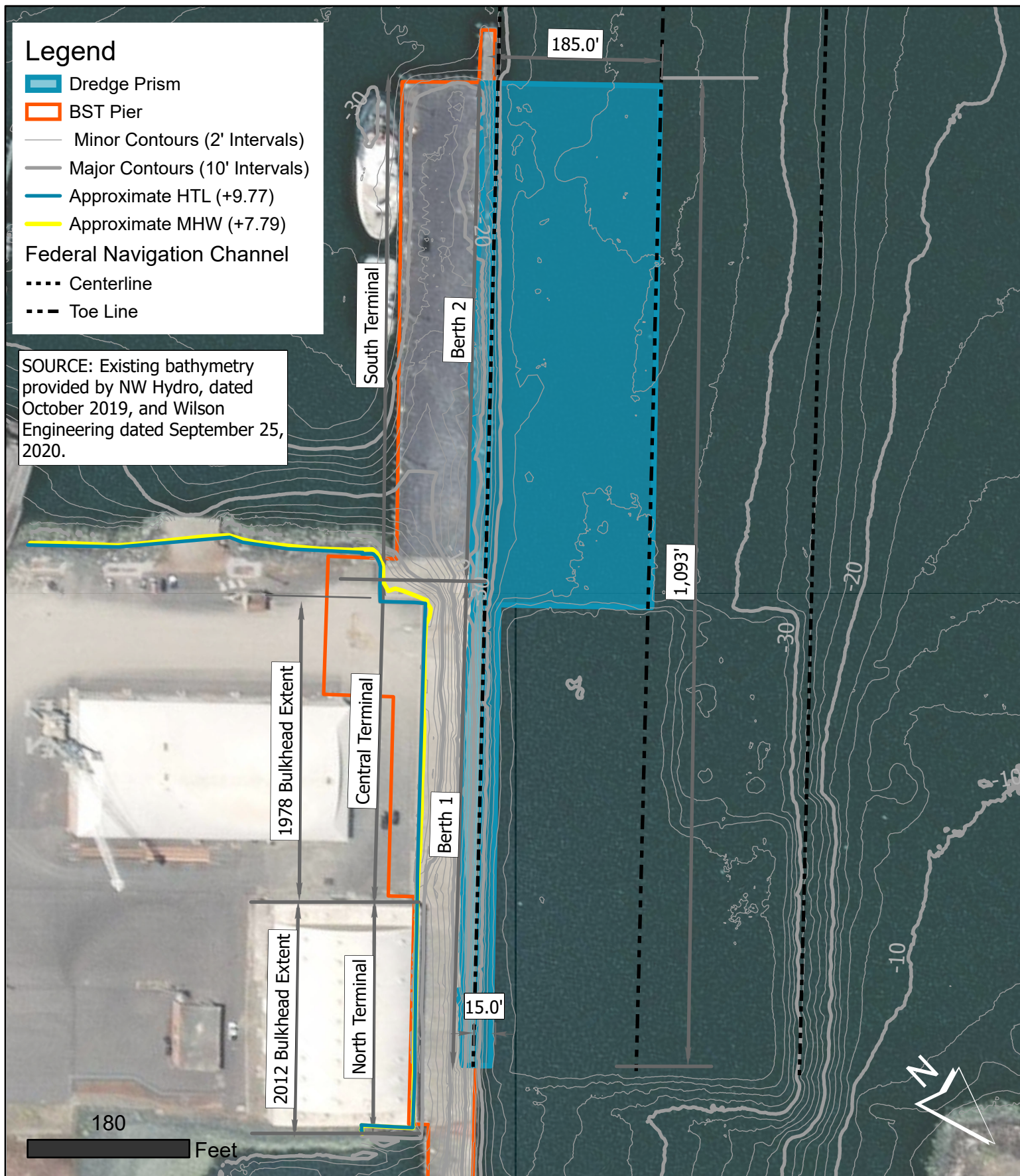
SHEET 1 OF 5      DATE: 03.10.2022



## Legend

- Dredge Prism
- BST Pier
- Minor Contours (2' Intervals)
- Major Contours (10' Intervals)
- Approximate HTL (+9.77)
- Approximate MHW (+7.79)
- Federal Navigation Channel**
  - - - Centerline
  - - - Toe Line

SOURCE: Existing bathymetry provided by NW Hydro, dated October 2019, and Wilson Engineering dated September 25, 2020.



Reference: NWS-2022-141  
 Applicant: Port of Bellingham  
 Adjacent Property Owner: Port of Bellingham  
 Horizontal Datum: Washington State Plane North Zone, North American Datum of 1983 (NAD83). U.S. Survey Feet  
 Vertical Datum: Mean Lower Low Water (MLLW)  
 Lat/Long: 48.744979°; 122.495209°  
 S/T/R: NE S36, T38N R02E

## PORT OF BELLINGHAM BELLINGHAM SHIPPING TERMINAL BERTHS 1 & 2 - MAINTENANCE DREDGING

### DREDGE AREA DRAFT

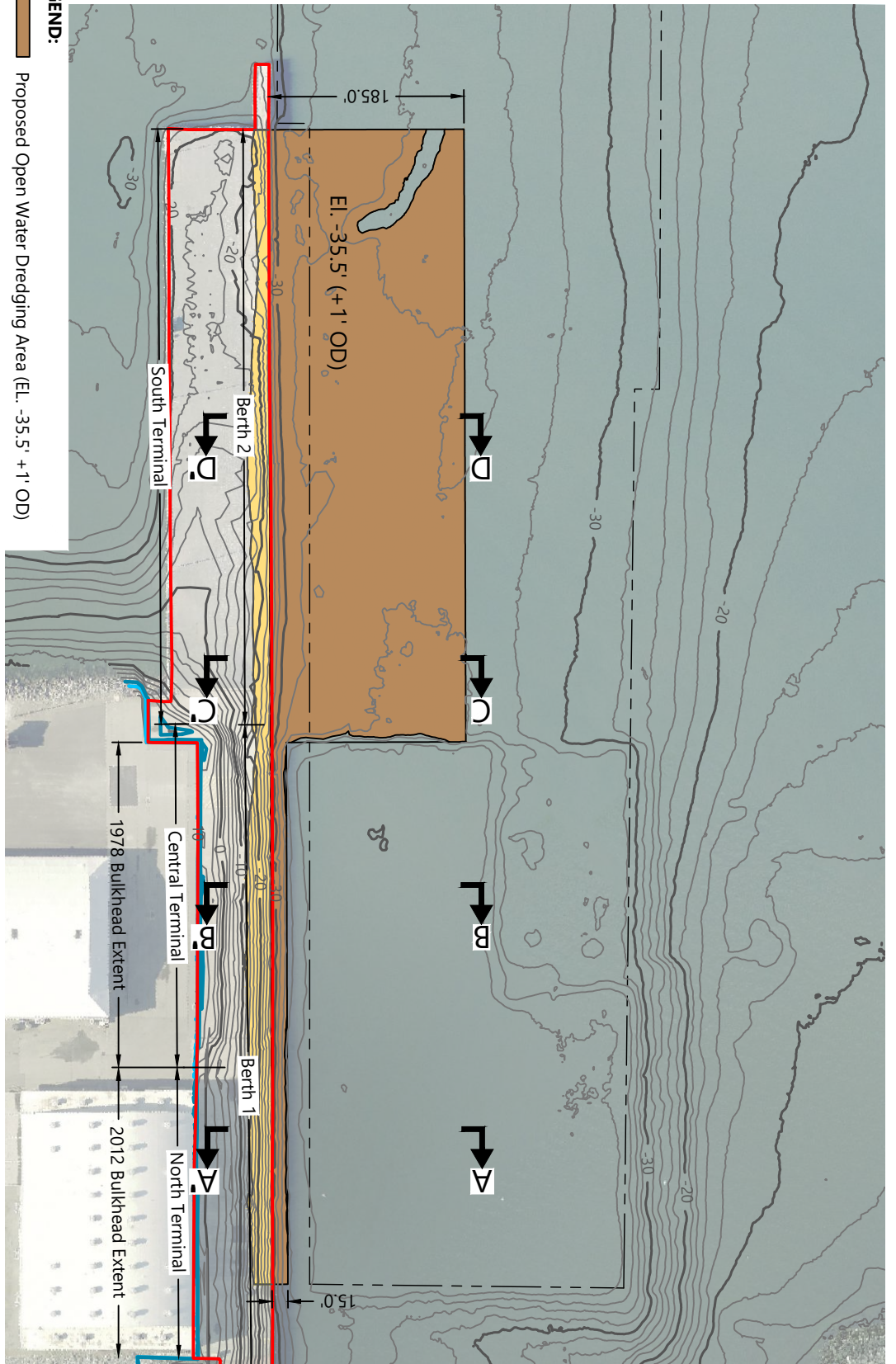
PROPOSED: MAINTENANCE DREDGING

IN: WHATCOM WATERWAY  
 AT: BELLINGHAM  
 COUNTY: WHATCOM  
 STATE: WASHINGTON

SHEET 2 OF 5

DATE: 03.10.2022





# **LEGEND:**

- Proposed Open Water Dredging Area (EL. -35.5' +1' OD)
- Proposed Underpier Slope Dredging Area
- Minor Contours (2' Intervals)
- Major Contours (10' Intervals)
- Approximate HTL (+9.77')
- Approximate MHW (+7.79')
- Federal Navigation Channel
- BST Pier

**A**  
Cross Section Location  
and Designation (see Figures 2 & 3)

**SOURCE:** Existing bathymetry provided by NW Hydro, dated October, 2019, and Wilson Engineering, dated September 25, 2020.  
**HORIZONTAL DATUM:** Washington State Plane North Zone, North American Datum of 1983 (NAD83), U.S. Survey Feet  
**VERTICAL DATUM:** Mean Lower Low Water (MLLW)  
**AERIAL:** Whatcom County, 2019

0' 100'



## **PORT OF BELLINGHAM BELLINGHAM SHIPPING TERMINAL BERTHS 1 & 2 -MAINTENANCE DREDGING** **PROPOSED DREDGING – PLAN VIEW**

**PROPOSED:** MAINTENANCE DREDGING

**IN:** WHATCOM WATERWAY

**AT:** BELLINGHAM

**COUNTY:** WHATCOM

**STATE:** WASHINGTON

SHEET 3 OF 5

DATE: 03.10.2022

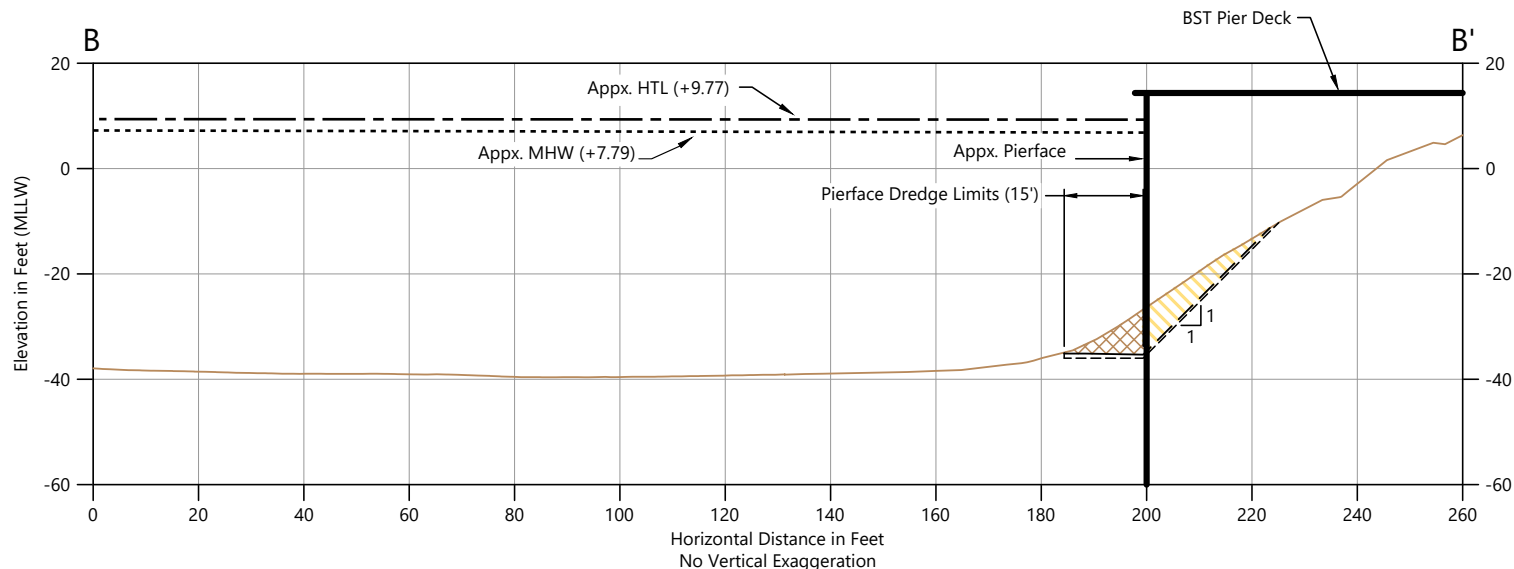
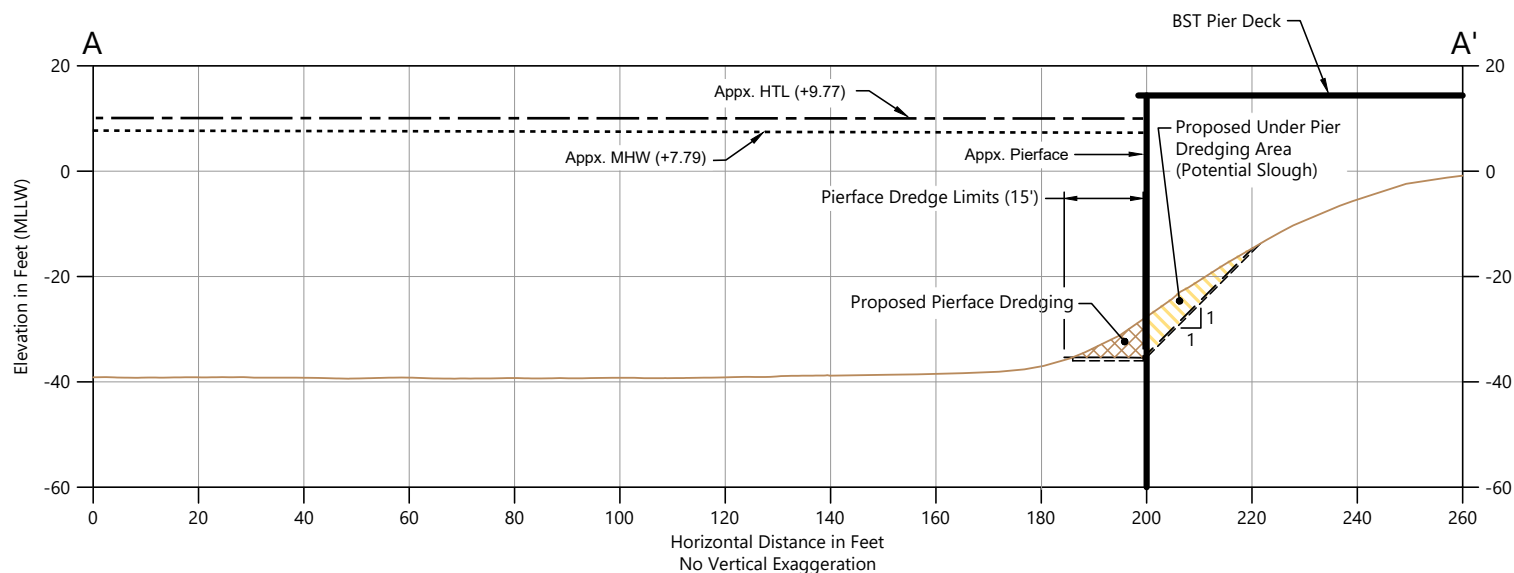
**Reference:** NWS-2022-141

**Applicant:** Port of Bellingham

**Adjacent Property Owner:** Port of Bellingham

**Lat/Long:** 48.744979°; 122.495209°

**S/T/R:** NE S36, T38N R02E



**LEGEND:**

- Open Water Dredging Area (El. -35.5')
- Under Pier Slope Dredging Area
- Existing Grade
- Required Dredge Depth
- Allowable Overdepth (OD) (+1')
- Potential Slough Slope
- Residual Management Cover (RMC) (6")
- Appx. HTL (+9.79)
- Appx. MHW (+7.79)

Reference: NWS-2022-141  
 Applicant: Port of Bellingham  
 Adjacent Property Owner: Port of Bellingham

Lat/Long: 48.744979°; -122.495209°  
 S/T/R: NE S36, T38N R02E

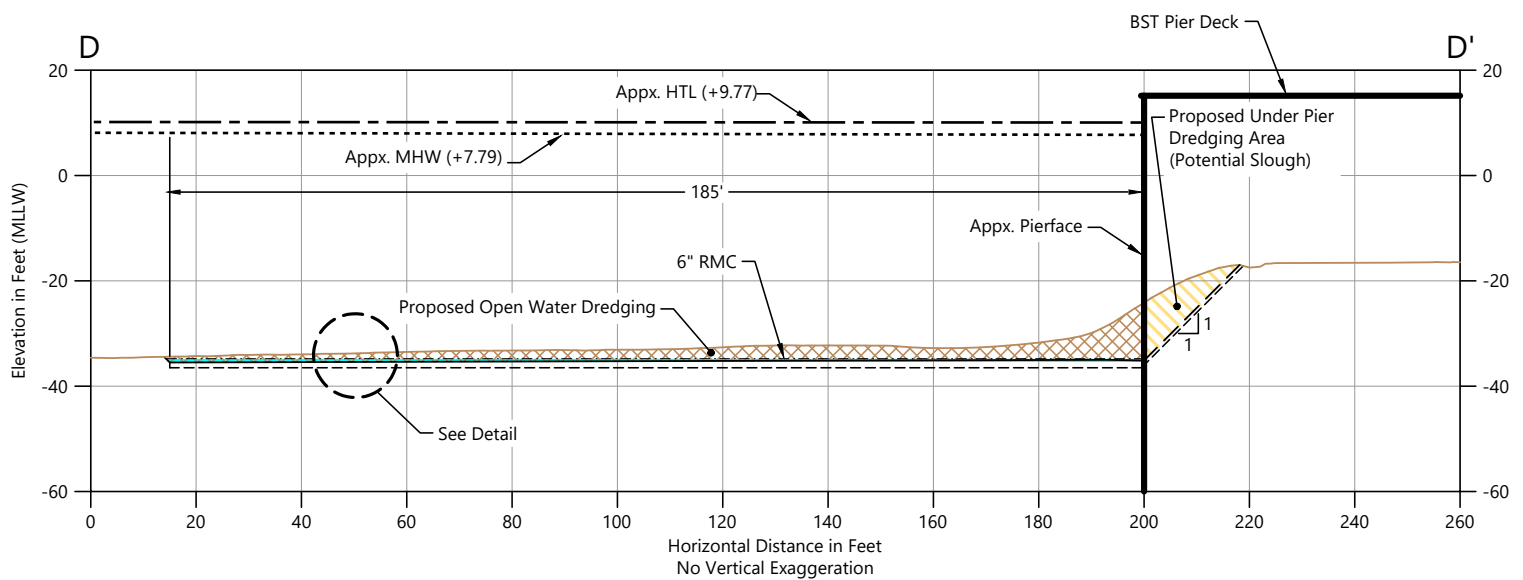
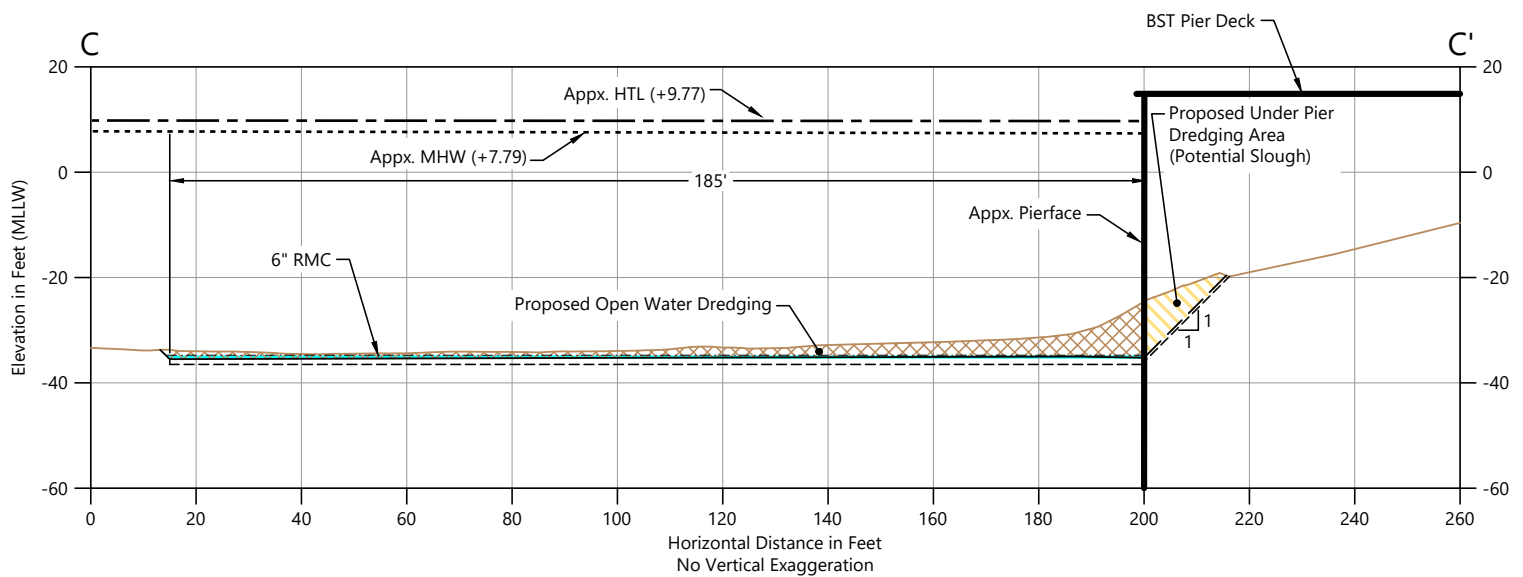
**PORT OF BELLINGHAM  
 BELLINGHAM SHIPPING TERMINAL  
 BERTHS 1 & 2 -MAINTENANCE DREDGING**

**PROPOSED MAINTENANCE DREDGING  
 - BERTH 1 CROSS SECTIONS**

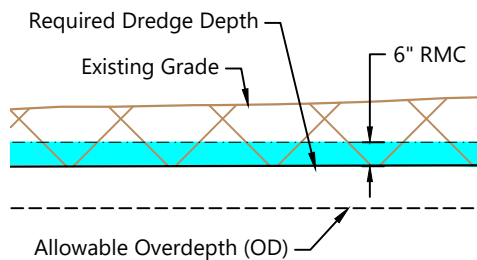
PROPOSED: MAINTENANCE DREDGING  
 IN: WHATCOM WATERWAY  
 AT: BELLINGHAM  
 COUNTY: WHATCOM  
 STATE: WASHINGTON

SHEET 4 OF 5




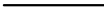
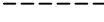




DATE: 03.10.2022



#### DETAIL:



#### LEGEND:

-  Open Water Dredging Area (El. -35.5')
-  Under Pier Slope Dredging Area
-  Existing Grade
-  Required Dredge Depth
-  Allowable Overdepth (OD) (+1')
-  Potential Slough Slope
-  Residual Management Cover (RMC) (6")
-  Appx. HTL (+9.77)
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**PORT OF BELLINGHAM**  
**BELLINGHAM SHIPPING TERMINAL**  
**BERTHS 1 & 2 -MAINTENANCE DREDGING**  


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**PROPOSED MAINTENANCE DREDGING**  
**- BERTH 2 CROSS SECTIONS**

PROPOSED: MAINTENANCE DREDGING  
IN: WHATCOM WATERWAY  
AT: BELLINGHAM  
COUNTY: WHATCOM  
STATE: WASHINGTON  
  
 SHEET 5 OF 5 DATE: 03.10.2022