

# 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: (360) 399-8034 ATTN: Lydia Baldwin, Project Manager Public Notice Date: August 21, 2024 Expiration Date: September 20, 2024

Reference No.: NWS-2024-230 Name: Glenn Springs Holdings, Inc. (Pier and Fender Repair)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated August 2024.

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. 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 Hylebos Waterway federal navigation channel.

APPLICANT: Glenn Springs Holdings, Inc.

7601 Old Channel Trail Montague, MI 4943 Attention: Clint Babcock Telephone: (972) 687-7506

<u>AGENT</u>: Geosyntec Consultants, Inc. 520 Pike Street, Suite 2600 Seattle, WA 98101 Attention: Rick Bieber Telephone: (206) 496-1450

LOCATION: In the Hylebos Waterway at Tacoma, Pierce County, Washington

<u>WORK</u>: The applicant proposes to remove two existing piers and 250 timber piles, to construct a vertical barrier wall, and to replace an existing fender system in the Hylebos Waterway.

<u>PURPOSE</u>: The purpose is to comply with a WA State Model Toxics Control Act Amended Administrative Order on Consent (AOC) issued by Ecology in 2020.

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<u>ADDITIONAL INFORMATION</u>: Approximately 33,300 square feet (SF) of the superstructure members (deck, deck framing, piping, and pile caps) of two existing timber pier structures and 250 creosote treated timber piles would be removed. A 1,640-foot-long sheet pile vertical barrier wall would be constructed along the shoreline of the Hylebos Waterway at the site formerly operated by the Occidental Chemical Corporation (OCC). No more than 400 linear feet of an existing timber fender system along the adjacent 401 E Alexander Avenue property would be replaced. A 400-foot-long sheet pile cut-off wall would be installed along the same portion of the 401 E Alexander Avenue property. An asphalt cover and stormwater management system integrated with the vertical barrier wall would be constructed in uplands adjacent to the wall at the OCC site.

A vibratory or impact hammer will be used to install the sheet piles. The pile driver will be operated from a barge or from a crane on land. Other equipment may include handling devices on adjacent material barges. Depending on site and environmental requirements, tugboats may be used to reposition the barges and material shuttle barges. The work is anticipated to be completed within the in-water work window of July 15 to February 14.

The purpose of this project is to address legacy environmental concerns. The vertical barrier wall will prevent horizontal discharge of groundwater from the OCC site into the Hylebos Waterway, including tidal effects on groundwater flow, which could potentially result in contaminant migration from the OCC site. The vertical barrier wall will enhance the performance of the groundwater extraction system to contain the shallow groundwater in this area. The vertical barrier wall along with a physical direct contact exposure (PDCE) barrier (site cover) will also contain the contaminated soils along the length of the embankment area and the upland area. The primary purpose of the PDCE barrier (site cover) is to isolate the contaminated soil from potential direct contact with human and ecological receptors and prevent the transport of contaminated soil to other portions of the OCC site. The intertidal zone on the landward side of the new vertical barrier wall will be backfilled with clean fill material.

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 <a href="http://www.nws.usace.army.mil/">http://www.nws.usace.army.mil/</a> 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 line of mean high water and the high tide 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 waters are substantially inaccurate a new public notice may be published.

<u>MITIGATION</u>: The applicant proposes to remove 250 creosote timber piles and 21,175 square feet of overwater structures to compensate for the proposed project's impacts to Waters of the United States.

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<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. 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 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>PUBLIC HEARING</u>: 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.

<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

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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 should be sent to Lydia.baldwin@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, 4735 E. Marginal Way S, Bldg 1202, Seattle, Washington, 98134-2388. 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 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. Please include the following name and reference number:

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Encl: Figures (8)





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## Table 1: Estimated Number of Piles Waterward of Proposed New Barrier Wall (NWS-2024-230)

	Dock 1	Dock 2	Timber Pier Between Docks 1 and 2	Timber Pier South of Dock 2	Totals
Approximate Diameter (feet)	1.5	1.5	1.5	1.5	-
Approximate Spacing (feet)	8	8	Varies	Varies	-
Approximate Area of Structure to be Removed (square feet)	20,500	12,000	400	400	33,300
Approximate Area Waterward of Proposed New Barrier Wall (square feet)	10,500	10,300	125	250	21,175
Approximate Area to be Backfilled behind Proposed New Barrier Wall	10,000	1,700	275	150	12,125
Approximate Number of Piles Waterward of Proposed New Barrier Wall to be Removed	117	115	8	10	250
Material Type of Piles	creosote treated wood/timber	creosote treated wood/timber	creosote treated wood/timber	creosote treated wood/timber	

#### Notes:

See associated Figure package (Figures 1, 2, 4 and 5) for locations and cross sections of docks.

# Table 2: Trident Dock Fender Systems Details (NWS-2024-230)

	Existing Fender System	Proposed Replacement Fender System	
Approximate Length (feet)	400	400	
Approximate Height (feet)	45	45	
Approximate Area of Structure to be Removed (square feet)	18,000	18,000	
Material Type of Fenders	ACZA or creosote treated wood/timber	ACZA treated wood/timber	

### Notes:

See associated Figure package (Figures 1 and 3) for location and cross section of Trident Dock.

ACZA - Ammoniacal copper zinc arsenate