



US Army Corps  
of Engineers®

Seattle District

# Public Notice

Navigation Section  
PO Box 3755  
Seattle, WA 98124-3755  
ATTN: Hiram Arden (OD-TS-NS)

Notice Date: April 30, 2009  
Expiration Date: June 1, 2009  
Reference: CENWS-OD-TS-NS-30

US ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT FISCAL YEARS 2010  
THROUGH 2020 , SNOHOMISH RIVER NAVIGATION CHANNEL AND SETTLING  
BASINS, MAINTENANCE DREDGING AND DISPOSAL, EVERETT HARBOR,  
WASHINGTON

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Interested parties are hereby notified that the U.S. Army Corps of Engineers, Seattle District (Corps) plans to continue routine dredging and disposal activities associated with maintenance of the Snohomish River Federal navigation channel and settling basins. The maintenance program for fiscal years 2010 through 2020 is described below, and the location of the proposed dredging and disposal sites are shown on the attached plans. The purpose of this Public Notice is to solicit comments from interested persons, groups and agencies.

#### PURPOSE AND PROJECT OBJECTIVE

The Port of Everett Harbor commerce utilizes the Federal authorized navigation channel to provide sea-going vessels with commercial access to the facilities on the Snohomish River and Everett Harbor. Without annual maintenance dredging, shoaling would lead to a shallower channel that would reduce the ability of commercial and recreational vessels to enter and leave the Snohomish River channel safely. The purpose of channel maintenance dredging is to maintain the efficiency and safety of water transportation in Everett Harbor. The Port of Everett is the local sponsor for the federal navigation project.

#### AUTHORITY

The Everett Harbor and Snohomish River Project and maintenance dredging by the Department of the Army was adopted June 25, 1910 and modified by subsequent acts.

This public notice is being issued in accordance with rules and regulations published as 33 CFR 335 "Operation and Maintenance of Army Corps of Engineers Civil Works Project Involving the Discharge of Dredge or Fill Material into Waters of the United States and Ocean Waters"; 33 CFR 336 "Factors to be Considered in Evaluation of Army Corps of Engineers Dredging Projects Involving the Discharge of Dredged Material into Waters of the United States and Ocean Waters"; 33 CFR 337 "Practice and Procedure"; and 33 CFR 338 "Other Corps Activities Involving the Discharge of Dredged or Fill Material into Waters of the United States." The locations of the proposed dredging and existing and proposed disposal, beneficial use and rehandling placement sites are shown on the attached drawings.

The proposed maintenance dredging and dredged material placement activities will be reviewed in accordance with Section 313 of the Clean Water Act of 1977 (33 U.S.C. 1323, 86 Stat. 816); Section 404 of the same act (33 U.S.C. 1344); the Coastal Zone Management Act of 1972 (16 U.S.C. 14560 (1) and (2), 86 Stat. 1280), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347); and the Endangered Species Act of 1973 (16 U.S.C. 668a-668cc-6, 87 Stat. 884).

#### FEDERAL MAINTENANCE DREDGING

The proposed work continues annual maintenance dredging (Public Notice CENWS-OD-TS-NS-22 dated April 14, 2004) by clamshell and pipeline dredges of up to an estimated 200,000 to 400,000 cubic yards (cy) of sediment annually from the Snohomish River navigation channel and settling basins at Everett Harbor. Placement of the resulting material will be in an existing approved open water disposal site, nearshore nourishment sites on Jetty Island to protect and preserve the Jetty Island salt marsh, and other suitable beneficial use placement areas that become available. Table 1 that follows contains the quantity of material expected to be removed by reach, dredge type, depth, disposal area, and fisheries work period from October 16 through 14 February of each year.

NOTE: Ancillary, Non-Federal maintenance dredging is performed periodically by the Port of Everett at their facilities under separate individual Corps permits. Mr. Graham Anderson, Senior Planner at the Port of Everett (425) 388-0703 is the suggested point of contact regarding planned and future Port maintenance dredging activities. The Port of Everett has proposed a minor realignment of the downstream settling basin to move the 1,200 ft-long basin footprint 500 ft upstream. The ability to perform the minor realignment will depend on the results of the Port's sediment characterization and individual permit coordination of the proposed realignment to optimize performance of the downstream settling basin for the free movement of vessel traffic. The permit coordination will be handled separately by the Port of Everett. The Port of Everett as local sponsor for the federal navigation project has requested that the Corps conduct the minor realignment of the downstream settling basin under provisions of the existing Corps operations and maintenance dredging authority. A realignment of the Snohomish River Channel and downstream settling basin was last completed in 1980.

#### MAINTENANCE MATERIAL BENEFICIAL USE/DISPOSAL & OPEN WATER DISPOSAL

Beneficial use is the preferred method of disposal for the proposed work. Three proposed beneficial uses on Jetty Island are as follows:

- Continued nourishment of the Jetty Island berm, an eroding sand berm that protects a highly-productive intertidal saltmarsh. Renourishment has been required periodically since initial berm construction with Snohomish River dredge material in 1989. Nourishment was last performed in February 2009.
- Expansion of the island to the south along the existing rock jetty. The Island was expanded to the south in 2007 and additional expansion is sanctioned as a habitat enhancement project in the Snohomish River Basin Salmon Recovery Plan. Expansion placement of dredged materials was last conducted in February 2007.

- Continued suppression of areas on non-native upland plant species. Areas of Scotch broom and blackberry have been covered with clean dredge material in conjunction with river channel maintenance dredging projects. Scotch broom and blackberry suppression was last performed in February 2009.

Additional beneficial use sites are being evaluated along the shoreline between Everett and Mukilteo, any such use would require a separate Department of the Army permit. The balance of the maintenance dredge material will be disposed at upland and rehandling sites provided by the Port of Everett and/or at the existing Port Gardner Open Water Disposal site managed by the Washington State Department of Natural Resources (WADNR).

Table 1. FY2010-2020 Maintenance Dredging Program by Federal Navigation Channel Feature

<b>FEDERAL NAVIGATION CHANNEL FEATURE</b>	<b>ESTIMATED VOLUME (CY)</b>	<b>DREDGE TYPE</b>	<b>CHANNEL DIMENSIONS<sup>1</sup></b> Depth at Mean Lower Low Water datum (mllw)	<b>DISPOSAL AREA(S)</b>	<b>WORK SCHEDULE (Fisheries window)</b>
Snohomish River, Deep-Draft Channel	50,000 annually	Clamshell or Pipeline	-15' mllw 150-425' wide	Port Gardner open water site, Jetty Island or Beneficial Use	16 Oct to 14 Feb
<i>Downstream Settling Basin</i>	150,000-300,000 biennially	Clamshell or Pipeline	-20' mllw 1200 long, 700' wide	Port Gardner open water site, Jetty Island or beneficial use	16 Oct to 14 Feb
Snohomish River, Shallow Draft Channel	50,000 Annually	Pipeline or Clamshell	-8' mllw 150' wide	Upland rehandling for beneficial use or Port Gardner open water site	16 Oct to 14 Feb
<i>Upstream Settling Basin</i>	100,000 - 200,000 biennially	Pipeline or Clamshell	-40' mllw 1,740' long, 30' wide	Upland rehandling for beneficial use or Port Gardner open water site	16 Oct to 14 Feb

Notes:

<sup>1</sup> Depths shown are authorized depths and do not include 2' overdepth tolerance. Widths shown are those of the channel bottom, and do not include extra width at channel bends. The deep-draft channel was deepened by the Port of Everett to minus 35 ft at mllw in 1979 but has since shoaled in to controlling depths shallower than the Corps deep-draft channel depth of -15 ft at mllw. Upstream settling basin dredging volume is often limited by disposal site capacity so dredging to -40ft @mllw is infrequent compared to the -30 ft @mllw most common dredging depth.

The Port of Everett has indicated that additional candidate upland and beneficial use disposal sites for the maintenance dredged material may be identified in the future (FY2010-FY2020). Actual placement on these additional candidate sites is contingent upon securing necessary permits and required agency approvals for compliance with all environmental laws, including NEPA, the Endangered Species Act (ESA) and National Historic Preservation Act (NHPA).

The Port of Everett proposed confined upland disposal sites as depicted in the enclosed drawing are:

- City of Everett Property (formerly known as the Kimberly-Clark site) is permitted by the City of Everett Shorelines Management Act permit # 07-006 through 2017.
- Riverside Business Park Disposal Areas (formerly know as the Weyerhaeuser sites) are permitted by the City of Everett Shorelines Management Act permit # 07-006 through 2017, and
- Baywood Disposal Area

Actual volumes placed at the upland sites will depend on the outcome of required coordination, necessary permits, and site activities including beneficial uses which affect site availability and actual capacity. Port of Everett will provide all necessary permits, approvals and real estate documentation required prior to use of disposal sites.

### DREDGED DISPOSAL ANALYSIS

Confirmatory sediment sampling and testing will be performed with preparation of an interagency memorandum that documents the suitability of proposed dredged materials from the Snohomish River navigation channel and settling basins for unconfined, open water disposal at the Port Gardner open water site and / or beneficial use. Previous sediment characterization data from Everett Harbor in 2004 indicated that all dredged sediments would not have unacceptable adverse biological impacts and are suitable for unconfined disposal in open water. These evaluation procedures were compiled by the regulatory agencies which have jurisdiction over dredged material disposal in open-water sites associated with Puget Sound. Dredged material evaluations include both chemical and biological testing. Based on continuing sediment sampling and testing in the Snohomish River Navigation Channel, all dredged material from annual channel maintenance dredging has been approved for unconfined, open water disposal. All sediment testing data are available at the U.S. Army Corps of Engineers, Seattle District, Dredge Material Management Office.

### MITIGATION

During the formulation of the existing maintenance dredging program, much care was taken to reduce environmental impacts. Several impact avoidance, minimization, and conservation measures have been incorporated into the maintenance program, including:

1. To avoid impacts to bull trout and out-migrating juvenile salmon, the Corps does not schedule dredging of the federal channel between February 15 and October 15.
2. Water quality monitoring occurs during clamshell dredging and pipeline dredging activities to confirm compliance with water quality standards.
3. Dredging and disposal activities are coordinated with the Treaty Tribe Fisheries organizations to minimize disruption to their harvest activities.
4. Dredging with placement on Jetty Island has positive environmental benefits.

### ENDANGERED SPECIES

The Endangered Species Act of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service identified several Federally listed species which may occur in the project vicinity. Included on this list were: Coastal/Puget Sound bull trout and its designated critical habitat (*Salvelinus confluentus*), marbled murrelet (*Brachyramphus marmoratus marmoratus*),

Southern resident killer whale (*Orcinus orca*), Steller sea lion (*Eumetopias jubatus*), humpback whale (*Megaptera novaeangliae*), fin whale (*Balaenoptera physalus*), Sei whale (*Balaenoptera borealis*), leatherback sea turtle (*Dermochelys coriacea*). Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*), their designated critical habitat, and Puget Sound steelhead (*Oncorhynchus mykiss*).

The U.S. Army Corps of Engineers is currently evaluating potential impacts of the proposed action to the listed species. A preliminary determination has been made that the proposed work may affect several species. Informal consultation under Section 7 of the Act is required.

### CULTURAL AND HISTORIC RESOURCES

The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

Since the proposed federal dredging and disposal activities are confined to the removal of recently deposited sediments within the previously dredged channel width and depth boundaries or placement of material within existing disposal sites, little likelihood exists for the proposed project to impinge on an undisturbed historic property.

The District Engineer invites responses to this Public Notice from Federal, State and local agencies, historical and archeological societies, Indian Tribes and other parties likely to have knowledge of or concerns with historic properties in the area.

### 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

The decision to allow continued dredge material disposal at existing and additional beneficial use, rehandling, and deep water disposal sites will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably 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; among those are conservation, economics, esthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs safety, food production and, in general, the needs, and welfare of the people.

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 effects of this activity. Any comments received will be considered by the Corps to determine whether to allow continued maintenance dredging. To make this decision, comments are used to assess impacts on endangered species,

historic properties, water quality, general environmental effects, and other public interest factors listed above.

The proposed discharges will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act.

#### ADDITIONAL EVALUATION

The State of Washington is reviewing this work for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act. The Corps has made a determination that the proposed work is consistent to the maximum practicable extent with the State of Washington Coastal Zone Management Program.

A draft environmental assessment (EA), tiered from previous Everett Harbor Environmental Impact Statement and EAs, will be prepared in accordance with the requirements of the National Environmental Policy Act (NEPA). The draft EA's public comment period is not concurrent with the comment period for this notice. The draft EA will have a minimum 30-day comment period and be available on the Seattle District's web site, <http://www.nws.usace.army.mil> (follow links to Environmental Resources Section, Environmental Documents page).

#### 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 allow continued dredge material disposal. All email comments should be sent to [Hiram.T.Arden@usace.army.mil](mailto:Hiram.T.Arden@usace.army.mil). Conventional mail comments should be sent to U.S. Army Corps of Engineers, Navigation Section, P.O. Box 3755, Seattle, WA 98124-3755. All comments must reach this office no later than the expiration date of this public notice to ensure consideration. Telephone inquiries should be directed to Hiram Arden, Project Manager, (206) 764-3401.

Hiram Arden  
Project Manager  
Navigation Section

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Notice of Application for  
Water Quality Certification  
and for  
Certification of Consistency with the  
Washington Coastal Zone Management Program

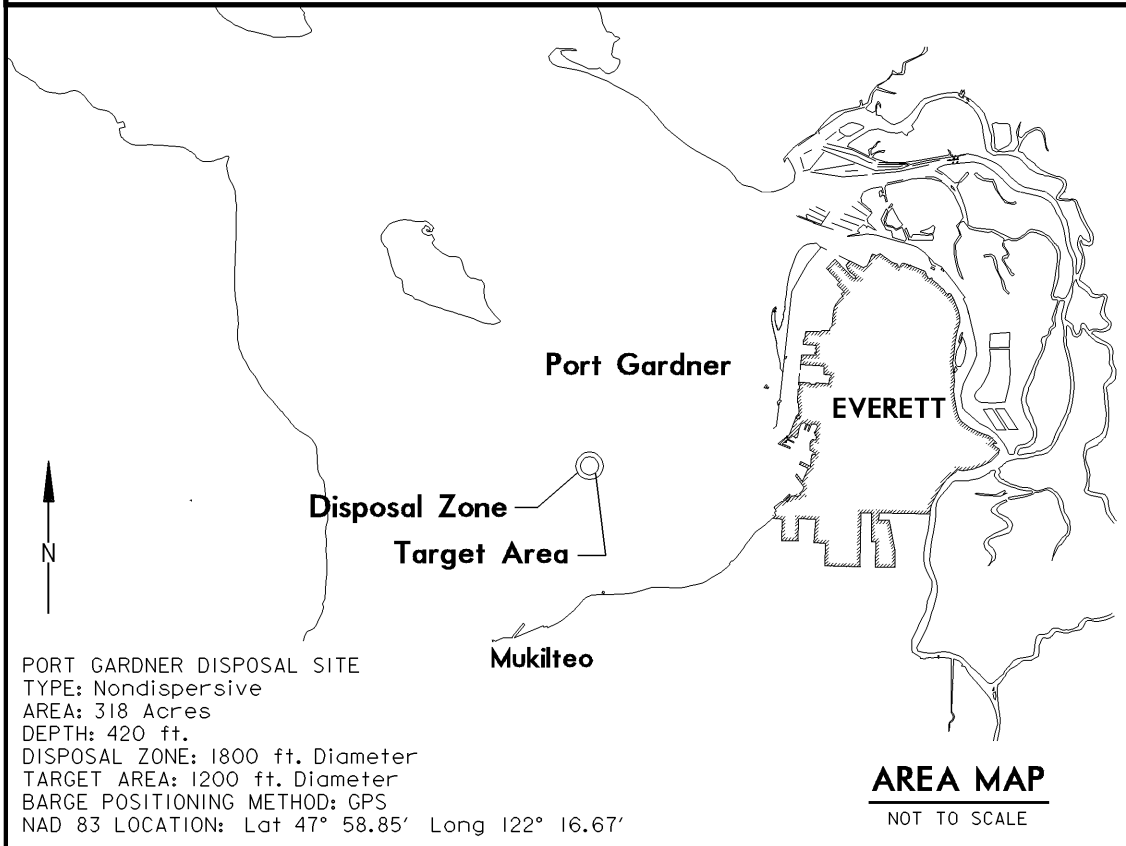
Date: April 30, 2009

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. CENWS-OD-TS-NS-30 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

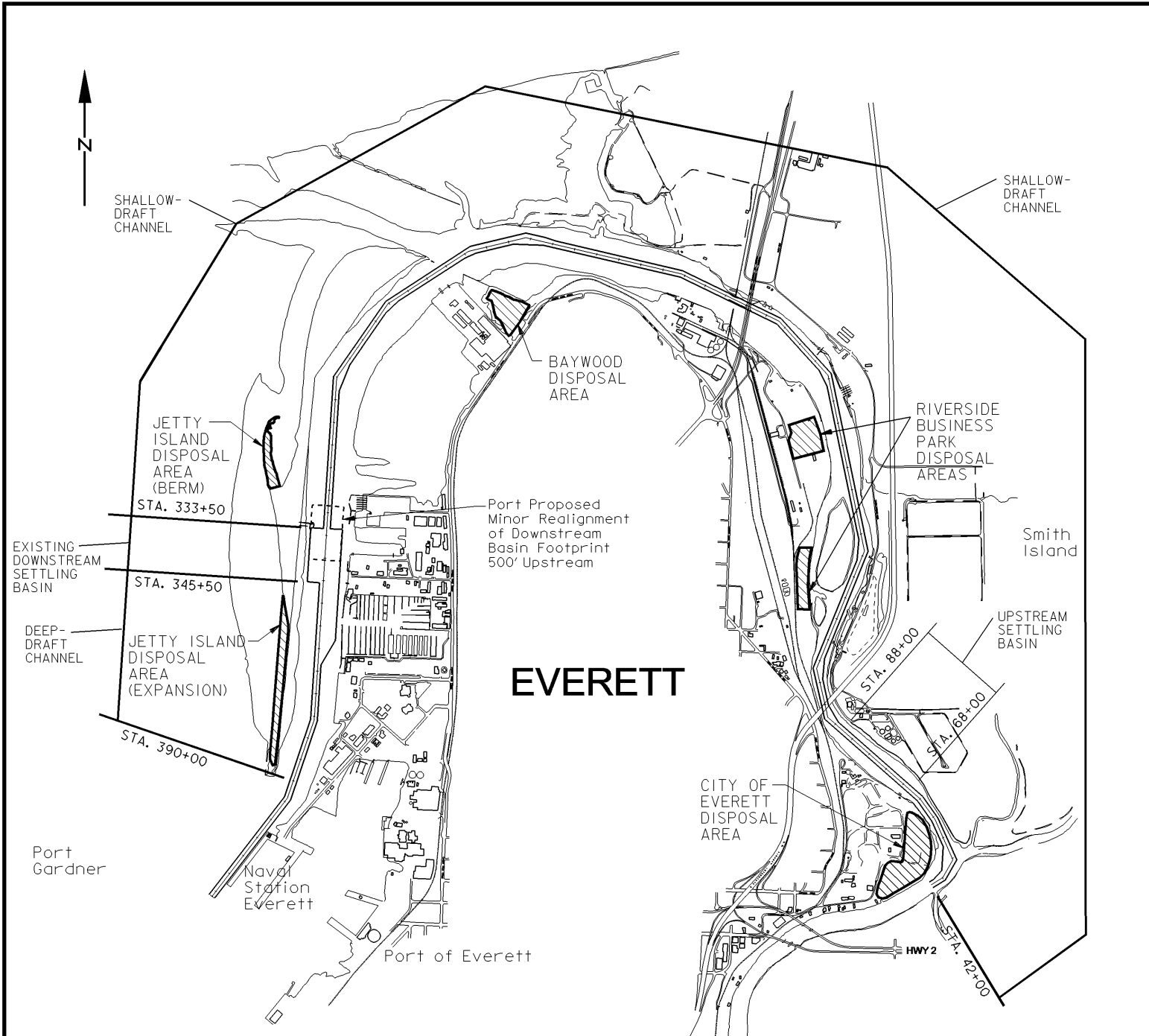
Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

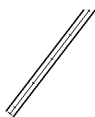
Federal Permit Coordinator  
Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, Washington 98504-7600



U. S. ARMY ENGINEER DISTRICT, SEATTLE CORPS OF ENGINEERS SEATTLE, WASHINGTON		
<b>FISCAL YEARS 2010-2020</b> <b>SNOHOMISH RIVER NAVIGATION CHANNEL</b> <b>&amp; SETTLING BASINS</b> <b>MAINTENANCE DREDGING &amp; DISPOSAL</b> <b>EVERETT HARBOR, WA</b>		
DATE 30 APR 09	PUBLIC NOTICE CENWS-OD-TS-NS-30	SHEET 1 OF 3



**LEGEND**



NAVIGATION CHANNEL



PROPOSED DISPOSAL SITE

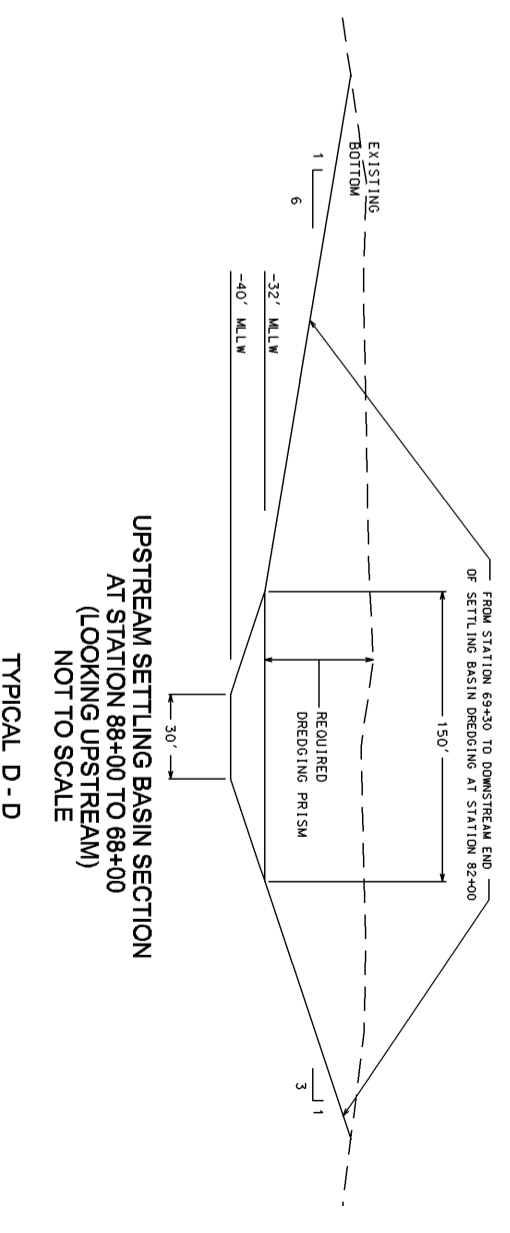
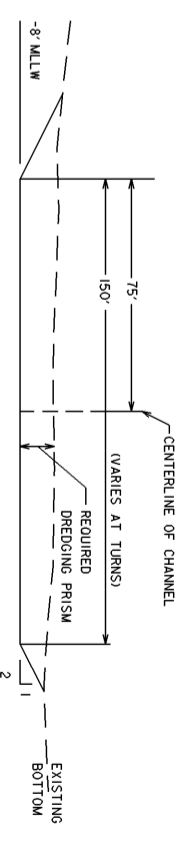
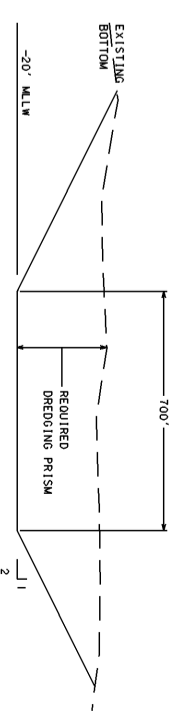
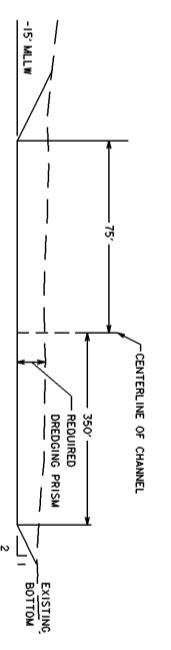
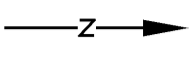
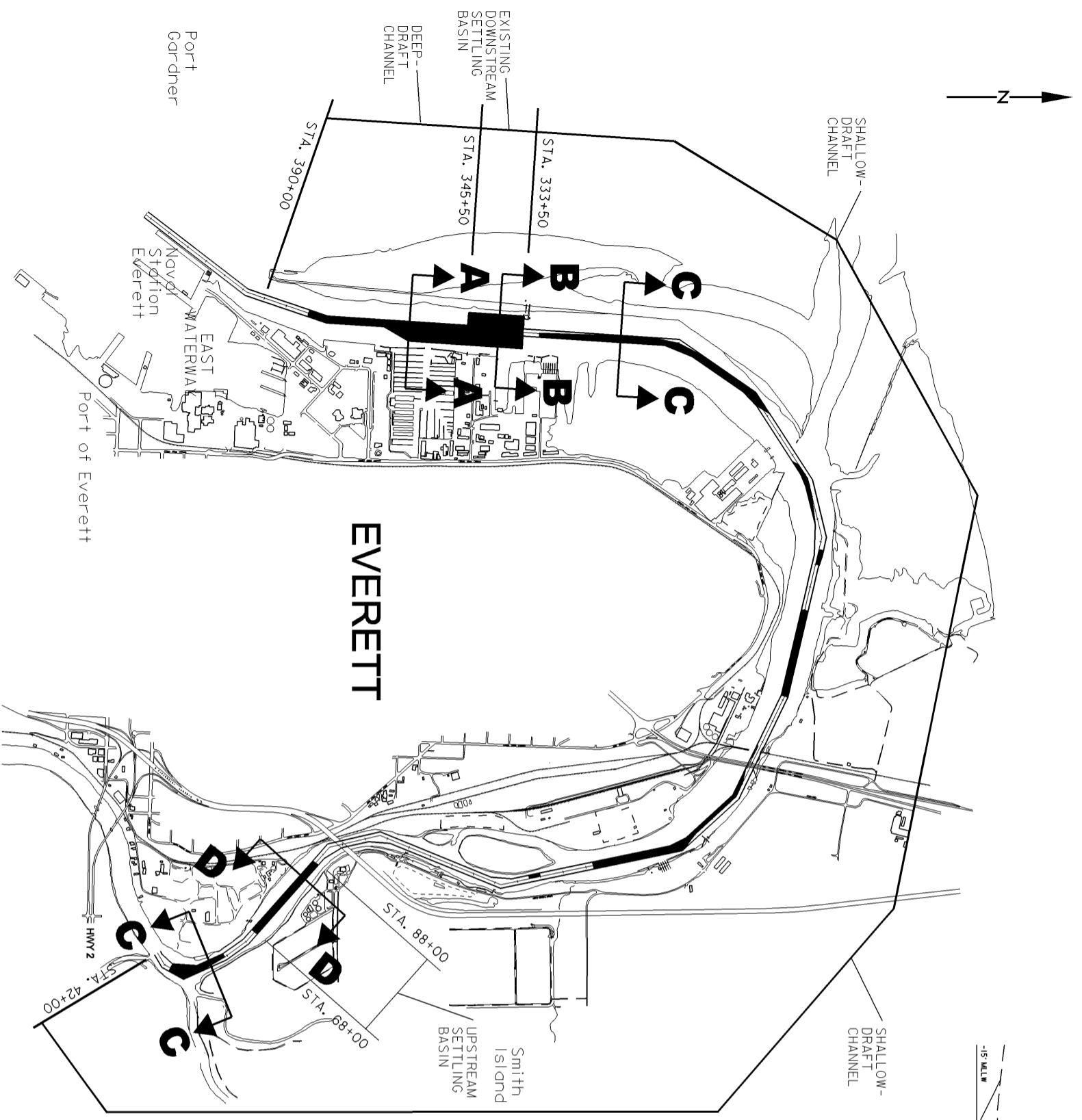
U. S. ARMY ENGINEER DISTRICT, SEATTLE  
CORPS OF ENGINEERS  
SEATTLE, WASHINGTON

**FISCAL YEARS 2010-2020  
SNOHOMISH RIVER NAVIGATION CHANNEL  
& SETTLING BASINS  
MAINTENANCE DREDGING & DISPOSAL  
EVERETT HARBOR, WA**

DATE  
30 APR 09

PUBLIC NOTICE  
CENWS-0D-TS-NS-30

SHEET  
2 OF 3



**LEGEND**

- NAVIGATION CHANNEL
- APPROXIMATE LOCATION OF EXISTING SHOAL AREAS

U. S. ARMY ENGINEER DISTRICT, SEATTLE CORPS OF ENGINEERS SEATTLE, WASHINGTON		
<b>FISCAL YEARS 2010-2020</b> <b>SNOHOMISH RIVER NAVIGATION CHANNEL</b> <b>&amp; SETTLING BASINS</b> <b>TYPICAL DREDGING CROSS SECTIONS &amp; SHOALS</b> <b>EVERETT HARBOR, WA</b>		
DATE	PUBLIC NOTICE	SHEET
30 APR 09	CENWS-OD-TS-NS-30	3 OF 3