US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Sandra Manning, Project Manager

Public Notice Date: August 5, 2004
Expiration Date: September 5, 2004
Reference: 200400455
Name: Washington State Department of Transportation

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 March 3, 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Washington State Department of Transportation
Ms. Cheryl Benson
3215 - 50th Street Court Northwest, Suite 302
Gig Harbor, Washington 98335
Telephone: (253) 534-4649

AGENT - Anchor Environmental
Ms. Holly Mergler
1423 - 3rd Avenue, Suite 300
Seattle, Washington 98101-2226
Telephone: (206) 287-9130

LOCATION - In Toliva Shoals, near Fox Island, Pierce County, Washington. Toliva Shoals is in southern Puget Sound, 5.2 miles south of the Tacoma Narrows Bridge.

WORK - Placement of 2,637 cubic yards of quarry rock over about one acre at four locations, ranging from −20 to −70 feet at Toliva Shoals.

PURPOSE – The purpose of this project is to create artificial habitat structures for rockfish.

ADDITIONAL INFORMATION – The project was designed and required by Washington Department of Fish and Wildlife (WDFW) as part of the mitigation for the construction of the new Tacoma Narrows Bridge. Locations were chosen by WDFW to minimize impacts to naturally existing or previously created rockfish habitat, to avoid any impacts to eelgrass, and WDFW has selected a location that is currently not providing habitat features suitable for fish. Material size and type was chosen to maximize rock interstices and to form a low vertical profile.

MITIGATION - This project is a fish habitat enhancement project. No additional mitigation is required.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The species, listed under the ESA of 1973, as amended, that occur in the project area are bald eagle (*Haliaeetus leucocephalus*) threatened, no effect; the

marbled murrelet (*Brachyramphus marmoratus*) threatened, may affect, not likely to adversely affect; the Puget Sound bull trout (*Salvelinus confluentus*) threatened, may affect, not likely to adversely affect; the Puget Sound chinook (*Oncorhynchus tshawytscha*) threatened, may affect, not likely to adversely affect, and the Steller sea lion (*Eumetopias jubatus*) threatened, may affect, not likely to adversely affect.

Consultation has been completed. The National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS), on April 20, 2004, and May 17, 2004, concurred with the U.S. Army Corps of Engineers (Corps) findings of "no effect" and "not likely to adversely affect".

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). EFH for Pacific salmon, groundfish, coastal pelagic species occurs in the project area. The proposed action would impact approximately one acre of EFH for these species.

The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. This determination has been supported by the NMFS. No further EFH consultation is necessary.

CULTURAL RESOURCES - The District Engineer (DE) 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:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area.

The DE invites responses to this public notice from Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, 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 whether to issue a permit will be based on an evaluation of the probable impact, 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; 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. 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 evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

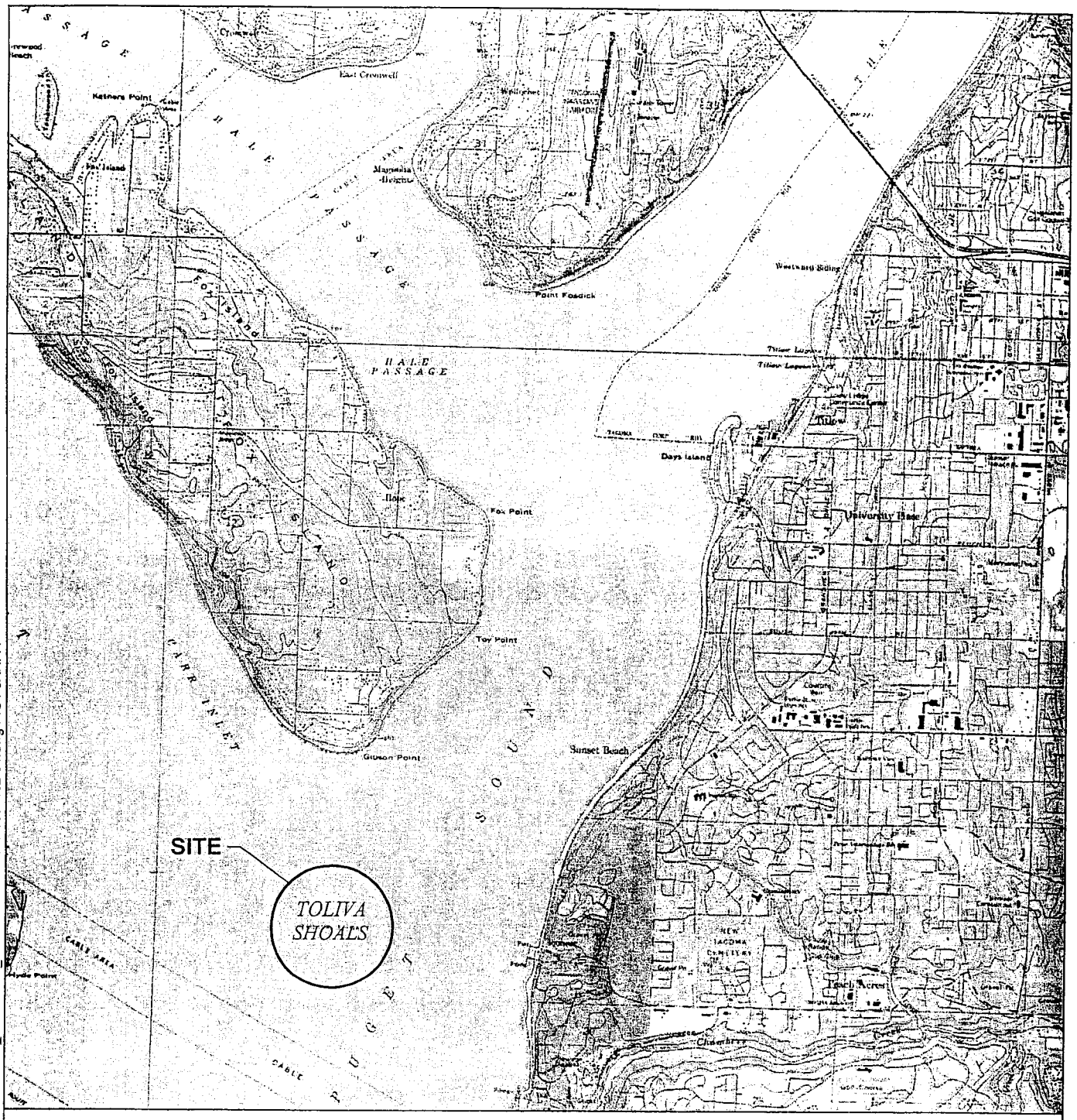
ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shoreline Substantial Development and Shoreline Conditional Use Permit Number SD/CP20-04 (Toliva Shoals) – (#385519) issued by Pierce County on June 16, 2004.

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. All e-mail comments should be sent to Sandra.L.Manning@nws02.usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor'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. Please include the following name and reference number:

Washington State Department of Transportation
200400455

Encl
Drawings - 3



Section 19, Township 20N, Range 02E

Lat: 47° 12' 10.84"

Long: 122° 36' 28.55"

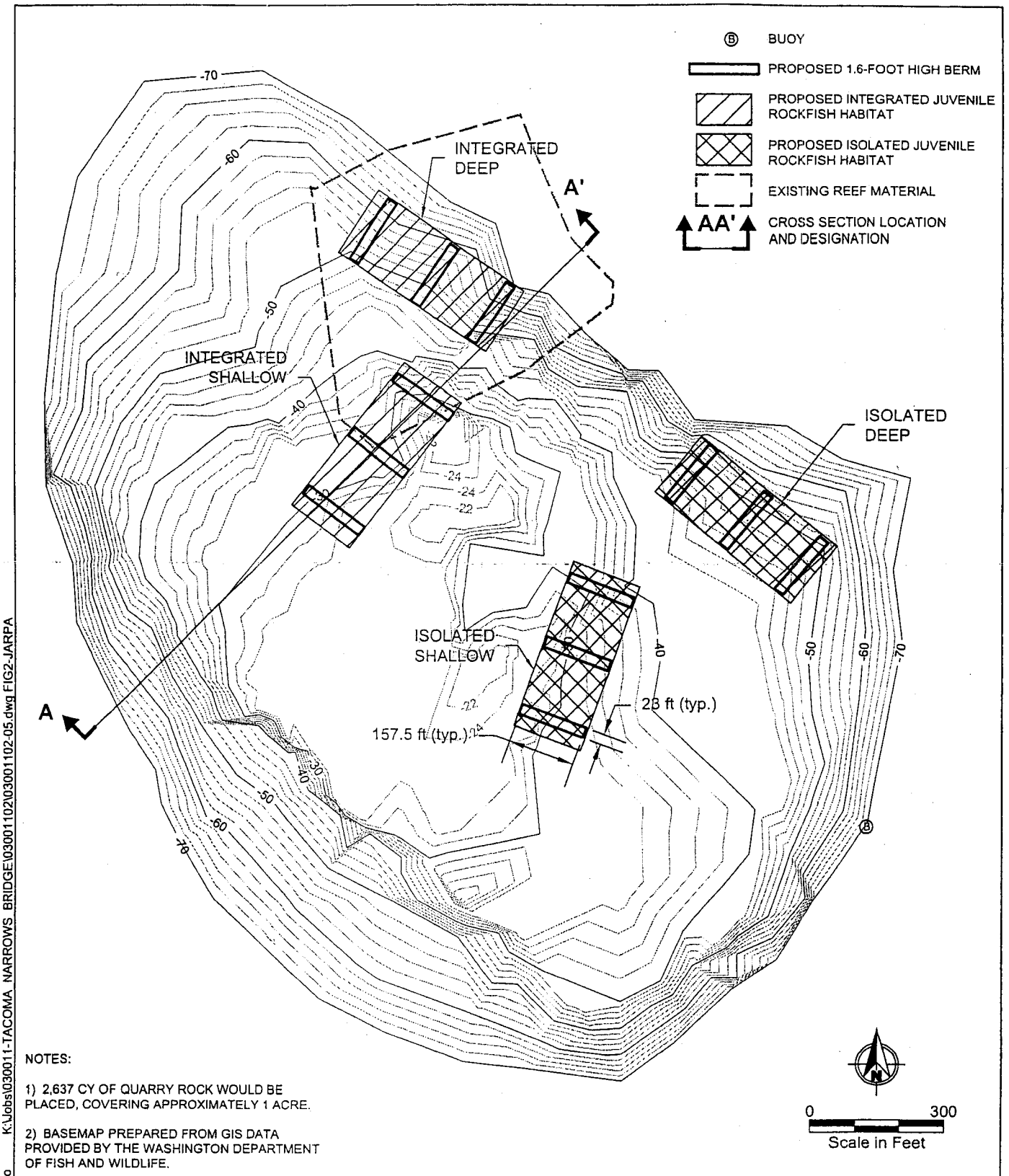
0 4000

Scale in Feet

PURPOSE: JUVENILE ROCKFISH HABITAT CONSTRUCTION HORIZONTAL DATUM: STATE PLANE NAD 27 WASHINGTON, SOUTH ZONE VERTICAL DATUM: MLLW ADJACENT PROPERTY OWNERS: 1. DNR (AQUATIC LANDS)	VICINITY MAP FIGURE 1	200400455 IN: PIERCE COUNTY AT: TOLIVA SHOALS COUNTY OF: PIERCE STATE: WA APPLICATION BY: APP 1 WASHINGTON STATE DEPARTMENT OF TRANSPORTATION SHEET 1 OF 3 DATE: JULY 2003

K:\Jobs\030011-TACOMA_NARROWS_BRIDGE\03001102\03001102-01.dwg FIG1-JARPA

Aug 04, 2003 10:26am rchao



NOTES:

1) 2,637 CY OF QUARRY ROCK WOULD BE PLACED, COVERING APPROXIMATELY 1 ACRE.

2) BASEMAP PREPARED FROM GIS DATA PROVIDED BY THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE.

PURPOSE: JUVENILE ROCKFISH HABITAT CONSTRUCTION
HORIZONTAL DATUM: STATE PLANE NAD 27 WASHINGTON, SOUTH ZONE
VERTICAL DATUM: MLLW

ADJACENT PROPERTY OWNERS:
1) DNR (AQUATIC LAND)

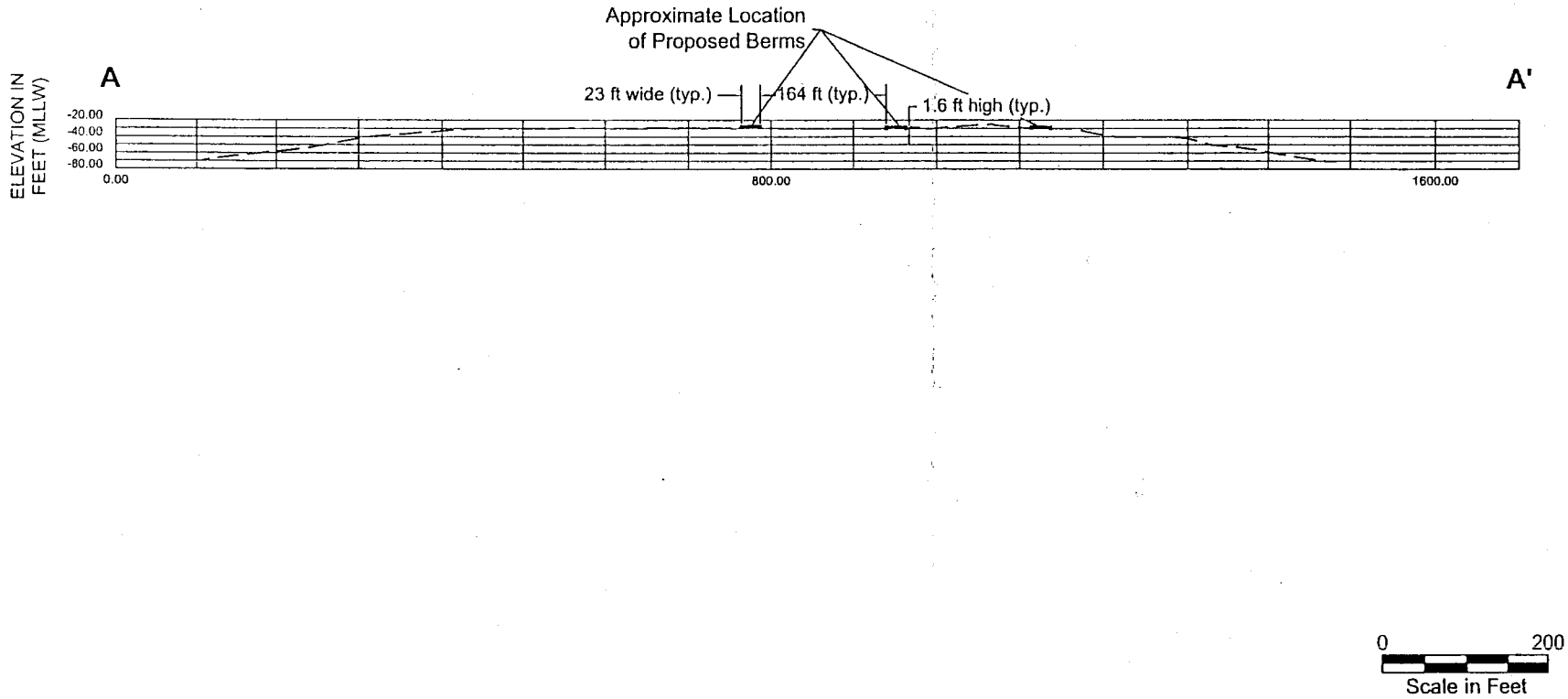
SITE PLAN
EXISTING AND PROPOSED ARTIFICIAL ROCKFISH HABITAT LOCATIONS AT TOLIVA SHOALS
FIGURE 2

2004 0045 5

IN: PIERCE COUNTY
AT: TOLIVA SHOALS
COUNTY OF: PIERCE STATE: WA
APPLICATION BY:
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

SHEET 2 OF 3 DATE: JULY 2003

K:\Jobs\030011-TACOMA NARROWS BRIDGE\03001102\03001102-05.dwg FIG2-JARPA
Aug 04, 2003 10:20am rchao



PURPOSE: JUVENILE ROCKFISH HABITAT CONSTRUCTION

VERTICAL DATUM: MLLW

ADJACENT PROPERTY OWNERS:
1. DNR (AQUATIC LAND)

SITE PLAN
TYPICAL CROSS SECTION OF PROPOSED ARTIFICIAL ROCKFISH HABITAT AT TOLIVA SHOALS

FIGURE 3

200400455

IN: PIERCE COUNTY
AT: TOLIVA SHOALS
COUNTY OF: PIERCE STATE: WA
APPLICATION BY:
WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

SHEET 3 OF 3 DATE: JULY 2003

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Feb 03, 2004 12:09pm rchao

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

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: August 5, 2004

Notice is herby 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. 200400455 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 herby 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