



US Army Corps
of Engineers
Seattle District



WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

Joint Public Notice

Application for a Department of the Army Permit and a Makah Indian Tribe Water Quality Certification and Washington Department of Ecology Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (206) 764-6904
Attn: Pamela Sanguinetti, Project
Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6076
Attn: SEA Program, Federal Permit
Coordinator

Makah Indian Tribe
P.O. Box 115
Neah Bay, WA 98357
Telephone (360) 645-2201
Attn: Aaron Parker, Makah Fisheries
Water Quality Specialist

Public Notice Date: October 6, 2017
Expiration Date: November 7, 2017

Reference No.: NWS-2016-826
Name: Makah Indian Tribe

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 United States as described below and shown on the enclosed drawings dated March 16, 2017.

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 Makah Indian Tribe will review the work pursuant to water quality certification under Section 401 of the CWA. Ecology will review the work pursuant to the Coastal Zone Management Act.

APPLICANT: Makah Indian Tribe
Post Office Box 115
Neah Bay, Washington 98357

ATTN: William S. Parkin, Jr., Director, Port of Neah Bay
Telephone: (360) 645-3019

AGENT: Berger ABAM
33301 Ninth Avenue South, Suite 300
Federal Way, Washington

ATTN: Ms. Victoria England
Telephone: (206) 357-5621

LOCATION: The project is located in the Strait of Juan de Fuca at the Makah Reservation in Neah Bay, Clallam County, Washington

WORK: The project consists of an extension to an existing fishing pier to accommodate an emergency response towing vessel and other associated spill response vessels. The pier extension will be about 563 feet in length

extending to the northwest. Two finger piers, respectively about 325-foot and 340-foot lengths, will extend to the north from the angled pier extension. Two floating piers, each about 180 feet long, will be located on the north side of the pier extension. The new pier extension will be supported by up to 220 steel piles, which includes eighty-five 24-inch diameter steel piles and one hundred thirty-five 18-inch diameter steel piles. The floating piers will be secured to 18-inch diameter steel piles.

The pier extension will have concrete decking that will be paved with an asphalt overlay. The pier extension is sloped to drain stormwater to a central utility corridor with a grated cover. The bottom of the corridor will be sealed so that stormwater will drain into the trench and be collected. The collected water will be routed to a vault with cartridges to treat the stormwater prior to discharge into Neah Bay.

The area around the existing pier and proposed extension is proposed to have about 208,000 cubic yards of material dredged to increase the depths to elevations ranging from -15 to -25 feet Mean Lower Low Water (MLLW) plus one foot allowable overdepth (-16 to -25 feet MLLW). Material would be dredged using either mechanical (clamshell) or hydraulic dredging equipment. Material suitable for in-water use would be placed using hydraulic pipeline or clamshell dredging equipment on the beneficial use site. Material not suitable for in-water disposal would be placed at an upland facility in accordance with state and federal waste and disposal regulations.

PURPOSE: The project purpose is to provide secure, reliable support for enhanced oil spill response capability in the Strait of Juan de Fuca and the Pacific Ocean in the vicinity of Neah Bay.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

Dredged Material Testing: The proposed dredged material has been tested according to the procedures specified by DMMP, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Washington State. The DMMP evaluations may include both chemical and biological testing of sediments. For this project, the DMMP agencies determined that 186,761 cubic yards were suitable for unconfined disposal at the DMMP nondispersive (or dispersive) open-water disposal site in Port Angeles and/or placement in Neah Bay for intertidal and/or subtidal beneficial use. The remaining 21,270 cubic yards were found unsuitable for open-water disposal. After mechanical removal, this material will be loaded onto trucks and transported to an upland disposal area, approved by the Washington State Department of Ecology and the Clallam County Department of Health. The sediment testing data are available at the Corps, Seattle District, Dredged Material Management Office.

Dredging Plan: A dredging plan, sufficient to adequately separate contaminated material from sediments suitable for open-water disposal, will be prepared by the applicant and submitted to the regulatory agencies for review prior to dredging. A pre-dredging conference will be held to review quality control plans and procedures for material separation.

Disposal Site Use Conditions: 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 work would be completed over a 5-year period.

The line of Mean High Water/ Mean Higher High Water 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 is evaluating a number of sites within Neah Bay where derelict structures could be removed to mitigate the increased overwater coverage of the replacement structure. The proposed dredged material placement would return a section of shoreline to its historical conditions based on historic photographs of the area.

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.

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.

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.

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.

CULTURAL RESOURCES: 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 Corps invites responses to this public notice from Native American Tribes 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 Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

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 – 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 concur or object that the project is consistent with Ecology's Coastal Zone Management program.

EVALUATION – Makah Indian Tribe: The Makah Indian Tribe 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. The Makah Indian Tribe will be considering all comments to determine whether to certify or deny certification for the proposed project.

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 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. 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 whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

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.

CORPS COMMENTS: All e-mail comments should be sent to pamela.sanguinetti@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Ms. Pamela Sanguinetti, P.O. 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 Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov

MAKAH INDIAN TRIBE COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA, may do so by submitting written comments to the following address: Makah Indian Tribe, Attn: Aaron Parker, Makah Fisheries Water Quality Specialist,

NWS-2016-826; Makah Indian Tribe

P.O. Box 115, Neah Bay, WA 98357

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Makah Indian Tribe, NWS-2016-826, or email to aaron.parker@makah.com

Encl: Figures (12)



PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.

APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

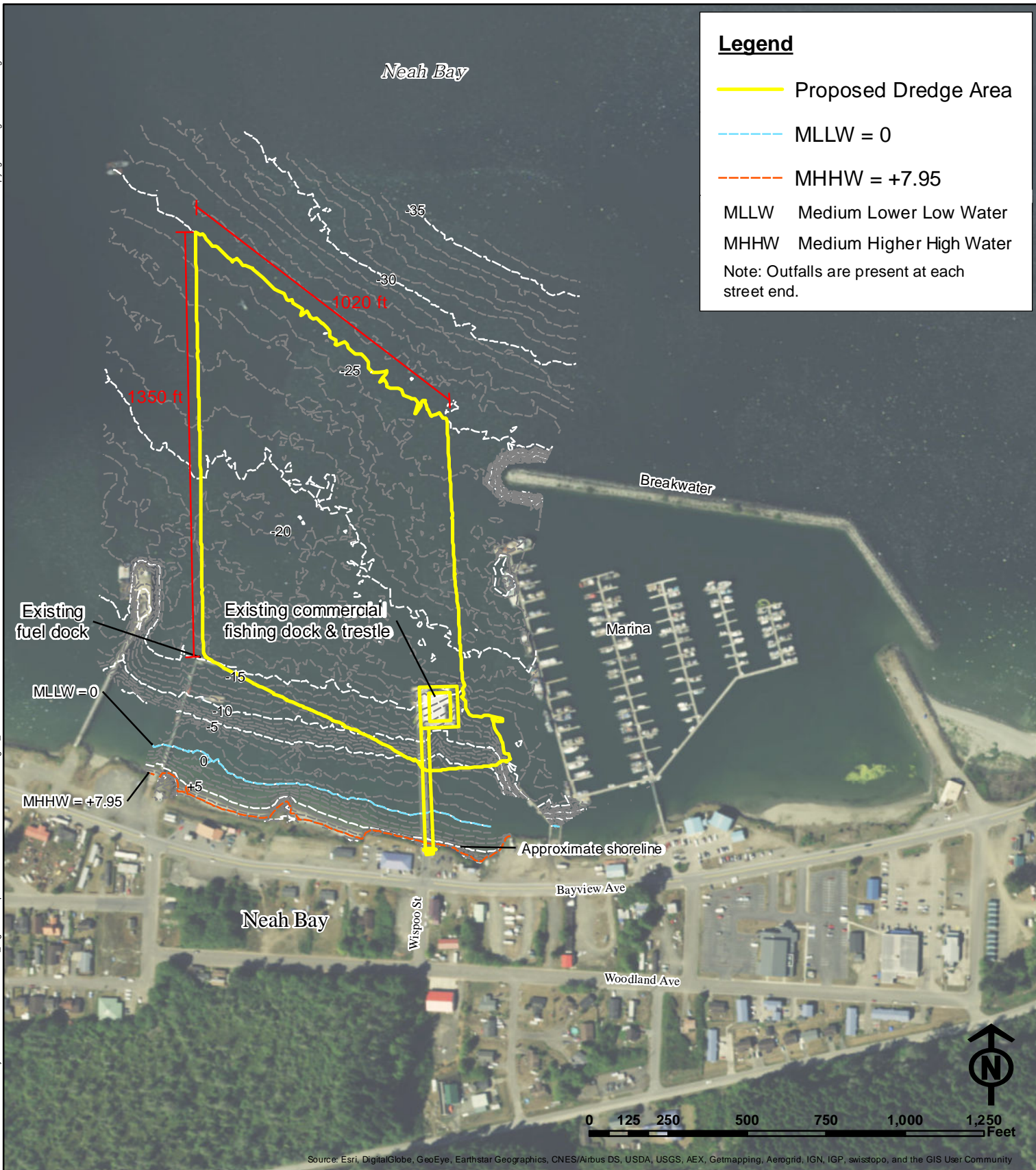
ADJACENT PROPERTY OWNERS:
 Department of Natural Resources



SHEET 1: VICINITY MAP

USACE REFERENCE: 2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam

LAT/LONG: 48.36746 N-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017



Legend

— Proposed Dredge Area

--- MLLW = 0

--- MHHW = +7.95

MLLW Medium Lower Low Water

MHHW Medium Higher High Water

Note: Outfalls are present at each street end.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.

APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
Department of Natural Resources



PROPOSED DOCK EXTENSION

SHEET 2: SITE PLAN EXISTING CONDITIONS

USACE REFERENCE: 2016-826

WATERWAY: Neah Bay

AT: Neah Bay

COUNTY: Clallam

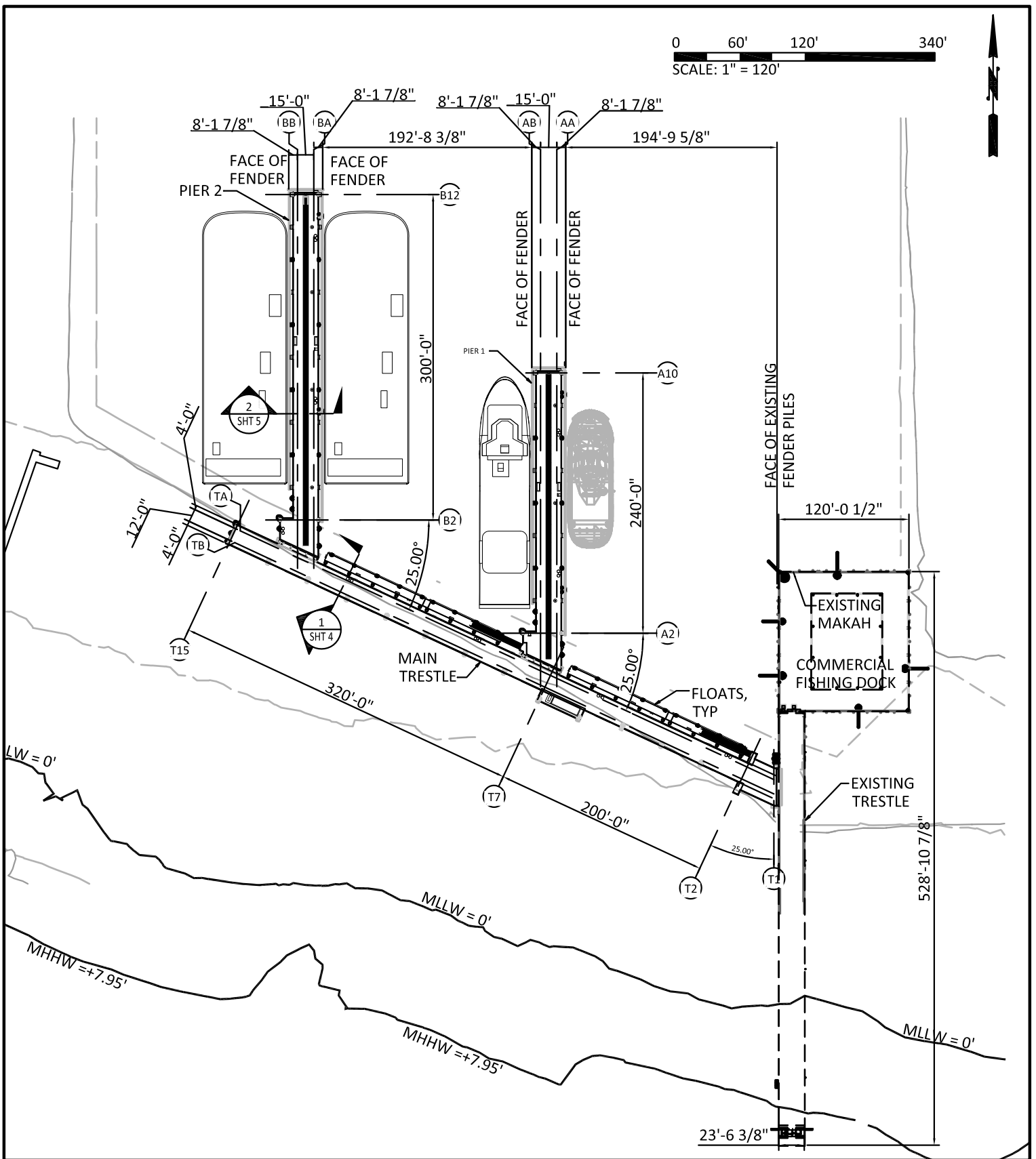
LAT/LONG: 48.36746 N-124.61416 W

S/T/R: S11/T33N/R15W

DATUM: MLLW=0.0

DATE: 16 March 2017

Sheet 2 of 12



PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.
 APPLICANT: Makah Tribe
 SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
 Department of Natural Resources



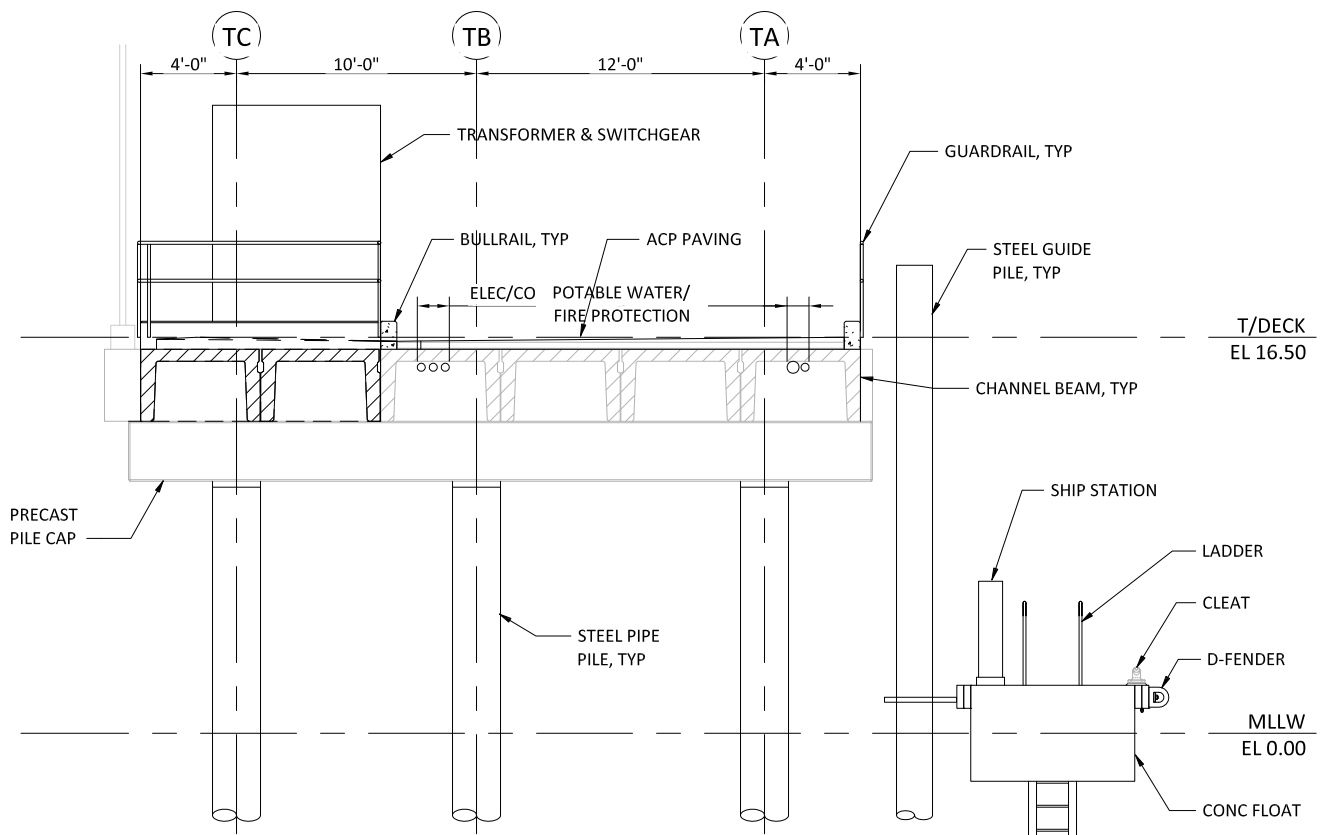
PURPOSE DOCK EXTENSION

SHEET 3: PROPOSED DOCK EXTENSION PLAN

USACE REFERENCE: 2016-826
 WATERWAY: Neah Bay
 AT: Neah Bay
 COUNTY: Clallam

LAT/LONG: 48.36746 N/-124.61416 W
 S/T/R: S11/T33N/R15W
 DATUM: MLLW=0.0
 DATE: 16 March 2017

Sheet 3 of 12



1
FIG 3 PROPOSED TRESTLE
SCALE: 1"= 8'



PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.
APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
Department of Natural Resources

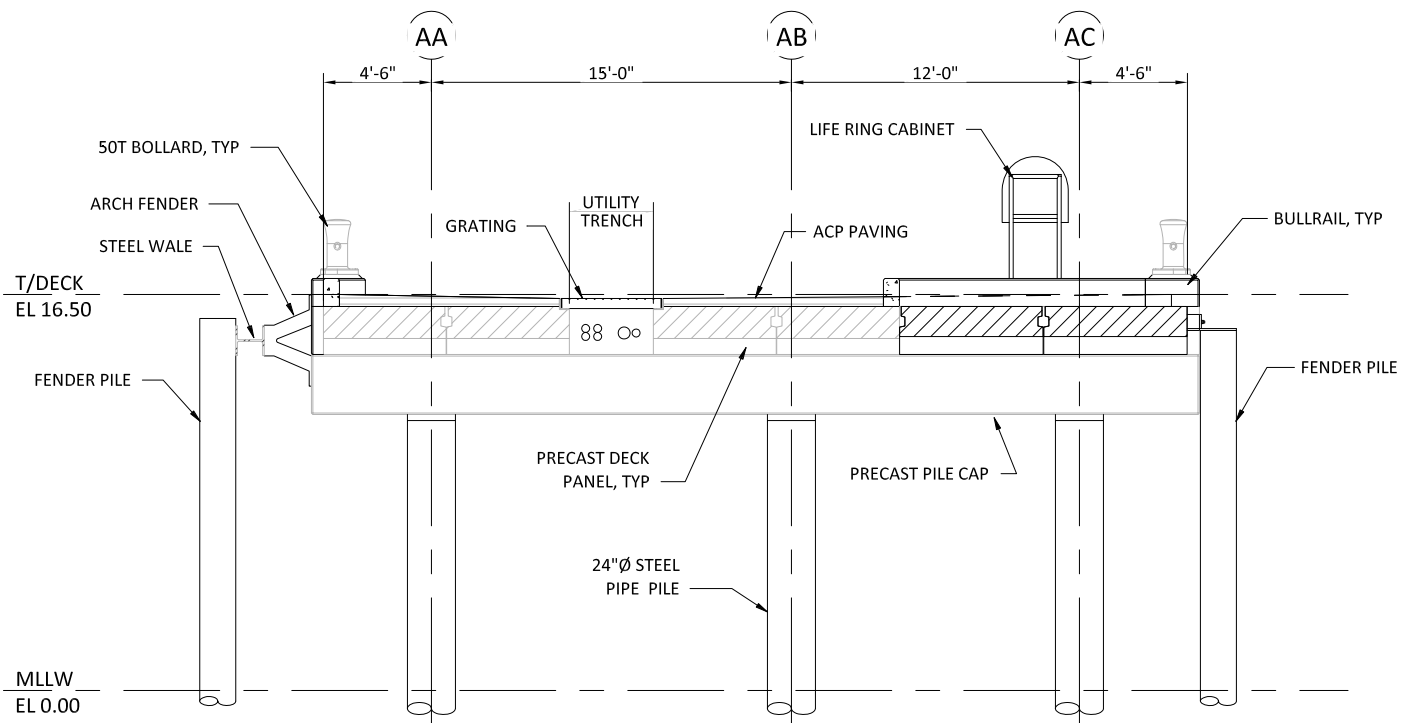


PURPOSE DOCK EXTENSION

SHEET 4: PROPOSED DOCK EXTENSION SECTION 1

USACE REFERENCE: 2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam

LAT/LONG: 48.36746 N/-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017



2
FIG 3

PROPOSED PIER
SCALE: 1"= 8'



PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.
APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
Department of Natural Resources

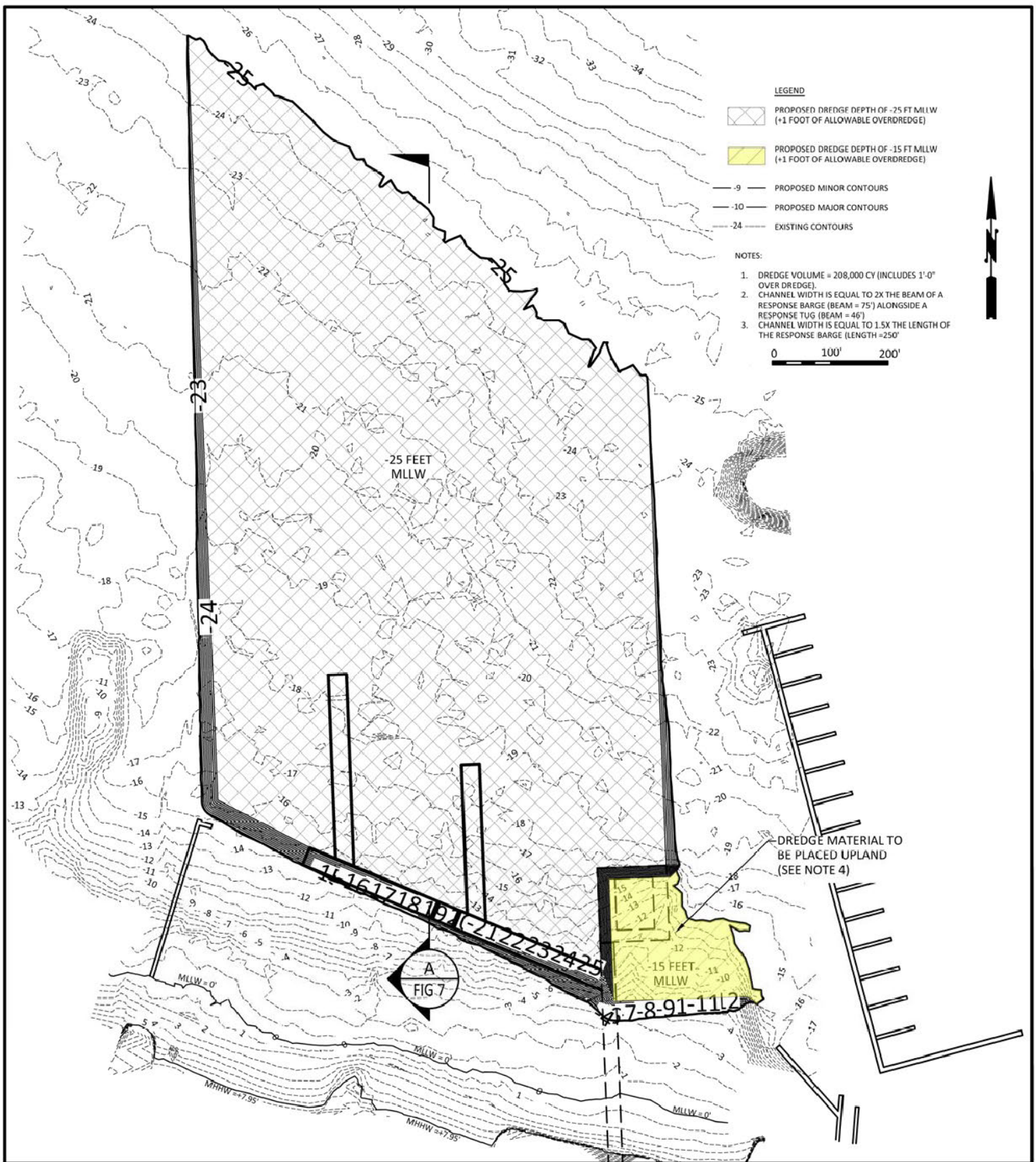


PURPOSE DOCK EXTENSION

**SHEET 5: PROPOSED DOCK EXTENSION
SECTION 2**

USACE REFERENCE: 2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam

LAT/LONG: 48.36746 N/-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017



PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.

APPLICANT: Makah Tribe

SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
Department of Natural Resources



PURPOSE DOCK EXTENSION

SHEET 6: PROPOSED DREDGE PLAN

USACE REFERENCE: 2016-826

WATERWAY: Neah Bay

AT: Neah Bay

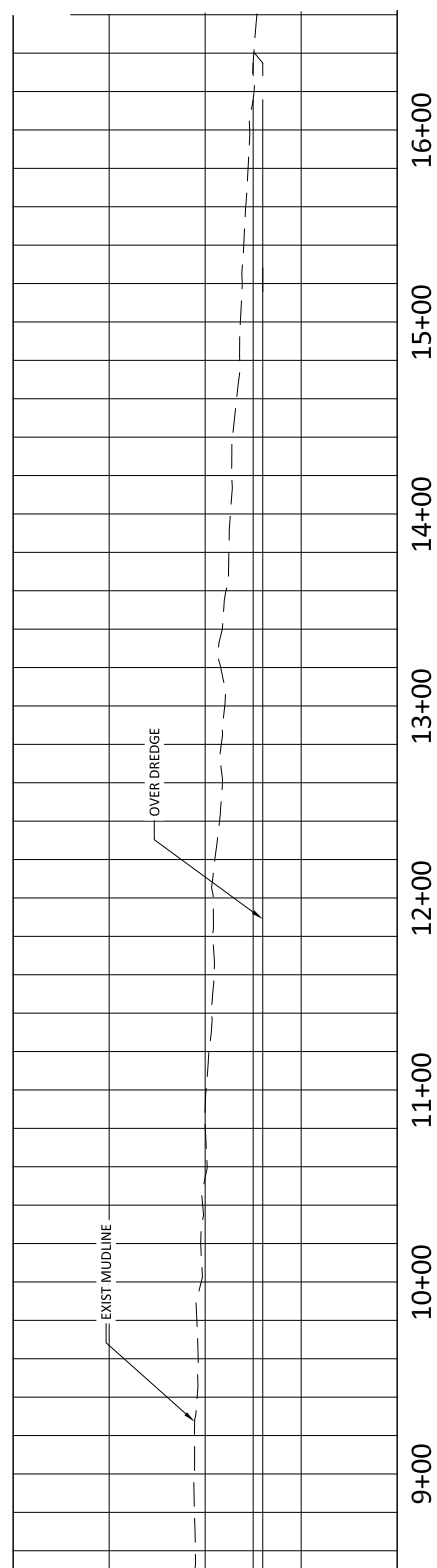
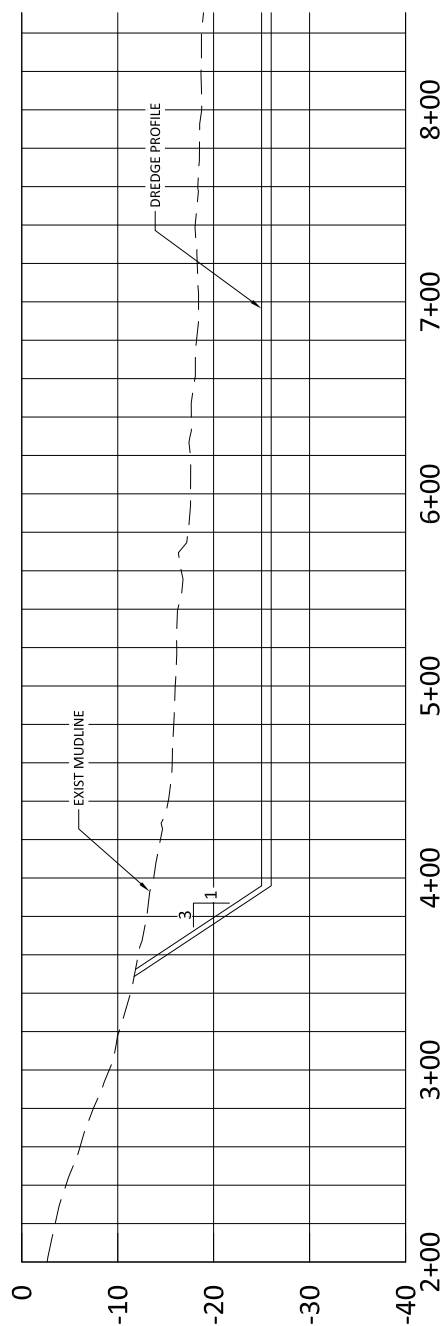
COUNTY: Clallam

LAT/LONG: 48.36746 N/-124.61416 W

S/T/R: S11/T33N/R15W

DATUM: MLLW=0.0

DATE: 16 March 2017



PROPOSED DREDGE SECTION A

Vertical Scale: 1"=20', Horizontal Scale: 1"=100'

FIG 6

PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.
 APPLICANT: Makah Tribe
 SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
 Department of Natural Resources



PURPOSE DOCK EXTENSION

SHEET 7: PROPOSED DREDGE SECTION A

USACE REFERENCE: 2016-826
 WATERWAY: Neah Bay
 AT: Neah Bay
 COUNTY: Clallam

LAT/LONG: 48.36746 N/-124.61416 W
 S/T/R: S11/T33N/R15W
 DATUM: MLLW=0.0
 DATE: 16 March 2017

Legend



Dredged Material Placement Site/Beach Restoration



PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.

APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
Department of Natural Resources



PROPOSED DOCK EXTENSION

SHEET 8: DREDGED MATERIAL PLACEMENT SITE/BEACH RESTORATION

USACE REFERENCE: 2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam
LAT/LONG: 48.36746 N-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017

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PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.

APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
Department of Natural Resources



PROPOSED DOCK EXTENSION

SHEET 9: FORMER NEAH BAY BEACH

USACE REFERENCE: 2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam

LAT/LONG: 48.36746 N-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017



PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.

APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
Department of Natural Resources



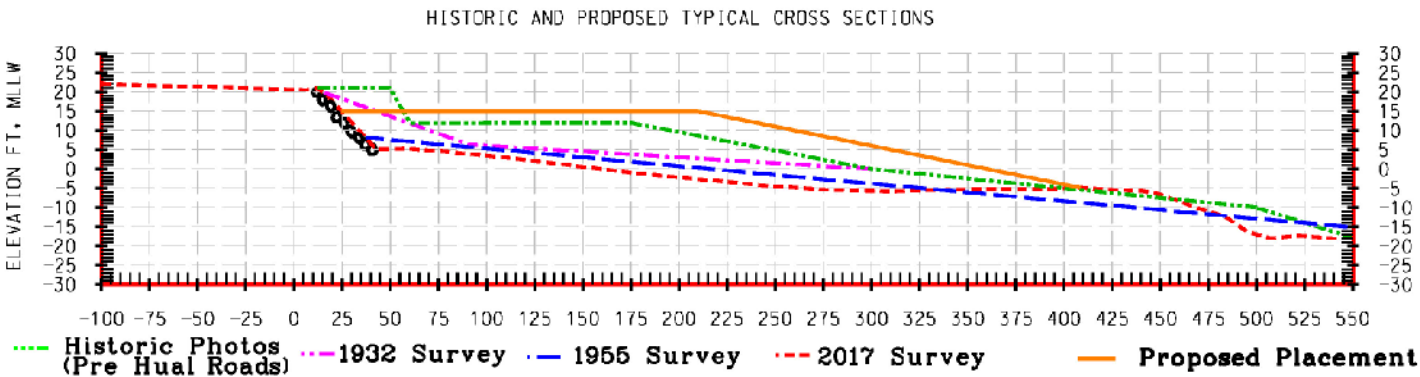
SHEET 10: FORMER NEAH BAY BEACH

USACE REFERENCE: 2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam

LAT/LONG: 48.36746 N-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017

Q:\Federal\Way\2016\A16.009600\GIS\03_Figures\Proposed Dock Extension Permit Set\Fig8 & 9 Updates\Fig011_DREDGE.mxd

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PURPOSE: Construct an extension to the existing commercial fishing dock to provide adequate, dedicated infrastructure to support an enhanced oil spill prevention and response capacity in Neah Bay. Dredging is required to accommodate vessels.

APPLICANT: Makah Tribe
SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
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SHEET 11: HISTORIC BEACH PROFILE

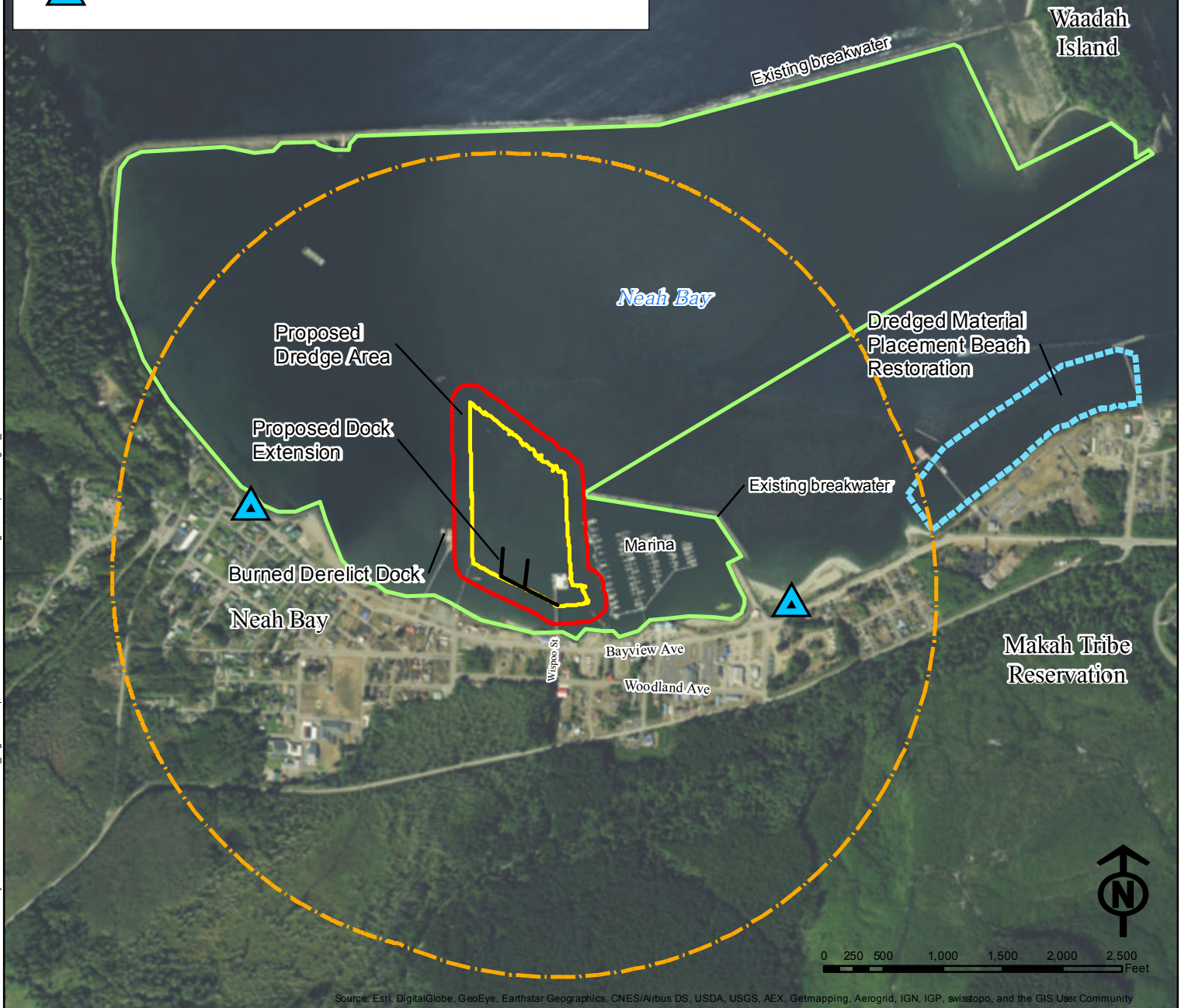
USACE REFERENCE: NWS-2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam

LAT/LONG: 48.36746 N-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017

Legend

-  Proposed Dredge Area
-  Temporarily Elevated Terrestrial Noise (3200 feet)
-  Temporarily Elevated Turbidity (150 feet)
-  Temporarily Elevated Underwater Noise (5150 feet max.)
-  Dredged Material Placement Site/Beach Restoration
-  Creek Confluence

Note: The temporarily elevated terrestrial noise and underwater noise areas are based off of the pile installation for the proposed dock extension. The temporarily elevated turbidity area is based off the dredge area.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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SITE OWNER: Makah Tribe

ADJACENT PROPERTY OWNERS:
 Department of Natural Resources



PROPOSED DOCK EXTENSION

SHEET 12: ACTION AREA

REFERENCE: NWS-2016-826
WATERWAY: Neah Bay
AT: Neah Bay
COUNTY: Clallam

LAT/LONG: 48.36746 N-124.61416 W
S/T/R: S11/T33N/R15W
DATUM: MLLW=0.0
DATE: 16 March 2017

Sheet 12 of 12