



REPLY TO  
ATTENTION OF

Regulatory Branch

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

OCT 16 2012

RECEIVED

OCT 17 2012

DEPT OF ECOLOGY  
TCP - NWRO

Mr. John Keeling  
Washington State Department of Ecology  
Toxics Control Program  
3190 160th Avenue SE  
Bellevue, Washington 98008

Reference: NWS-2012-538  
Washington State  
Department of Ecology  
(Northlake Shipyard)

Dear Mr. Keeling:

We have reviewed your application to dredge approximately 10,000 cubic yards to remove accumulated sand blast sediment, and to cap the clean-up area with six inches of sand, in Lake Union at Seattle, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 38, *Cleanup of Hazardous and Toxic Waste* (Federal Register February 21, 2012, Vol. 77, No. 34), authorizes your proposal as depicted on the enclosed drawings dated May 23, 2012.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 38, Terms and Conditions* and the following special conditions:

a. You must implement and abide by the Endangered Species Act (ESA) requirements and/or agreements set forth in the *Biological Evaluation, Northlake Shipyard Sand Blast Grit Dredging, Interim Action*, dated May 23, 2012, in their entirety. The U.S. Fish and Wildlife Service (USFWS) concurred with a finding of "may affect, not likely to adversely affect" based on this document on September 18, 2012 (USFWS Reference No. #: 01EWF00-2012-I-0349). The National Marine Fisheries Service (NMFS) concurred with a finding of "may affect, not likely to adversely affect" based on this document on October 1, 2012 (NMFS Reference Number 2012/03544). Both agencies will be informed of this permit issuance. Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your U.S. Army Corps of Engineers permit. The USFWS and NMFS are the appropriate authorities to determine compliance with ESA.

b In order to meet the requirements of the ESA and for the protection of Puget Sound Chinook salmon, Puget Sound steelhead trout, and Coastal/Puget Sound bull trout, you may conduct the authorized activities from October 1 through April 15 in any year this permit is valid. You shall not conduct work authorized by this permit from April 16 through September 30 in any year this permit is valid.

We have reviewed your project pursuant to the requirements of the ESA, the Magnuson-Stevens Fishery Conservation and Management Act and the National Historic Preservation Act. We have determined this project complies with the requirements of these laws provided that you comply with all of the permit general and special conditions.

We are unable to determine whether or not your project requires individual Water Quality Certification (WQC) and/or a Coastal Zone Management (CZM) consistency determination response from the Washington State Department of Ecology (Ecology). Before you may proceed with the work authorized by this NWP, you must contact Ecology regarding these requirements at: Washington Department of Ecology, Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7660; email: [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov); or (360) 407-6068.

If more than 180 days pass from when you provide Ecology a copy of this letter and request your individual WQC and CZM consistency determination concurrence review, your requirement to obtain an individual WQC and CZM consistency determination response becomes waived. You may then proceed to dredge.


Lake Union is a water of the United States. If you believe this is inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD, and that work authorized in this letter may not occur until the JD has been completed.

Our verification of this NWP authorization is valid for two years from the date of this letter, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date, please contact us to discuss the status of your authorization. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. You must also obtain all State and local permits that apply to this project.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form and information about our program is available on our website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil) select "Regulatory Branch, Permit Information", then "Contact Us". A copy of this letter with

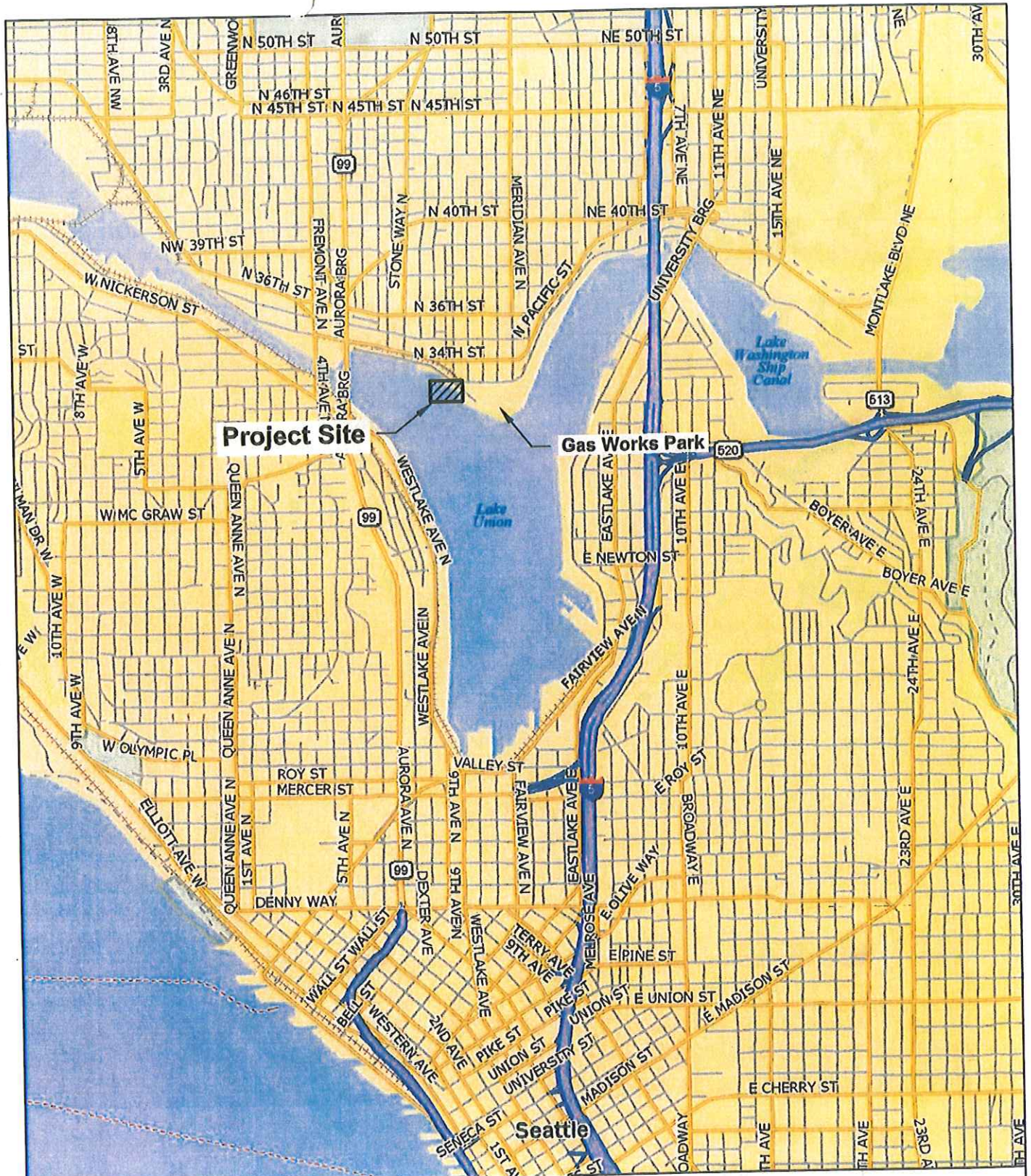
enclosures will be furnished to Mr. Chris Poulsen; Hart Crowser, Inc.; 1700 Westlake Avenue N, Suite 200; Seattle, Washington 98109. If you have any questions, please contact me via email at [suzanne.l.anderson@usace.army.mil](mailto:suzanne.l.anderson@usace.army.mil) or at (206) 764-3708.

Sincerely,



Suzanne Anderson, Project Manager  
Regulatory Branch

Enclosures



Source: Base map prepared from DeLorme Topo 7.0, 2007.

NWS-2012-538  
 LAT. 47.64674 N  
 LONG. -122.34040 W



Northlake Shipyard Sand Blast Grit Dredge Project  
 Seattle, Washington

Vicinity Map

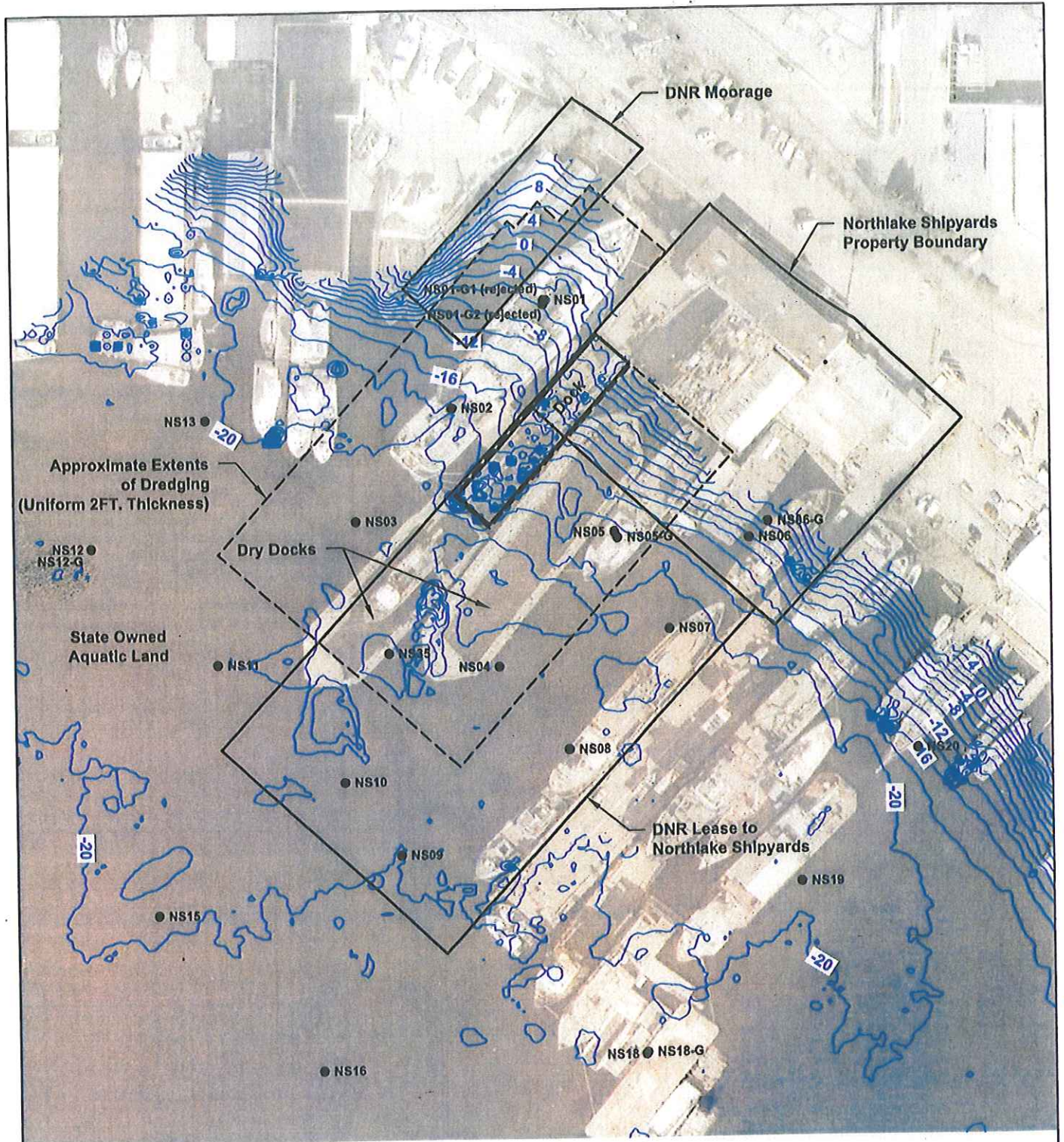
17800-26 MAY 23, 2012

5/12



Figure

1



**LEGEND**

**NS01 ●** Core Sample Location and Number

**Notes:**

1. Core sampling by others as part of sand blast grit study, Ecology and Environment, 2009.
2. Bathymetry from 2008 Tetra Tech Report.



NWS-2012-538

Northlake Shipyard Sand Blast Grit Dredge Project  
Seattle, Washington

**Project Area and Adjacent Ownership**

17800-26

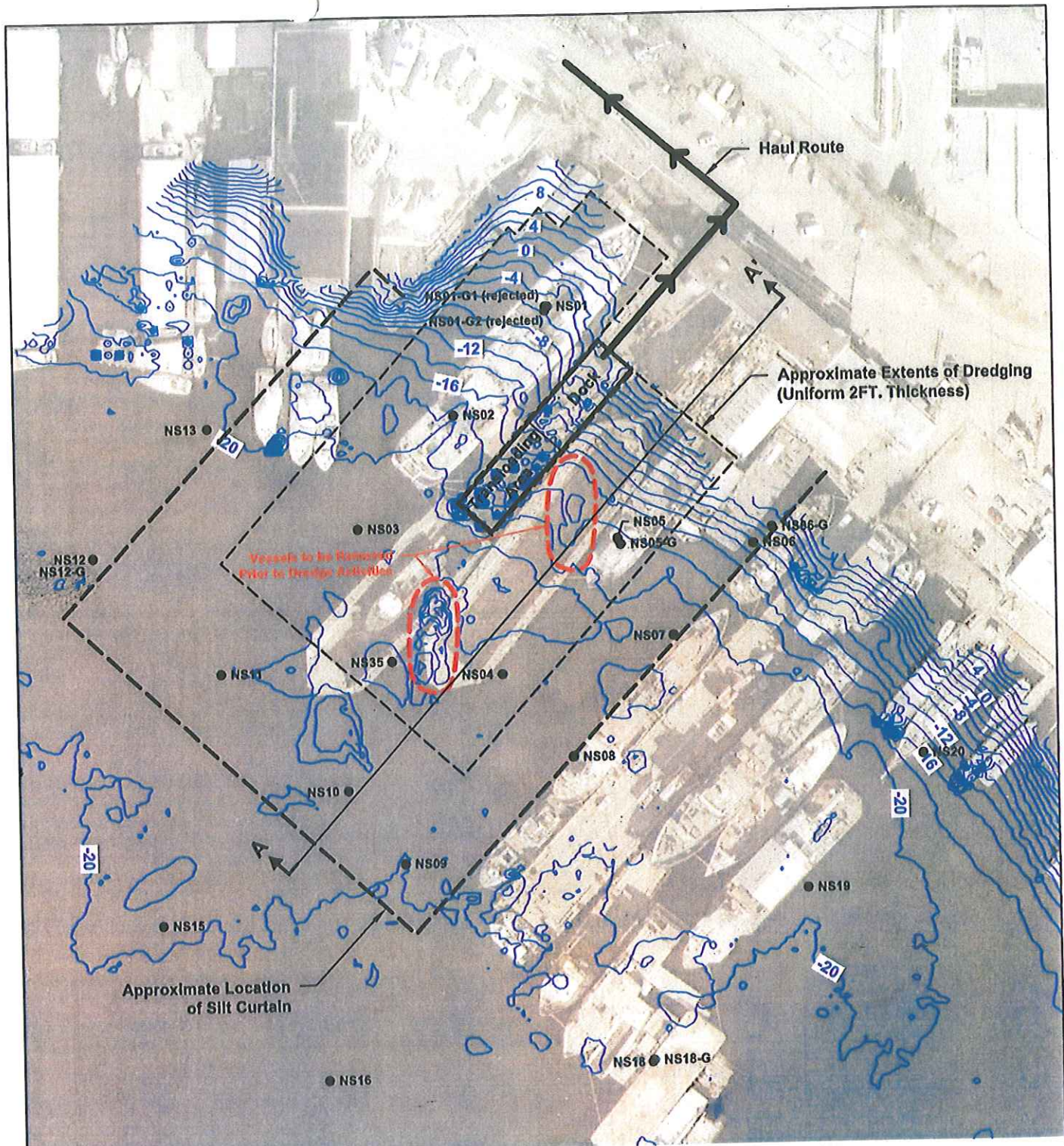
MAY 23, 2012

5/12



Figure

**2**



NWS-2012-538



**LEGEND**

NS01 ● Core Sample Location and Number

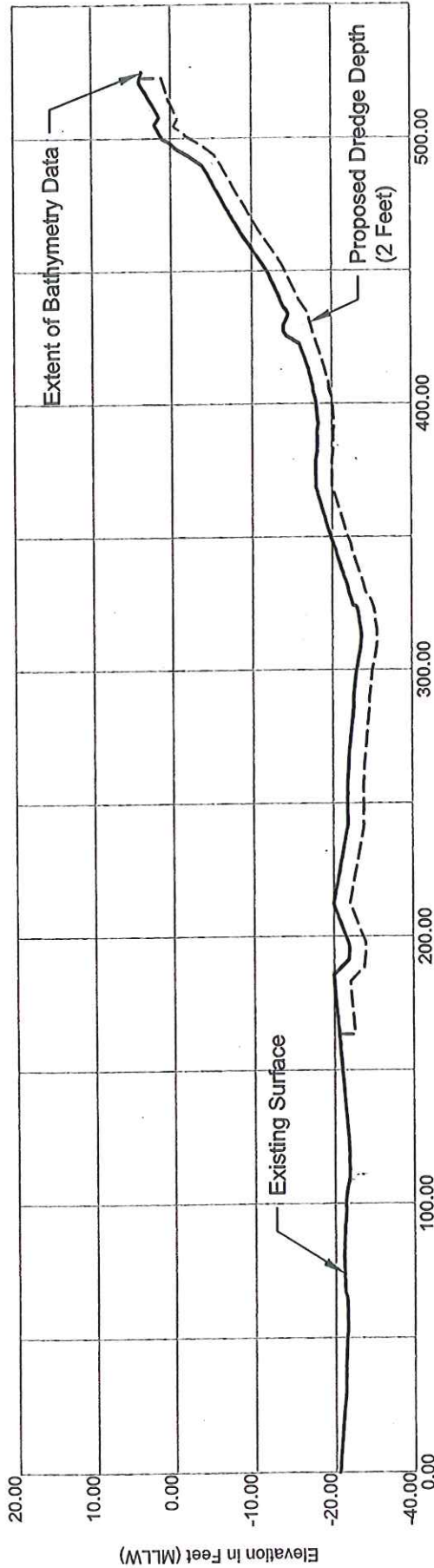
**Notes:**

1. Core sampling by others as part of sand blast grit study, Ecology and Environment, 2009.
2. Bathymetry from 2008 Tetra Tech report.
3. Transload will occur while barge is located next to dock onto trucks that are backed up onto the dock.
4. Dredging will not occur under dock, however, effort may be made to remove sediment from under dock.



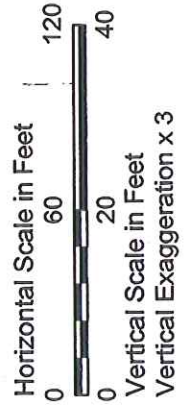
Northlake Shipyard Sand Blast Grit Dredge Project Seattle, Washington	
<b>Dredge and BMP Plan</b>	
17800-26	MAY 23, 2012
5/12	
	Figure <b>3</b>

EAL 05/01/12 1780026-012.dwg



Cross Section A-A'

NWS-2012 - 538



- Notes:
1. Water elevation in Lake Union maintained by USACE between +20 feet and +22 feet MLLW.
  2. No side slopes due to shallow uniform designed dredge depth. Minor sloughing of adjacent cleaner material is expected.

Northlake Shipyard Sand Blast Grit Dredge Project Seattle, Washington	
Typical Dredge Cross Section 17800-26 MAY 23, 2012 5/12	
	Figure <b>4</b>