

Questions and Answers Regarding Maury Island NW Aggregates permit

The Corps understands the interest in this proposal, and we have placed a high priority on processing this application and making a permit decision.

The Corps seriously considered all public comments received from Federal, State, and local agencies; elected representatives; tribes, and the public regarding this permit application.

In making this decision, the Corps considered the effect of the proposed project on fish and wildlife, including endangered species and critical habitat; historic, cultural, scenic, and recreational values; property ownership; water quality; economics, environmental impacts, and navigation, amongst others.

Q: Why is the Army involved in the NW Aggregates proposal?

A: Under Section 10 of the Rivers and Harbors Act, a Corps permit is required for work done in navigable waters, such as pier construction. The U.S. Army Corps of Engineers also implements Section 404 of the Clean Water Act. This law requires a Corps permit for discharging dredged or fill material into waters of the United States, including wetlands. In this case, the construction of the new pier and filling the depressions left by removal of the old pilings are all work within the Corps' jurisdiction.

Q: This project impacts the region's economy; does the Corps look at that when making a decision?

A: The need for the project, including economics, is definitely one of the factors the Corps must consider when evaluating a permit application. We also closely evaluated impacts to the environment, navigation, flood control and other considerations consistent with the requirements of federal regulations.

Q: Exactly what kind of environmental impacts does this project cause and how will they be mitigated?

A: The work includes removing a conveyor trestle, walkways, piers, dolphins and submerged piles—removal of 228 total timber piles. Construction work would include building a barge loading conveyor tube with pile support bents, seven berthing dolphins, and a maximum of 56 new steel piles. The new dock would extend 305 feet and run 510 feet parallel to the shoreline, covering 7,555 square feet of surface area. Clean sand and pea gravel would be placed in the depressions caused by removing the timber piles.

The work has the potential to impact fish and wildlife habitat quantity and quality, water quality, endangered species habitat, quality of life for existing residents, navigation, tribal treaty rights and air quality.

The mitigation proposal includes extending the loading area beyond sensitive eelgrass habitat, limiting loading to one barge at a time to reduce shading, operational protocols to reduce risks of gravel spills, limited hours of operation to reduce noise and lighting impacts and in-water work windows to limit construction impacts.

Q: Does the Corps consider impacts to species protected under the Endangered Species Act, such as Chinook salmon and Orca?

A: Yes, the Corps considers impacts to listed threatened and endangered species, including Chinook, bull trout, Orca and others. The Corps' determination of impacts has been reviewed by and coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, who also provided their concurrence as to the Corps' evaluation of the proposed project's impacts upon ESA listed species and their designated critical habitat.

Q: Did the Corps require an EIS for this proposal?

A: No. The Corps believes that an environmental assessment is appropriate for this project. The purpose of an EA, under the National Environmental Policy Act (NEPA), is to determine whether to prepare an EIS or a FONSI. A draft EA was released for public review and comment in February, and found no significant impacts would result from this project as proposed and mitigated. A final EA / FONSI was signed June 30, 2008.

Q: What permits besides the Corps' are required?

A: The Project also requires a Water Quality Certification and Certification of Consistency with the Coastal Zone Management Program, both of which have been issued by the State of Washington. The Washington State Department of Fish & Wildlife has issued a Hydraulic Project Approval for the project. The applicant will need to renew their aquatic lease from the Washington Department of Natural Resources. King County has issued Shorelines permits, Grading permit and a Building permit for the proposed project.

Q: When was the original application submitted?

A: The Corps received the permit application in August 2000. The proposed project was modified several times during the King County SEPA process between the time when the initial application was submitted and the public notice was issued. The Corps initially issued a public notice Dec. 13, 2004, for public comment regarding Northwest Aggregates' plan to replace and extend an existing dock.

Q: What does the Corps do with all the comments?

A: In making his decision regarding this permit application, the Seattle District Engineer Col. Michael McCormick evaluated the public comments provided in response to this application. Every comment received by the Corps was read and considered. A Response to these comments may be found in Appendix A to the Corps' Decision Document.

Q: Does the Corps consider impacts from increased noise when making its decision?

A: Yes, the Corps considers potential impacts to the human environment, including noise and air quality when evaluating this permit application.

Q: Did the Corps' analysis include potential impacts to areas other than navigable waters and wetlands

A: Yes. We also evaluated potential impacts caused by mining the upland areas and potential impacts to the neighborhoods adjacent to the mine.

Q. Have you received a lot of comments on the draft EA?

A: We have received over 540 comments on the draft EA; over 1,228 comments on the permit application overall.

Q: What are most comments concerned with?

A: There were a range of comments. Some concerns have to do with upland mining impacts, including contaminated soils, groundwater resources, noise and air pollution, wildlife and loss of habitat and aquatic resources impacts, specifically nearshore habitat and endangered species impacts. Other concerns raised included property value impacts.

Q: What recourse does the applicant / the opponents have regarding this decision?

A: An applicant can submit an administrative appeal if there is a permit denial, declined permit, or an approved Jurisdictional Determination. Opponents to an issued permit do not have an agency appeal process available to them.

Q: Why did the Corps make this decision?

A: The commander determined that it was in the public interest because the project as proposed with mitigation will not result in significant impacts to the environment, including the human environment.