



September 22, 2008

Casey Ehorn, Project Manager  
US Army Corps Regulatory Branch  
PO Box 3755  
Seattle WA 98124-3755

Subject: City of Bremerton - NWS-2008-737-SO

Dear Mr. Ehorn:

The State of Washington owns the aquatics land underlying the navigable waters of the Port Washington Narrows. The Department of Natural Resources (DNR) represents the State as the proprietary manager of these State owned aquatics land. DNR management authority derives from the State's Constitution (Articles XV, XVII, XXVII), Revised Code of Washington (RCW 79.02, 79.10, 79.14 and, 79.105 to 79.145) and Washington Administrative Code (WAC 332-30).

The DNR management guidelines are set forth in RCW 79.105.030. These general guiding principles are to:

- (1) Encourage direct public use and access;
- (2) Foster water-dependent uses;
- (3) Ensure environmental protection; and
- (4) Utilize renewable resources.

The specific lands which the City of Bremerton is proposing to use are harbor areas of the State. Harbor areas are specifically reserved by Article XV of the State Constitution for "landings, wharves, streets, and other conveniences of navigation and commerce." While not the highest preferred use of a harbor area, public access to the water is an allowed use of a harbor area. The comments below are based on the Washington State Constitution, RCW and WAC.

The majority of the following comments are directed towards the boardwalk proposal. The Bremerton Boardwalk has the potential to enhance public use and access. However, it poses several concerns due to the significant scale of the proposal.

General Comments:

- 1) The City of Bremerton is proposing to construct the Boardwalk, sewer and restoration activities on State owned aquatic lands. Prior to construction on state aquatic lands, the City of Bremerton will have to obtain authorization to use State aquatic lands from DNR.

Boardwalk Comments

- 2) Navigational Access: The slopes of the Port Washington Narrows along Washington Avenue are erosive bluffs developed with residential uses. Erosion control materials and equipment are typically brought in by barge. It is reasonable to anticipate that these residences will periodically require navigational access to maintain or reconstruct erosion control measures at the foot of the bluff. The boardwalk should be designed in a fashion which will:
  - a. Enable residents to maintain their property in a safe fashion.
  - b. Prevent the need for equipment to be driven for significant stretches along the beach. Reliance on equipment and materials being driven along the beach increases the risk of equipment stuck on the beach at high tide and potential introduction of fuel and oil.
  - c. Enhance emergency response. Some potential emergencies which may arise include fire at shoreline residences or slope failures.
- 3) Transportation: Washington State Department of Transportation is currently developing plans for reconstruction of the Manette Bridge. The bridge will require periodic maintenance and construction. The boardwalk should be designed such that it does not interfere with ongoing maintenance or replacement of the bridge.
- 4) Environmental Impacts: DNR did not receive a copy of any biological studies by the time comments were due, so comments are general in nature. A proposal of this size could have significant environmental impacts, which should be thoroughly evaluated. Some potential environmental impacts of interest to DNR include:
  - a. Shading – This can impact submerged aquatic vegetation and fish behavior. The boardwalk would introduce a significant amount of overwater coverage. The City should be able to show they have taken all feasible steps to reduce the potential impacts of overwater structure by minimizing the width, increasing the height, and introducing transparent sections of decking. Once all feasible steps to reduce shade impacts have been incorporated, the final shade impact should be evaluated to determine if impacts have been sufficiently avoided or mitigated.

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- b. Modification of shoreline drift cells – There are known surf smelt spawning beaches along much of the shoreline parallel to the proposed boardwalk. Surf smelt are an important forage fish for salmon. Potential for the boardwalk to modify the shoreline drift, and subsequent spawning beach composition, should be evaluated.
  - c. Additional potential impacts include: lighting of the structure and construction activities which may modify fish or wildlife behavior in the vicinity.
- 5) Sewer Line: The sewer line proposal calls for abandoning the existing sewer line in place. It appears that a substantial portion of the sewer line is on privately owned tidelands. For those portions of the sewer on State owned aquatic lands, DNR may require removal of the existing line.
- 6) Shoreline Restoration: The primary restoration activity appears to be the remediation and restoration of the Chevron site. The majority of this restoration will take place on private property. Significant portions of the derelict pier are on State owned aquatic lands. Piling associated with the pier should be completely removed, unless it will result in contamination of state aquatic lands by creating a new pathway for existing contaminants. Since we have not received any biological studies of the impacts of the proposed project, it is not possible to comment at this time on the adequacy of the proposal to mitigate for the impacts.

If you have any questions or concerns regarding these comments, please contact me at 206-949-1740.

Sincerely,



Lindie Schmidt, Natural Resource Specialist  
Shoreline District Aquatics Region

c: File

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