

Robin Hill

From: Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>
Sent: Wednesday, August 16, 2023 9:00 AM
To: Kerschke, William; Judy Surber; Adam Tullis
Cc: Katie Oman; Jim Johannessen; Kevin Carpenter (KCarpenter@millerhull.com)
Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

CAUTION: External Email

Hello Judy,

The Nationwide Permits (NWP) 3 and 13 verifications issued in our letter dated October 7, 2022, are still valid for this project. The applicant will document the work not completed in their project completion form that is required to be submitted to the Corps at the end of the project work.

Sincerely,

Pamela Sanguinetti (she/her)
Senior Project Manager, Regulatory
U.S. Army Corps of Engineers - Seattle District
Phone: (206) 764-6904

-----Original Message-----

From: Kerschke, William <William.Kerschke@fema.dhs.gov>
Sent: Thursday, August 10, 2023 11:14 AM
To: Judy Surber <jsurber@cityofpt.us>; Adam Tullis <adam@coastalgeo.com>; Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>
Cc: Katie Oman <katie@nwmaritime.org>; Jim Johannessen <jim@coastalgeo.com>; Kevin Carpenter (KCarpenter@millerhull.com) <KCarpenter@millerhull.com>
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

Hi Judy,

Regarding the ESA Section 7 consultation, project action modifications noted below do not cause effects that were not already evaluated in the original Section 7 consultations and would not constitute a change in the ESA effects determinations. Please note that modifications must be documented by the applicant in the post-projects completion report/forms that are required per our FESP Biological Opinion with NMFS.

Regarding the NFIP FEMA Region X Puget Sound NMFS BiOp (project within a Special Flood Hazard Area). It is my understanding from speaking with FEMA NFIP staff that the NFIP policy is to accept ESA Section 7 consultations that were completed under a USACE CWA permit or another federal nexus. That said, the project was not specifically reviewed for consistency with the FEMA Region X NFIP Puget Sound BiOp with NMFS. You would need to reach out to the local floodplain administrator and any applicable NFIP FEMA staff regarding the NFIP program requirements and NFIP BiOp consistency with the project. If that makes sense? Consultation with NMFS was completed under FEMA's biological opinion (FESP) with NMFS on proposed grant program funded proposed actions (not the NFIP). The NFIP BiOp with NMFS is specific to the NFIP program and local implementation and it has its own requirements. As I noted, this might include

accepting other completed Section 7 consultations (USACE, FEMA PA, etc.), but I cannot speak to this specifically (separate program/insurance related).

Please let me know if you have any questions,

Bill Kerschke
Deputy Environmental Officer
FEMA Region X
130 228th Street SW
Bothell, WA 98021
Cell: 425-877-7865

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-----Original Message-----

From: Judy Surber <jsurber@cityofpt.us>
Sent: Wednesday, August 9, 2023 4:57 PM
To: Kerschke, William <William.Kerschke@fema.dhs.gov>; Adam Tullis <adam@coastalgeo.com>; Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>
Cc: Katie Oman <katie@nwmaritime.org>; Jim Johannessen <jim@coastalgeo.com>; Kevin Carpenter (KCarpenter@millerhull.com) <KCarpenter@millerhull.com>
Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation
Importance: High

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Good afternoon Pamela and Bill,

As you are probably aware, the NWMC is modifying their scope of work. Specifically, the project NO LONGER PROPOSES:

b. Remove a portion of the armor rock on the intertidal surrounding the stormwater culvert along the SW end of the site. (Adam Tullis describe this as 13 linear feet)

As further described in the JARPA application (Attached) and supporting documents (Geologic Report, Habitat Assessment, Biological Evaluation) design measures include:

- a. Remove rock boulders from the upper beach just NE of the NE end of the concrete stairway near the plaza - move to the eroded low bank immediately adjacent above elevation +11 ft MLLW.
- b. NOW STRICKEN
- c. Revegetate 356 sf in the upper most beach/backshore with American dune grass (*Elymus mollis*).

The site is within the FEMA "protected area".

The City is seeking written documentation from agencies with jurisdiction that the project, as Revised, does not alter the previous findings regards ESA Section 7 and FEMA Region X PS BioOp.

For example:

FEMA finds:

- . the project as revised is inherently designed to avoid adverse impacts on floodplain functions that support ESA listed species consistent with the FEMA Region X Puget Sound BioOp.
- . FEMA, as lead for ESA Section 7, has determined the revision does not alter the original ESA Section 7 determination.

From ACOE:

the Revised project does not alter the Findings, Terms, Conditions, or Special Conditions contained in our letter of 10/7/22 (Reference NWS-2021-974).

We hope to receive this documentation by 8/21 so that we may schedule a hearing for the Shoreline Permits in early September.

Kind regards,

Judy Surber | Planning Manager

City of Port Townsend |

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250 Madison St. Suite 3, Port Townsend, WA 98368

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The Inspection and Permitting Portal is now open 24 hours a day, seven days a week! Although land use permits still require hard copy submittals, we are now accepting 37 different Building and right-of-way permits including Preapplication Meetings, Customer Assistance Meetings (CAMs) and Technical Conferences (TECs) electronically via our Permitting Portal. Our portal can be accessed via the following address: Inspection and Permitting Portal | City of Port Townsend Washington (cityofpt.us),

Planning and Community Development in-person business hours are 9:00 am to 1:00pm, Monday through Thursday until further notice.

-----Original Message-----

From: Kerschke, William <William.Kerschke@fema.dhs.gov>

Sent: Tuesday, July 18, 2023 1:12 PM

To: Judy Surber <jsurber@cityofpt.us>; Adam Tullis <adam@coastalgeo.com>; Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>

Cc: Katie Oman <katie@nwmaritime.org>; Jim Johannessen <jim@coastalgeo.com>; Kevin Carpenter (KCarpenter@millerhull.com) <KCarpenter@millerhull.com>

Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

CAUTION: External Email

Judy, see the USFWS concurrence letter that I forwarded you yesterday (and below); and FEMA agrees with the no-effect determination for the omitted species/CH:

"Specifically, you requested informal consultation pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA) for the federally listed species identified below.

. Bull trout (*Salvelinus confluentus*)

. Marbled Murrelet (*Brachyramphus marmoratus*) The U.S. Army Corps of Engineers has determined that the action will have "no effect" on additional listed species and designated critical habitat that are known to occur in Jefferson County. The determination of "no effect" to listed resources rests with the federal action agency.

The U.S. Fish and Wildlife Service (Service) has no regulatory or statutory authority for concurring with "no effect" determinations, and no consultation with the Service is required."

Bill Kerschke
Deputy Environmental Officer
FEMA Region X
130 228th Street SW
Bothell, WA 98021
Cell: 425-877-7865

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-----Original Message-----

From: Judy Surber <jsurber@cityofpt.us>

Sent: Tuesday, July 18, 2023 12:29 PM

To: Kerschke, William <William.Kerschke@fema.dhs.gov>; Adam Tullis <adam@coastalgeo.com>; Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>

Cc: Katie Oman <katie@nwmaritime.org>; Jim Johannessen <jim@coastalgeo.com>; Kevin Carpenter (<KCarpenter@millerhull.com> <KCarpenter@millerhull.com>

Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

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Thank you all for your prompt response.

This addresses my first question about ESA Lead.

Can anyone explain the second part of my question regarding the final ESA effect determination by species.

Why does the BE say "may affect, but not likely to affect" six federally listed species but USFW letter says two? Did some agency review the BE and determine that 4 of the species were actually "no effect"?

Much appreciated,

FESP is our Programmatic BiOP with NMFS: file:///C:/Users/wkerschk/Downloads/noaa_24208_DS1-13.pdf. NMFS verification attached.

There is a post-project report required to be submitted to FEMA/NMFS (within 90 days)- The applicant has the information.

Bill Kerschke
Deputy Environmental Officer
FEMA Region X
130 228th Street SW
Bothell, WA 98021
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-----Original Message-----

From: Judy Surber <jsurber@cityofpt.us>

Sent: Monday, July 17, 2023 12:39 PM

To: Adam Tullis <adam@coastalgeo.com>; Kerschke, William <William.Kerschke@fema.dhs.gov>

Cc: Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>

Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

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Good morning Bill,

The City of Port Townsend is conducting review under the State Environmental Policy Act and Shoreline Management Act.

From the email string below, we understand that FEMA assumed lead agency for ESA consultation.

In Pamela Sanguinetti's letter to Ms. Oman dated October 7, 2022, she refers to FEMA "ESA and EFH consultation documents"

1) Can please provide us with a copy of the determination letter and any associated conditions.

2) What does FESP mean?

Thank you,

Judy Surber | Planning Manager
City of Port Townsend |

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-----Original Message-----

From: Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>
Sent: Wednesday, July 6, 2022 1:46 PM
To: Kerschke, William <William.Kerschke@fema.dhs.gov>; Katie Oman <katie@nwmartime.org>
Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

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Thank you Bill--

-----Original Message-----

From: Kerschke, William <William.Kerschke@fema.dhs.gov>
Sent: Wednesday, July 06, 2022 1:16 PM
To: Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>; Katie Oman <katie@nwmartime.org>
Subject: [Non-DoD Source] RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

Hi Pam,

I will reach out to NMFS regarding the consultation. We have not received verification from them yet.

Bill Kerschke
Deputy Environmental Officer
FEMA Region X
130 228th Street SW
Bothell, WA 98021
Cell: 425-877-7865

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-----Original Message-----

From: Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>
Sent: Wednesday, July 6, 2022 12:13 PM
To: Kerschke, William <William.Kerschke@fema.dhs.gov>; Katie Oman <katie@nwmartime.org>
Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

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Hello Bill,

I spoke with Katie last week regarding the status of this project. Have you have completed your ESA/EFH NMFS Section 7 consultation under the FESP programmatic. If so, would you provide us a copy of your ESA/EFH documentation/approvals.

Thank you so much,
Pam

Pamela Sanguinetti (she/her)
Senior Project Manager, Regulatory
U. S. Army Corps of Engineers - Seattle District
Phone: (206) 764-6904

-----Original Message-----

From: Kerschke, William <William.Kerschke@fema.dhs.gov>

Sent: Wednesday, April 06, 2022 2:41 PM

To: Sanguinetti, Pamela A CIV USARMY CENWS (USA) <Pamela.Sanguinetti@usace.army.mil>; stacie.smith@Noaa.gov

Cc: stacie.smith@Noaa.gov; Phillips, Geoffrey <geoffrey.phillips@mil.wa.gov>; Dahlgren, Curtis <Curtis.Dahlgren@fema.dhs.gov>

Subject: [Non-DoD Source] RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

Hi Stacie,

I have not received reply from you, and am assuming that the USACE CWA project manager (Pamela Sanguinettie (included in email)) can request from NMFS that the subject project be removed from the "batched" USACE/ESA consultation. If there is no objection to this, FEMA will take lead for the NMFS ESA Section 7, and submit the project under our FESP programmatic.

Pamela,

Can you let me know how you would proceed/process this on your end (in terms of the withdrawal of the project)-if we could get a copy of letter or email that would be great.

Thank you,

Bill Kerschke

Deputy Environmental Officer

FEMA Region X

130 228th Street SW

Bothell, WA 98021

Desk: 425-487-2187

Cell: 425-877-7865

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From: Kerschke, William

Sent: Monday, March 28, 2022 1:54 PM

To: pamela.sanguinetti@usace.army.mil

Cc: stacie.smith@Noaa.gov; Phillips, Geoffrey (MIL) <geoffrey.phillips@mil.wa.gov>; Dahlgren, Curtis <Curtis.Dahlgren@fema.dhs.gov>

Subject: RE: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

Hi Pamela,

Just as an update, I did reach out last week to the NMFS acting Central Branch Chief (Stacie Smith., cc'd). I have not heard back from Stacie yet, but I just wanted to provide you and update, and include you in the correspondence regarding the potential of pulling the subject project out of the submitted "batched" USACE CWA Section 7 consultation.

Hope you are well,

Bill Kerschke

Deputy Environmental Officer

FEMA Region X

130 228th Street SW

Bothell, WA 98021

Desk: 425-487-2187

Cell: 425-877-7865

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From: Kerschke, William

Sent: Wednesday, March 23, 2022 1:30 PM

To: stacie.smith@Noaa.gov

Subject: FEMA Lead ESA---USACE & FEMA EHP -NWS-2021-974 (Port Townsend)-Northwest Maritime Center Storm Damage Repair and Mitigation

Hi Stacie,

We were contacted by the USACE and applicant regarding FEMA taking lead agency for ESA Section 7 for the above referenced project. It is my understanding from the USACE that the project was submitted to NMFS and was batched with other consultations/projects. The applicant has requested FEMA funding for the subject repair under FEMA WA Disaster 4418, and in an effort to expedite the Section 7 process, we noted that we might be able to take lead and address under our NMFS programmatic.

We reviewed the subject project (see brief description below), and as described, it appears the project can meet our FESP programmatic (NMFS ESA/MSA): [Blockedhttps://repository.library.noaa.gov/view/noaa/24208](https://repository.library.noaa.gov/view/noaa/24208)
<[Blockedhttps://repository.library.noaa.gov/view/noaa/24208](https://repository.library.noaa.gov/view/noaa/24208)>

Do you have any concerns if the USACE withdraws the subject project and FEMA addresses under our FESP programmatic/takes lead?

Project Description: This project is an effort to repair storm damage to the facilities of the Northwest Maritime Center, and to mitigate for future storm impacts by decreasing wave energy and shoreline erosion using strategically-placed large boulders and beach nourishment. The proposed action is to repair the exposed foundations supporting the Northwest Maritime Center's pathway, stairs, first and second floor decks, place beach nourishment to protect the structure against future toe scour, and to place large boulders along the beach to act as barriers to reduce wave and debris impact to deck and pier supports. In addition, armor rock will be removed from the upper beach, dispersed along the low beach (+11 ft

mean lower low water (MLLW)), and an area of 356 ft² will be planted with American Dunegrass along the upper north beach where armor rock is

removed. Due to the in-air noise created from equipment use, the action area reaches 0.4 km waterward, but the project area stays in the upper intertidal zone of the beach. No in-water work will take place.

Please feel free to give me a call if you have any questions,

Bill Kerschke

Deputy Environmental Officer

FEMA Region X

130 228th Street SW

Bothell, WA 98021

Cell: 425-877-7865

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