



US Army Corps
of Engineers
Seattle District



Joint Public Notice

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

US Army Corps of Engineers

Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 764-6913
ATTN: Ms. Kristina Tong,
Project Manager

WA Department of Ecology

SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6068
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: August 26, 2014

Expiration Date: September 25, 2014

Reference No.: NWS-2012-44

Name: Hardie, Victoria L.

Interested parties are hereby notified that a portion of the work as described below and shown on the enclosed drawings dated August 1, 2014, was performed without specific authorization under Section 10 of the Rivers and Harbors Act (RHA) and Section 404 and 401 of the Clean Water Act (CWA). To minimize impacts to the aquatic environment, the project proponent has reduced elements of the stairway to reduce the amount of overwater and substrate coverage.

U.S. Army Corps of Engineers (Corps) permit regulations (33 CFR 320-332) allow District Engineers to make a determination of whether the activity is contrary to the public interest or if the work should be authorized by an after-the-fact permit. The Corps will review the work in accordance with Section 404 of the CWA and Section 10 of the RHA. The Washington Department of Ecology (Ecology) will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Ms. Victoria Hardie
9917 Kenwanda Drive
Snohomish, Washington 98296
Telephone: (360) 869-6454

LOCATION: In Hood Canal fronting 31 Cedar Cove Road, near Brinnon, Jefferson County, Washington.

WORK: Modify an unpermitted stairway tower located on the shoreline, to bring the structure into compliance with local regulations. The applicant will reduce the size of the stairway tower by reducing the size of the two existing decks, removing and replacing the four footings and replacing the existing decking on the lower deck and the stairs with metal grating with a minimum of 60% open space. The existing upper deck measures 16 feet by 10 feet (160 square feet). The upper deck would be reduced to eight feet by 10 feet (80 square feet). The existing lower deck measures eight feet by 12 feet (96 square feet). The lower deck would be reduced to four feet by 12 feet (48 square feet). The upper deck would extend 3 feet waterward of mean higher high water (MHHW) and the lower deck would extend two feet waterward of MHHW. The stairs between the decks has a horizontal distance of 12 feet and are three feet wide, but would only extend two feet waterward of MHHW. The total amount of overwater coverage waterward of MHHW will be 84 square feet; 48 square feet of that coverage will be grated surfaces.

NWS-2012-44; Hardie, Victoria L.

The upper and lower decks are each supported by two 12-inch-diameter concrete posts, anchored in two 28-inch by 28-inch by 18-inch concrete footings (covering a total of 21 square feet of substrate). The four footings are located waterward of MHHW. All footings will be removed and will be replaced with four 12-inch diameter concrete piling (a total of 38 cubic yards, covering a total of three square feet), reducing the footprint of the structures by 18 square feet. The footings will be excavated and removed by hand, and disposed of at an appropriate upland location. Following excavation of the footings, the area will be backfilled by hand with nearby native substrate.

PURPOSE: To provide private access to Hood Canal for water-related recreation

MITIGATION: No compensatory mitigation is proposed.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and 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 Corps 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 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, lists of properties determined eligible and other sources of information. This project involves activities limited to incidental or low volume disturbance. As such, this type of work is of such limited nature and scope that there is little likelihood of impinging upon a historic property even if such properties were to be present within the affected area. 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.

NWS-2012-44; Hardie, Victoria L.

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.

SOURCE OF FILL MATERIAL: The source of the fill material will be commercial sources for the concrete and on-site for the backfill of area where concrete is removed.

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 certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: This proposal is the subject of a Shorelines Substantial Development Permit being processed by Jefferson County.

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 it would be in the public interest to authorize this proposal. 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 commentator'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.

CORPS COMMENTS: All e-mail comments should be sent to kristina.g.tong@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Kristina Tong, 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 water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

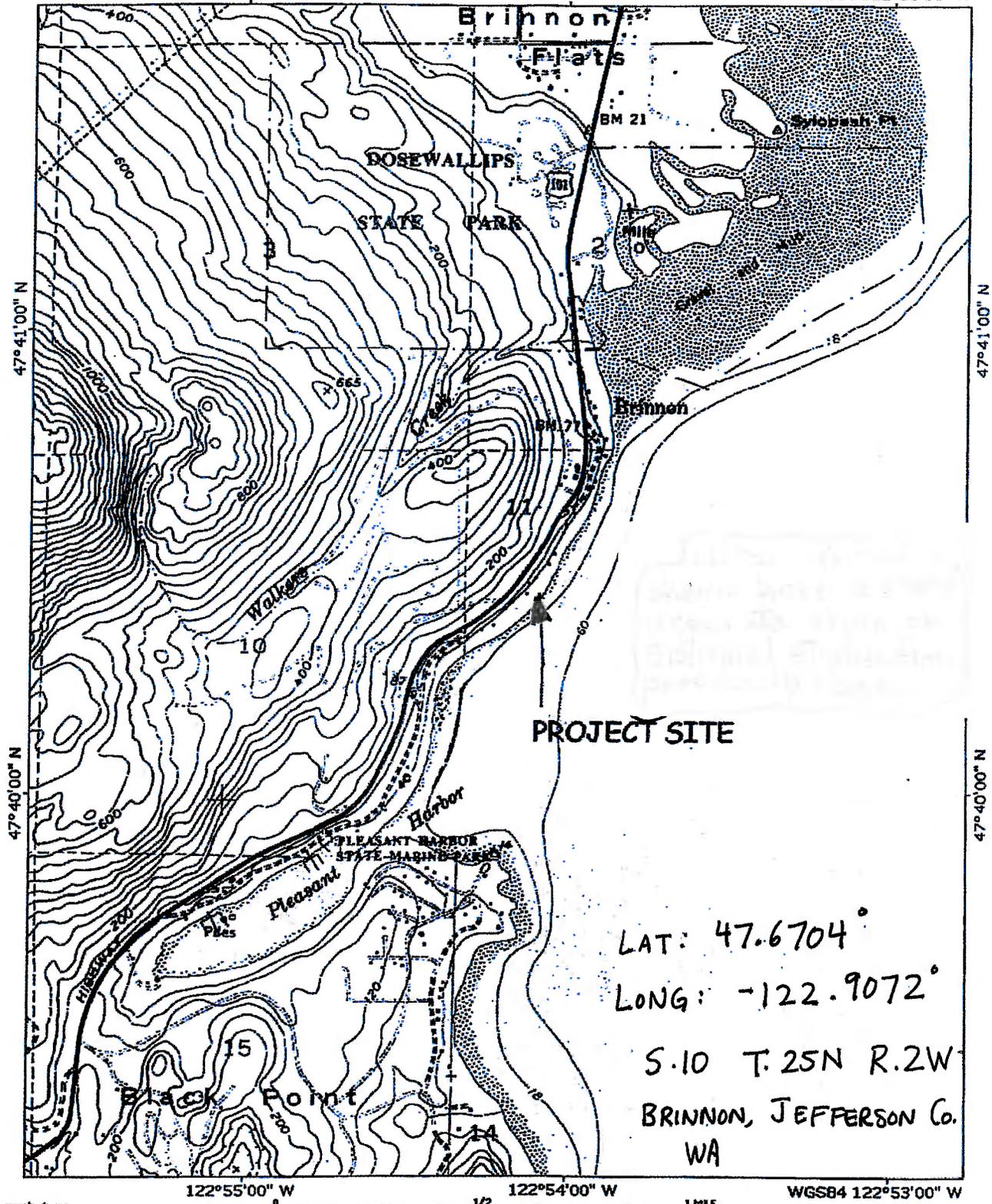
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Hardie, Victoria L.; NWS-2012-44

Encl: Figures (9)

Figure 1a. Project location

TOPOI map printed on 12/06/11 from "PUGET.TPO" and "Untitled.tpg"
 122°55'00" W 122°54'00" W

WGS84 122°53'00" W



LAT: 47.6704°

LONG: -122.9072°

S.10 T.25N R.2W
 BRINNON, JEFFERSON Co.
 WA

TN* / MN
 18°

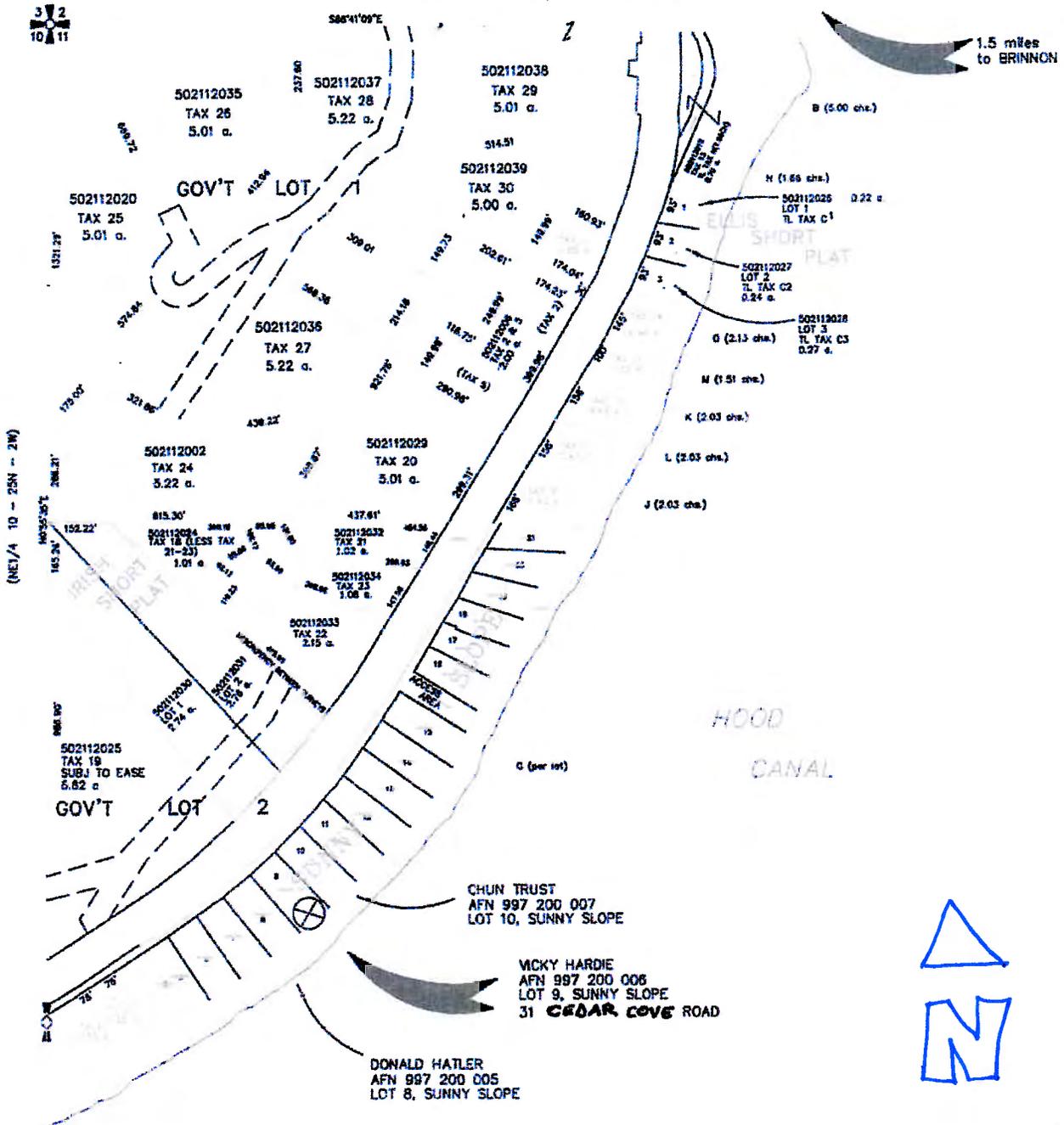
0 1/2 1 MILE
 0 500m 1000m

Printed from TOPOI ©1999 Whitlawer Productions (www.topo.com)

Sheet 1 of 9 8/1/14

Reference Number: NWS-2012-44
 Applicant Name: VICKY HARDIE
 Proposed Project: DECK/STAIR ACCESS to
 Location: 31 Cedar Cove ~~RD~~
 Date: 8-18-13

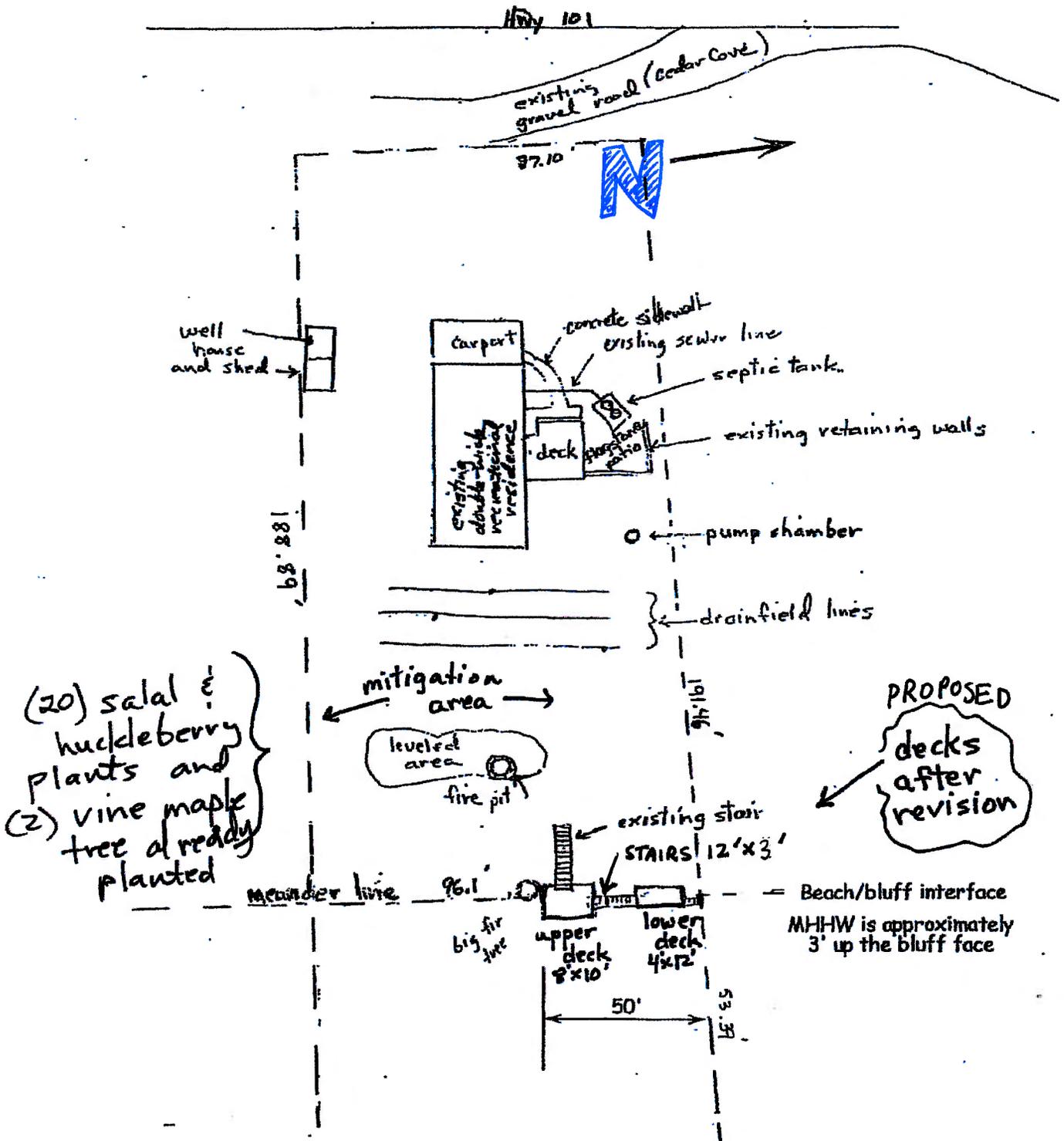
**Figure 1b.
HARDIE DECKS
31 CEDAR COVE ROAD
BRINNON, WA 98320**



Sheet 2 of 9 8/1/14

Reference Number: NWS-2012-44
 Applicant Name: VICKY HARDIE
 Proposed Project: DECK/TAIR ACCESS
 Location: 31 Cedar Cove Beach
 Date: 8-16-14

PROPOSED
Figure 2. Site plan



Reference Number: NWS-2012-44
 Applicant Name: VICKY HARDIE
 Proposed Project: DECK/STAIR ACCESS to
 Location: 31 CEDAR COVE BEACH
 8-3-16-13

Figure 3a. Upper deck elevation view
(already constructed)

EXISTING (UNAUTHORIZED) CONDITIONS

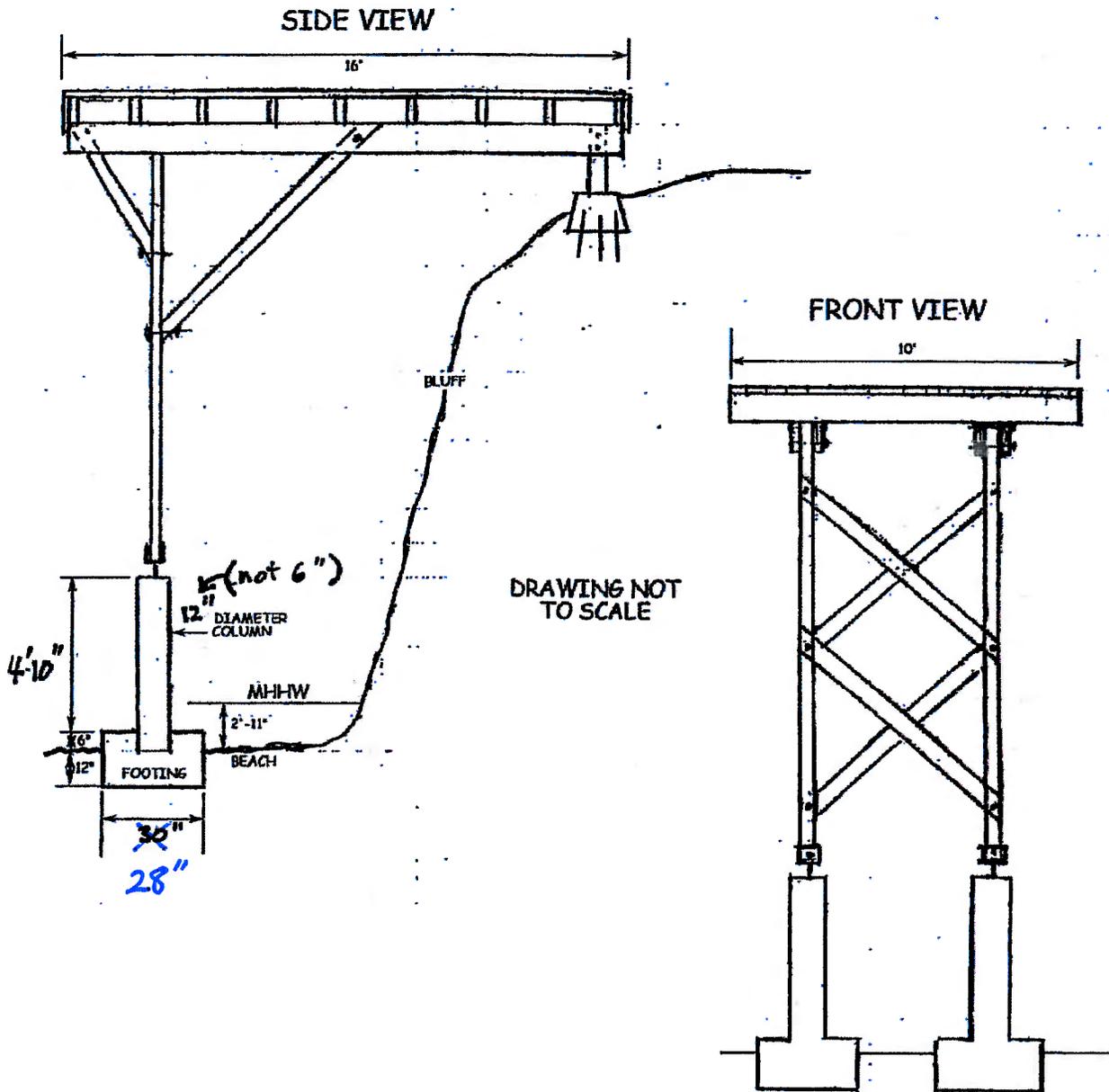
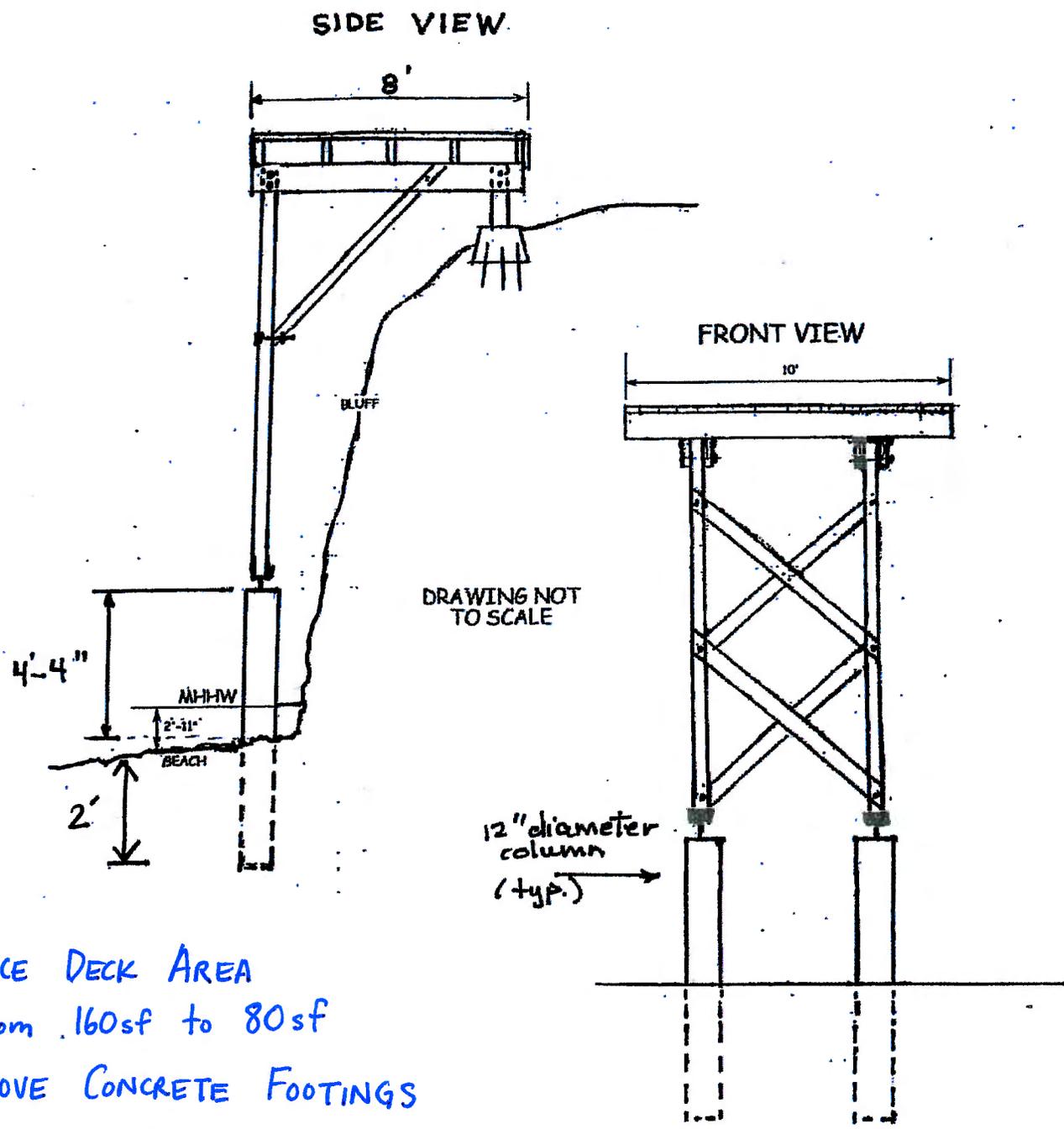


Figure 3b. Upper deck elevation view
(after revision)

PROPOSED (REVISED) CONDITIONS



REDUCE DECK AREA
from 160sf to 80sf

REMOVE CONCRETE FOOTINGS

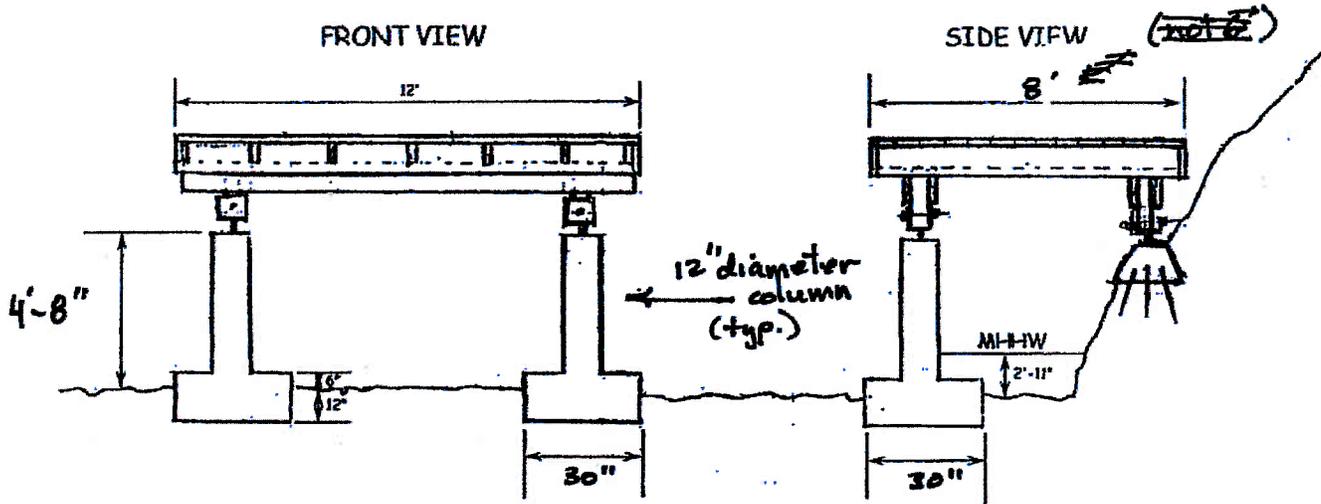
CONSTRUCT CONCRETE PILING
with a smaller footprint (12" diameter)
closer to shoreline

TWO 12-inch diameter concrete pilings (19cy)

Sheet 5 of 9 8/1/14

Reference Number: NWS-2012-44
Applicant Name: VICKY HARDIE
Proposed Project: DECK/STAIR ACCESS to
Location: 31 Cedar Cove BEACH
Date: 3-16-13

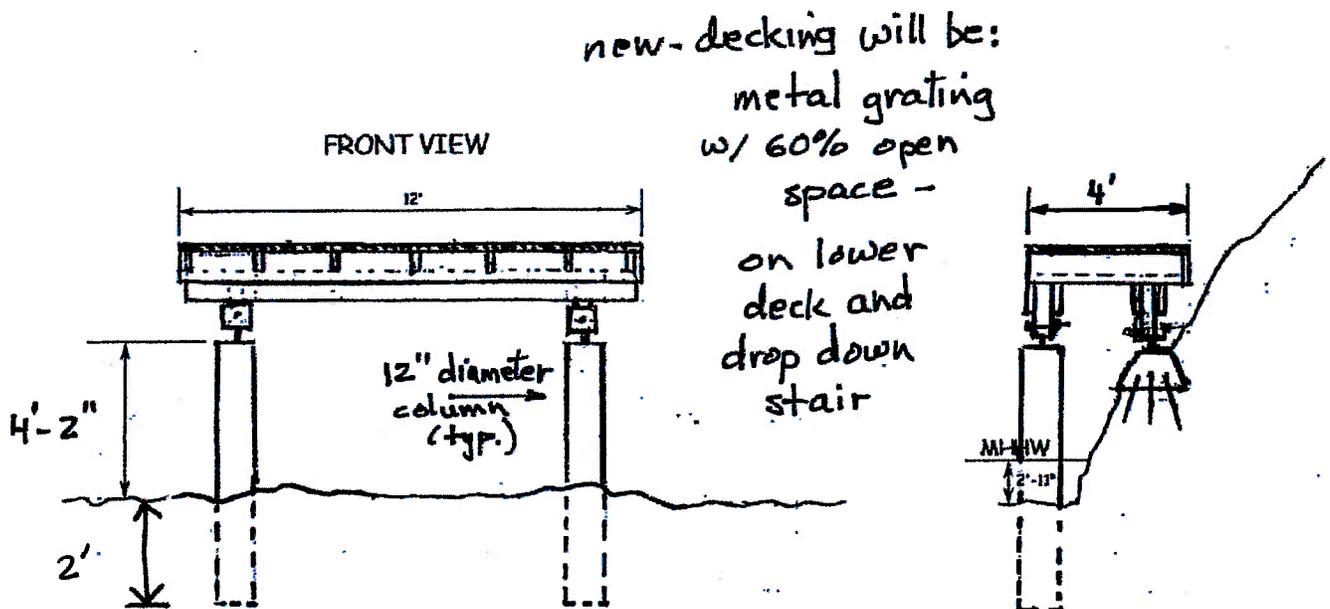
Figure 4a. Lower deck elevation view
 (already constructed)
 Existing (Unauthorized) Conditions



DRAWING NOT TO SCALE

Figure 4b. Lower deck elevation view
(after revision)

PROPOSED (REVISED) CONDITIONS



DRAWING NOT TO SCALE

REDUCE DECK AREA

from 96sf to 48sf

INSTALL GRATED SURFACE

REMOVE CONCRETE FOOTINGS

CONSTRUCT CONCRETE PILING

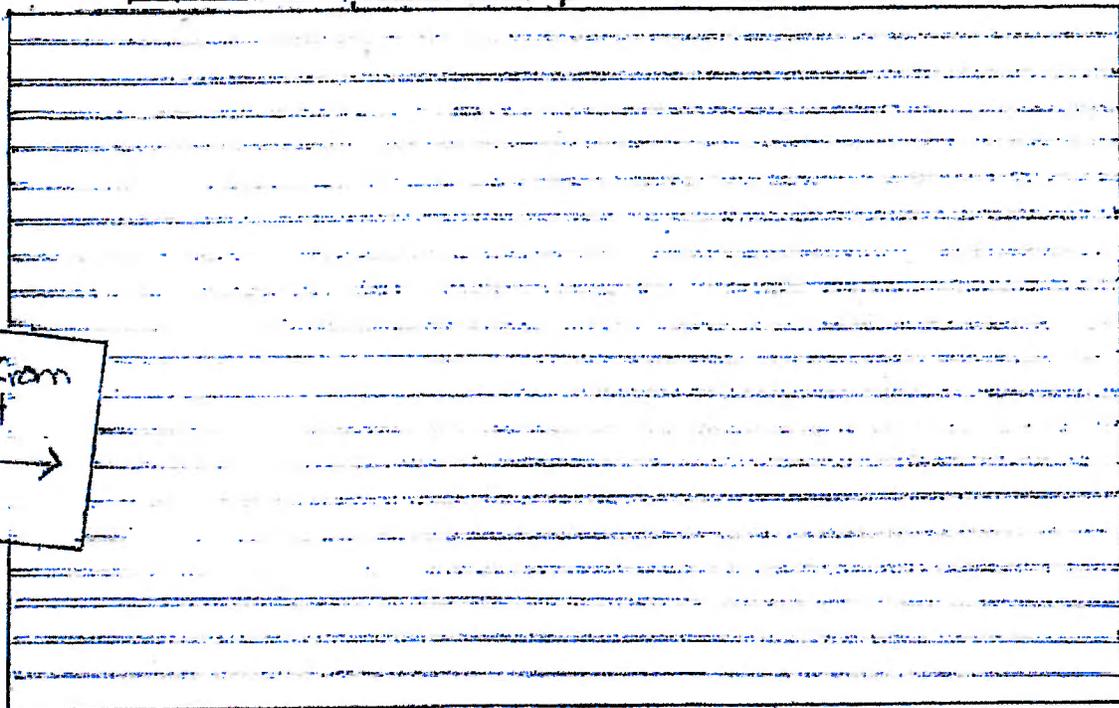
with a smaller footprint (12" diameter)

Two 12-inch diameter concrete pilings (19cy)

Sheet 7 of 9 8/1/14

Reference Number: NWS-2012-44
 Applicant Name: VICKY HARDIE
 Proposed Project: DECK/STAIR ACCESS to
 Location: 31 Cedar Cove BEACH
 Date: 3-16-13

↑ stair ↑
Upper Deck before Modifications



stair down from fire pit →

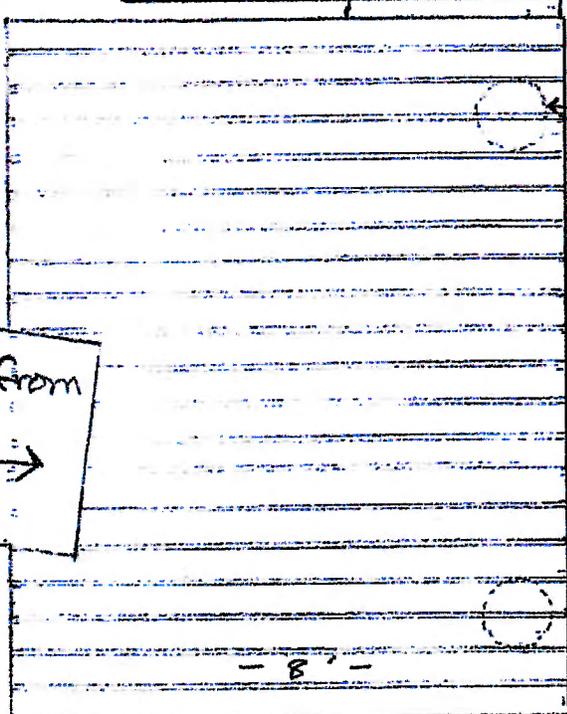
big tree

10'

16'

Scale:
 $\frac{3}{8}'' = 1'$

↑ stair ↑
Upper Deck after Modifications



stair down from fire pit →

big tree

10'

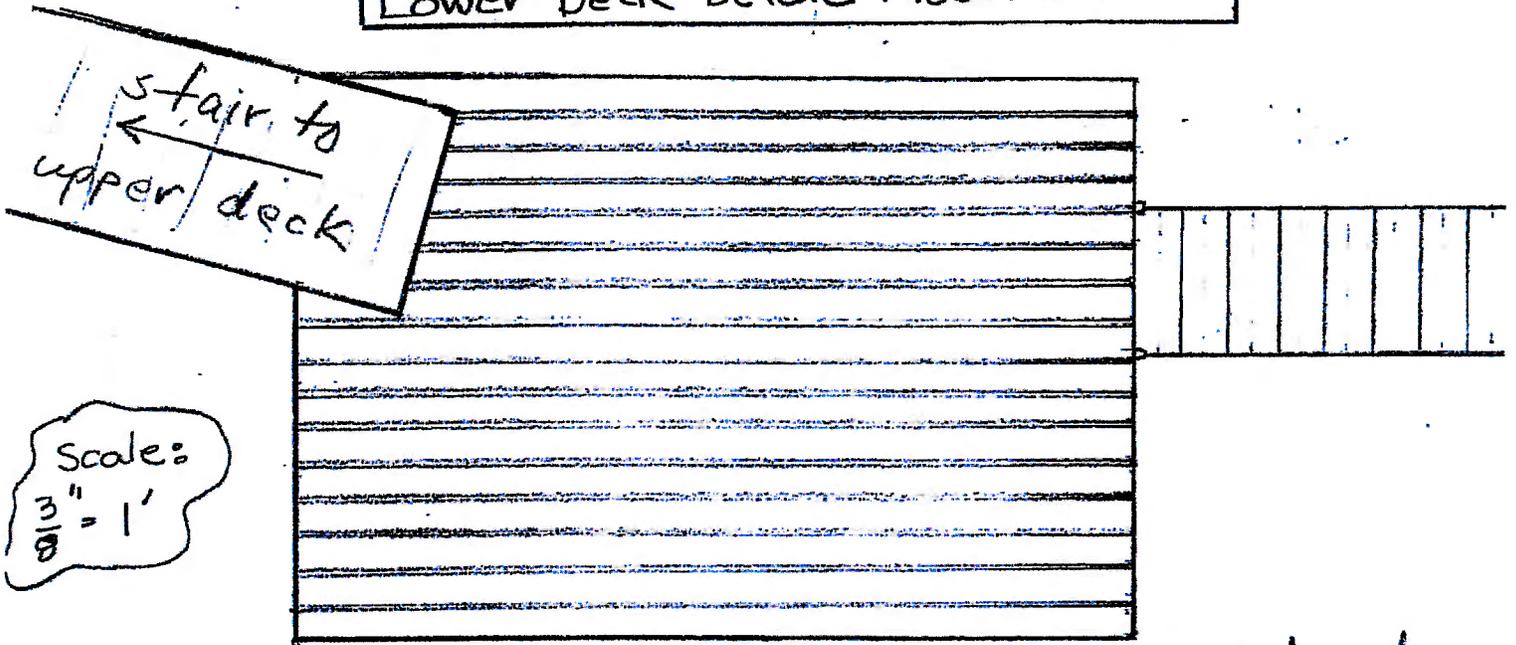
8'

new 12" diameter concrete footings

Scale:
 $\frac{3}{8}'' = 1'$

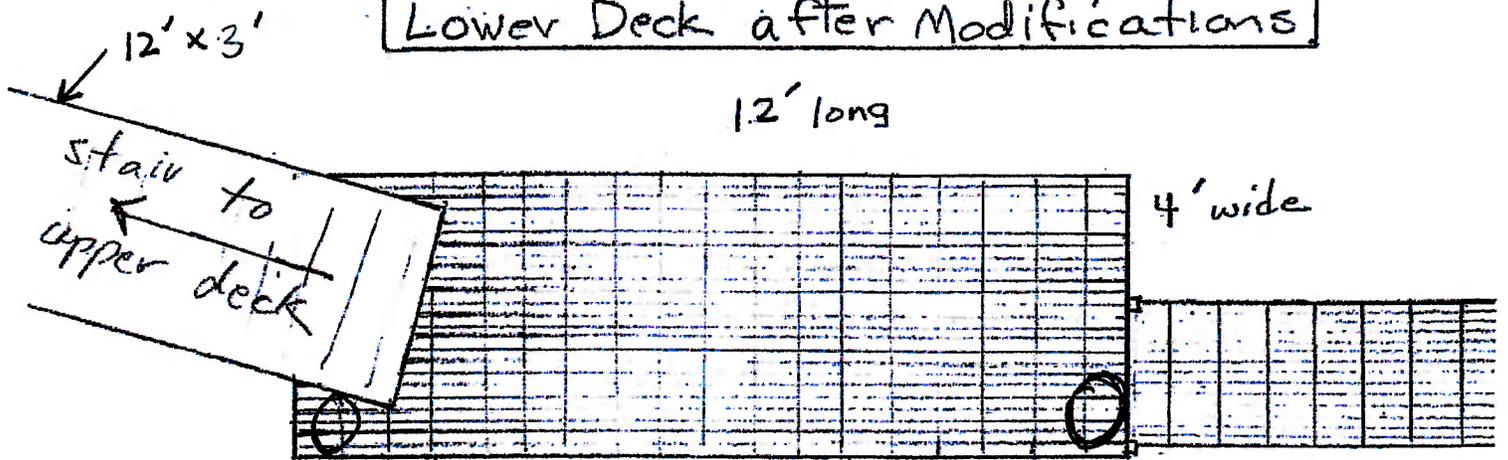
- use existing:
- joists 2x8 @ 24" OC
 - beams 2-2x12
 - decking 2x6 (all PT)

Lower Deck before Modifications



2x6 decking on deck and drop down stair steps

Lower Deck after Modifications



↑
lower deck and drop down stair will have grated metal decking with minimum of 60% open space
↑

Scale: $\frac{3}{8}'' = 1'$