



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/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-6906
Attn: Jim Green, Project Manager

Washington Department of Ecology
SEA Program
300 Desmond Drive Southeast
Olympia, WA 98503-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit Coordinator

Public Notice Date: December 18, 2007
Expiration Date: January 17, 2008
Reference No.: NWS-2007-605-SO
Name: Ferguson, Parker & Barb

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to the Coastal Zone Management Act.

APPLICANT: Parker and Barb Ferguson
10093 Edgecombe Place Northeast
Bainbridge Island, Washington 98110
Telephone: (206) 264-6201

AGENT: Shoreline Solutions
9784 Northeast Lafayette Avenue
Bainbridge Island, Washington 98110
Telephone: (206) 300-2678

LOCATION: In Hidden Cove, Port Madison, Puget Sound at Bainbridge Island, Kitsap County, Washington.

WORK: Construct a pier, ramp, float, and boatlift.

PURPOSE: Private boat moorage and access to other water related activities.

MITIGATION: The proposed pier, ramp, and float will be grated to allow for light penetration (see attached drawings).

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of 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. Regional General Permit (RGP) 6 was previously coordinated with the NMFS and USFWS and they have concurred with the U.S. Army Corps of Engineers (Corps) determination that work designed to meet the conditions of RGP-6 may affect, and is not likely to adversely affect listed species or designated critical habitat. For ESA purposes, the proposed project meets most of the conditions of RGP 6 for

residential overwater structures in inland marine waters. ESA consultation for the proposed work was initiated with the NMFS and USFWS on August 21, 2007. Both the NMFS and USFWS have provided ESA concurrence that the proposed work is consistent with RGP 6.

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. The U.S. Army Corps of Engineers (Corps) has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent (*has been extensively modified by modern development*) that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

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.

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.

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.

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ADDITIONAL EVALUATION: This proposal is the subject of a Shorelines Substantial Development Permit being processed by the City of Bainbridge Island.

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 commentor'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 james.d.green@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Mr. Jim Green, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermit@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: Parker & Barb Ferguson - File No. NWS-2007-605-SO

Encl: Figures (4 drawing sheets)

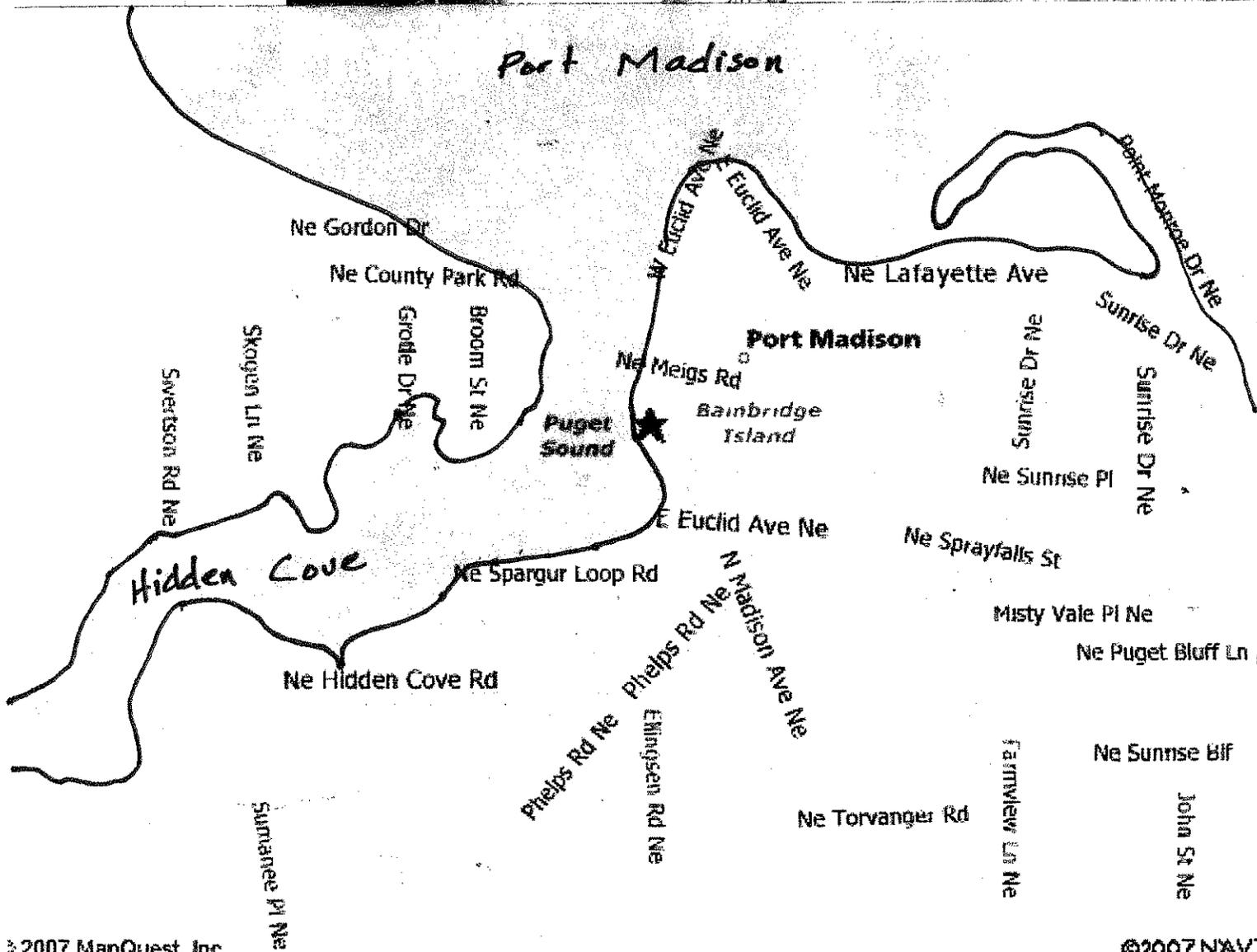
REFERENCE: NWS-2007-605-SO

APPLICANT: Parker and Barb Ferguson

PROPOSED: Construct new pier, ramp, float and boatlift supported by 20 10" galv steel piling.

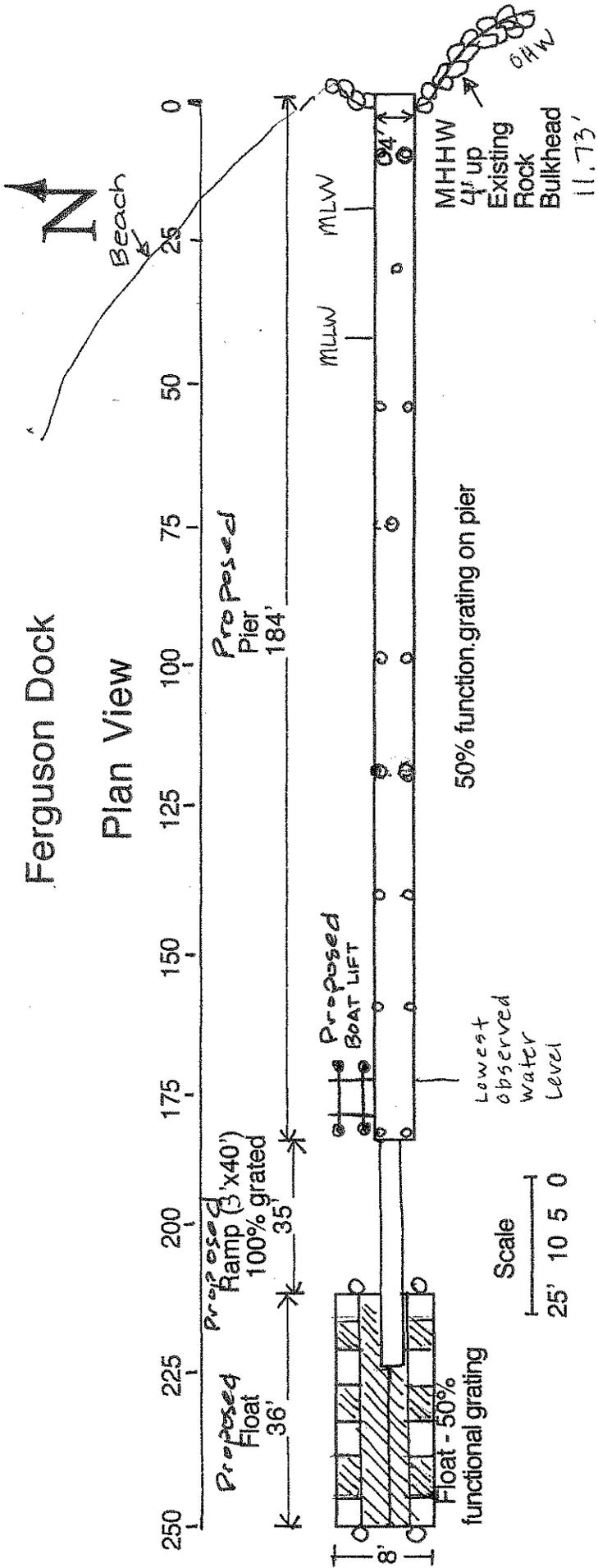
AT: Hidden Cove/Port Madison, Bainbridge Island, WA COUNTY: Kitsap STATE: WA

SHEET: 1 of 4 DATE: February 20, 2007

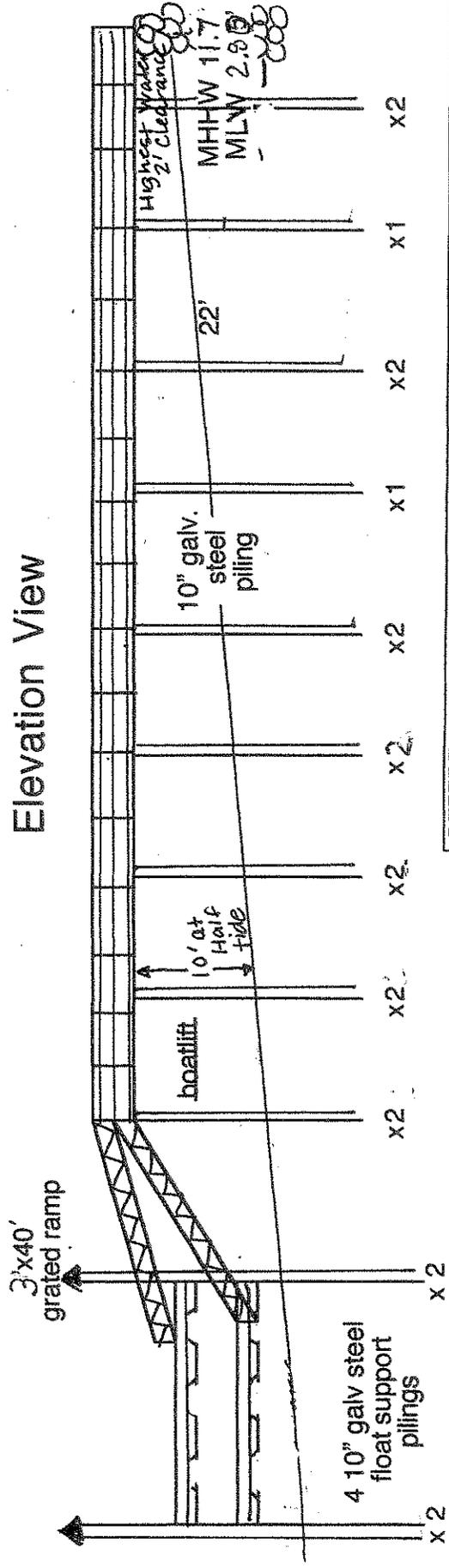


Ferguson Dock

Plan View



Elevation View



16 10" galv steel pier support piles

REFERENCE: NWS-2007-605-SO APPLICANT: Parker and Barb Ferguson
 PROPOSED: Construct new pier, ramp, float and boatlift supported by 20 10" galv steel piling.
 AT: Hidden Cove/Port Madison, Bainbridge Island, WA COUNTY: Kitsap STATE: WA
 SHEET: 3 of 4 DATE: February 20, 2007

REFERENCE: NWS-2007-605-50

ATTILIANI, PAINEI AND PAUL CONSULTANTS
Partner Paul Ferguson

PROPOSED: Construct new pier, ramp, float and boatlift supported by 20 10" galv steel piling.
 AT: Hidden Cove/Port Madison, Bainbridge Island, WA COUNTY: Kitsap STATE: WA
 SHEET: 4 of 4 DATE: February 20, 2007

Ferguson Float - 8' x 36'

| | | | | | | | | |
|-----------|---------------|-----------|---------------|-----------|---------------|-----------|---------------|-----------|
| 2 x 4 tub | 2 x 4 grating | 2 x 4 tub | 2 x 4 grating | 2 x 4 tub | 2 x 4 grating | 2 x 4 tub | 2 x 4 grating | 2 x 4 tub |
| 2 x 4 tub | 2 x 4 grating | 2 x 4 tub | 2 x 4 grating | 2 x 4 tub | 2 x 4 grating | 2 x 4 tub | 2 x 4 grating | 2 x 4 tub |

- 2 x 12 fascia
- 3 x 12 stringers
- 4 x 12 whaler
- 2 x 6 decking
- 12" cleats
- 2 x 4" floatation tubs
- 2 x 4 grating
- 2 x 8 grating

Functional Grating Calculations for 8' x 36' Float:

Gross float area: 8' x 36' = 288 sf

Wood Framing area:

- 2 inner whaler and outer fascia (total of 5" thick) .417' x 36' x 2 = 30.02 sf
- 3 inner stringers (each 2.5" thick) .208' x 36' x 3 = 22 sf
- 2 end fascia (each 1.5" thick) .125 x 7.6' x 2 = 1.9 sf

TOTAL = 53.9 sf

Floatation tub area:
 10 2x4' tubs = 80 sf

Total Obstructed Area of Float (53.9 + 80) = 133.9 sf
 Functional Grating (Open Area = 288 sf - 133.9 sf = 154.1 sf or 154.1/288 = 53.5%