



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

**Regulatory Branch**  
**Post Office Box 3755**  
**Seattle, Washington 98124-3755**  
**Telephone (206) 764-3495**  
**ATTN: Keith Gordon, Project Manager**

Public Notice Date: November 18, 2003  
Expiration Date: December 17, 2003  
Reference: 199900970  
Name: Decatur Head Beach Association

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Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Decatur Head Beach Association  
Decatur Island, Anacortes, WA 98221  
ATTN: Mr. Ed Koning  
Telephone: (360) 375-6010

AGENT - Donna P. Gavora  
Post Office Box 38  
Friday Harbor, WA 98250  
ATTN: Ms. D. Pauli Gavora  
Telephone: (360) 378-4900

LOCATION - Decatur Head, Decatur Island (an island in the San Juan Island complex) Rosario Strait, San Juan County Washington, Township 35N, Range 1W, Section 23.

WORK - The applicant proposes to excavate 250 cubic yards of sand and gravel forming the southernmost tip of Decatur Head spit. Excavation of this material would widen the entrance to the entrance channel without deepening it. A front-end loader would excavate material from the channel and temporarily stockpile it on the north side of the channel. A bucket excavator would reach across the channel and transfer the material to a dump truck, which would deposit the material on a nearby existing road and under two of six cabins adjacent to the road. Excavation is expected to take 32 hours. The applicant is also requesting authorization to repeat the maintenance excavation (same location, same amount of material) about every 5 years within a 10-year period (i.e. three dredge cycles). Material dredged as maintenance dredging in future dredge cycles would be disposed of on roads on Decatur Head.

PURPOSE - Restore boat access to a small embayment (lagoon) at Decatur Head.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA) -

Dredged Material Testing: This project has been evaluated according to the guidelines specified in PSDDA, a multi-agency program for the evaluation of dredged/excavated material proposed for disposal at open-water sites in Puget Sound. Under PSDDA guidelines, very small dredging projects in generally uncontaminated areas provide little reason to believe that unacceptable adverse effects are possible, and are, therefore, exempt from testing. The dredging volume for this project falls below that which would trigger sediment

testing (1000 cubic yards in a "moderate-ranked" area). Under the preceding circumstances the PSDDA agencies normally approve the dredged material for unconfined open-water disposal at a selected PSDDA non-dispersive/dispersive site. In this case the material will be disposed of upland on the roads fronting the dredge site. It should be noted that some of the excavated sand and gravel is expected to be washed or blown back into the water fronting the beach after it is placed on the roads or under the cabins. Because the dredge material is native material moved into place by natural processes (e.g. littoral drift and wind and wave action), disposal at the proposed sites and subsequent movement back into the water is not expected to result in contamination.

The applicant shall be required to contact the U.S. Army Corps of Engineers (Corps), Seattle District, Dredge Material Management Office (DMMO) Office 30 days prior to initiating maintenance dredging in any year this permit is valid after completing the initial (1<sup>st</sup> year) dredging. The DMMO will determine when contacted if testing is required. This permit is not valid if the DMMO is not contacted before any and all dredge cycles after the initial dredge cycle. The applicant shall obtain written documentation of the DMMO's decision and any and all other required clearances before initiating dredging after the initial dredge cycle for this permit to be valid.

Disposal Site Use Conditions: The following conditions will be specified by the Corps as part of the Federal permitting processes: (1) during the periods of tribal fishing in the disposal site area, dredging (excavation) will only occur during daylight hours; and (2) during daylight hours, "navigation rules of the road" will apply to the dredger in the event Indian treaty fishing is occurring at the dredging site. Regardless of whether the dredger is operating from land or a vessel, tribal fishing access and fishing will not be impeded. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

ADDITIONAL INFORMATION – Decatur Head Beach Association (the applicant) owns all of Decatur Head.

MITIGATION – The applicant has proposed no mitigation.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The following is a list of threatened and endangered species and the Seattle District's determination of effect for each.

Bald eagle (*Haliaeetus leucocephalus*) threatened, may affect, not likely to adversely affect.

Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*) threatened, may affect, not likely to adversely affect.

Puget Sound bull trout (*Salvelinus confluentus*) threatened, may affect, not likely to adversely affect.

Marbled murrelet (*Brachyramphus marmoratus*) threatened, may affect, not likely to adversely affect.

Stellar sea lion (*Eumetopias jubatus*) endangered, may effect, not likely to adversely affect.

Humpback whale (*Megaptera novaeangliae*), endangered, no effect.

Leatherback sea turtle (*Dermochelys coriacea*), endangered, no effect.

The Corps initiated informal consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the ESA. Both services have concurred with the Corps' determination of effects as listed above. Consultation under Section 7 of the ESA has therefore been concluded.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, and coastal pelagic species occur in the project area. The proposed action would impact approximately 0.3 acres of EFH for these species.

The Corps determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. The NMFS has concurred with that determination. No further EFH consultation is necessary.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places list of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

Due to the proposed project area's position in the landscape (i.e. adjacent to a water body), there is the potential for unknown historic properties to occur in the project area. An historic properties investigation may be required during the permit review.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the 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 - The decision whether to issue a permit will be based on an evaluation of the probable impact, 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; Federal, State, and local agencies and officials; Indian tribes; 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.

199900970

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

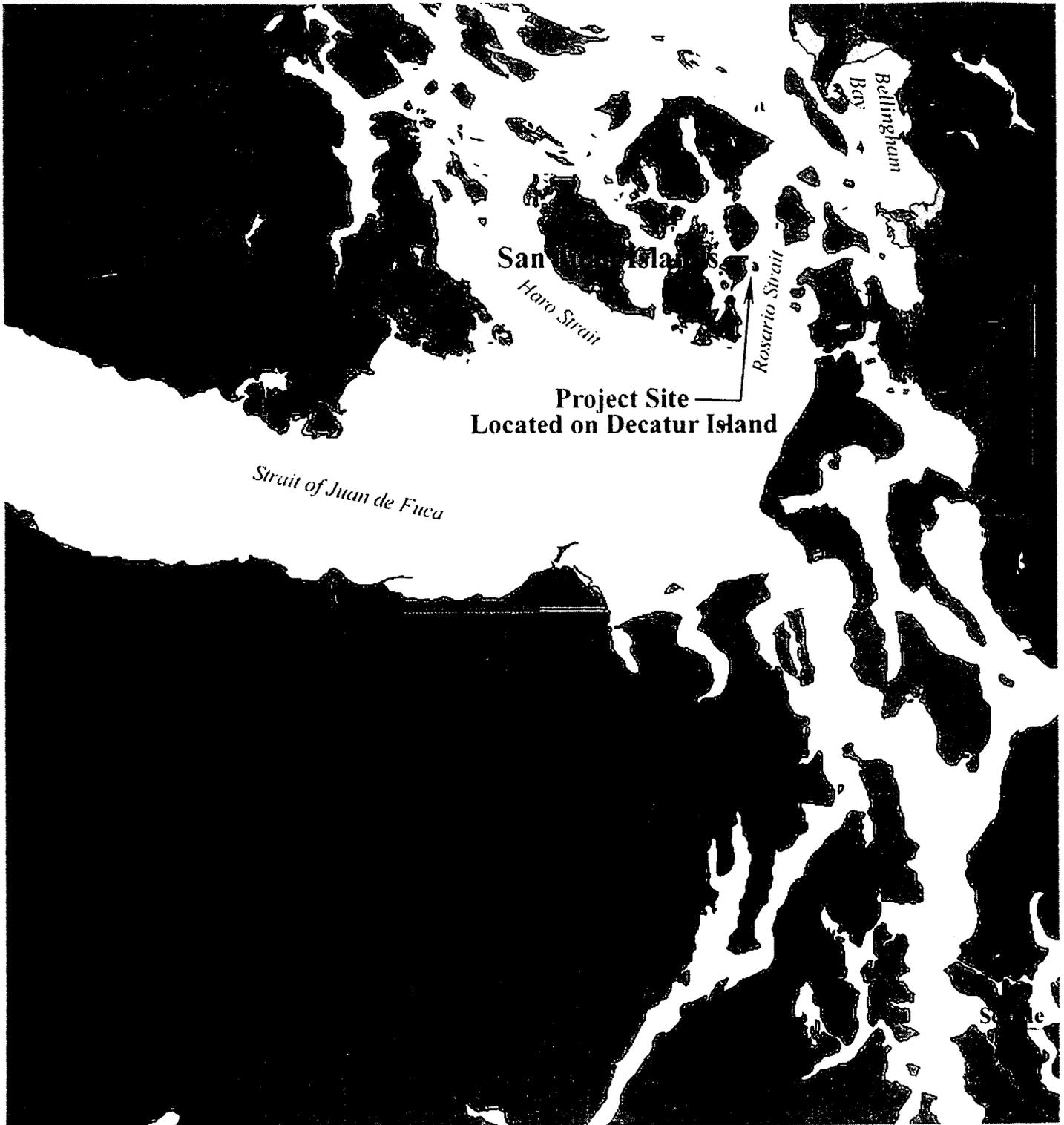
ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development Permit No. 99SJ009 which was issued on November 1, 2001, by San Juan 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. All e-mail comments should be sent to Keith.Q.Gordon@nws02.usace.army.mil. Conventional mail comments should be sent ATTN: Regulatory Branch. Both 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. Please include the following name and reference number:

Decatur Head Beach Association  
199900970

Encl  
Drawings (9)

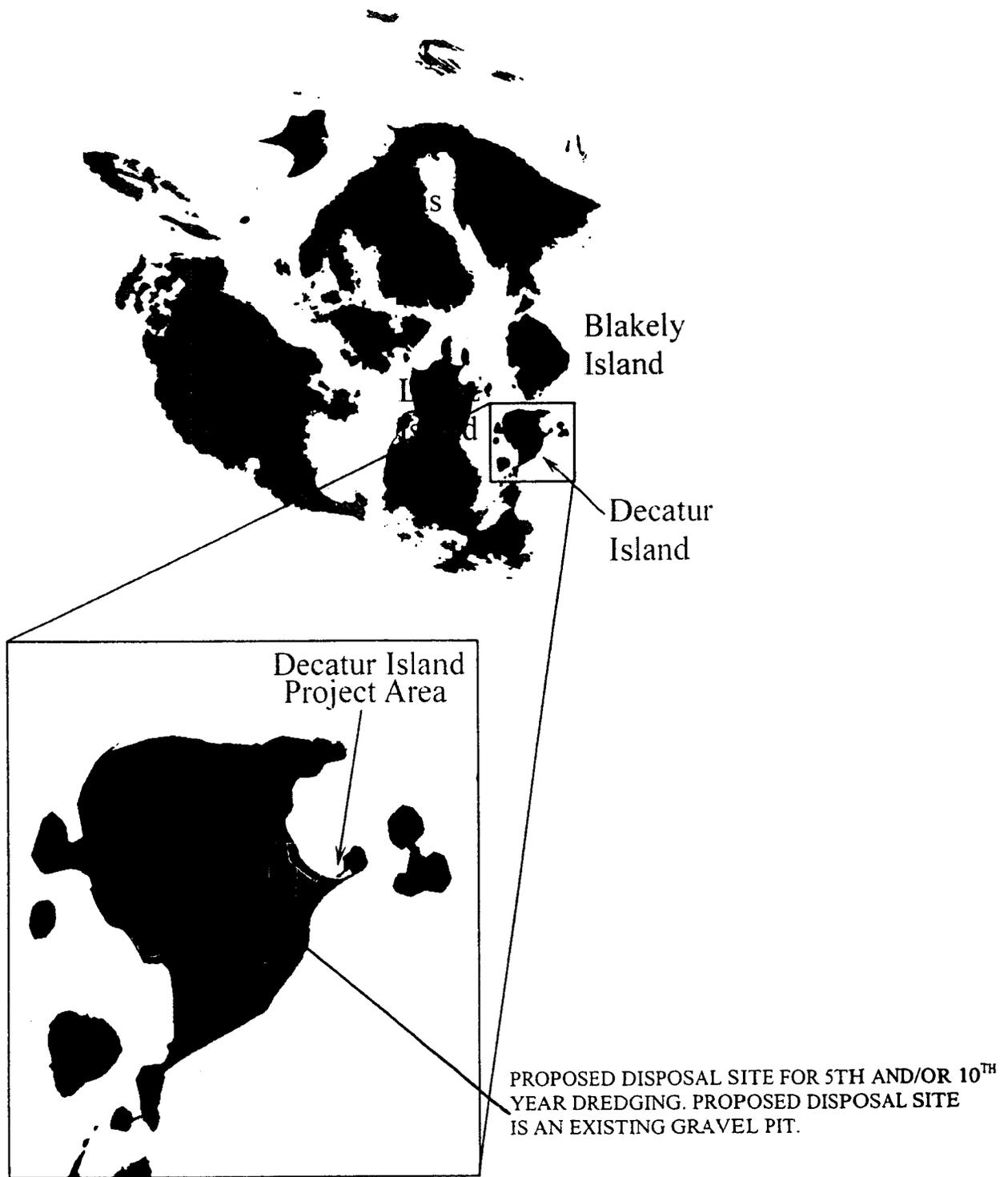


**Project Site  
Located on Decatur Island**

**PURPOSE:** Maintain the Access to an Existing Lagoon: Add Spoils to Road  
**DATUM:** N.O.S. MLLW = 0'  
**ADJACENT PROPERTY OWNERS:**  
#152213005 - John Russell & Mary Fellows

**VICINITY MAP**  
Puget Sound and  
the San Juan Islands

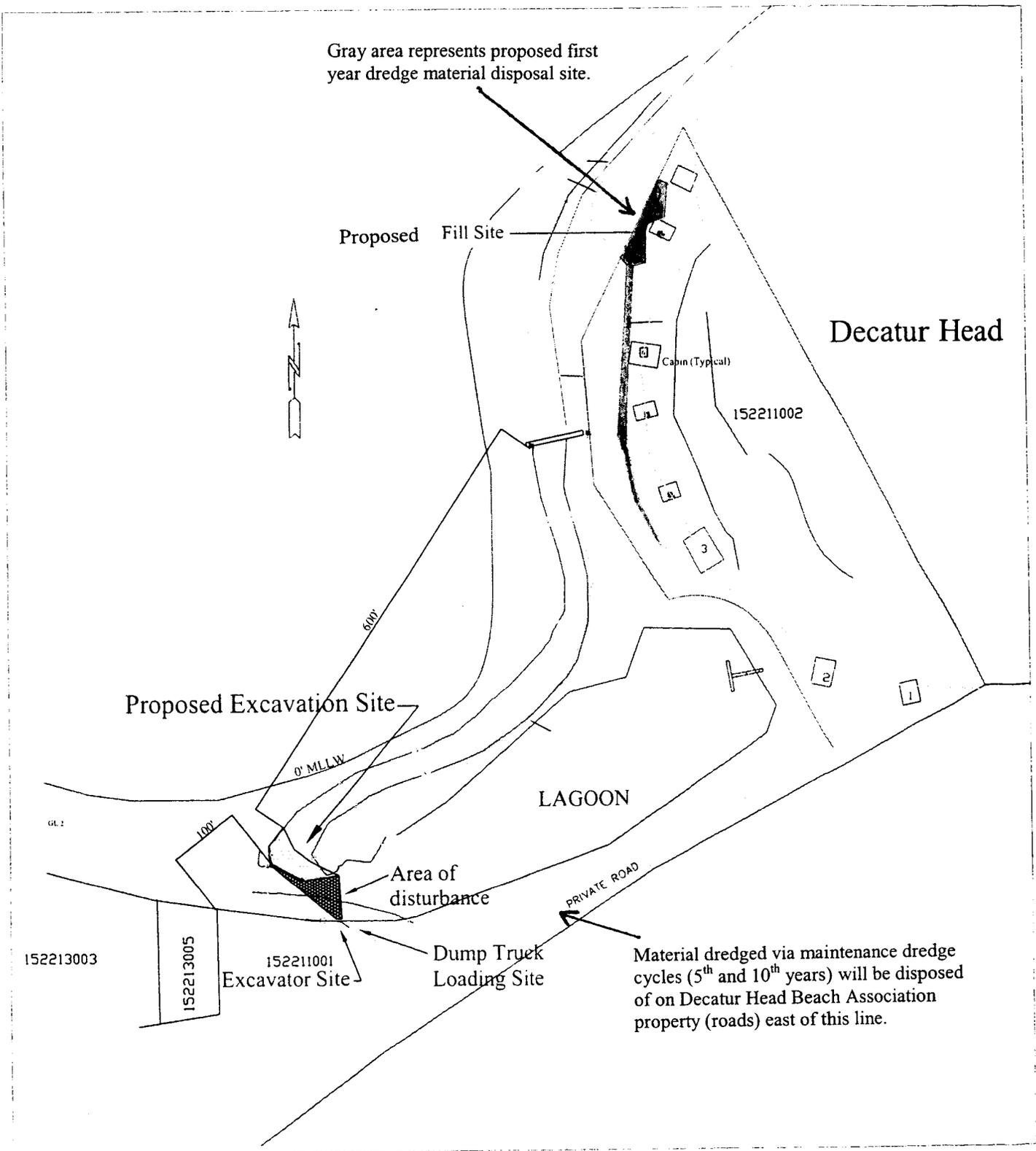
**REFERENCE:** 1999-00-970  
**PROPOSED:** Excavate Lagoon Entrance  
**IN:** Rosario Strait  
**AT/NEAR:** Decatur Island-Anacortes, WA  
**COUNTY:** San Juan  
**APPLICANT:** Decatur Head Beach Assoc.  
**DATE:** 03/22/01  
**SHEET 1 of 9**



PURPOSE: Maintain the Access to an Existing Lagoon; Add Spoils to Road  
 DATUM: N.O.S. MLLW = 0'  
 ADJACENT PROPERTY OWNERS:  
 #152213005 - John Russell and Mary Fellows

VICINITY MAP  
 San Juan Islands With  
 Decatur Island Enlargement

REFERENCE: 1999-00-970  
 PROPOSED: Excavate Lagoon Entrance  
 IN: Rosario Strait  
 AT/NEAR: Decatur Island/Anacortes, WA  
 COUNTY: San Juan  
 APPLICANT: Decatur Head Beach Assoc.  
 DATE: 03/22/01  
 SHEET 2 of 9



**PURPOSE:** MAINTAIN THE ACCESS TO AN EXISTING LAGOON; ADD SPOILS TO ROAD

**DATUM:** N.O.S. MLLW=0'

**ADJACENT PROPERTY OWNERS:**  
#152213005 - JOHN RUSSELL & MARY FELLOWS

### SITE PLAN

**REFERENCE:** #1999-00-970

**PROPOSED:** EXCAVATE LAGOON ENTRANCE

**IN:** ROSARIO STRAIT

**AT/NEAR:** DECATUR IS./ANACORTES

**COUNTY:** SAN JUAN, WA

**APPLICANT:** DECATUR HEAD BEACH ASSOC. INC.

**DATE:** 03/22/01

**SHEET:** 3 OF 9

MHHW - 7.5'

Upper vegetative line

Edge of Gravel

8 Cabin (Typical)

7 Cabin (Typical)

# DECATUR HEAD DECATUR ISLAND

Cross Section  
(See figure 8)

Existing drive  
(7± Gravel Typical)

5 Cabin (Typical)

4 Cabin (Typical)

3

2



SCALE: 1" = 100'

MHW - 7.0'

Upper vegetative line

Float and Ramp

**NOTE:**  
LOCATION OF LAND FEATURES ARE APPROXIMATE

## DAVIS BAY

Existing Lagoon Float and Ramp

Survey points (typical)

**PURPOSE:** MAINTAIN THE ACCESS TO AN EXISTING LAGOON; ADD SPOILS TO ROAD

**DATUM:** N.O.S. MLLW=0'

**ADJACENT PROPERTY OWNERS:**  
#152213005 - JOHN RUSSELL & MARY FELLOWS

### PLAN VIEW

**REFERENCE:** # 1999-00-970

**PROPOSED:** EXCAVATE LAGOON ENTRANCE

**IN:** ROSARIO STRAIT  
**AT/NEAR:** DECATUR IS./ANACORTES

**COUNTY:** SAN JUAN

**APPLICANT:** DECATUR HEAD BEACH ASSOCIATION INC.

**DATE:** 03/22/01

**SHEET:** 4 OF 9

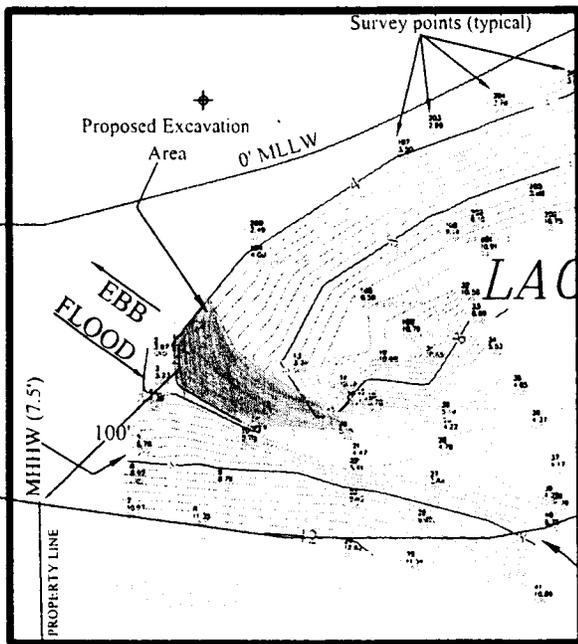
MHHW - 7.5'



**NOTE:**  
LOCATION OF LAND FEATURES ARE APPROXIMATE

SCALE: 1" = 100'

# DAVIS BAY



## LAGOON

### DETAIL 'A'

PRIVATE ROAD APPROXIMATE LOCATION

Float and Ramp

Existing Lagoon Float and Ramp

Cabin (Typical)

Cabin (Typical)

3

**PURPOSE:** MAINTAIN THE ACCESS TO AN EXISTING LAGOON; ADD SPOILS TO ROAD

**DATUM:** N.O.S. MLLW=0'

**ADJACENT PROPERTY OWNERS:**

#152213005 - JOHN RUSSELL & MARY FELLOWS

## PLAN VIEW

**REFERENCE:** # 1999-00-970

**PROPOSED:** EXCAVATE LAGOON ENTRANCE

**IN:** ROSARIO STRAIT  
**AT/NEAR:** DECATUR IS./ANACORTES

**COUNTY:** SAN JUAN

**APPLICANT:** DECATUR HEAD BEACH ASSOCIATION INC.

**DATE:** 03/22/01

**SHEET 6 OF 9**

SCALE: 1" = 40'

MHW - 7.0'  
(MHW is the Corps line of jurisdiction)

Survey points (typical)

Proposed Excavation Area

0' MLLW

EBB  
FLOOD

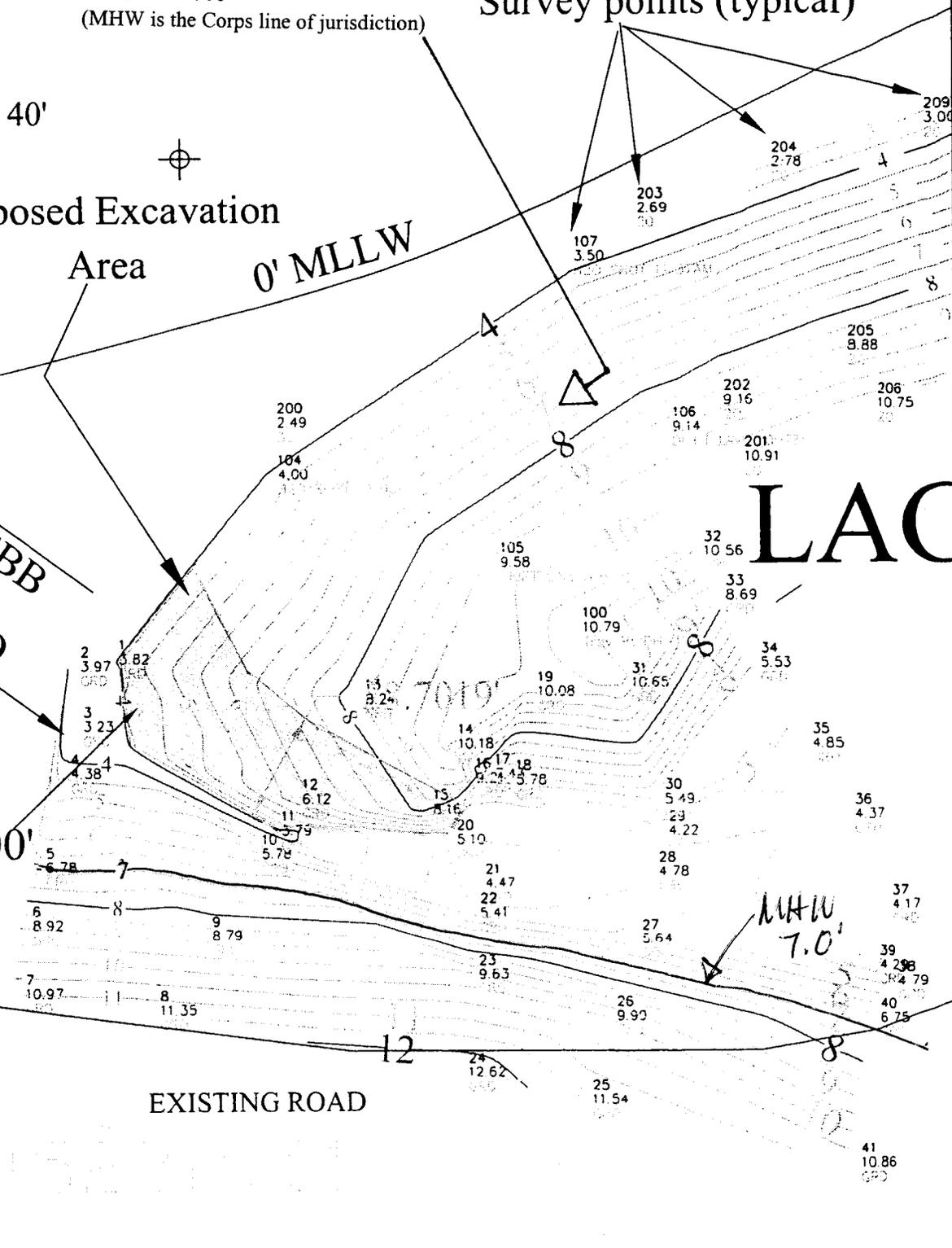
LAGOON

100'

MHW  
7.0'

PROPERTY LINE

EXISTING ROAD



**PURPOSE:** MAINTAIN THE ACCESS TO AN EXISTING LAGOON; ADD SPOILS TO ROAD

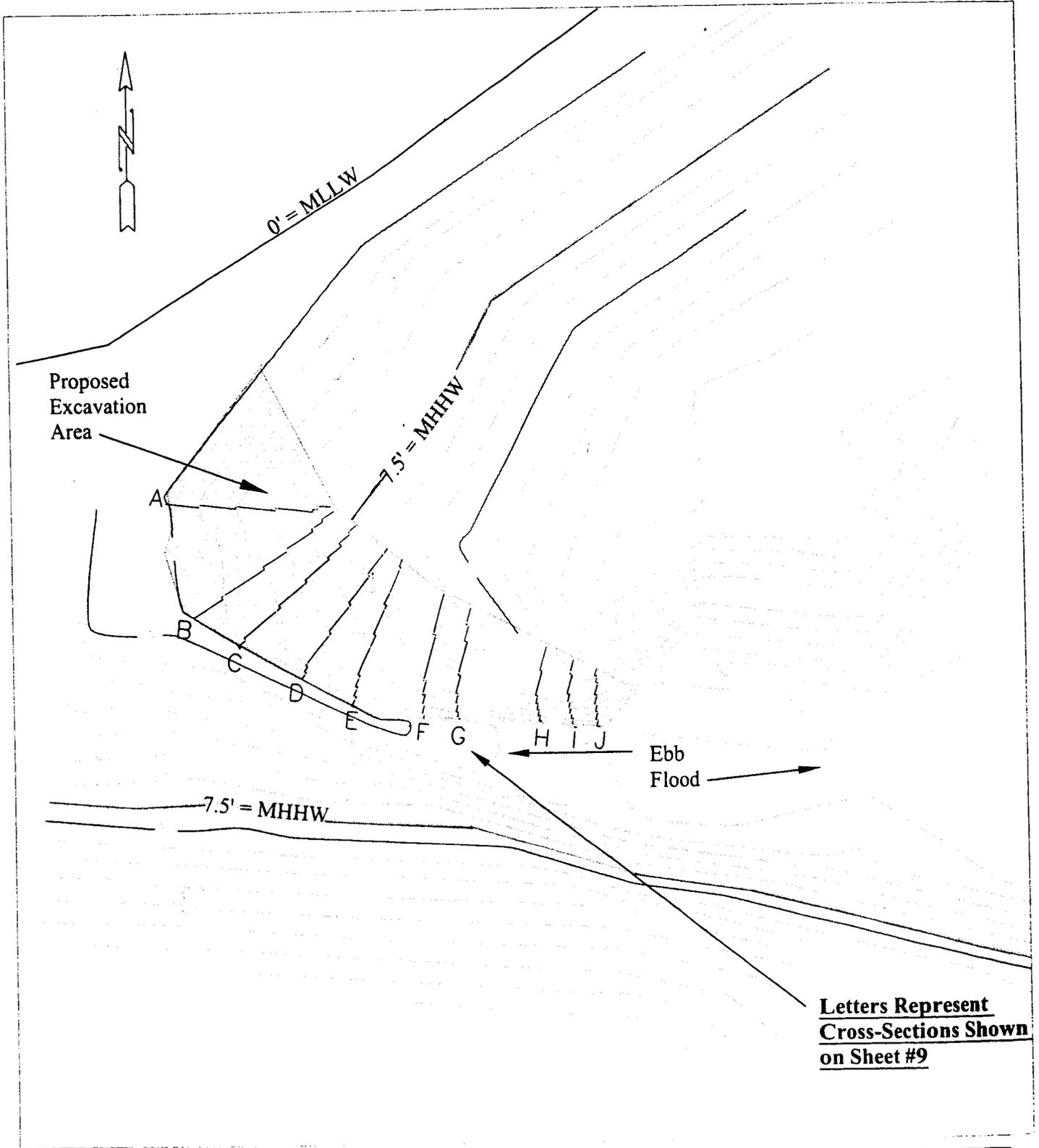
**DATUM:** N.O.S. MLLW=0'  
**ADJACENT PROPERTY OWNERS:**  
#152213005 - JOHN RUSSELL & MARY FELLOWS

**PLAN VIEW**  
DETAIL 'A' OF SHEET #6

**REFERENCE:** # 1999-00-970  
**PROPOSED:** EXCAVATE LAGOON ENTRANCE

**IN:** ROSARIO STRAIT  
**AT/NEAR:** DECATUR IS. ANACORTES COUNTY: SAN JUAN  
**APPLICANT:** DECATUR HEAD BEACH ASSOCIATION INC.

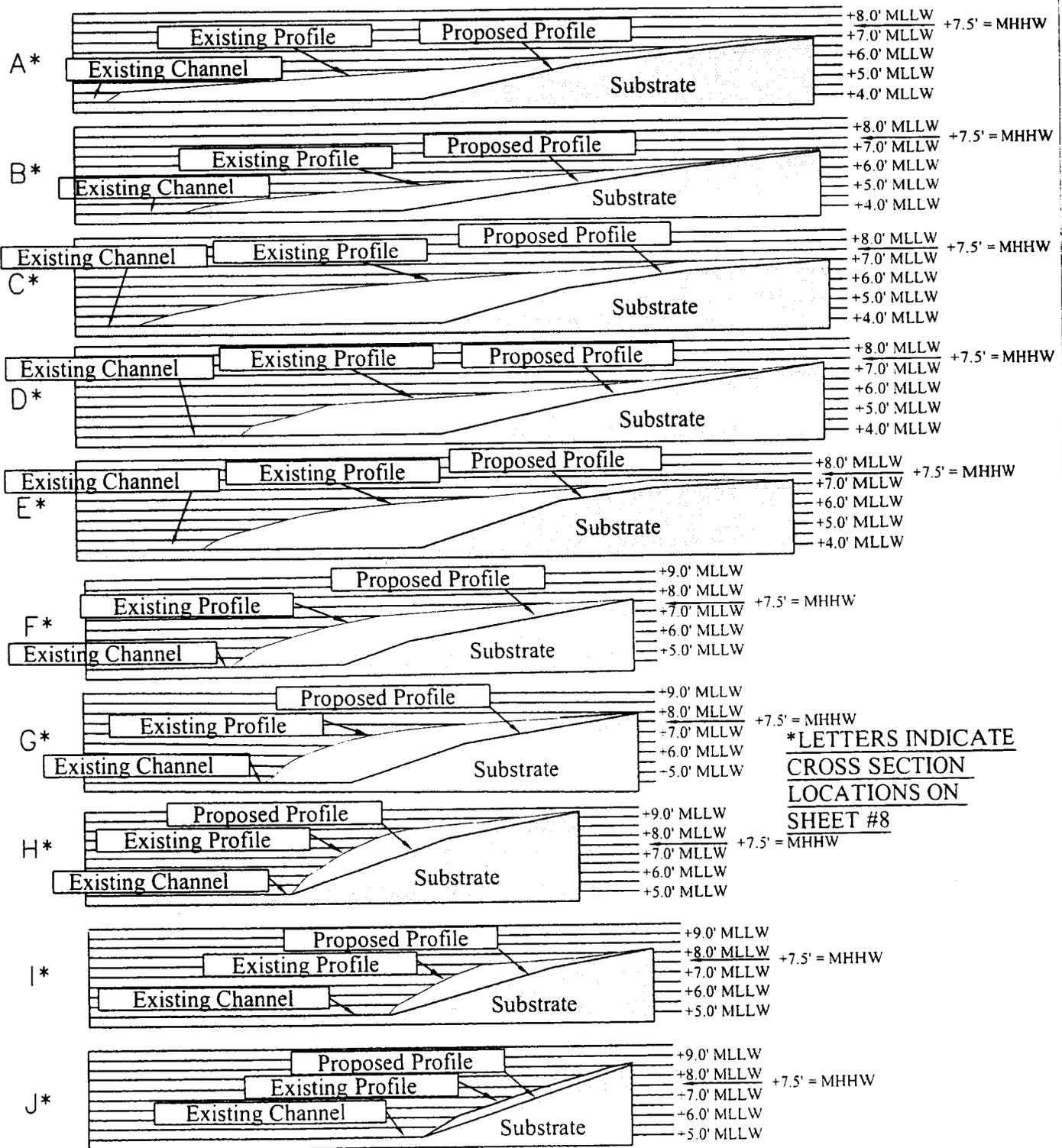
**DATE:** 03/22/01  
**SHEET 4 OF 9**



**PURPOSE:** MAINTAIN THE ACCESS TO AN EXISTING LAGOON; ADD SPOILS TO ROAD  
**DATUM:** N.O.S. MLLW=0'  
**ADJACENT PROPERTY OWNERS:**  
 #152213005 - JOHN RUSSELL & MARY FELLOWS

**PLAN VIEW**  
**Showing Cross Section Locations**

**REFERENCE:** # 1999-00-970  
**PROPOSED:** EXCAVATE LAGOON ENTRANCE  
**IN:** ROSARIO STRAIT  
**AT/NEAR:** DECATUR IS./ANACORTES  
**COUNTY:** SAN JUAN, WA  
**APPLICANT:** DECATUR HEAD BEACH ASSOC. INC.  
**DATE:** 03/22/01  
**SHEET:** 7 OF 9

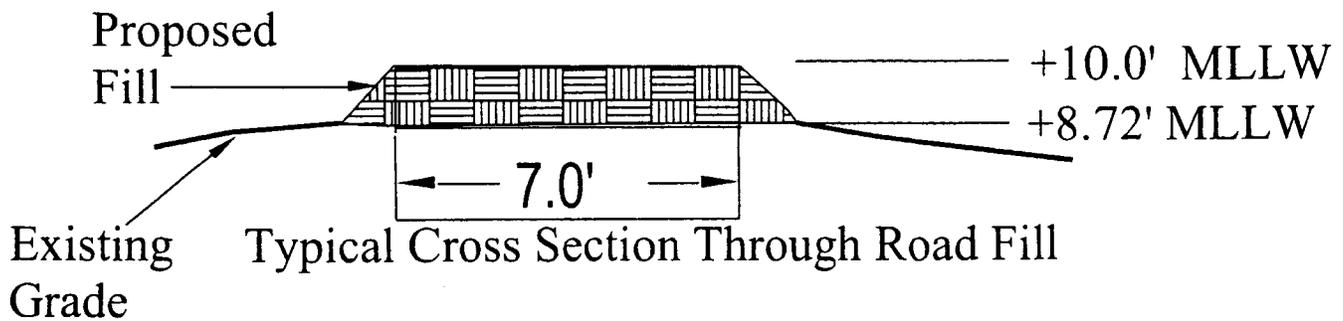
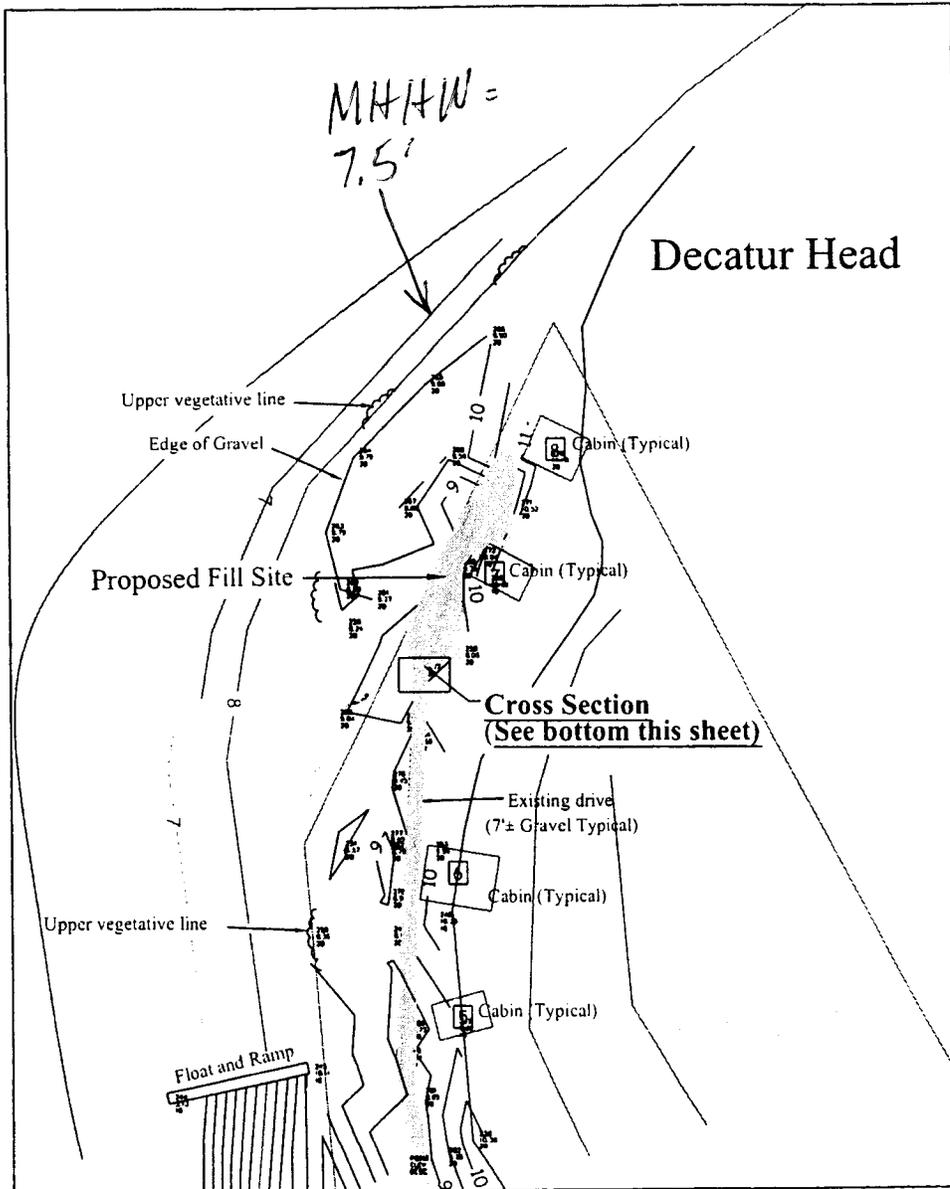


\*LETTERS INDICATE  
CROSS SECTION  
LOCATIONS ON  
SHEET #8

**PURPOSE:** MAINTAIN THE ACCESS  
TO AN EXISTING LAGOON;  
ADD SPOILS TO ROAD  
**DATUM:** N.O.S. MLLW=0'  
**ADJACENT PROPERTY OWNERS:**  
#152213005 - JOHN RUSSELL &  
MARY FELLOWS

**SECTION VIEWS**  
**Locations Noted on**  
**Sheet # 7**

**REFERENCE:** # 1999-00-970  
**PROPOSED:** EXCAVATE LAGOON  
ENTRANCE  
**IN:** ROSARIO STRAIT  
**AT/NEAR:** DECATUR IS / ANACORTES  
**COUNTY:** SAN JUAN, WA  
**APPLICANT:** DECATUR HEAD BEACH  
ASSOC. INC.  
**DATE:** 03/22/01  
**SHEET:** 8 OF 9



**PURPOSE:** MAINTAIN THE ACCESS TO AN EXISTING LAGOON; ADD SPOILS TO ROAD

**DATUM:** N.O.S. MLLW=0'

**ADJACENT PROPERTY OWNERS:**

#152213005 - JOHN RUSSELL & MARY FELLOWS

**APPROVED FILL SITE**

**REFERENCE:** #1999-00-970

**PROPOSED:** EXCAVATE LAGOON ENTRANCE

**IN:** ROSARIO STRAIT

**AT/NEAR:** DECATUR IS./ANACORTES

**COUNTY:** SAN JUAN, WA

**APPLICANT:** DECATUR HEAD BEACH ASSOC. INC.

**DATE:** 03/22/01

**SHEET:** 9 OF 9



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
*P.O. Box 47600 • Olympia, Washington 98504-7600*  
*(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Notice of Application for  
Water Quality Certification  
and for  
Certification of Consistency with the  
Washington Coastal Zone Management Program

Date: November 18, 2003

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 199900970 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator  
Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, Washington 98504-7600