



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: Jack Kennedy, Project Manager

Public Notice Date: November 18, 2003  
Expiration Date: December 18, 2003  
Reference: 200300510  
Name: Dunn, Delos and Judie

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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 1899 Rivers and Harbors Act, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Delos and Judie Dunn  
52 Heritage Lane  
Port Ludlow, Washington 98356  
Telephone: (360) 437-0377

AGENT - Ecodecisions Environmental Services  
11600 Olympic View Drive  
Bainbridge Island, Washington 98110  
ATTN: Ms. Emese Kiss  
Telephone: (206) 855-9758

LOCATION - In Port Ludlow, Admiralty Inlet, at Port Ludlow, Jefferson County, Washington. The facility address is 385 South Bay Lane, Port Ludlow, Washington. The site lies in Section 16, Township 28 North, Range 1 East.

WORK - Construct a stairway and install a pier, ramp, and float. The pier would be supported by two single steel piles, each flange mounted onto separate cast-in place concrete anchor blocks, each composed of about 2 cubic yards of quick-setting concrete.

PURPOSE - Provide vessel moorage and recreational access to the water.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973 requires assessment of potential impacts to listed and proposed species. Puget Sound chinook salmon, Hood Canal summer run salmon, bull trout, bald eagle, and marbled murrelets, all listed as threatened in the State of Washington, may occur in the proposed project area.

A Biological Evaluation (BE) entitled *Biological Evaluation, Dunn's Pier and Stair Proposal*, dated October 27, 2003, was prepared for the applicant by Ecodecisions Environmental Services. The BE reached a preliminary determination that the work would have *no effect* on marbled murrelets, and fell into the category *may affect, not likely to adversely affect* the other four listed species. The BE is currently undergoing internal review by the U. S. Army Corps of Engineers, Seattle District (Seattle District), and will become the subject of consultation under Section 7 of the ESA between the Seattle District and the U.S. Fish and Wildlife Service and the National Marine Fisheries Services.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA) 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 occurs in the project area. The proposed action would impact approximately 1000 square feet of EFH for Pacific salmon species.

If the U.S. Army Corps of Engineers (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 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. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

- a. Known historic properties occur in the vicinity of the proposed project. Their occurrence in the in the permit area is not known. An historic properties investigation may be required during the permit review.

The District Engineer invites responses to this public notice from Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, 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 Seattle District 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. Any comments received will be considered by the Seattle District 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.

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**SECTION 404** - 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.

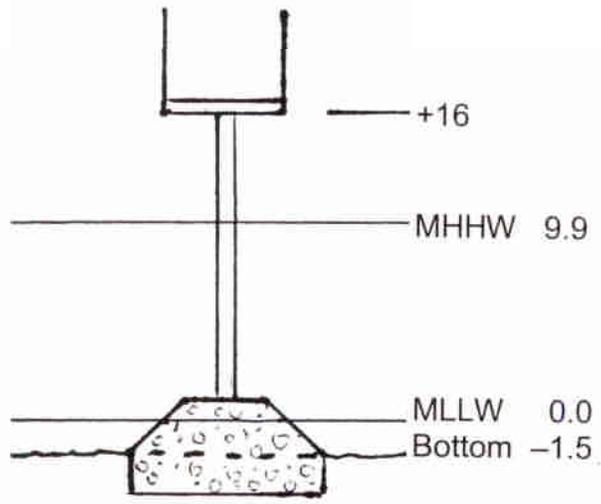
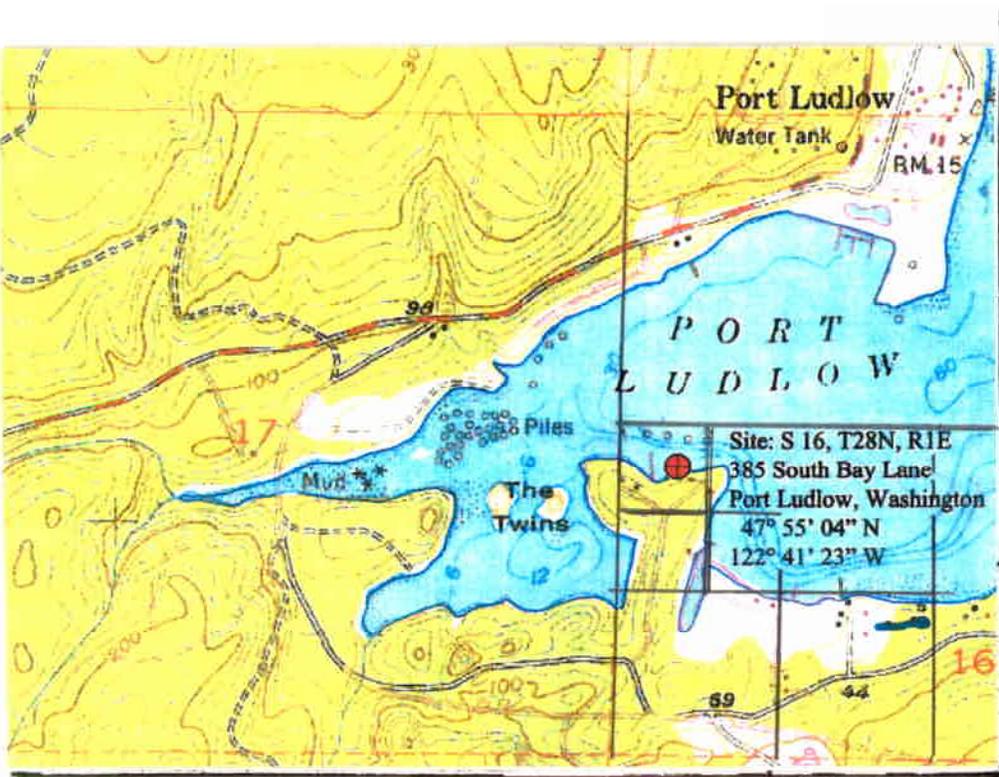
**ADDITIONAL EVALUATION** – The State of Washington is reviewing this work (for consistency with the approved Washington Coastal Zone Management Program)(and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act).

This proposal is the subject of Shorelines Substantial Development Permit No. 0300016, being processed by Jefferson County.

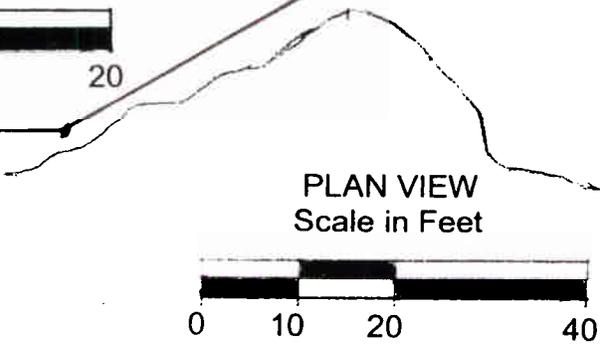
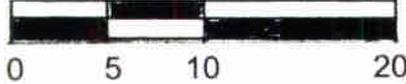
**COMMENT AND REVIEW PERIOD** – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate 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. All e-mail comments should be sent to [jack.kennedy@nws02.usace.army.mil](mailto:jack.kennedy@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:

Dunn, Delos and Judie, 200300510

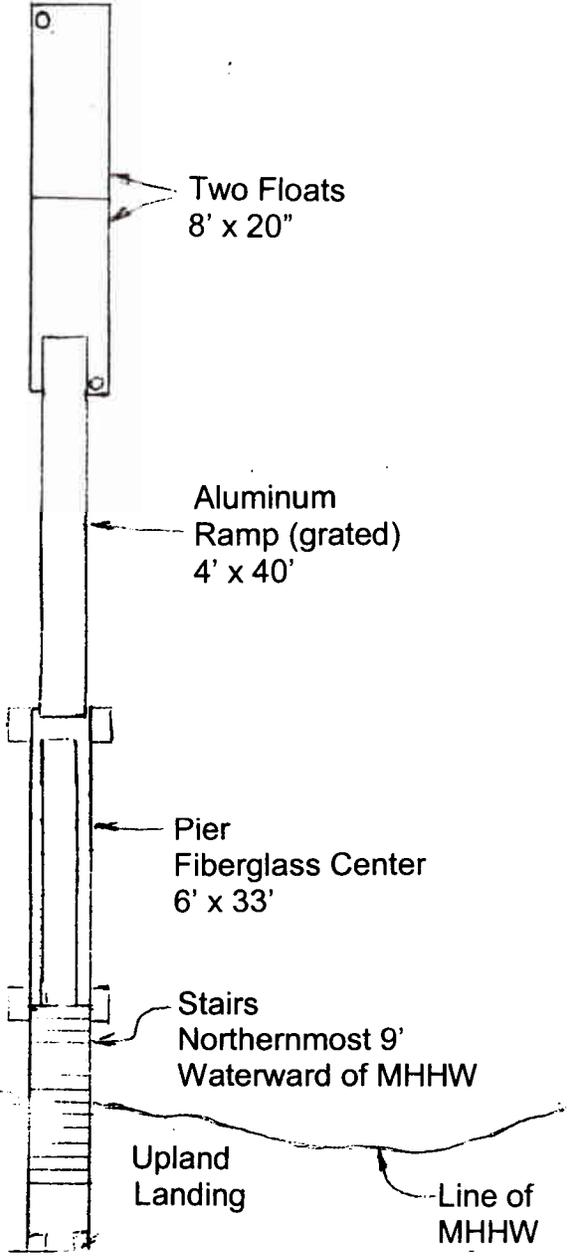
Encl  
Drawings (2)



SECTION VIEW  
Scale in Feet



PLAN VIEW  
Scale in Feet

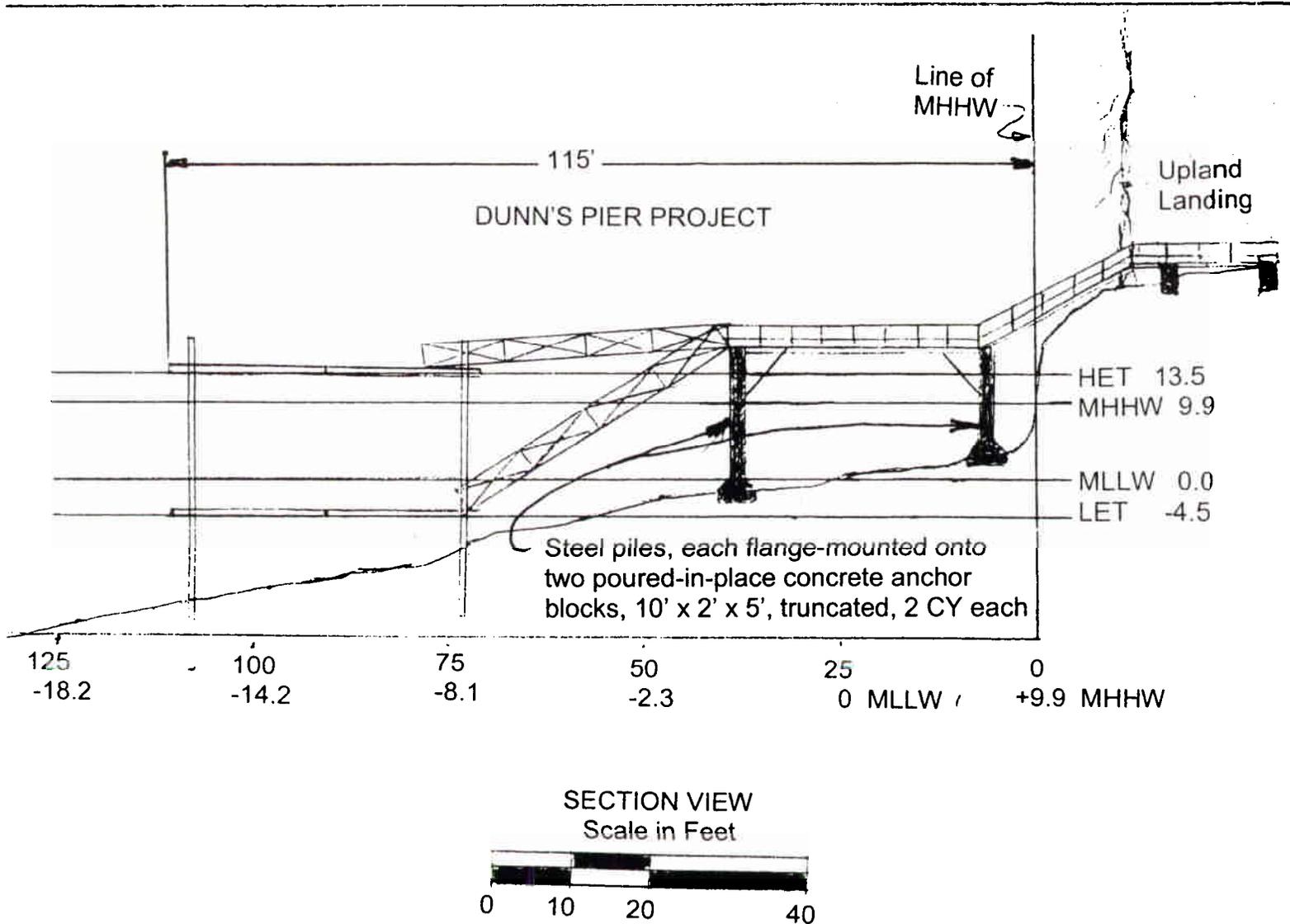


Purpose: Recreation and Vessel Moorage  
 Datum: MLLW = 0.0 (NOS)  
 Adjacent Property Owners  
 East: Robert and Elaine Beckman  
 West: Meydenbauer Bay Yacht Club

Proposed: Pier, Ramp, and Float  
 In: Port Ludlow, Admiralty Inlet  
 At: Port Ludlow, Jefferson County  
 Applicant: Delos and Judie Dunn  
 Page 1 of 2 Date: 6 Nov 2003  
 Corps # 200300510

Endangered Species Act Conservation Measures to Minimize Salmonid Impacts:

- North-South orientation of facility
- Construction during low tides of late July or late August 2004
- Free-standing stairs to minimize bank erosion and not interfere with ground cover
- Two single steel piles supporting 33-foot long, 6-foot wide pier, 6.1 feet above MHHW
- Center 3 feet of pier surface decked with 60% light-passable fiberglass
- Aluminum ramp with 60% light-passable aluminum grating
- Floats over deep water (-8 to -16 feet below MLLW) with no shaded vegetation
- Floats secured with two lone steel pilings



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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. 200300510 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