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: Randel Perry, Project Manager

Public Notice Date: December 17, 2004
Expiration Date: January 17, 2005
Reference: 200400755
Name: Mr. Rick Haggen

Interested parties are hereby notified that all or a portion of the work as described below and shown on the enclosed drawings was performed without specific authorization under Section 10 of the Rivers and Harbors Act of March 3, 1899. U.S. Army Corps of Engineers (Corps) permit regulations (33 CFR 320-330) dated November 13, 1986, allow District Engineers to make a determination of whether the activity is not contrary to the public interest.

APPLICANT - Mr. Rick Haggen
2211 Rimland Drive
Bellingham, Washington 98226
Telephone: (360) 650-8214

AGENT - Alvord-Richardson Construction Company, Incorporated
Mr. Scott Frank
Post Office Box 172
Bellingham, Washington 98227
Telephone: (360) 734-3480

LOCATION – In Bellingham Bay, Squalicum Harbor Marina, Slip BE-13, at Bellingham, Washington.

WORK – Construct a 25 foot (ft) wide by 60 ft long by 24 ft high boathouse.

PURPOSE – Provide private use mooring and protection of watercraft.

ADDITIONAL INFORMATION – A previously existing, deteriorated boathouse was removed from the location in April of 2004. Prefabricated floats for the project have already been installed in-water at the project site without a Department of the Army permit.

ENDANGERED SPECIES - The bald eagle (*Haliaeetus leucocephalus*), listed threatened; marbled murrelet (*Brachyramphus marmoratus),* listed threatened; Puget Sound chinook (*Oncorhynchus tshawytscha*), listed threatened; coastal/Puget Sound bull trout (*Salvelinus confluentus),* listed threatened; Steller sea lion (*Eumetopias jubatus)*, listed threatened; humpback whale *(Megaptera novaeangliae)*, listed endangered; and leatherback sea turtle *(Dermochelys coriacea)*, listed endangered in the state of Washington (State), occur in the proposed project area. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to the bald eagle, marbled murrelet, Puget Sound chinook, coastal/Puget Sound bull trout,

and Steller sea lion, humpback whale, and leatherback sea turtle. A preliminary determination indicates that the activity may affect, but will not adversely affect listed chinook salmon and bull trout and will have no effect on listed marbled murrelets, bald eagles, steller sea lion, humpback whale, and leatherback sea turtle. Informal consultation under Section 7 of the Act will be required.

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, coastal pelagic species occurs in the project area. The proposed action would impact approximately 1,500 square feet of EFH for these species.

The 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 (DE) 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:

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 and the project site has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The DE 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 Corps 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 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.

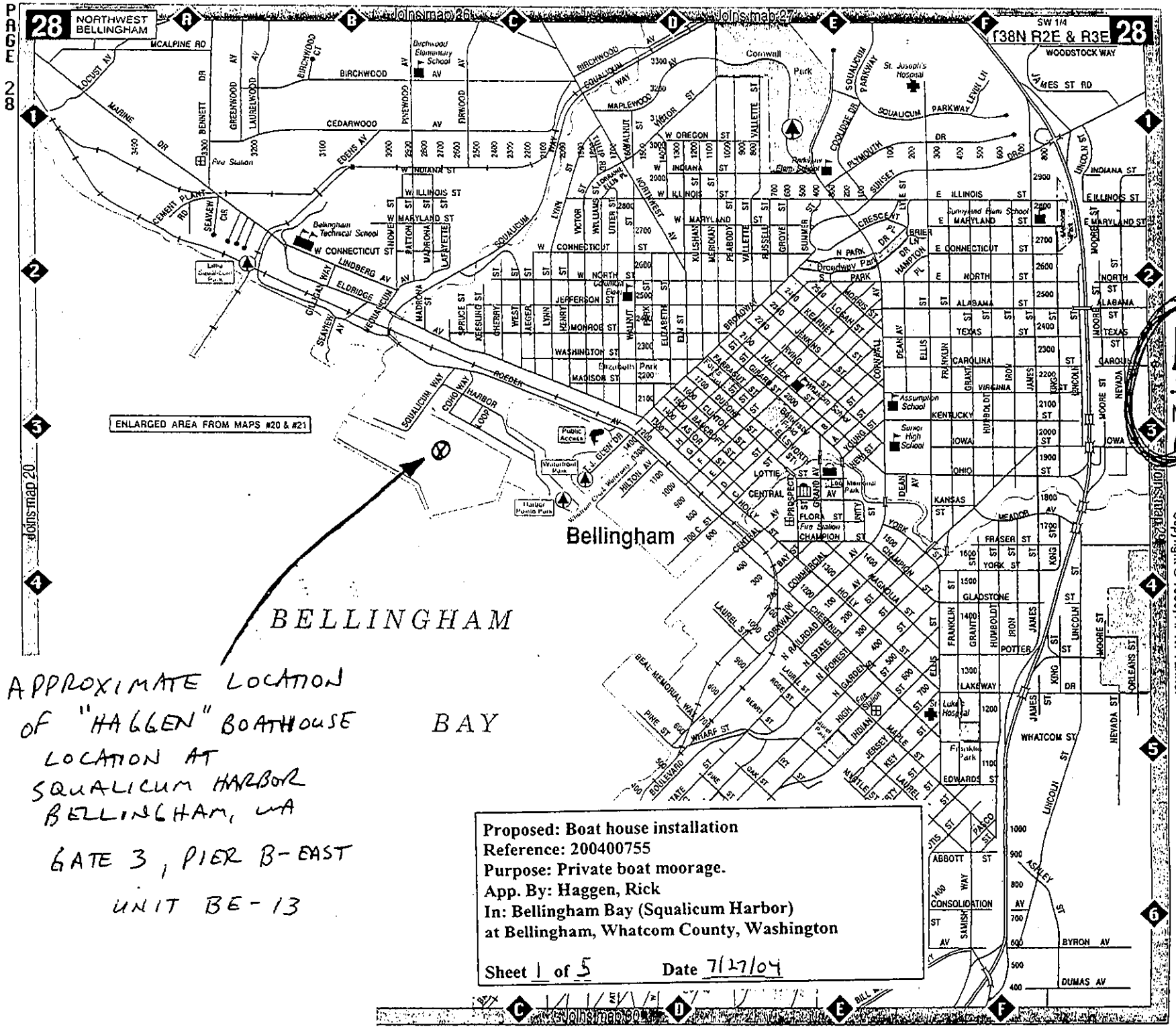
ADDITIONAL EVALUATION - The State is reviewing this work for consistency with the approved Washington Coastal Zone Management Program.

The City of Bellingham has issued an exemption from the requirement of obtaining a Shorelines Substantial Development permit for this project (reference # 00664).

COMMENT AND REVIEW PERIOD -- Conventional mail or email 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, email comments must originate from the author's email account and must include on the subject line of the email message the permit applicant's name and reference number as shown below. All email comments should be sent to Randel.J.Perry@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington 98124-3755. Both conventional mail or email 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 email 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:

Haggen, Rick, 200400755

Encl
Drawings (5)



APPROXIMATE LOCATION OF "HAGGEN" BOATHOUSE LOCATION AT SQUALICUM HARBOR BELLINGHAM, WA

GATE 3, PIER B-EAST

UNIT BE-13

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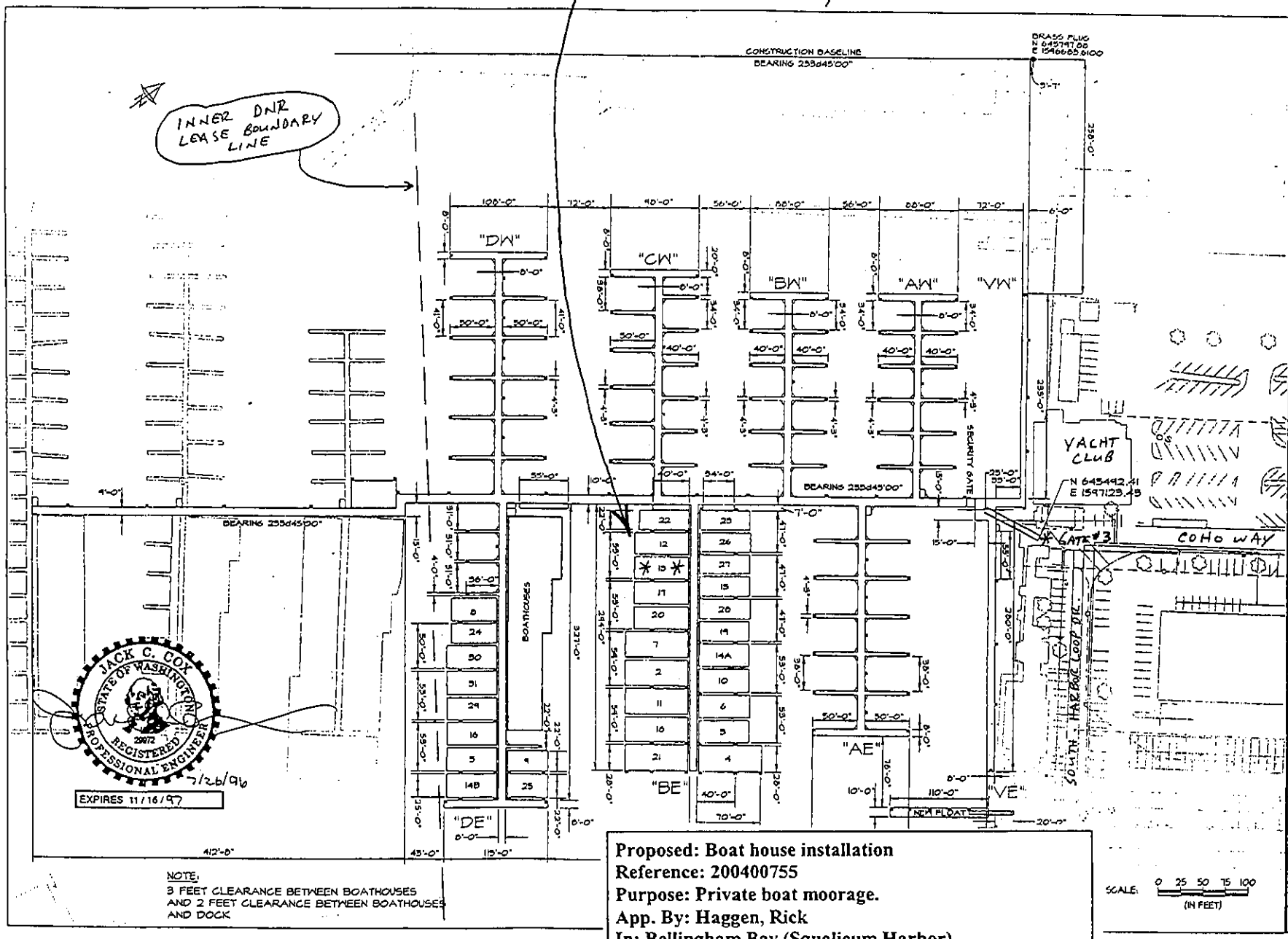
HAGGEN BOATHOUSE
SQUALICUM HARBOR
BELLINGHAM, WA

GATE #3
PIER B-EAST
UNIT # BE-13



Proposed: Boat house installation
Reference: 200400755
Purpose: Private boat moorage.
App. By: Haggen, Rick
In: Bellingham Bay (Squalicum Harbor)
at Bellingham, Whatcom County, Washington

Sheet 2 of 5 **Date 7/27/04**

FORT OF BELLINGHAM

Baker
3601 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA 22304
(703) 960-8800

GATE 3 REALIGNMENT
DOCKAGE
AT SQUALICUM HARBOR
BELLINGHAM, WASHINGTON

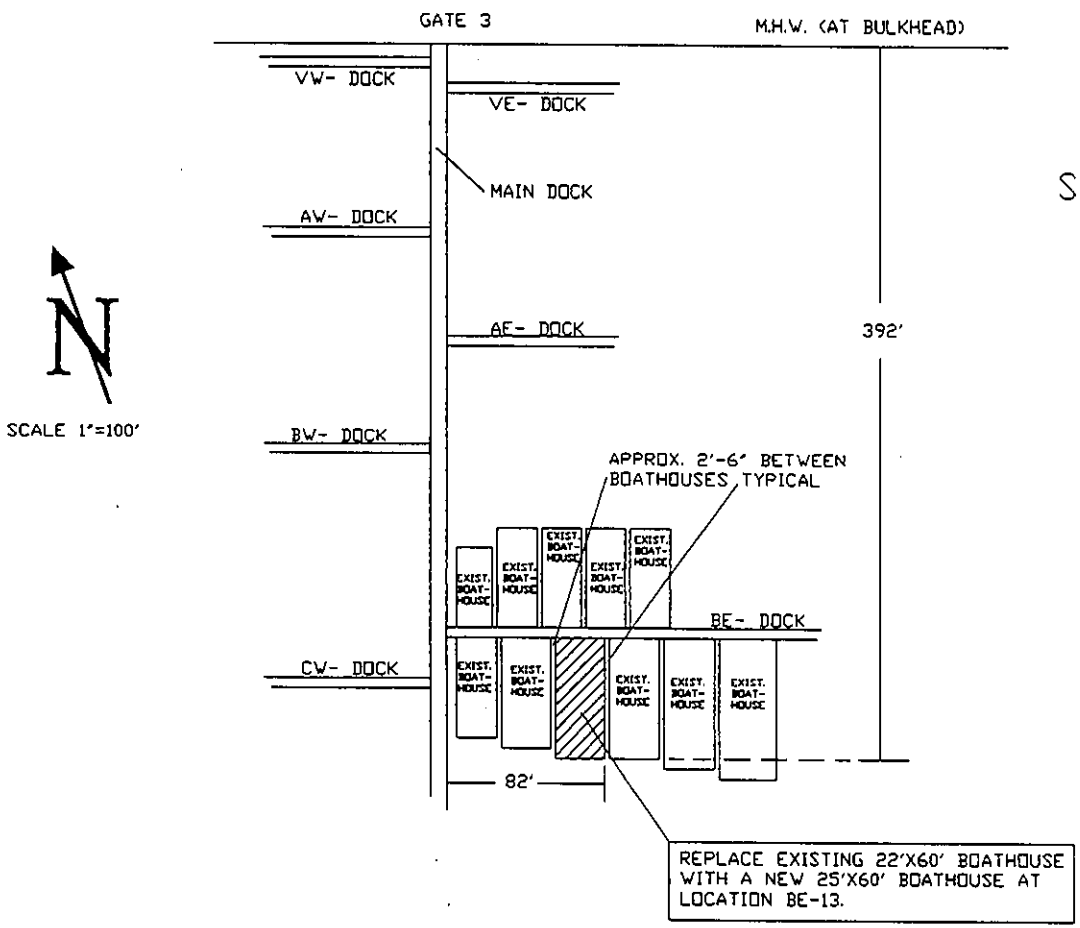
LAYOUT DIMENSIONS

DATE	REVISION	DRAWN BY: H.P.	DESIGN BY: S.Y.	CHECK BY: J.G.C.

DATE: 07/26/96
SCALE: AS SHOWN

PROPOSED- BOATHOUSE RE-PLACEMENT
REFERENCE- 200400755
PURPOSE- PRIVATE BOAT MOORAGE
APP. BY- RICK HAGGEN
LOCATED- SQUALICUM HARBOR IN
BELLINGHAM BAY
BELLINGHAM, WASHINGTON
WHATCOM COUNTY

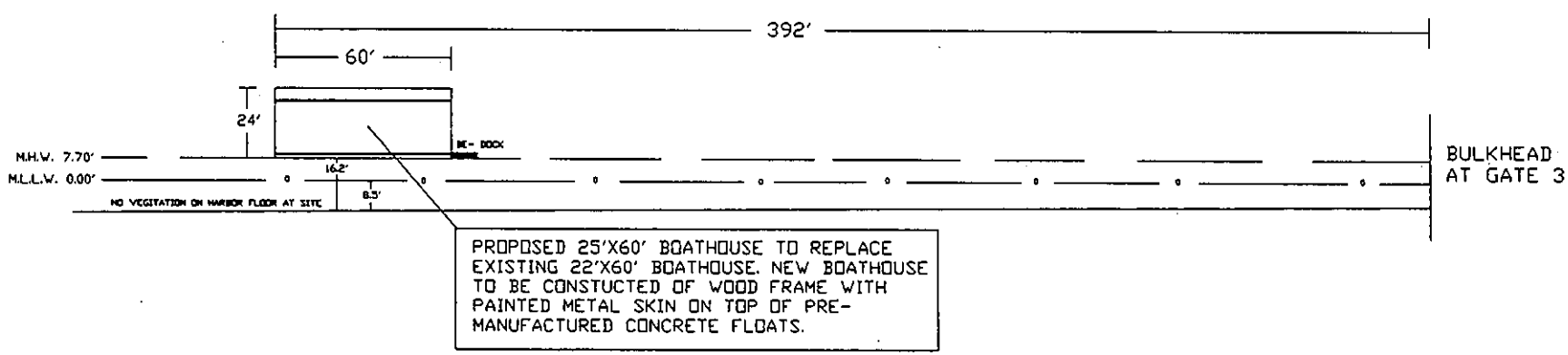
SHEET 3 OF 5, 7-27-04



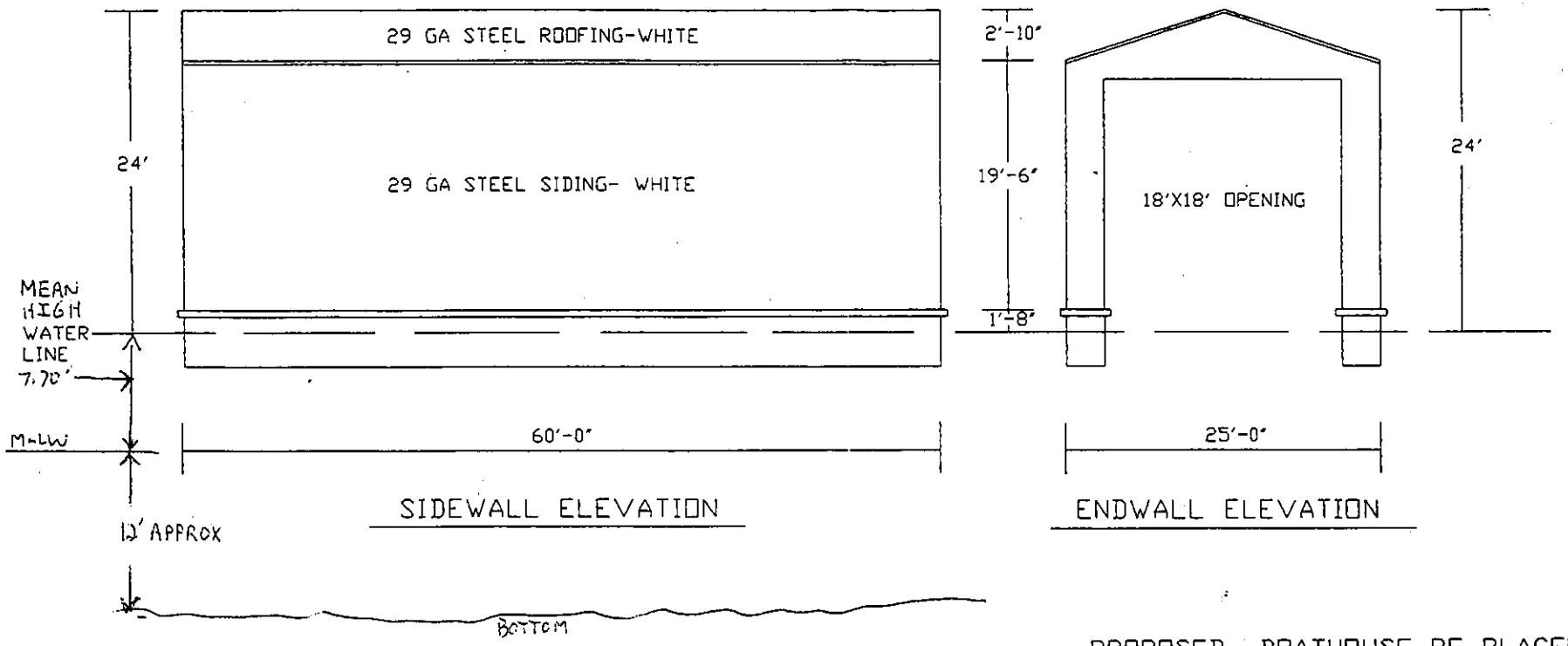
PROPOSED- BOATHOUSE RE-PLACEMENT
REFERENCE- 200400755
PURPOSE- PRIVATE BOAT MOORAGE
APP. BY- RICK HAGGEN
LOCATED- SQUALICUM HARBOR IN
BELLINGHAM BAY
BELLINGHAM, WASHINGTON
WHATCOM COUNTY

SHEET 4 OF 5, 7-27-04

SCALE 1"= 60'



CROSS SECTION



PROPOSED 25'X60' BOATHOUSE

PROPOSED- BOATHOUSE RE-PLACEMENT
REFERENCE- 200400755
PURPOSE- PRIVATE BOAT MOORAGE
APP. BY- RICK HAGGEN
LOCATED- SQUALICUM HARBOR IN
BELLINGHAM BAY
BELLINGHAM, WASHINGTON
WHATCOM COUNTY

SHEET 5 OF 5, 7-27-04

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
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: December 17, 2004

Notice is herby 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 project described in the U.S. Army Corps of Engineers Public Notice No. 200400755 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'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