



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

US Army Corps of Engineers
Regulatory Branch
4735 E. Marginal Way S., Bldg 1202
Seattle, WA 98134-2388
Telephone: (206) 402-9276
ATTN: Jaime Liljegren,
Project Manager

Public Notice Date: May 19, 2025
Expiration Date: June 18, 2025

Reference No.: NWS-2024-771
Name: Lawrence, Mark

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 1899. U.S. Army Corps of Engineers 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 also review the work in accordance with Section 404 of the Clean Water Act (CWA).

APPLICANT:

Attention: Jacqueline Davison and Christopher Mark Lawrence
1990 Madrona Way
Coupeville, Washington
98239

LOCATION: Penn Cove at Coupeville, Island County, Washington
(Latitude: 48.215120; Longitude: -122.72376).

WORK: To retain a previously installed replacement concrete bulkhead.

PURPOSE: To maintain existing erosion control for the protection of upland structures.

ADDITIONAL INFORMATION: The applicant is proposing to retain a 100-linear-foot concrete replacement bulkhead installed waterward of mean high water (MHW) and the high tide line (HTL) in Penn Cove, Island County, Washington. Prior to installation, the landowner removed a 100-linear-foot failing wooden bulkhead and residence along the shoreline. A 100-linear-foot concrete replacement bulkhead was then installed up to three feet waterward of the original armoring footprint. The initial replacement structure was proposed one foot landward of the original wooden bulkhead; however, due to exposure of sensitive cultural artifacts following king tides, the Department of Archaeology and the Stillaguamish Tribe requested the replacement structure to be placed waterward of the original armoring to protect sensitive cultural resources onsite. Installation of the replacement armoring was conducted at low tides when the work area was dry. Erosion and sediment controls were installed until all work and clean-up was completed. All stockpiled material was removed from the beach within 72 hours of bulkhead

construction. A riparian planting plan was proposed to be implemented following construction, and 17 cubic yards (CY) of fill was placed as beach nourishment to offset temporary construction impacts.

Copies of this public notice which have been mailed or otherwise physically distributed and the electronic version features drawings in color to accurately communicate the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

MITIGATION: The Corps is reviewing the submitted application; mitigation or Endangered Species Act conservation offsets may be required.

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 U.S. Army Corps of Engineers 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).

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 Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. A known historic property is located within the permit area. Work was conducted in coordination with tribes and the State Historic Preservation Office, and the project was redesigned to avoid and minimize effects to the historic property. Work was completed following a Department of Archaeology & Historic Preservation Excavation Permit (DAHP Project Number 2021-08-05062, Excavation Permit 2022-63) with an archaeological monitor on-site and was completed without adversely affecting historic properties. The Corps 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 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 Nations 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: 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 Washington Department of Ecology has or will evaluate the proposed project in accordance with Section 401 of the Clean Water Act and for consistency with the Coastal Zone Management Act.

The U.S. Army Corps of Engineers 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.

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 authorizing the work would not be contrary to the public interest. 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 jaime.liljegren@usace.army.mil. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. 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. 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.

NWS-2024-771; Lawrence, Mark

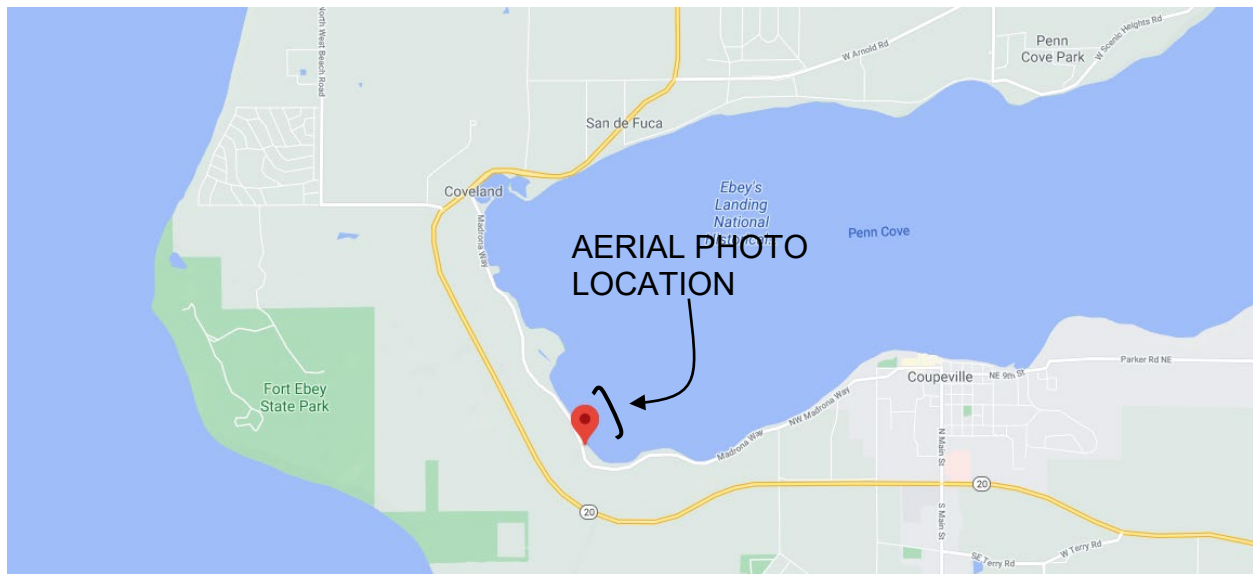
You may also now submit project specific comments to the Corps through the new Regulatory Request System (RRS) through this link: <https://rrs.usace.army.mil/rrs> ; Click Public Notices and filter to Washington State to see all current Seattle District Public Notices, including this notice. You may submit your comments directly through this portal.

Conventional mail comments should be sent to:

U.S. Army Corps of Engineers, Regulatory Branch,
Attention: Regulatory POC: Jaime Liljegren
4735 E. Marginal Way S, Bldg 1202
Seattle, Washington 98134-2388

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Lawrence, Mark; NWS-2024-771

Encl: Figures (4)



Vicinity map and aerial photo (From the project BSA completed by Saratoga, 2020) showing project location.

