



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

CERTIFIED MAIL

7003 3110 0004 2966 2646

June 1, 2009

Mr. Joe Dusenbury  
City of Des Moines Marina  
22307 Dock Ave S  
Des Moines WA 98198

RE: Federal Consistency Determination for promenade and bulkhead replacement, dredging of up to 3,900 cy of sediment, replacement of the activity float and travel lift, and other upland work in East Passage, Puget Sound, King County, Washington

Dear Mr. Dusenbury:

On November 14, 2008, the City of Des Moines Marina submitted a Federal Consistency Determination stating that the above project is consistent with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, the Department of Ecology (Ecology) concurs with the City of Des Moines Marina determination that the proposed work is consistent with Washington's CZMP.

You have the right to appeal this decision to the Pollution Control Hearings Board. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.



- Serve and file your appeal in paper form; **electronic copies are not accepted.**

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

**OR**

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

**OR**

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

**3. And mail a copy of your appeal to:**

Helen Pressley  
Department of Ecology  
Shorelands and Environmental Assistance  
P.O. Box 47600  
Olympia WA 98504-7600

For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

If you have any questions regarding Ecology's consistency determination please contact Helen Pressley at 360-407-6076.

Sincerely,



Brenden McFarland, Section Manager  
Environmental Review and Transportation Section  
Shorelands and Environmental Assistance Program

Mr. Joe Dusenbury  
City of Des Moines Marina  
June 1, 2009  
Page 3 of 3

cc: Amy Klein  
Margaret Schwertner, Moffat & Nichol  
Katie Walter, Shannon & Wilson  
Karen Walter, Muckleshoot Indian Tribe Fisheries Division  
Krista Rave-Perkins, USEPA Region 10  
Darold Rhodes, USFWS, Western Washington Fish and Wildlife Office  
CSR Marine South  
W. and P. Linscott  
Frank Coluccio  
Des Moines Mariner Condominiums  
South Shores Condominiums,  
Cliff House Condominiums  
Louie and Lela Hong  
Cliffside at Des Moines LLC  
Gary Wamsley  
Portsider Condominiums  
Des Moines Yacht Club  
Waterford at Des Moines,  
King County

Ecc: Loree' Randall, Ecology  
Helen Pressley, Ecology  
Barbara Nightengale, NWRO, Ecology  
Laura Inouye, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)