



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 9, 2012

Douglas and Linda MacGregor
4132 Point Williams Place
Bow, WA 98232

Dear Mr. and Ms. MacGregor:

**RE: Coastal Zone Consistency for Corps Reference #NWS-2008-322-NO
U.S. Army Corps Public Notice for Individual Section 10 Permit, MacGregor
Dock Assembly Project, Samish Bay, Bow, Skagit County, Washington**

On June 4, 2008, Douglas and Linda MacGregor submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). On December 2, 2008, the Department of Ecology (Ecology) and Douglas and Linda MacGregor jointly agreed to a CZM extension until the State Environmental Policy Act determination and shoreline permit were issued.

Ecology concurs with your June 4, 2008 determination that the proposed project is consistent with the enforceable policies of Washington State's CZMP, provided the following condition is met:

- Moorage on the landward side of the float is prohibited in order to protect the nearby kelp bed.

The Shoreline Management Act (SMA) is one of Ecology's approved enforceable policies. In order to be consistent under the SMA, the project needs to be consistent with Skagit County's Shoreline Master Program (SMP).

Kelp beds are a critical resource and provide habitat to a number of species including those that are listed as endangered. The County's SMP requires protection of wildlife resources and habitat when docks and piers are constructed. In addition, the area below the extreme low tide line is a shoreline of statewide significance that requires a higher level of protection under the SMA. The construction plans indicate that the float will lie adjacent to the kelp bed.



The relevant sections of the SMP are described below:

a. Chapter 4, Master Program Goals

4.02 Goal Statements

2. Conservation _ To preserve, protect, and restore the natural resources of Skagit County's shorelines in the public interest and for future generations. These natural resources include but are not necessarily limited to fish, wildlife, vegetation, and natural features found in shoreline regions. Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment.

b. Chapter 5, Shorelines of Statewide Significance

5.03 Policies for Shorelines of Statewide Significance

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

c. Chapter 7, Policies and Regulations

7.10 Piers and Docks

1. Policies

A. General

(6) Water Quality, Fish, Shellfish, and Wildlife – Piers and docks and their associated activities should conserve and enhance water quality, fish, shellfish, and wildlife resources and habitats.

B. Geohydraulics and Design/Location

(5) Impacts – Piers and docks should be sited and designed to minimize all possible adverse impacts.

Pursuant to 15 C.F.R. § 930.4, if the condition above is not met then all parties shall treat this conditional concurrence letter as an objection.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

Sincerely,



Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:rrp:cja

By certified Mail: 7011 0470 0003 3720 9893

cc: Randel Perry, U.S. Army Corps of Engineers
Peter Zuvela, Waterfront Construction, Inc.

e-cc: Bob Fritzen, Ecology BFO
Loree' Randall, Ecology, SEA
ecyrefedpermits@ecy.wa.gov