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: Susan Powell, Project Manager

Public Notice Date: January 11, 2005
Expiration Date: February 11, 2005
Reference: 200401234
Name: Martin, Curtis

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 Rivers and Harbors Act of March 3, 1899, for certain work described below and shown on the enclosed drawings.

APPLICANT – Curtis Martin
8158 Autumn Lane
Clinton, Washington 98236
Telephone: (360) 579-2891

AGENT – Steve Mitchell
7846 Cultus Bay Road
Clinton, Washington 98236
Telephone: (360) 579-1628

LOCATION – In Cultus Bay near Clinton, Island County, Washington

WORK – Using a clamshell dredge on a barge-mounted crane, dredge a total of 50 cubic yards of sediment from beneath the floating docks on each of the applicant's two adjacent lots. The dredged material will be loaded onto a barge and disposed of at an upland location.

PURPOSE – Provide adequate depth so that boats and floats do not ground out at low tide.

ENDANGERED SPECIES – The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus)* threatened, Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) threatened, coastal/Puget sound bull trout (*Salvelinus confluentus*) threatened, marbled murrelet (*Brachyramphus marmoratus*) threatened, Steller sea lion (*Eumetopias jubatus*) threatened, Humpback whale (*Megaptera novaeangliae*) endangered, leatherback sea turtle (*Dermochelys coriacea*) endangered, and killer whale (*Orcinus orca*) proposed threatened, in the state of Washington, may occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to the bald eagle, chinook salmon, coastal/Puget Sound bull trout, marbled murrelet, Steller sea lion, humpback whale, killer whale, and leatherback sea turtle.

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, and coastal pelagic species occurs in the project area. The proposed action would impact approximately 700 square feet of EFH for these species.

If the 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:

> Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The area has been extensively modified by modern development so that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The District Engineer 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 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 of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program.

This proposal is the subject of Shorelines Substantial Development Permit No. 327/04 which has been issued by Island 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 Susan.M.Powell@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 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:

Martin, Curtis,
200401234

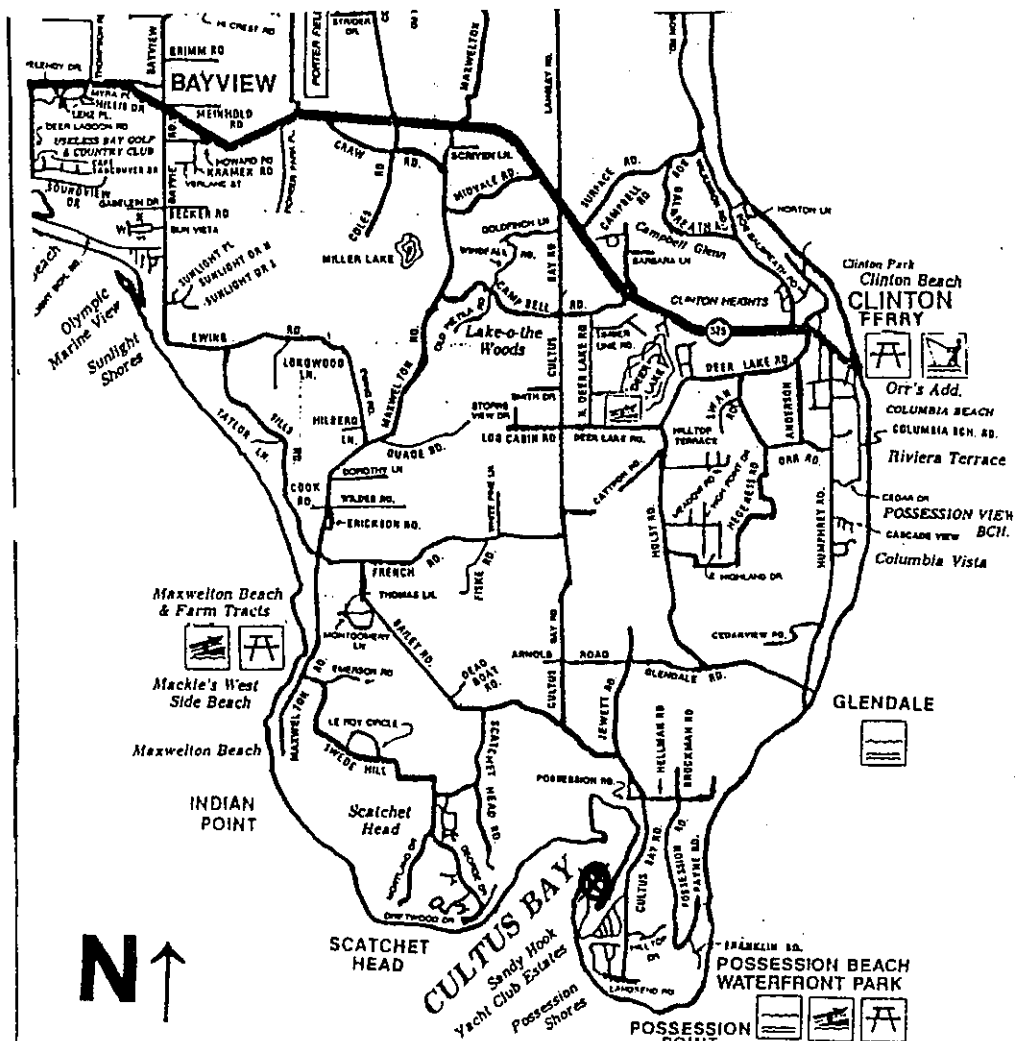
Encl
Drawings (3)

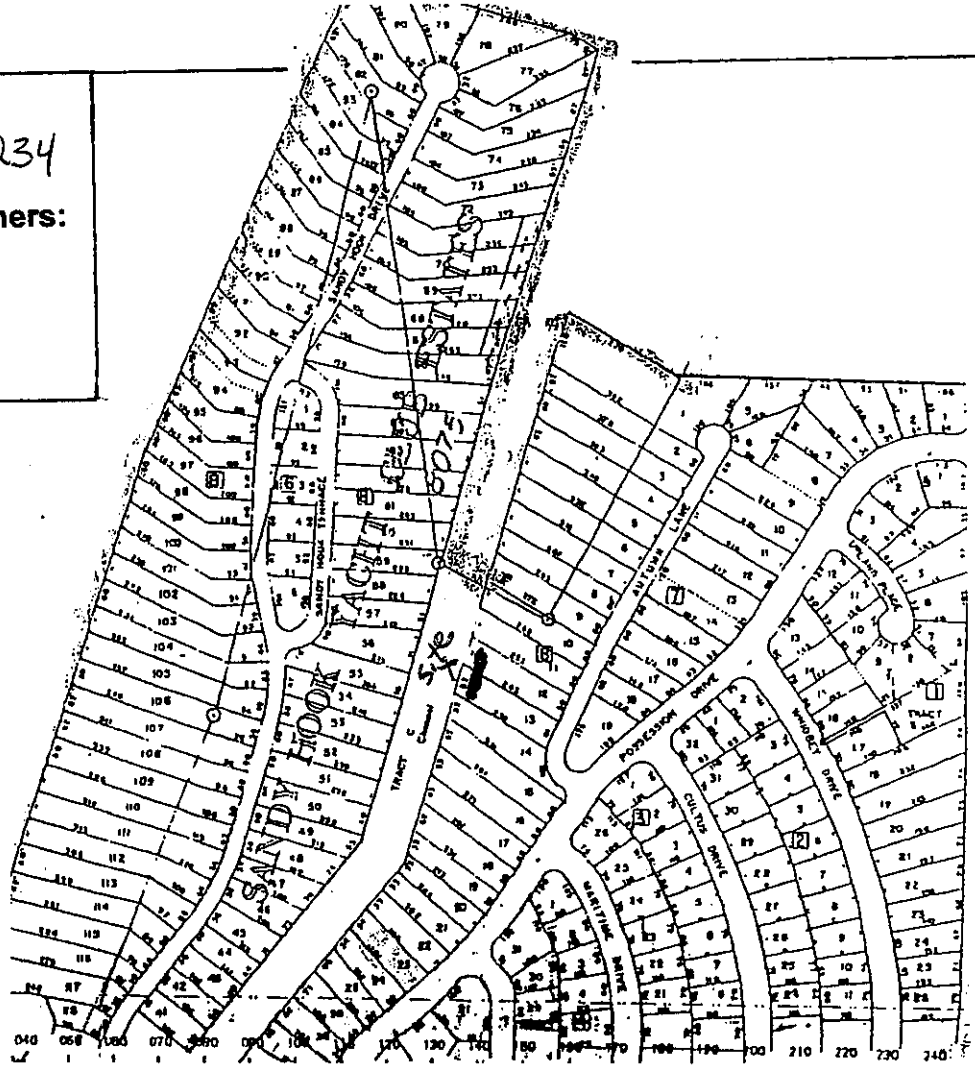
Figure 1. Location and Vicinity Maps

Proposed: Maintenance Dredge Moorage
Applicants: Curtis and Beverly Martin
Purpose: Maintain Private Moorage
Site: 8158 Autumn Lane
Clinton, Island County, WA 98236
Waterway: Cultus Bay
Sec14 T28N R03E 1/4SW

Reference #: 200401234
Datum: [MLLW]
Adjacent Property Owners:
1. MacPherson
2. Sonne

Sheet: 1 of 3
Date: 8/16/2004





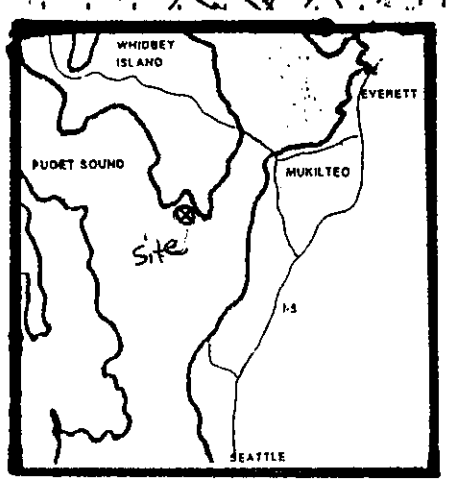


Figure 2. Site Map

SANDY HOOK MARINA

N↑ **1" = 45'**

Area to be Dredged Outlined

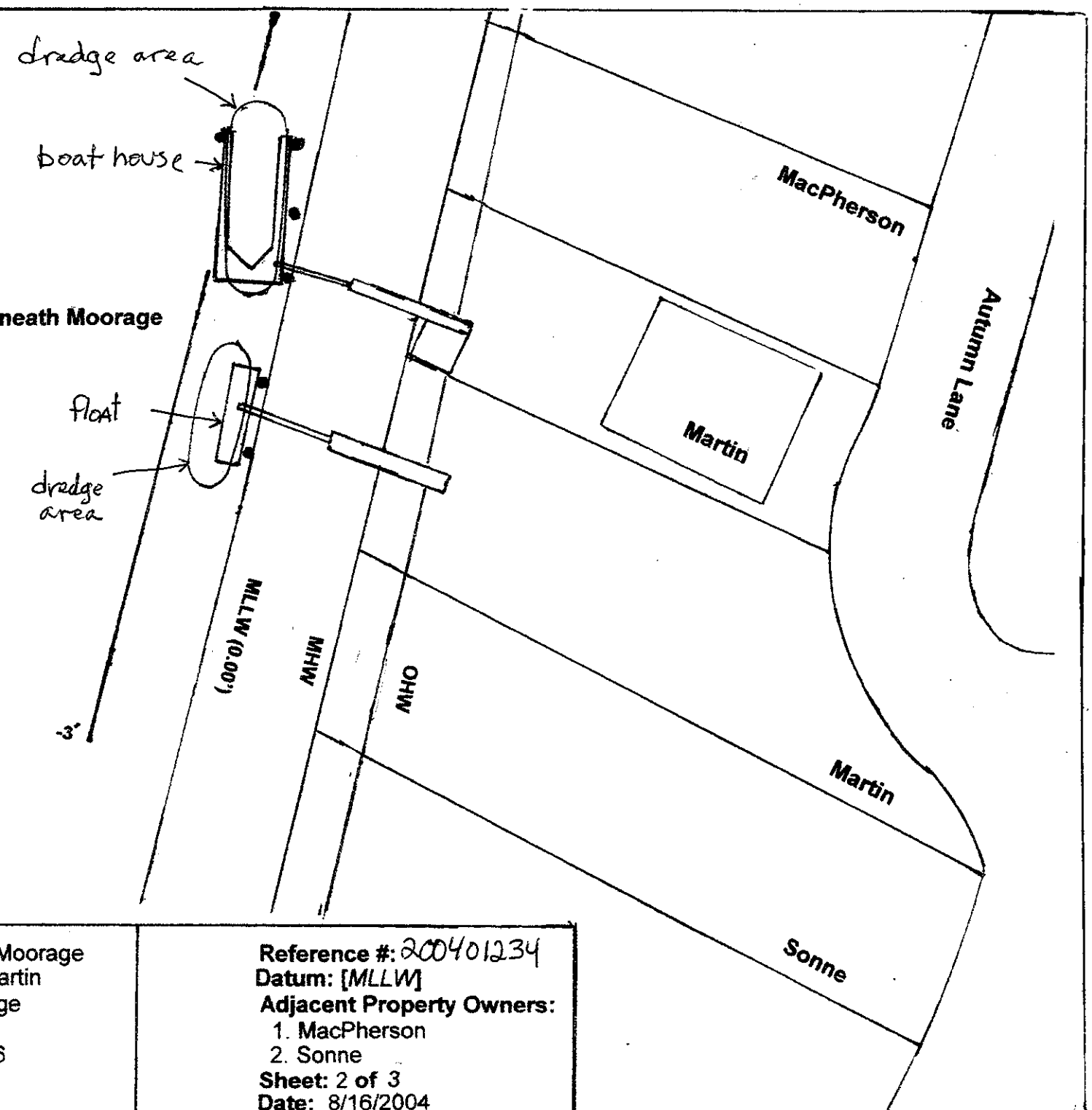
Cut Will Provide –3.5 MLLW Beneath Moorage

Maximum of 25 Cubic Yards

of Material to be Removed at each dredge area.

Dredged Material to be Barged

to Offsite Disposal



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Waterway: Cultus Bay
Sec14 T28N R03E **1/4**SW

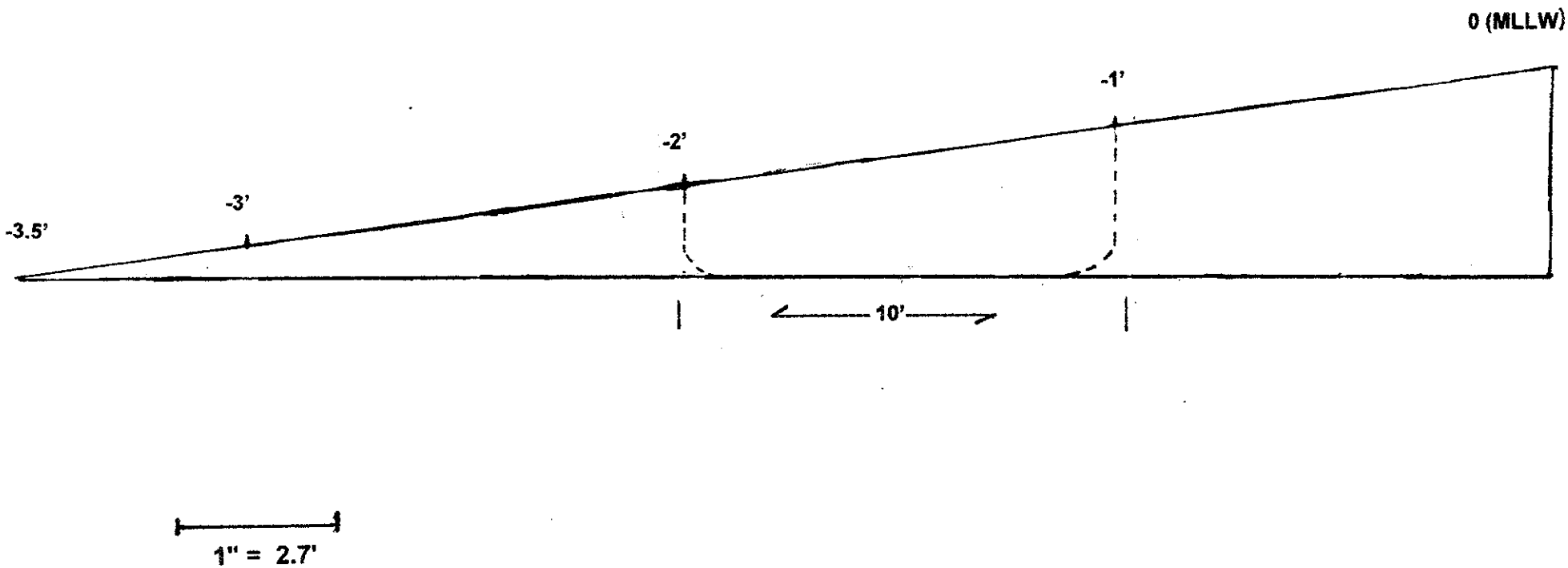
Reference #: 200401234
Datum: [*MLLW*]
Adjacent Property Owners:
1. MacPherson
2. Sonne

Sheet: 2 of 3
Date: 8/16/2004

Figure 3. Cross Section of Dredge Cut

For both locations

Cut Will Provide –3.5 MLLW Beneath Moorage
Maximum of 25 Cubic Yards of Material to be Removed @ each location.
Cut Will be Located Between –1 MLLW and –2 MLLW
Footprint of Cut 10'X 40'
Dredged Material to be Barged to Offsite Disposal



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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
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: January 11, 2005

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. 200401234 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