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: Jim Green, Project Manager

Public Notice Date: January 7, 2005
Expiration Date: February 7, 2005
Reference: 200400590
Name: Gallagher Dilley, William & Mary

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Mr. William L. and Ms. Mary F. Gallagher Dilley
12425 Southwest Bank Road
Vashon, Washington 98070
Telephone: (206) 463-3499

AGENT - Ecological Land Services, Incorporated
Mr. Timothy J. Haderly
1157 - 3rd Avenue, Suite 220
Longview, Washington 98632
Telephone: (360) 578-1371

LOCATION - In wetlands adjacent to the Pacific Ocean near Westport, Grays Harbor County, Washington.

WORK - Construct a private road for access and development of a 9-lot single-family residential subdivision on a 9.2 acre parcel of land. Construction of the road will require the filling of 0.19 acres of coastal/dunal wetlands. An additional 0.02 of an acre of wetlands will be indirectly impacted through fragmentation of the wetlands.

PURPOSE - To provide residential housing.

MITIGATION - Mitigation for the loss of 0.21 acres of wetlands will consist of creating 0.58 acres of scrub-shrub, forested wetlands adjacent to Wetland F, see sheets 2, and 4. This will be accomplished by excavating a 0.58 acre upland area along the west side of Wetland F down to the same elevation as Wetland F and then planting appropriate species.

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. Coastal bull trout (*Salvelinus confluentus*); the bald eagle (*Haliaeetus leucocephalus*); marbled murrelet (*Brachyramphus marmoratus);* and the western snowy plover (*Charadrius alexandrinus*), listed as threatened in the state of Washington (State), may occur in the proposed project area. A preliminary determination indicates that the activity will have no affect on these species.

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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The U.S. Army Corps of Engineers (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:

There are no recorded historic properties within the permit area. The project area has accreted in modern times to the point that little likelihood exists for the project to affect an unrecorded 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. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit 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.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

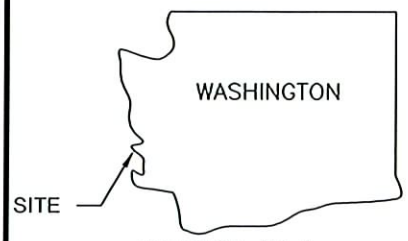
ADDITIONAL EVALUATION - The State is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development Permit application being processed by Grays Harbor County.

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 James.D.Green@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:

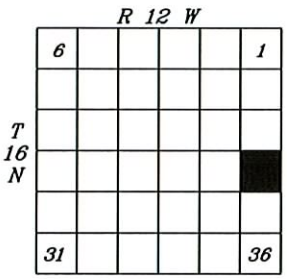
Gallagher Dilley, William & Mary, 200400590

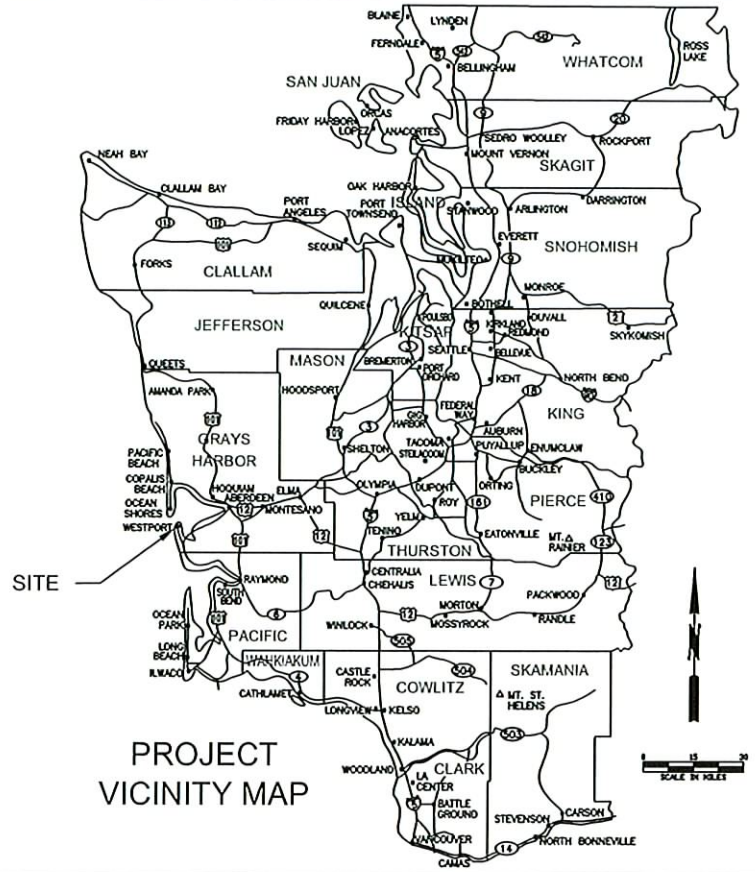
Encl
Drawings (4)



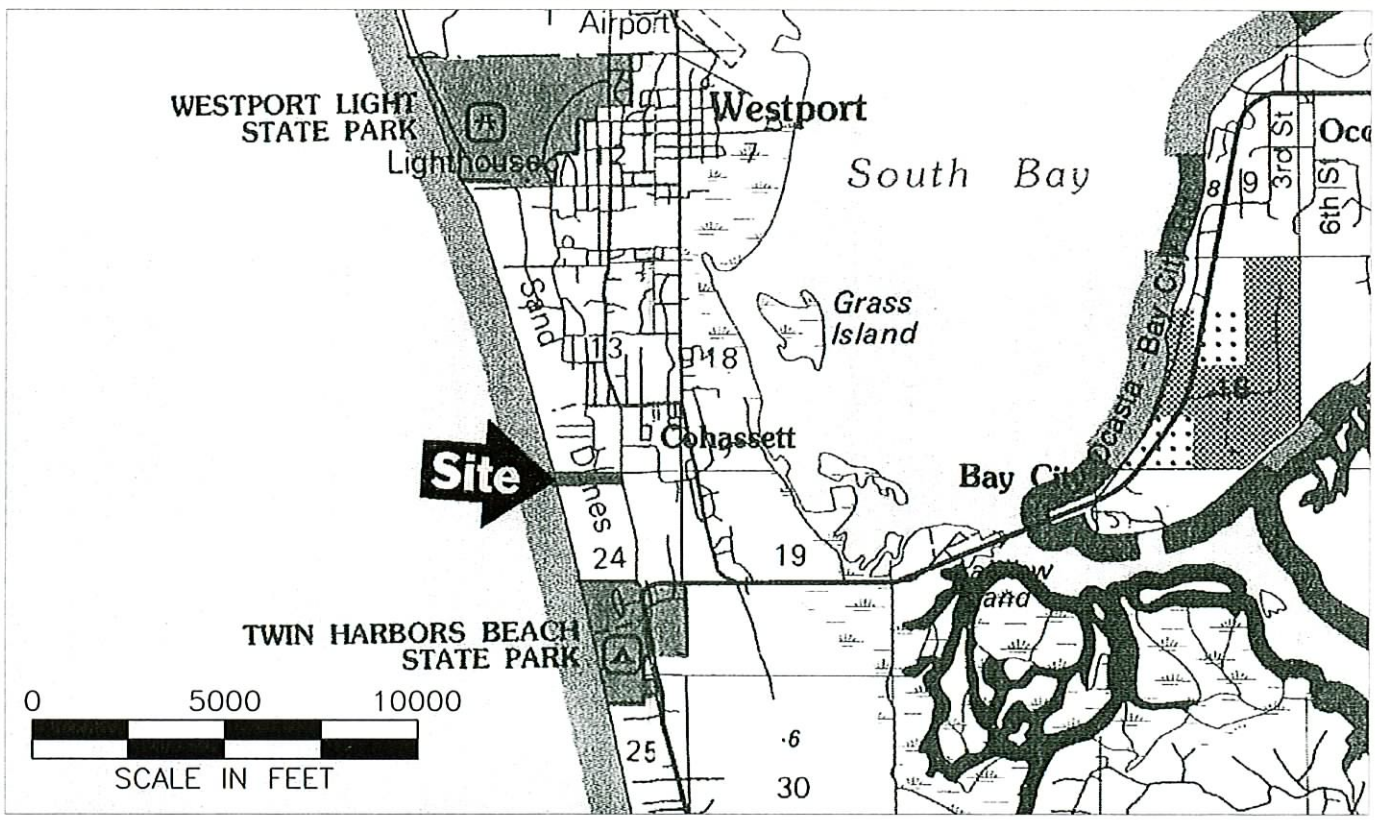
46d 51' 0" Latitiude
124d 6' 0" Longitude

LOCATION MAP





PROJECT VICINITY MAP



PURPOSE: Subdivision
DATUM: Ver:NGVD 1929 Horiz:NAD 1927
ADJACENT PROPERTY OWNERS:
1. Roger Nyhus
2. Andrew Ayers
3. Ken Bowe
4. Laverne & Dorothy Adkins
5. Grays Harbor Aubon Society

SITE VICINITY MAP

PROPOSED: Wetland Impact & Mitigation

LOCATION ADDRESS:
Accessed From SR 105 Spur
(Address not yet assigned)

REFERENCE: 2004-00-590
APPLICANT: Mary Dilley
COUNTY: Grays Harbor, Washington
WATERBODY: Pacific Ocean
NEAR: Westport
DATE: 12/20/04

SHEET 1 of 4

Jul 03, 2004 - 8:38am

LEGEND: Fill

Proposed Wetland Impacts: 8,315 sq.ft.= 0.19 Ac

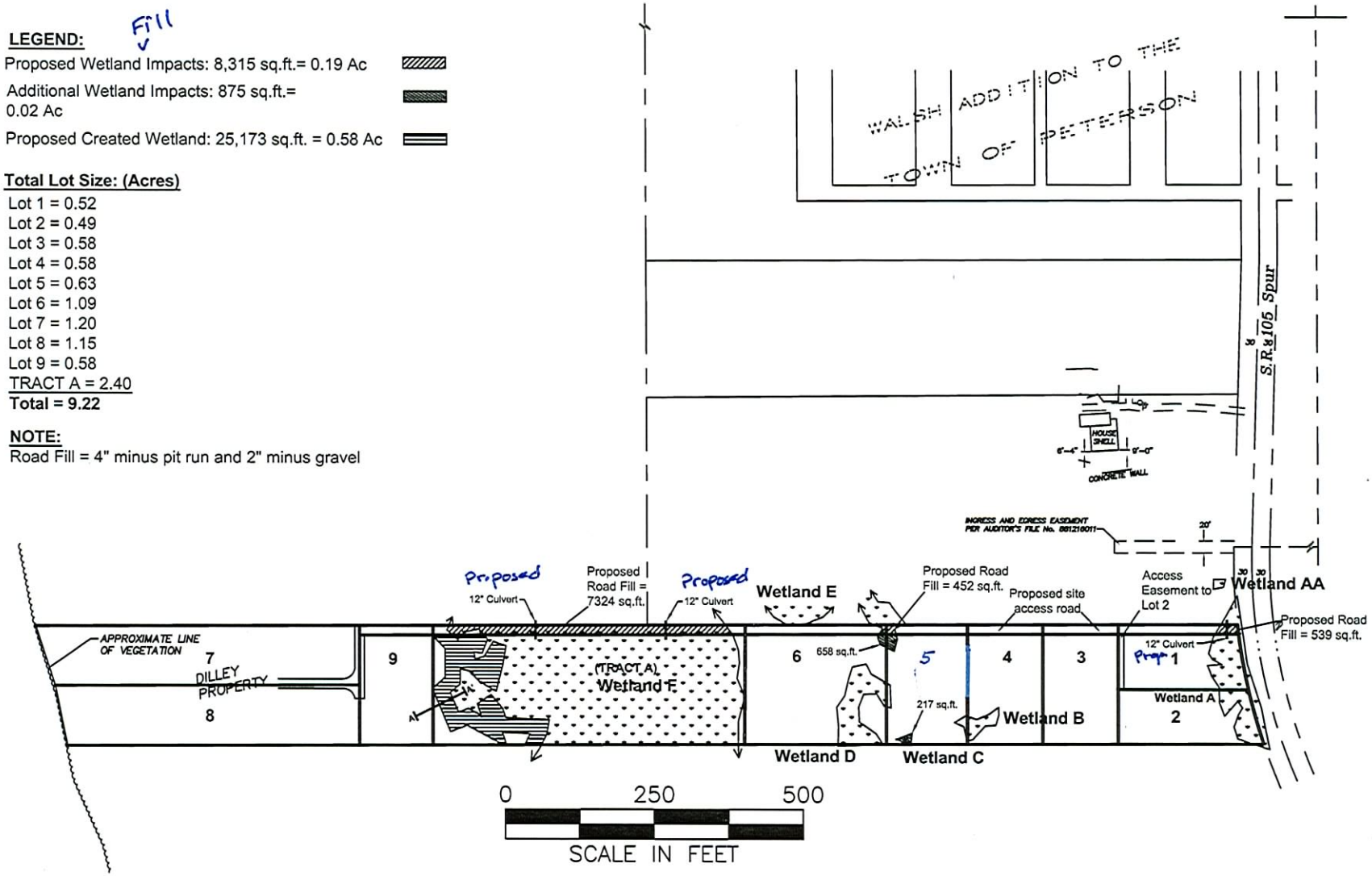
Additional Wetland Impacts: 875 sq.ft.= 0.02 Ac

Proposed Created Wetland: 25,173 sq.ft. = 0.58 Ac

Total Lot Size: (Acres)

Lot 1 = 0.52
Lot 2 = 0.49
Lot 3 = 0.58
Lot 4 = 0.58
Lot 5 = 0.63
Lot 6 = 1.09
Lot 7 = 1.20
Lot 8 = 1.15
Lot 9 = 0.58
TRACT A = 2.40
Total = 9.22

NOTE:
Road Fill = 4" minus pit run and 2" minus gravel



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WETLAND IMPACTS AND MITIGATION MAP

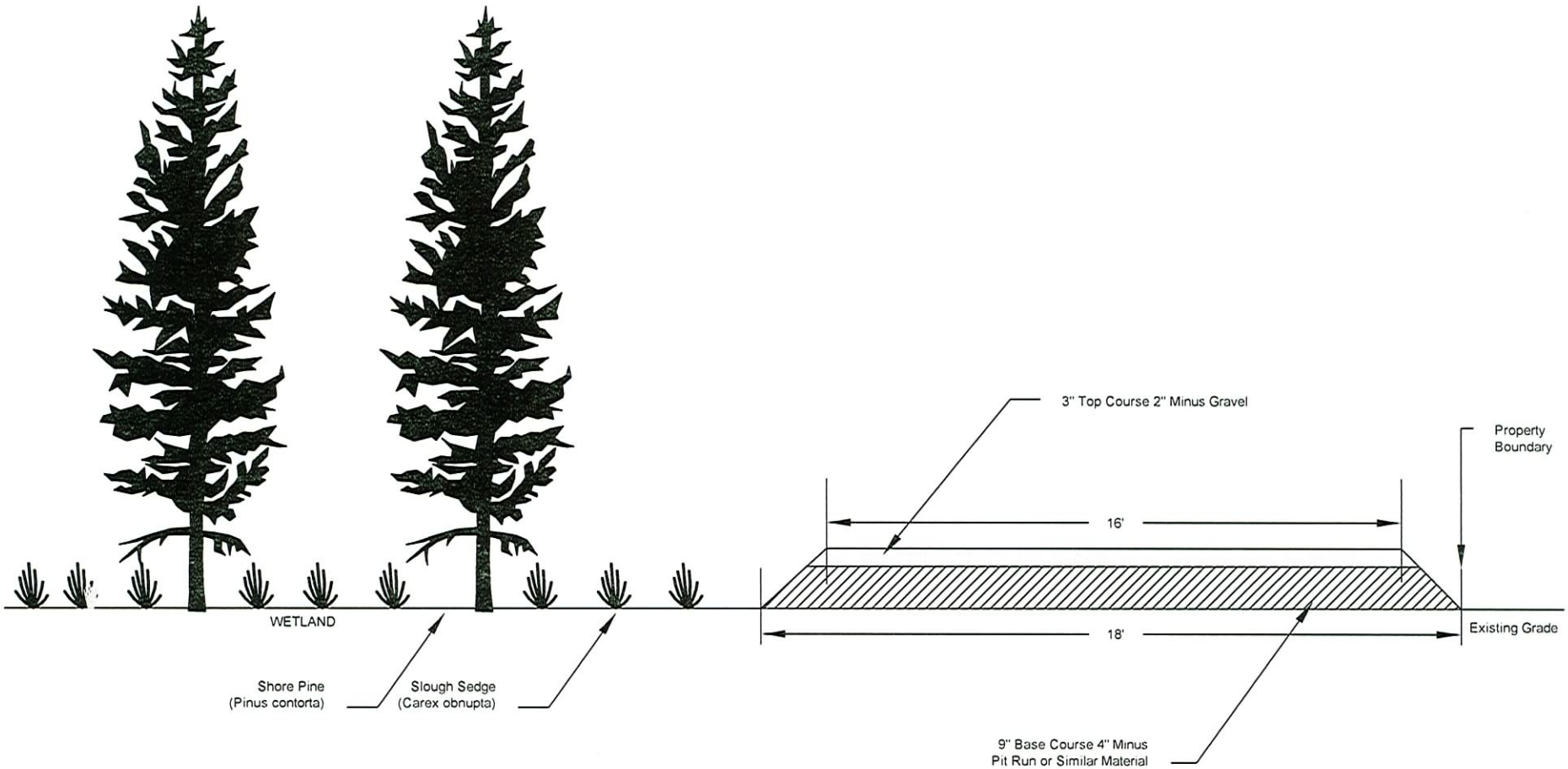
PROPOSED: Wetland Impact & Mitigation

LOCATION ADDRESS:
Accessed From SR 105 Spur.
(Address not yet assigned)

REFERENCE: 2004-00-590
APPLICANT: Mary Dilley
COUNTY: Grays Harbor, Washington
WATERBODY: Pacific Ocean
NEAR: Westport
DATE: 12-20-04

SHEET 2 of 4

Dec 20, 2004 - 4:21pm
S:\Grays Harbor 2\Dilley, Mary\Mitigation Plan\Corps Templates\Figs 2,4,5,6.dwg



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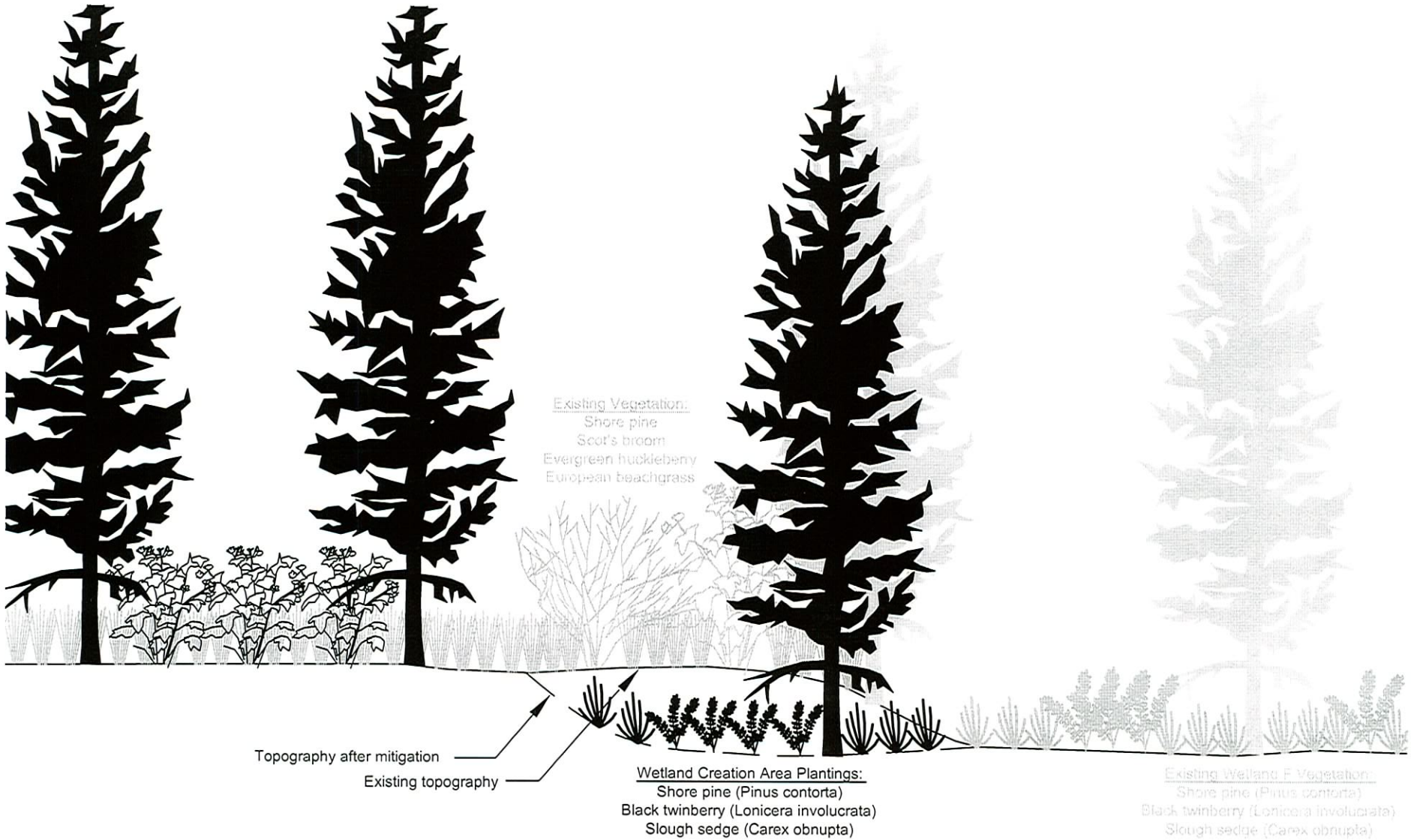
ROAD PROFILE

PROPOSED: Wetland Impact & Mitigation

LOCATION ADDRESS:
Accessed From SR 105 Spur.
(Address not yet assigned)

REFERENCE: 2004-00-590
APPLICANT: Mary Dilley
COUNTY: Grays Harbor, Washington
WATERBODY: Pacific Ocean
NEAR: Westport
DATE: 12/20/04 **SHEET** 3 of 4

Jul 03, 2004 - 8:30am



PURPOSE: Subdivision
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CROSS-SECTION OF WETLAND MITIGATION AREA

PROPOSED: Wetland Impact & Mitigation

LOCATION ADDRESS:
Accessed From SR 105 Spur.
(Address not yet assigned)

REFERENCE: 2004-00-590
APPLICANT: Mary Dilley
COUNTY: Grays Harbor, Washington
WATERBODY: Pacific Ocean
NEAR: Westport
DATE: 12/20/04 **SHEET** 4 of 4

Jul 03, 2004 - 8:35am

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
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: January 7, 2005

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200400590 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

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 above referenced project 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 on either or both (1) compliance with water pollution control laws or (2) 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