



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: Erin Legge, Project Manager

Public Notice Date: April 30, 2010
Expiration Date: May 30, 2010
Reference: NWS-2009-00522
Name: Port Ludlow Associates

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 1899, for certain work described below and shown on the enclosed drawings.

APPLICANT: Port Ludlow Associates, LLC
Attention: Ms. Miriam Villiard
70 Breaker Lane
Port Ludlow, Washington 98365
Telephone: (360) 437-8335

AGENT: Reid Middleton
Attention: Ms. Nicole Faghin
728 – 134th Street Southwest, Suite 200
Everett, Washington 98204
Telephone: (425) 741-3800

LOCATION: In Port Ludlow Bay (Port Ludlow Marina) at Port Ludlow, Jefferson County, Washington.

LATITUDE/LONGITUDE: 47° 55' 22" North, 122° 41' 07" West

WORK: This project entails the expansion of a commercial marina; it is an update of a previously issued permit (NWS-2001-01151). That work was not completed and the permit expired April 28, 2007.

PURPOSE: The purpose of the project is to expand and improve commercial marina operations.

ADDITIONAL INFORMATION: The marina currently has 280 slips and space for about 20 more boats along the sides of the main service floats. This proposal would add 66 slips ranging in size from 36-60 feet long with adjacent side-tie areas to moor larger vessels. Proposed work includes an extension for the main headwalk, extension floats for "D" dock and "F" dock, the installation of finger floats on "F" dock and a breakwater float with float fingers. A kayak float, fuel float, seaplane float and the dinghy floats at "D" and "E" docks would be replaced as part of the project. In addition, existing seaplane gangways, "A" dock, and ten treated wood piles would be removed. Marina infrastructure improvements, such as an upgraded electrical and lighting system and the installation of ADA-compliant access ramps are also proposed.

Approximately 66 (twelve-inch diameter) steel piles are proposed to be driven with a barge-mounted pile driver (preferably vibratory) using appropriate sound attenuation devices. The floats would be unloaded from the shore or barge by crane and floated into place; piles would be driven once the structures are in position. The completed project would result in a reduction of 995 square feet of shallow water coverage and an increase of 22,577 square feet of deep water coverage. New and replacement structures would be fully grated with at least 38% open area. The work is projected to take 2 to 3 months to complete within designated work windows.

MITIGATION: Proposed mitigation includes riparian vegetation enhancement and invasive species removal; native plants would be installed along 600 feet of the northern and eastern shorelines as indicated in Figure 2.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of 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. The U.S. Army Corps of Engineers (Corps) has evaluated the potential impacts to proposed and/or listed species and their designated critical habitat and will consult with the NMFS and/or USFWS pursuant to Section 7 of the ESA.

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). The 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 has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. There are no recorded historic properties within the permit area and activities are limited to areas where past disturbance was so severe as to preclude the existence of intact cultural deposits. In addition, the work is of such a limited nature that little likelihood exists for the project to impinge upon an unrecorded 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. 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.

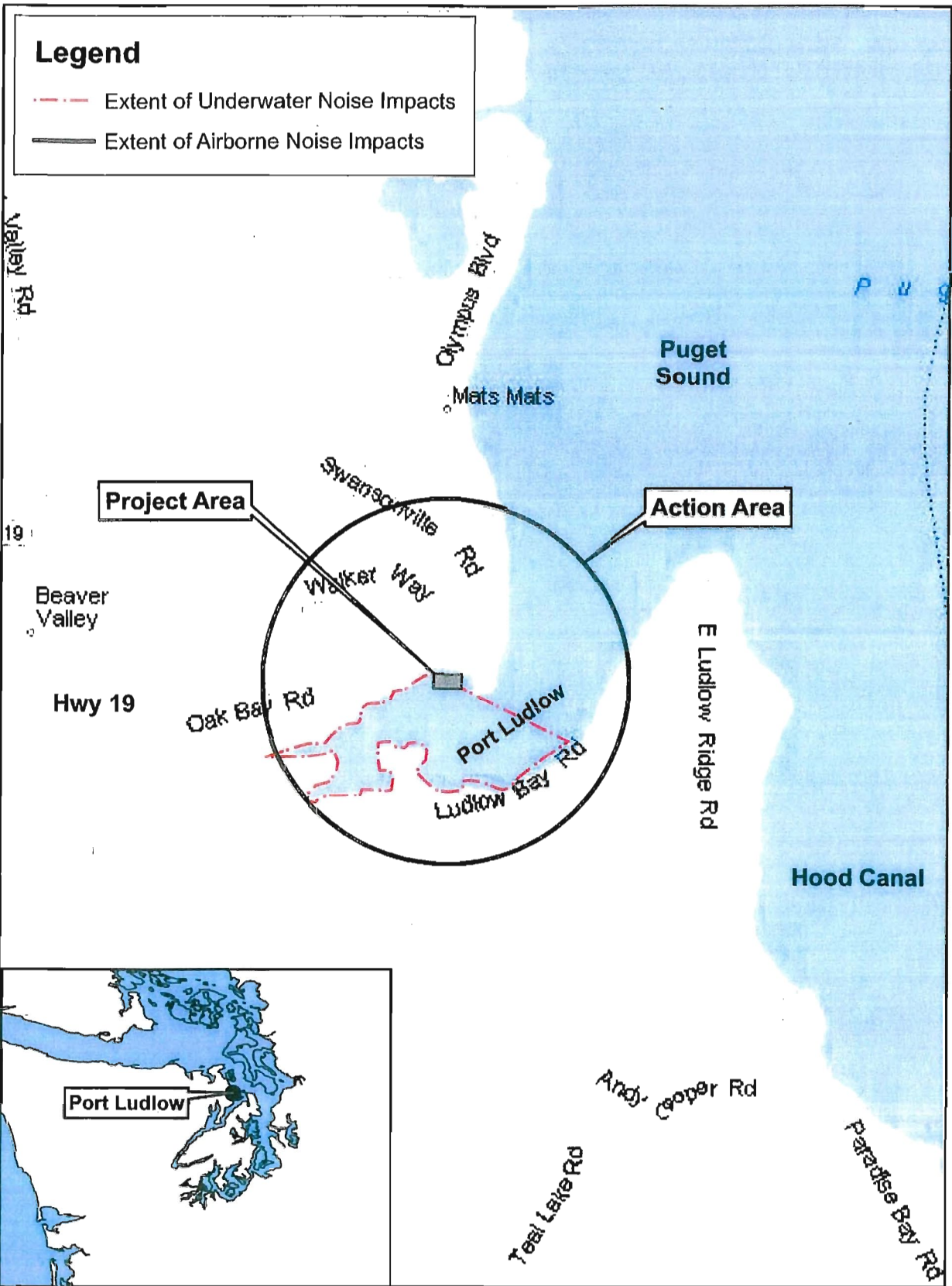
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable 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.

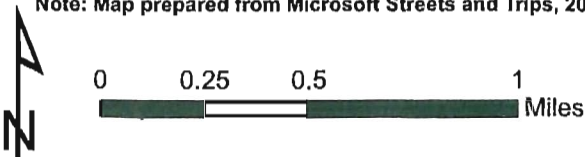
The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine 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 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 include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. E-mail comments should be sent to: Erin.L.Legge@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, at Post Office Box 3755, Seattle, Washington 98124-3755. Both conventional mail and 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: **Port Ludlow Associates, NWS-2009-00522.**

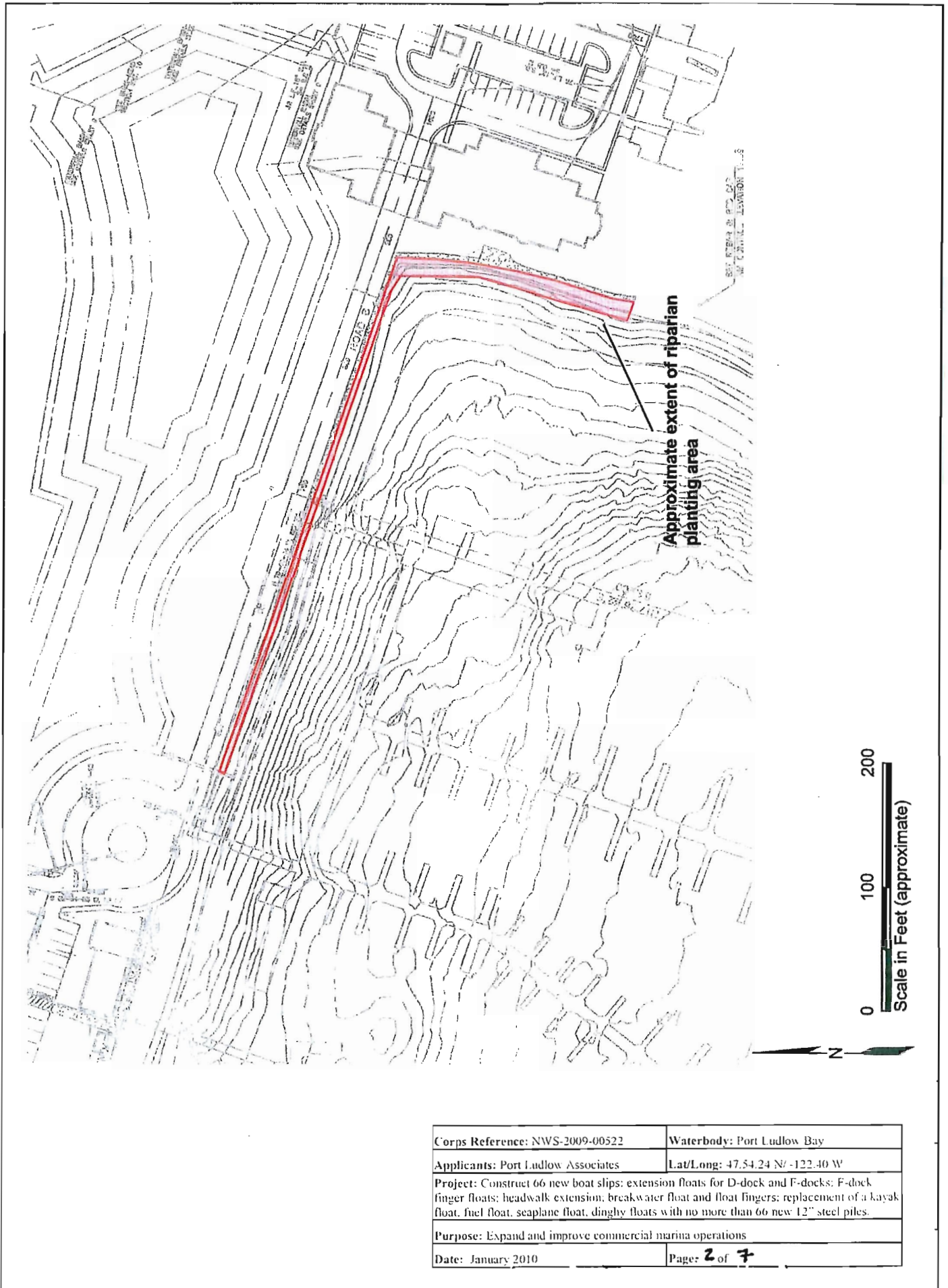
Encl: Figures (7)



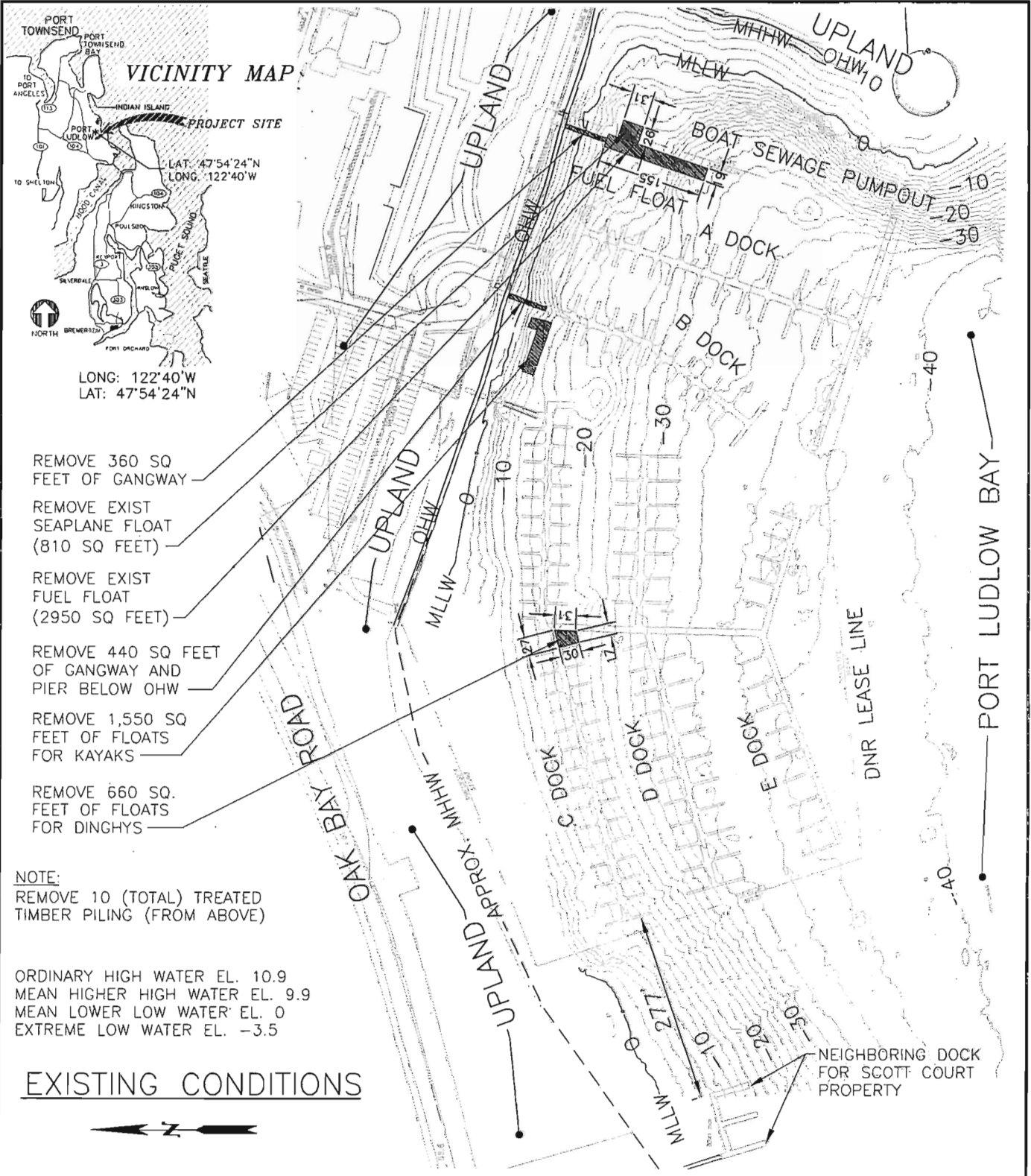
Note: Map prepared from Microsoft Streets and Trips, 2007.



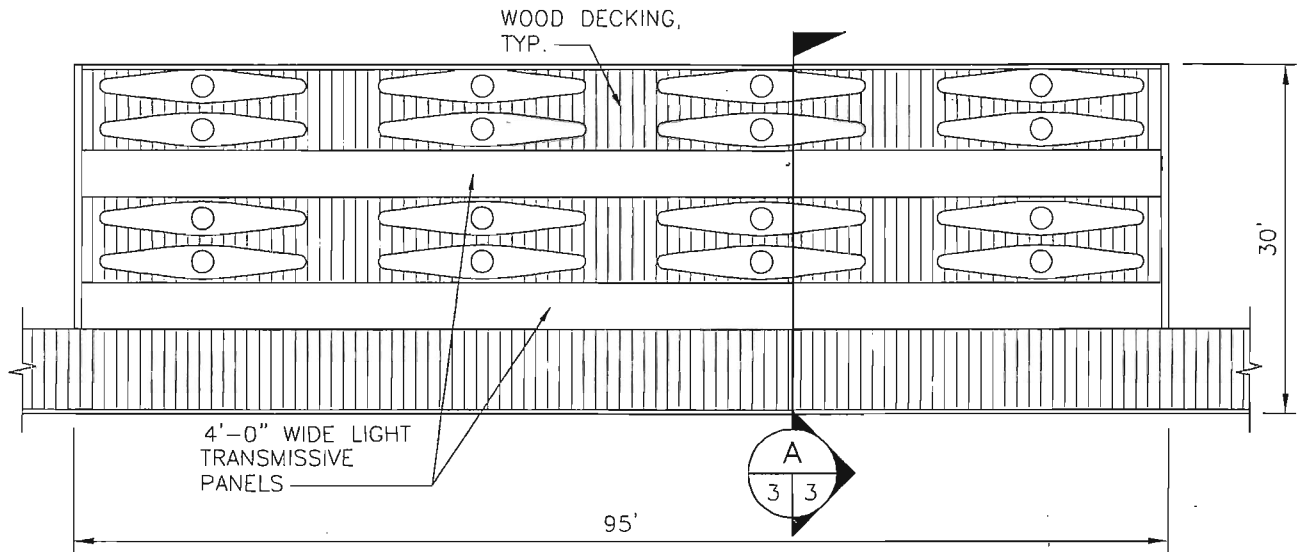
Corps Reference: NWS-2009-00522	Waterbody: Port Ludlow Bay
Applicants: Port Ludlow Associates	Lat/Long: 47.54.24 N / -122.40 W
Project: Construct 66 new boat slips; extension floats for D-dock and F-docks; F-dock finger floats; headwalk extension; breakwater float and float fingers; replacement of a kayak float, fuel float, seaplane float, dinghy floats with no more than 66 new 12" steel piles.	
Purpose: Expand and improve commercial marina operations	
Date: January 2010	Page: 1 of 7



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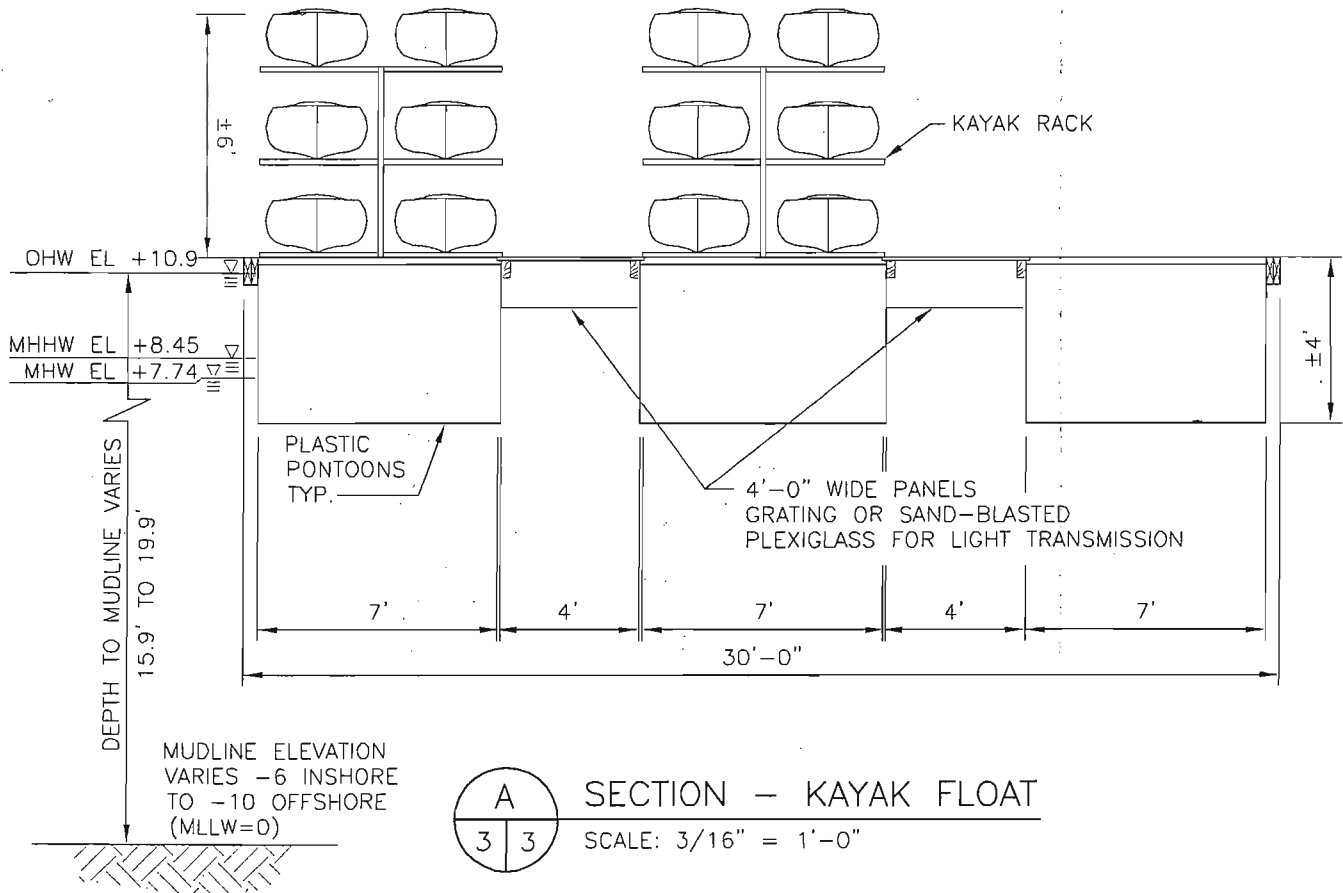


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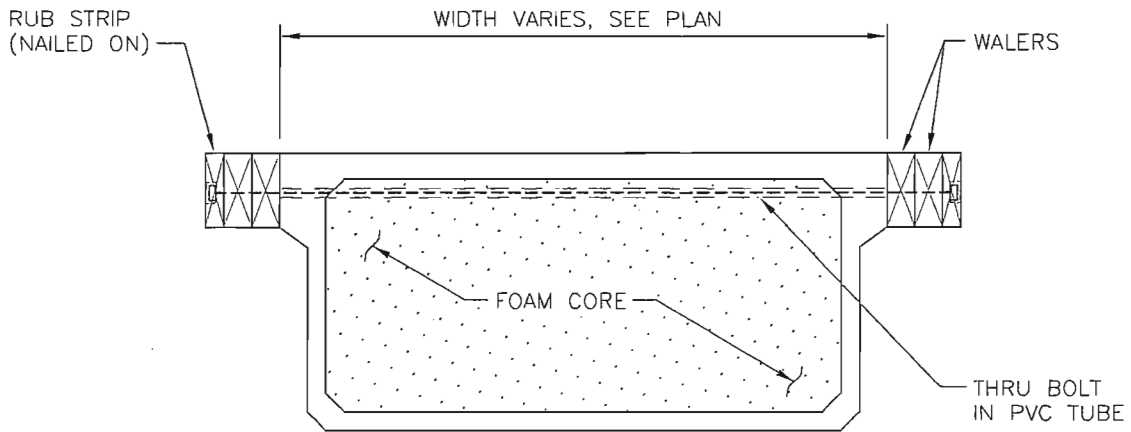


PLAN - KAYAK FLOAT

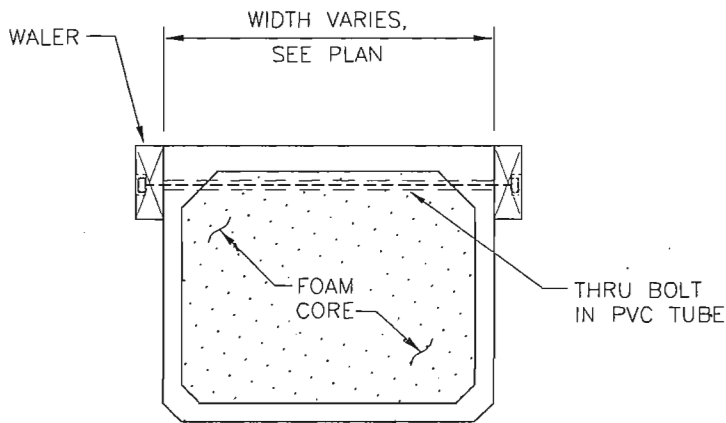
SCALE: 1/16" = 1'-0"



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MAIN FLOAT



FINGER FLOAT

TYPICAL CONCRETE FLOAT SECTIONS

NOT TO SCALE

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PORT LUDLOW MARINA EXPANSION CHANGE IN OVERWATER COVERAGE

<u>SHALLOW WATER - LESS THAN -20 FEET (MLLW=0.00')</u>		SF
FUEL FLOAT	REMOVE EXISTING GANGWAY	-360
FUEL FLOAT	REMOVE EXISTING FLOAT	-2,090
FUEL FLOAT	NEW FLOAT	2,090
SEAPLANE	REMOVE EXISTING FLOAT	-810
SEAPLANE	NEW FLOAT*	405
B DOCK	REMOVE EXIST GANGWAY/PIER BELOW OHW	-440
B DOCK	EXISTING KAYAK FLOAT (TO BE REMOVED)**	-1,550
B DOCK	MAIN EXTENSION / KAYAK FLOAT (B-C)***	2,330
C DOCK	EXISTING DINGHY FLOAT (TO BE REMOVED)	-660
D DOCK	NEW WEST LATERAL EXTENSION	90
NET INCREASE IN SHALLOW WATER COVERAGE TOTAL		-995
<u>DEEP WATER - GREATER THAN -20 FEET (MLLW=0.00')</u>		
FUEL FLOAT	REMOVE EXISTING FLOAT	-860
FUEL FLOAT	NEW FLOAT	860
D DOCK	NEW DINGHY FLOAT	1,372
D DOCK	NEW WEST LATERAL EXTENSION	2,580
E DOCK	NEW WEST FINGERS NEW WEST LATERAL EXTENSION	1,500 4,415
F DOCK	NEW EAST LATERAL EXTENSION NEW WEST LATERAL EXTENSION	2,865 7,815
MAIN DOCK	E DOCK TO F DOCK	2,030
NET INCREASE IN DEEP WATER COVERAGE TOTAL		22,577
TOTAL NEW OVERWATER COVERAGE / SQUARE FEET (SF)		21,582

NOTES: NEW GANGWAYS ARE 100% GRATED AND THEREFORE ARE NOT INCLUDED IN THE OVERWATER COVERAGE CALCULATION.

*THE NEW SEAPLANE FLOAT WILL HAVE APPROXIMATELY 50% GRATED DECKING. GRATED DECKING PANELS ARE NOT INCLUDED IN THE OVERWATER COVERAGE CALCULATION.

**THE EXISTING KAYAK FLOAT HAS NO LIGHT TRANSMISSION CAPABILITIES.

***THE PROPOSED NEW FLOAT HAS LIGHT TRANSMISSION PANELS, AS DISCUSSED IN THE JARPA APPLICATION. LIGHT TRANSMISSION PANELS (APPROXIMATELY 25% OF FLOAT) ARE NOT INCLUDED IN THE OVERWATER COVERAGE CALCULATION.

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