



200607130061

Skagit County Auditor

7/13/2006 Page

1 of

6 9:37AM

Document Title:

Letter

Reference Number:

Grantor(s):

☐ additional grantor names on page \_\_\_\_

1. Department of the Army
2. John K. Leighow

Grantee(s):

☐ additional grantee names on page \_\_\_\_

1. Charles Cobun
- 2.

Abbreviated legal description:

☐ full legal on page(s) \_\_\_\_

Flounder Bay Skyline Marina No 7  
Lot 7 #16

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page \_\_\_\_

P591595

COPY



DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

REPLY TO  
ATTENTION OF

JUL 11 2006

Regulatory Branch

COPY

Mr. Charles Cobun  
1004 Commercial Avenue, #206  
Anacortes, Washington 98221

Reference: 200500520  
Cobun, Charles

Dear Mr. Cobun:

The U.S. Army Corps of Engineers' (Corps) regulatory program provides for the authorization of certain work that is minor in nature, would not have significant individual or cumulative impacts on the environment, and should encounter no appreciable opposition by a type of permit known as a "Letter of Permission" (LOP). After reviewing your application for Department of the Army authorization to realign an existing float, install a float addition, and drive piling, we have determined that the proposed work meets these requirements and is authorized by this LOP. The proposed work would occur in Flounder Bay at Anacortes, Washington. The purpose of the proposed project is to provide improved boat moorage.

Your authorization to conduct the proposed work under this LOP is contingent upon you conducting the work as shown in the enclosed drawings dated July 27, 2005, which are made part of this permit; in compliance with the enclosed *Letter of Permission General Conditions*; and the following special conditions:

a. You must implement the Endangered Species Act (ESA) requirements and/or agreements set forth in the *Biological Evaluation, Floating Private Dock Extension, Flounder Bay Skyline Marina No. 7 Lot #16*, dated July 2005; and the addendums dated August 31, September 8, and September 27, 2005; in their entirety. The U.S. Fish and Wildlife Service concurred with a finding of "may affect, not likely to adversely affect" based on this document on January 9, 2006, (USFWS Reference #1-3-06-I-0051). The National Marine Fisheries Service concurred with a finding of "may affect, not likely to adversely affect" based on this document on June 5, 2006, (NMFS Reference #2005/06106).



200607130061  
Skagit County Auditor

b. In order to protect Chinook salmon and bull trout, the permittee may conduct the authorized activities from August 16 through February 15 in any year this permit is valid. The permittee shall not conduct work authorized by this permit from February 16 through August 15 in any year this permit is valid.

c. Plantings must be installed within two years of permit issuance. During the first through second years after planting, 100% survival is required. That is, 100% of the individual plants that die must be replaced. During the third through fifth years after planting, 80% survival is required. That is, 80% of the individual plants that die must be replaced. A report on the installation of the plantings, including as-built drawings, must be submitted to the U.S. Army Corps of Engineers (Corps) 24 months from the date of permit issuance. The permittee can meet this reporting requirement by submitting to the Corps a completed *Report for Mitigation Work Completion*.

d. Planting monitoring reports will be due annually for 5 years from the due date of the as-built drawings. The mitigation monitoring report will include written and photographic documentation on plant mortality and replanting efforts. Photographs must be taken between June – August (the best time of year to show plant growth). Photographs must show a panoramic view of the entire mitigation planting area. A set point from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted on the monitoring report. The permittee can meet this reporting requirement by submitting to the U.S. Army Corps of Engineers a completed *Mitigation Planting Monitoring Report*.

e. The planted area associated with work authorized by this permit, shall not be made the subject of a future individual or general Department of the Army permit application for fill or other development. A copy of this permit and permit and planting plan drawings, must be recorded with the Registrar of Deeds, within 60 days from the date of permit issuance.

Please be reminded that Special Conditions "A" through "E" of your permit requires that you implement and abide by the ESA requirements for this project. In particular, note that they require that you implement a shoreline planting plan, monitor and submit monitoring reports on the planted area to the Corps and Services annually for a period of 5 years, and record the location and description of the planting area on your deed. Failure to comply with these special conditions constitutes non-compliance with the ESA and your Corps permit.

Your authorization to conduct the proposed work under this permit expires JUL 1 2009. Please remember that failure to comply with the terms and conditions of this LOP, including any special conditions, invalidates your authorization and could result in a violation of Federal law. Any change in the plans for this work will require that you submit revised drawings to this office and receive our written approval of those changes prior to conducting the work. If you object to this permit decision, you may request an administrative appeal under our regulations as described



200607130061  
Skagit County Auditor

in the enclosed *Appeal Process Fact Sheet* and the *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form to the address indicated on the form. Your signature on this form is our assurance you have conducted the work and any required mitigation in accordance with the terms and conditions of this LOP, including all special conditions.

---

We have reviewed your project pursuant to the requirements of the Endangered Species Act (ESA). After consulting with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service, we have determined that this project will meet the requirements of the ESA provided you comply with special conditions "A" through "E" listed above. We have also reviewed your project pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, and determined that the proposed action will not adversely affect Essential Fish Habitat for federally managed fisheries in Washington.

While this project will not require further authorization from us, please note that it must comply with all State, local, and other Federal requirements that may apply. For example, you may need to obtain a Shoreline Substantial Development Permit from Skagit County and/or a Hydraulic Project Approval from the Washington Department of Fish and Wildlife. You should also contact the Washington State Department of Natural Resources before starting work for a determination of leasing requirements for work over submerged lands. For further information, we recommend you contact the Washington Department of Ecology's Permit Assistance Center at (800) 917-0043 or, on the Internet, at <http://www.ecy.wa.gov/programs/sea/pac/>.

Thank you for your cooperation during the permit process. Your efforts help us protect our nation's aquatic resources. Please remember to fill out and return the compliance certification form within 30 days of completing the authorized work. We are interested in your thoughts and opinions concerning your experience with the U.S. Army Corps of Engineers, Seattle District's Regulatory Program. Please complete a Customer Service Survey form. The form is available on our website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil) click on Regulatory – Regulatory/Permits. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

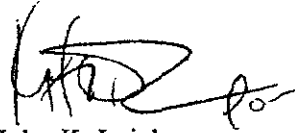
A copy of this letter with enclosures is being furnished to Mr. JT Schemmer, Schemmer Engineering, Inc. 317 Commercial Avenue, Suite 101, Anacortes, Washington 98221.



200607130061  
Skagit County Auditor

If you have any questions about this letter or our regulatory program, please contact Ms. Rozwin Liera at (206) 764-6901 or via email [rozwin.k.liera@usace.army.mil](mailto:rozwin.k.liera@usace.army.mil).

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

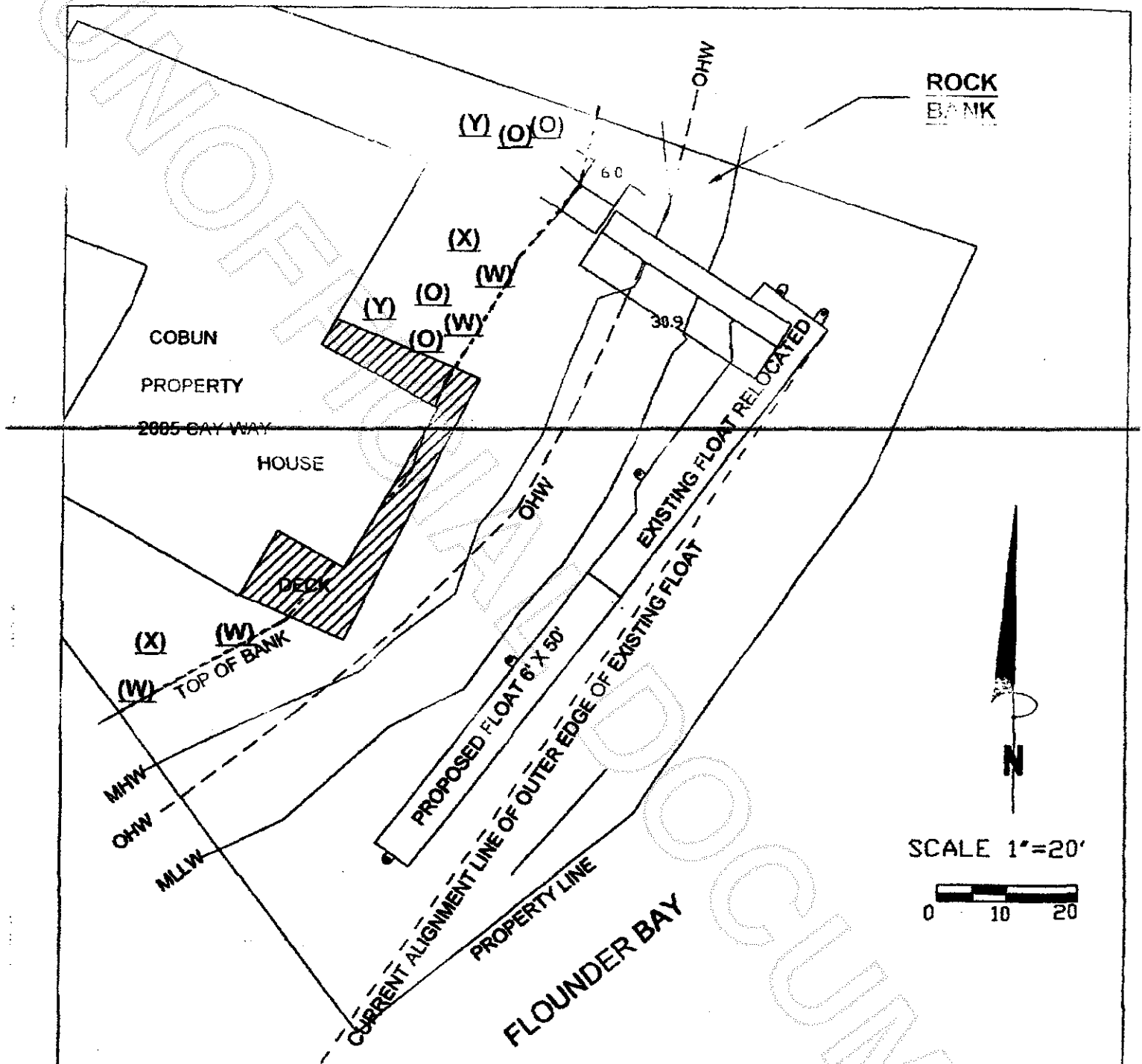
  
for John K. Leighow  
Lieutenant Colonel, Corps of Engineers  
Acting District Engineer

---

Enclosures



200607130061  
Skagit County Auditor



REFERENCE: 200500520

TITLE: PLANTING PLAN

PURPOSE: DOCK FLOAT EXTENSION

DATUM: MLLW

NAME: SUE &amp; CHARLES COBUN

SITE ADDRESS:

2005 CAY WAY

ANACORTES, WA 98221

PROPOSED: FLOAT.

IN: FLOUNDER BAY

NEAR/AT: ANACORTES

COUNTY: SKAGIT STATE: WA

DATE: 12-21-05

COMMON NAME(SYMBOL)

SHORE PINE (Y)

NOOKTA ROSE (X)

SALAL (O)

WILLOW (W)

SCIENTIFIC NAME

PINUS CONTORTA

ROSA NUTKANA

GAULTHERIA SHALLON

SALIX HOOKERANA

SPACING

5' ON CENTER

5' ON CENTER

5' ON CENTER

5' ON CENTER

#

2

2

4

4

NOTE: WILLOWS SHALL BE 1 gal. MIN. AT PLANTING.

Date: 7/27/05

PLANTING PLAN



200607130061

Skagit County Auditor