



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, SEATTLE DISTRICT  
4735 EAST MARGINAL WAY SOUTH, BLDG 1202  
SEATTLE, WA 98134-2388

Regulatory Branch

April 16, 2024

Mr. Marty Lott  
6855 W. Mercer Way  
Mercer Island, Washington 98040

Reference: NWS-2024-120  
Camp Red Trust  
(Pier Extension)

Dear Mr. Lott:

We have reviewed your application to repair and reconfigure an existing 522 square foot pier by removing 289 square feet of existing dock, removing an existing moorage cover, relocating an existing boat lift, repairing 259 square feet of existing dock, installing 263 square feet of new dock, removing 16 existing piles, repairing 4 existing piles, driving 12 new piles, and driving 1 new mooring pile for a total of 502 square feet of overwater coverage in Lake Washington at Mercer Island, King County, Washington. Based on the information you provided to us, this "Letter of Permission" (LOP) permit authorizes your proposal as depicted on the enclosed drawings dated January 5, 2024, which are made part of this permit. In order for this LOP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Letter of Permission General Conditions* and the following special conditions:

- a. In order to meet the requirements of the Endangered Species Act (ESA) and Magnuson-Stevens Fishery Conservation and Management Act (MSA) Restoration and Permitting (RAP) programmatic consultation (National Marine Fisheries Service (NMFS) Reference Number WCRO-2016-00008), you must implement and abide by the ESA requirements and/or agreements set forth in the Biological Opinion (BO) dated February 17, 2017, the NMFS' RAP Implementation Guide dated March 11, 2022, and the RAP form for your individual project (NMFS Reference Number WCRO-7013). The BO is available on the U.S. Army Corps of Engineers (Corps) website (Permit Guidebook, Endangered Species, Programmatic Consultations, Activities on Lakes Washington and Sammamish). Upon completion of the permitted work, you must submit an As-Built Report (see RAP Implementation Guide, Appendix E) to the Corps ([nws.compliance@usace.army.mil](mailto:nws.compliance@usace.army.mil)) and the NMFS ([rap-reports.wcr@noaa.gov](mailto:rap-reports.wcr@noaa.gov)). You must visually monitor the work area during construction when the substrate is disturbed and ensure that observable

turbidity increases do not extend beyond a 150-foot radius around the work area. If turbidity increases occur beyond this area, you must include it in your As-Built Report. You must comply with any required RAP planting plan (see RAP Implementation Guide, Appendices C and D) requirements and submit annual monitoring reports for five years to the Corps and the NMFS (rap-reports.wcr@noaa.gov). All reports must prominently display the reference number NWS-2024-120. Failure to comply with these requirements constitutes non-compliance with the ESA and your Corps permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of its BO and with the ESA. If you cannot comply with the terms and conditions of this programmatic consultation, you must, prior to commencing construction, contact the Corps, Seattle District, Regulatory Branch for an individual consultation in accordance with the requirements of the ESA and/or the MSA.

- b. To be in compliance with Special Condition “a”, you must request an invoice from the King County Mitigation Reserves Program (ATTN: Ms. Megan Webb, [megan.webb@kingcounty.gov](mailto:megan.webb@kingcounty.gov)) and provide the U.S. Army Corps of Engineers a receipt that you have paid the required conservation fees of \$3,406 within 60 days from the date of permit authorization. This information must prominently display the reference number NWS-2024-120.
- c. In order to meet the requirements of the Endangered Species Act (ESA) programmatic letter of concurrence for selected activities in the Lake Washington/Lake Sammamish Basins (U.S. Fish and Wildlife Service (USFWS) Reference Number 13410-2009-I-0386-R001), you must comply with the relevant conservation measures in the document titled, Conservation Measures for Activities Covered under the Lake Washington Programmatic Consultation Letter of Concurrence available on the U.S. Army Corps of Engineers (Corps) website (Permit Guidebook, Endangered Species, Programmatic Consultations, Activities on Lakes Washington and Sammamish). If you cannot comply with these conservation measures, you must, prior to commencing construction, contact the Corps, Seattle District, Regulatory Branch for an individual consultation in accordance with the requirements of the ESA. The USFWS is the appropriate authority to determine compliance with the ESA.
- d. In order to meet the requirements of the Endangered Species Act, you may conduct the authorized activities from July 16 through December 31 in any year this permit is valid. You shall not conduct work authorized by this permit from January 1 through July 15 in any year this permit is valid.

- e. To ensure that light transmission is not impacted, grating must not be covered with or blocked by any objects, such as, but not limited to, buildings, planters, storage sheds or boxes, nets, carpets, boards, tables, lawn furniture, or utility conduits or boxes.
- f. The Environmental Protection Agency, Region 10, Best Management Practices for Piling Removal and Placement in Washington State, dated February 18, 2016, must be adhered to during construction.

We have reviewed your project pursuant to the requirements of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act in regards to Essential Fish Habitat. The U.S. Army Corps of Engineers has determined that this project will comply with the requirements of the above laws provided you comply with special conditions "a" through "d" listed above.

Please be reminded that Special Condition "a" of your permit requires that you implement and abide by the Endangered Species Act (ESA) requirements set forth in the programmatic Biological Opinion (BO) for this project. In particular, within 60 days you must provide an As-Built Report, annual monitoring reports, and a receipt for the conservation fees, as described in the BO.

The Washington State Department of Ecology determined your project does not trigger the need for a Water Quality Certification or a Coastal Zone Management consistency determination.

Lake Washington is a water of the U.S. The Section 10 jurisdictional boundaries are shown on the enclosed permit drawings. If you believe these boundaries are inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD, and work authorized in this letter may not occur until the JD has been completed.

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 any terms or conditions of this LOP or the JD, you may request an administrative appeal under our regulations (33 CFR Part 331) as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

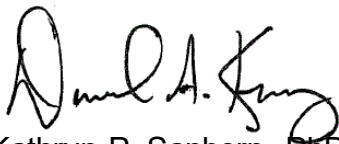
Your authorization to conduct the proposed work under this permit expires 3 years from the date of this letter. Within 30 days of completing the authorized work, you must

fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. 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. All compliance reports should be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch at [nws.compliance@usace.army.mil](mailto:nws.compliance@usace.army.mil). Please remember that failure to comply with the terms and conditions of this LOP, including any special conditions, will invalidate your authorization and could result in a violation of Federal law.

Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form and information about our program is available on our website at: [www.nws.usace.army.mil](http://www.nws.usace.army.mil) (select "Regulatory Branch, Permit Information").

While this project will not require further authorization from us, please note that it must comply with all local, State, and other Federal requirements that may apply. A copy of this letter and permit drawings will be furnished to Mr. Zion Napier at [permits@seabornpiledriving.com](mailto:permits@seabornpiledriving.com). If you have any questions about this letter or our regulatory program, please contact Ms. Alex Hammond at [alexandra.m.hammond@usace.army.mil](mailto:alexandra.m.hammond@usace.army.mil) or by phone at (206) 495-3014.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Kathryn P. Sanborn, PhD, PE, PMP  
Colonel, Corps of Engineers  
District Commander

Enclosures

cc:

USFWS ([wfwoclap@fws.gov](mailto:wfwoclap@fws.gov))  
Ecology ([ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov))  
DNR ([lalena.amiotte@dnr.wa.gov](mailto:lalena.amiotte@dnr.wa.gov))  
NMFS, RAP ([consultationupdates.wcr@noaa.gov](mailto:consultationupdates.wcr@noaa.gov))  
KCMRP ([megan.webb@kingcounty.gov](mailto:megan.webb@kingcounty.gov))