

SHORELINES HEARINGS BOARD  
STATE OF WASHINGTON

RECEIVED

MAY 25 2023

BY \_\_\_\_\_

Ean Joyner, Michelle Gustal

Petitioner(s),

PETITION FOR REVIEW

v.

City of Lacey  
WA Dept of Ecology

Respondent(s).

1. Petitioner(s)

Name of petitioner(s) Ean Joyner , Michelle Gusta  
Name of representative (if any) Alex Callender  
Mailing address 120 State Avenue NE PMB 190 Olympia, WA 98501  
Telephone number 360-481-4208  
Facsimile number (if available)  
E-mail address (if available) landservicesnw@gmail.com

2. Name of the local government and/or the Department of Ecology whose decision(s) you seek to review (respondent(s) in caption) #2023-SWRO-6641

3. Name of applicant (who should be named a respondent, if you are not the applicant and are appealing an order or decision based upon an application) Michelle Gusta, Ean Joyner

4. Petitioner(s) (is or are) requesting review of the attached order, decision, regulation or master program (attach also the application if the order or decision is based upon an application).

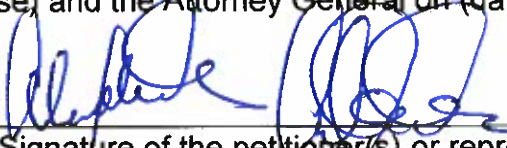
5. Petitioner(s) (believes or believe) the agency decision is unlawful or unjust because (set forth a short and plain statement of the legal grounds for the appeal).

Replacement Bulkhead is allowed. The deck is for enjoyment of Shorelines of the State and allowed

6. The petition is based upon the following pertinent facts (set forth a clear and concise statement of facts relied upon to support the grounds for the appeal).

7. Petitioner(s) (seeks or seek) the following relief (set forth the specific nature and extent of relief being sought). We are working with Ecology and the Ciity to provide an amicable soloution. We ran out of time to discuss the matter.

8. Copies of this petition were served upon the respondent(s) and upon the Department of Ecology (you need serve the Department of Ecology only once, even if it is a respondent in the case) and the Attorney General on (date of service).

  
Signature of the petitioner(s) or representative



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office

PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

February 10, 2023

Samra Seymour  
City of Lacey Senior Planner  
420 6th Ave. SE  
Lacey, WA, 98503

Re: City of Lacey Permit #19-309  
Michelle Gusta and Ean Joyner – Applicants  
Incomplete Shoreline Conditional Use Permit #2023-SWRO-6641

Dear Samra Seymour:

On January 23, 2023, the Department of Ecology (Ecology) received the City of Lacey decision to approve an after-the-fact Shoreline Conditional Use permit (CUP) to replace a bulkhead and gravel shoreline stabilization. We also received the City of Lacey decision to deny an after-the-fact request for variance permits to allow a concrete patio and installation of a second dock.

By law, Ecology must review all CUPs for compliance with:

- The Shoreline Management Act (90.58 RCW)
- Ecology's CUP approval criteria (WAC 173-27-160)
- City of Lacey Shoreline Master Program.

After reviewing CUPs for compliance, Ecology must decide whether to approve, approve with conditions, or disapprove them.

Our Decision: We have determined that the permit filing was incomplete and therefore cannot be evaluated by our department as a "complete submittal," as defined in WAC 173-27-130. The following items are needed to complete it:

- 1) As is required by WAC 173-27-180(9)(b), a site plan showing precise location of the ordinary high water mark as it existed prior to the unpermitted development and in relation to shoreline stabilization replacement.
- 2) A geotechnical report as is required by the Lacey Shoreline Master Program (SMP) for replacement shoreline stabilization (17.45.010). Please note, for after-the-fact CUP requests, Ecology considers the existing conditions to be those legally existing prior to the installation of the structures that are part of the CUP request. The report should base the existing conditions as such. Per SMP 17.45.010, it should also demonstrate the following:
  - a) The erosion necessitating the shoreline stabilization is not being caused by upland conditions, such as the loss of vegetation.

- b) There is no other more ecologically sound practice that could serve the same purpose.
  - c) There are overriding safety or environmental concerns that justify the installation of the replacement bulkhead waterward of the ordinary high water mark, which is otherwise prohibited.
  - d) There is a significant possibility that the primary structure would be damaged by shoreline erosion within three years in the absence of hard armoring, or that waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. The report shall provide estimated time frames and rates of erosion.
  - e) Construction of the bulkhead is not for the primary purpose of retaining or creating dry land, which is prohibited.
  - f) Shoreline impacts will be avoided and minimized.
- 3) A mitigation plan that accounts for all development in the shoreline buffer and that is consistent with SMP section 17.41.021. The plan that is part of the submittal does not account for all of the development footprint. Gravel fill meets the definition of development and constitutes impervious surface and should be included in the calculation for development footprint. Note that riprap does not meet the definition of soft shoreline stabilization and should not be used with a Reduced Vegetation/Structure and Use mitigation option.

The development described in this permit **MAY NOT LEGALLY BEGIN** until this permit has been completed and properly evaluated by Ecology.

#### **What Happens Next?**

According to WAC 173-27-130(5), this permit is void until the information identified above is received by Ecology. The list of items required for a complete permit filing is set forth in WAC 173-27-130(3). The minimum information required on permit site plans and vicinity maps is set forth in WAC 173-27-180.

Please send us the requested materials on or before April 9, 2023. If we do not receive the needed materials by this date, we must return this incomplete permit to you. Please send the requested materials to me at [lizzie.carp@ecy.wa.gov](mailto:lizzie.carp@ecy.wa.gov).

If you have any questions, please do not hesitate to call me at 564-200-4184.

Sincerely,



Lizzie Carp, Shoreland/Wetland Specialist  
Shorelands and Environmental Assistance Program

cc: Michelle Gusta and Ean Joyner





# WASHINGTON STATE

## Joint Aquatic Resources Permit Application (JARPA) Form<sup>1,2</sup> [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps  
of Engineers  
Seattle District

AGENCY USE ONLY

Date received: \_\_\_\_\_

Agency reference #: \_\_\_\_\_

Tax Parcel #(s): \_\_\_\_\_

### Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Gusta-Joyner Shoreline Analysis and Restoration Plan

### Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

Ean Joyner and Michelle Gusta

2b. Organization (If applicable)

2c. Mailing Address (Street or PO Box)

1420 Marvin Rd NE, Ste C #115

2d. City, State, Zip

Lacey, WA 98502

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

360-970-5381

<sup>1</sup>Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

<sup>2</sup>To access an online JARPA form with [\[help\]](#) screens, go to

[http://www.epermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx).

### Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

<b>3a. Name</b> (Last, First, Middle)			
Alex Callender			
<b>3b. Organization</b> (If applicable)			
Land Services Northwest			
<b>3c. Mailing Address</b> (Street or PO Box)			
120 State Avenue NE PMB 190			
<b>3d. City, State, Zip</b>			
Lacey, WA 98501			
<b>3e. Phone (1)</b>	<b>3f. Phone (2)</b>	<b>3g. Fax</b>	<b>3h. E-mail</b>
360-481-4208			

### Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- ☐ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☒ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- ☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

<b>4a. Name</b> (Last, First, Middle)			
Ean Joyner			
<b>4b. Organization</b> (If applicable)			
<b>4c. Mailing Address</b> (Street or PO Box)			
1420 Marvin Rd NE, Ste C #115			
<b>4d. City, State, Zip</b>			
Lacey, WA 98516			
<b>4e. Phone (1)</b>	<b>4f. Phone (2)</b>	<b>4g. Fax</b>	<b>4h. E-mail</b>
360. 970.5381			ejoyner@westcoastppf.com

### Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

<b>3a. Name</b> (Last, First, Middle)			
Alex Callender			
<b>3b. Organization</b> (If applicable)			
Land Services Northwest			
<b>3c. Mailing Address</b> (Street or PO Box)			
120 State Avenue NE PMB 190			
<b>3d. City, State, Zip</b>			
Lacey, WA 98501			
<b>3e. Phone (1)</b>	<b>3f. Phone (2)</b>	<b>3g. Fax</b>	<b>3h. E-mail</b>
360-481-4208			

### Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☒ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

<b>4a. Name</b> (Last, First, Middle)			
Ean Joyner			
<b>4b. Organization</b> (If applicable)			
<b>4c. Mailing Address</b> (Street or PO Box)			
1420 Marvin Rd NE, Ste C #115			
<b>4d. City, State, Zip</b>			
Lacey, WA 98516			
<b>4e. Phone (1)</b>	<b>4f. Phone (2)</b>	<b>4g. Fax</b>	<b>4h. E-mail</b>
360. 970.5381			ejoyner@westcoastppf.com

## Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

**5a. Indicate the type of ownership of the property.** (Check all that apply.) [\[help\]](#)

- ☒ Private  
☐ Federal  
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)  
☐ Tribal  
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete [JARPA Attachment E](#))

**5b. Street Address** (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [\[help\]](#)

2603 Carpenter Rd SE

**5c. City, State, Zip** (If the project is not in a city or town, provide the name of the nearest city or town.) [\[help\]](#)

Lacey WA 98502

**5d. County** [\[help\]](#)

Thurston

**5e. Provide the section, township, and range for the project location.** [\[help\]](#)

¼ Section	Section	Township	Range
	27	18N	1W

**5f. Provide the latitude and longitude of the project location.** [\[help\]](#)

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

47.02389 N lat. / 122.7939 W long.

**5g. List the tax parcel number(s) for the project location.** [\[help\]](#)

- The local county assessor's office can provide this information.

11827124100

**5h. Contact information for all adjoining property owners.** (If you need more space, use [JARPA Attachment C.](#)) [\[help\]](#)

Name	Mailing Address	Tax Parcel # (if known)
Deanna Joyner	2511 Carpenter Rd SE	11827123803
	Lacey, WA 98503	
David & Marilyn Baker	2521 Carpenter Rd SE	11827123801 & 11827123802
	Lacey, WA 98503	
Robert Bostrom	2611 Carpenter Rd SE	11827124200
	Lacey, WA 98503	



<b>5i. List all wetlands on or adjacent to the project location. <a href="#">[help]</a></b>
None
<b>5j. List all waterbodies (other than wetlands) on or adjacent to the project location. <a href="#">[help]</a></b>
Hicks Lake
<b>5k. Is any part of the project area within a 100-year floodplain? <a href="#">[help]</a></b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
<b>5l. Briefly describe the vegetation and habitat conditions on the property. <a href="#">[help]</a></b>
The majority of the subject property is sparsely vegetated. Vegetation in the shoreline area adjacent to Hicks Lake primarily consists of non-native invasive weeds, including some noxious weeds, namely Japanese knotweed, English ivy, black locust trees, and Himalayan blackberry. Some patches of Douglas fir trees are located on the property. The eastern portion of the property is flat. Slopes occur on the western portion of the property adjacent to Hicks Lake.
<b>5m. Describe how the property is currently used. <a href="#">[help]</a></b>
The property is currently used for single-family residential and water-dependent/enjoyment recreational uses along the shoreline of Hicks Lake.
<b>5n. Describe how the adjacent properties are currently used. <a href="#">[help]</a></b>
Adjacent properties consist of single-family residences and various water-dependent recreational/enjoyment uses along the shoreline of Hicks Lake.
<b>5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. <a href="#">[help]</a></b>
One (1) primary single-family residence, two (2) accessory dwellings, one (1) garage and one (1) mobile home are located on the subject property. A private dock, used for water-dependent recreation, is also located along the shoreline of Hicks Lake.
<b>5p. Provide driving directions from the closest highway to the project location, and attach a map. <a href="#">[help]</a></b>
Martin Way exit on I-5 N, merge on Martin Way E, right on Carpenter Rd SE, right on 27th Ln SE.



## Part 6—Project Description

### 6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

The project consists of after - the -fact permits for the installed concrete patio, repaired bulkhead, installed of ecology blocks retaining walls, and hillside grading,. In addition to the already finished work, the applicant proposes a second dock for use by the tenants which share the access to the shoreline and retaining walls along the rest of the pathway to prevent erosion.

An invasive removal and restoration plan for vegetation removal within the Vegetation Management Area of the Shoreline Zone has been provided as mitigation for the new and old work.

### 6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

The purpose is to retain the deck and bulkhead improvements and retaining walls. Retention of the deck and bulkhead is necessary to prevent imminent danger to the onsite residence and other infrastructure. Retention of the ecology block retaining wall will maintain walkway and hillslope as well.

The purpose of the mitigation plan is to maintain no-net -loss of shoreline functions.

### 6c. Indicate the project category. (Check all that apply) [\[help\]](#)

- ☐ Commercial
 ☒ Residential
 ☐ Institutional
 ☐ Transportation
 ☒ Recreational  
☒ Maintenance
 ☒ Environmental Enhancement

### 6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Aquaculture<br><input checked="" type="checkbox"/> Bank Stabilization<br><input type="checkbox"/> Boat House<br><input type="checkbox"/> Boat Launch<br><input type="checkbox"/> Boat Lift<br><input type="checkbox"/> Bridge<br><input checked="" type="checkbox"/> Bulkhead<br><input type="checkbox"/> Buoy<br><input type="checkbox"/> Channel Modification | <input type="checkbox"/> Culvert<br><input type="checkbox"/> Dam / Weir<br><input type="checkbox"/> Dike / Levee / Jetty<br><input type="checkbox"/> Ditch<br><input checked="" type="checkbox"/> Dock / Pier<br><input type="checkbox"/> Dredging<br><input type="checkbox"/> Fence<br><input type="checkbox"/> Ferry Terminal<br><input type="checkbox"/> Fishway | <input type="checkbox"/> Float<br><input type="checkbox"/> Floating Home<br><input type="checkbox"/> Geotechnical Survey<br><input type="checkbox"/> Land Clearing<br><input type="checkbox"/> Marina / Moorage<br><input type="checkbox"/> Mining<br><input type="checkbox"/> Outfall Structure<br><input type="checkbox"/> Piling/Dolphin<br><input type="checkbox"/> Raft | <input checked="" type="checkbox"/> Retaining Wall (upland)<br><input type="checkbox"/> Road<br><input type="checkbox"/> Scientific Measurement Device<br><input type="checkbox"/> Stairs<br><input type="checkbox"/> Stormwater facility<br><input type="checkbox"/> Swimming Pool<br><input type="checkbox"/> Utility Line |
|--|---|--|--|

☒ Other: Vegetation removal in the VMA & installation of concrete pad within shoreline setback.

**6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [\[help\]](#)**

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

A rock bulkhead exists along the shoreline. Based on Google Earth photos and testimony from the applicant, the bulkhead was existing and was repaired. No evidence

was found to suggest the contrary. The bulkhead extends along the shoreline of the subject property. Repair and maintenance of existing bulkheads is an exempt

A concrete patio, measuring approximately six hundred thirty (670) square feet, was installed along the shoreline of Hicks Lake at the end of the existing dock.

Ecology blocks would be along the pedestrian path to prevent erosion and landslides within the sloped Vegetation Management Area.

Enhancement of the Vegetation Management Area would occur through invasive weed removal, the installation of geofabric, and planting of native vegetation.

None of the above activities are within the 100-year flood plain.

**6f. What are the anticipated start and end dates for project construction? (Month/Year) [\[help\]](#)**

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start Date: Upon receipt of  
permits

End Date: Prior to permit  
expiration

☐ See JARPA Attachment D

**6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)**

\$60,000

**6h. Will any portion of the project receive federal funding? [\[help\]](#)**

- If **yes**, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

## Part 7–Wetlands: Impacts and Mitigation

- ☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.  
(If there are none, skip to Part 8.) [\[help\]](#)

**7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)**

☒ Not applicable

**7b. Will the project impact wetlands? [\[help\]](#)**

☐ Yes ☒ No ☐ Don't know

**7c. Will the project impact wetland buffers?** [\[help\]](#)

☐ Yes ☒ No ☐ Don't know

**7d. Has a wetland delineation report been prepared?** [\[help\]](#)

- If Yes, submit the report, including data sheets, with the JARPA package.

☐ Yes ☒ No N/A

**7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System?** [\[help\]](#)

- If Yes, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☒ No ☐ Don't know N/A

**7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands?** [\[help\]](#)

- If Yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

N/A

**7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan.** [\[help\]](#)

**7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan.** [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name <sup>1</sup>	Wetland type and rating category <sup>2</sup>	Impact area (sq. ft. or Acres)	Duration of impact <sup>3</sup>	Proposed mitigation type <sup>4</sup>	Wetland mitigation area (sq. ft. or acres)

<sup>1</sup> If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report

<sup>2</sup> Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

<sup>3</sup> Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

<sup>4</sup> Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: \_\_\_\_\_

**7i.** For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

N/A

**7j.** For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

N/A

## Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

**8a.** Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

☐ Not applicable

The Vegetation Management Area would be enhanced through the control of invasive and noxious weeds and the planting of native vegetation within fifty (50) feet landward of the ordinary high water mark. The mitigation plan as mentioned before will further stabilize the nearshore. The site has many different invasive species and the best way to prevent them from overrunning the property as they have in the past is to provide native vegetation so that they will eventually be shaded out and the natives can outcompete if given proper care which will achieve through the maintenance and monitoring plan.

Repair and maintenance through a shoreline exemption for the installation of the rock-built bulkhead was necessary to control erosion and to stabilize the shoreline. Using rock, rather than concrete, minimizes environmental impacts and provides a substrate and hiding places for invertebrates (Completed).

The installation of ecology blocks along the pedestrian path would protect the slopes of the Vegetation Management Area from erosion and sedimentation that could deteriorate the aquatic environment.

**8b.** Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

☒ Yes ☐ No



**8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies?** [\[help\]](#)

- If **Yes**, submit the plan with the JARPA package and answer 8d.
- If **No**, or **Not applicable**, explain below why a mitigation plan should not be required.

☒ **Yes**    ☐ **No**    ☐ **Don't know**

The Joyner - Gusta Single-Family Residence Critical Areas, Shoreland Analysis Report

has been included with this JARPA package. The applicant has improved the bulkhead to remove the cement and provide amorphic large rock which tends to break up wave energy and protect the shoreline compared to the cement bulkhead. The planting plan has been improved to plant 27 new trees and provide shrubs over herbaceous plants which will further stabilize the shoreline and provide improve nutrient uptake thus providing water quality improvement in the shoreline. The retention of the patio is necessary to prevent the hillside from eroding and reating a dangerous situation which may impact the onsite residence as well as other propeties due to the steep slopes that exist in the vicinity of the patio. Any impacts to the shoreline will be mitigated with the planting plan and other stabilization measures used to improve the area and minimize impacts. The new pier will allow for multiple families to enjoy the shoreline, a primary tenant of the Shoreline Management Act and the local SMP.

**8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.**

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

The mitigation plan is meant to enhance the current Vegetation Management Area (shoreline setback area) by removing noxious and invasive weed species and replacing them with native vegetation. Vegetation will screen the built environment, prevent erosion, uptake nutrients from lawns, provide food for wildlife and shade to attenuate water temperature among other things

Concrete blocks (or ecology blocks) will be installed along the existing path on the hillside to stabilize the slopes and prevent soil erosion.

Because the impacts are site specific and would only have immediate impacts to Hicks Lake, it was important to maintain mitigation in kind on site.

**8e. Summarize impact(s) to each waterbody in the table below.** [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name <sup>1</sup>	Impact location <sup>2</sup>	Duration of impact <sup>3</sup>	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
N/A					
PIER	Hicks Lake	SHORELINE	2DAYS	None	600 SQ FEET

<sup>1</sup> If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

<sup>2</sup> Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

<sup>3</sup> Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

**8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody.** [\[help\]](#)

N/A Screw piles will be used for the float pier similar to existing.

**8g.** For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

N/A

## Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

**9a.** If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
Department of Ecology	Rebecca Rothwell	360-810-0025	
City of Lacey	Samra Seymour	360.413.3541	

**9b.** Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If Yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>.

☐ Yes ☒ No



**9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in?** [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

171100190502

**9d. What Water Resource Inventory Area Number (WRIA #) is the project in?** [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up> to find the WRIA #.

WRIA 46

**9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity?** [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria> for the standards.

☒ Yes   ☐ No   ☒ Not applicable

**9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation?** [\[help\]](#)

- If you don't know, contact the local planning department.
- For more information, go to: <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases>.

☐ Urban   ☐ Natural   ☐ Aquatic   ☐ Conservancy   ☒ Other: Shoreline Residential

**9g. What is the Washington Department of Natural Resources Water Type?** [\[help\]](#)

- Go to <http://www.dnr.wa.gov/forest-practices-water-typing> for the Forest Practices Water Typing System.

☒ Shoreline   ☐ Fish   ☐ Non-Fish Perennial   ☐ Non-Fish Seasonal

**9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual?** [\[help\]](#)

- If No, provide the name of the manual your project is designed to meet.

☒ Yes   ☐ No

Name of manual: \_\_\_\_\_

**9i. Does the project site have known contaminated sediment?** [\[help\]](#)

- If Yes, please describe below.

☐ Yes   ☒ No

**9j. If you know what the property was used for in the past, describe below.** [\[help\]](#)

Residential with current walkway cement bulkhead, Dock for recreational boats, driveway, general residential appurtenances. Three rental residential units.

**9k.** Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- If Yes, attach it to your JARPA package.

☐ Yes   ☒ No

**9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)**

None

**9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)**

None

## Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or [help@oria.wa.gov](mailto:help@oria.wa.gov).
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

**10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)**

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with \_\_\_\_\_ (lead agency). The expected decision date is \_\_\_\_\_.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

☐ Other: \_\_\_\_\_

☐ SEPA is pre-empted by federal law.

**10b.** Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

**LOCAL GOVERNMENT**

**Local Government Shoreline permits:**

- ☒ Substantial Development    ☒ Conditional Use    ☒ Variance  
☐ Shoreline Exemption Type (explain): Repair and Maintenance for existing bulkhead

**Other City/County permits:**

- ☐ Floodplain Development Permit    ☐ Critical Areas Ordinance

**STATE GOVERNMENT**

**Washington Department of Fish and Wildlife:**

- ☐ Hydraulic Project Approval (HPA)    ☐ Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

**Washington Department of Natural Resources:**

- ☐ Aquatic Use Authorization  
Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.  
Do not send cash.

**Washington Department of Ecology:**

- ☐ Section 401 Water Quality Certification    ☐ Non-Federally Regulated Waters

**FEDERAL AND TRIBAL GOVERNMENT**

**United States Department of the Army (U.S. Army Corps of Engineers):**

- ☐ Section 404 (discharges into waters of the U.S.)    ☐ Section 10 (work in navigable waters)

**United States Coast Guard:**

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil)

- ☐ Bridge Permit    ☐ Private Aids to Navigation (or other non-bridge permits)

**United States Environmental Protection Agency:**

- ☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

**Tribal Permits:** (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

- ☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

## Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

### 11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. \_\_\_\_\_ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. \_\_\_\_\_ (initial)

---

Applicant Printed Name

Applicant Signature

Date

### 11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Alex Callender

2.15.2022



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Authorized Agent Printed Name

Authorized Agent Signature

Date

### 11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

---

Property Owner Printed Name

Property Owner Signature

Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018



## HYDRAULIC PROJECT APPROVAL

RCW 77.55.100 - Appeal Pursuant to Chapter 34.05 RCW

Coastal  
48 Devonshire Road  
Montesano, WA 98563  
(360) 249-4628

Issue Date: August 15, 2002

Control Number: 00000E8078-1

Project Expiration Date: November 01, 2002

FPA/Public Notice #: N/A

decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

**B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 or 77.55.140:**

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

(B) An order imposing civil penalties; or

(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

**C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:**

A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

**D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW:** A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

**E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS** results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.

**ENFORCEMENT:**

Habitat Biologist  
Debbie Carnevali

360-753-2600

for Director  
WDFW

CC:





Issue Date: August 15, 2002

Control Number:

00000E8078-1

Project Expiration Date: November 01, 2002

FPA/Public Notice #:

N/A

PERMITTEE

Ken & Chris Dahl  
2603 Carpenter Road SE  
Lacey, WA 98513

AUTHORIZED AGENT OR CONTRACTOR

Kappert's Enterprises, Inc  
8205 E Martin Way  
Olympia, WA 98516

Project Name:

Project Description:

PROVISIONS

PROJECT LOCATIONS

Location #1

WORK START:					WORK END:		
<u>WRIA:</u> 13.6006		<u>Waterbody:</u> Hicks Lake			<u>Tributary to:</u> Puget Sound		
<u>1/4 SEC:</u> All	<u>Section:</u> 27	<u>Township:</u> 18 N	<u>Range:</u> 01 W	<u>Latitude:</u> N	<u>Longitude:</u>	<u>County:</u> Thurston	
<u>Location #1 Driving Directions</u>							

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Code, specifically RCW 77.55 (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass. It is the responsibility of the permit holder to secure any landowner permissions or use authorizations as needed for the project.

