

## Ryan Harriman

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**From:** Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil>  
**Sent:** Thursday, May 11, 2017 2:02 PM  
**To:** Nicole Gaudette  
**Subject:** FW: NWS-2013-565 James Cherberg / SHL17-006 (SEP17-010)

Ms. Gaudette,

I am the contact for this particular project if you should have any questions.

Sincerely,

Pamela Sanguinetti,  
Senior Project Manager  
U. S. Army Corps of Engineers - Seattle District CENWS-ODR Post Office Box 3755  
4735 East Marginal Way South  
Seattle, Washington 98134-2385

Phone: (206) 764-6904

Corps Website: <http://www.nws.usace.army.mil/> General Regulatory Assistance: <http://www.ora.wa.gov/>

-----Original Message-----

**From:** Tom Graue [mailto:jtgraue5@live.com]  
**Sent:** Wednesday, May 10, 2017 10:42 AM  
**To:** Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil>  
**Subject:** [Non-DoD Source] FW: NWS-2013-565 James Cherberg / SHL17-006 (SEP17-010)

Hi Pamela.

Are you no longer supporting this project?

Tom

**From:** Nicole Gaudette [mailto:nicole.gaudette@mercergov.org]  
**Sent:** Wednesday, May 10, 2017 10:32 AM  
**To:** Tom Graue <jtgraue5@live.com>  
**Subject:** RE: NWS-2013-565 James Cherberg / SHL17-006 (SEP17-010)

Tom,

Thank you for the comment. You are now a party of record and will be notified of the final decision. My contact at the Army Corps is Suzanne Anderson.

From: Tom Graue [mailto:jtgraue5@live.com]  
Sent: Wednesday, May 10, 2017 7:03 AM  
To: Nicole Gaudette <nicole.gaudette@mercergov.org <mailto:nicole.gaudette@mercergov.org> >  
Subject: FW: NWS-2013-565 James Cherberg / SHL17-006 (SEP17-010)

Nicole,

Due to previous design submittals, I've been in contact w/ Pamela Sanguinetti from Army Corps of Engineers and have expressed my issues w/ the proposed dock regarding impact of water way navigation to my existing dock.

I understand there's a new application SHL17-006 (SEP17-010). Please accept the entirety of this email for the new comment period.

Lastly, will you be in contact with Pamela for this review?

Thank you - Tom Graue

425-557-6653

9422 se 33rd st

From: Tom Graue  
Sent: Saturday, April 29, 2017 3:11 PM  
To: 'Sanguinetti, Pamela A CIV USARMY CENWS (US)' <Pamela.Sanguinetti@usace.army.mil <mailto:Pamela.Sanguinetti@usace.army.mil> >  
Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Please find attached image which we can discuss as it pertains to the proposed dock placement.

- \* The point on the left is my property, you'll see a marker between the red and lavender shrub for ref. This is the point from where the prop line enters the water and extends between both existing docks.
- \* You'll see we actively use both sides of our dock for moorage. Larger boats have been located at both moorage options. We need to make sure future use is unimpacted if larger vessel is moored.
- \* The proposed dock extends behind and beyond the slip moorage. Proposed will extend beyond the finger pier, directly impacting both moorage options.
- \* Both boats use and require year round navigation.
- \* Unlike a marina, this area of the lake is very open and busy, wind and waves require reasonable and safe navigation to and from moorage.

Thank you and look forward to our discussion.

Tom Graue

-----Original Message-----

From: Tom Graue

Sent: Thursday, April 27, 2017 7:27 PM

To: Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil  
<mailto:Pamela.Sanguinetti@usace.army.mil> >

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Hi Pamela,

I just received your voice mail, thank you.

I'll give you a call next week, appreciate.

Tom

-----Original Message-----

From: Bennett, Matthew J CIV USARMY CENWS (US) [mailto:Matthew.J.Bennett@usace.army.mil  
<mailto:Matthew.J.Bennett@usace.army.mil> ]

Sent: Thursday, April 27, 2017 10:52 AM

To: Tom Graue <jtgraue5@live.com <mailto:jtgraue5@live.com> >

Cc: Sanguinetti, Pamela A CIV USARMY CENWS (US) <Pamela.Sanguinetti@usace.army.mil  
<mailto:Pamela.Sanguinetti@usace.army.mil> >

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Mr. Graue,

I have received your message and we are aware of your navigational concerns. The permit modification request is under review but remains a low priority. I have CCd the new project manager for this action. Should a meeting be warranted, Ms. Sanguinetti would reach-out to you. Thank you.

Matthew J. Bennett, Section Chief

Corps of Engineers Regulatory Branch

206.764.3428

matthew.j.bennett@usace.army.mil <mailto:matthew.j.bennett@usace.army.mil>

-----Original Message-----

From: Tom Graue [mailto:jtgraue5@live.com <mailto:jtgraue5@live.com> ]

Sent: Wednesday, April 26, 2017 4:24 PM

To: Smith, Jonathan CIV USARMY USACE (US) <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> >; Bennett, Matthew J CIV USARMY CENWS (US)  
<Matthew.J.Bennett@usace.army.mil <mailto:Matthew.J.Bennett@usace.army.mil> >

Cc: greatwesternmarine@hotmail.com <mailto:greatwesternmarine@hotmail.com>

Subject: [Non-DoD Source] RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Matt,

I've called and left message in hopes to schedule an in person meeting. I haven't heard back and therefore expect the Army Corps recognizes my concerns of the proposed dock blocking safe and reasonable water way navigation as this newly proposed dock is in front of a large portion of my existing dock and navigation.

I'm still very much interested to meet to further express the impact of this proposal.

Tom

425-557-6653

-----Original Message-----

From: Tom Graue

Sent: Thursday, April 20, 2017 6:49 AM

To: 'Smith, Jonathan CIV USARMY USACE (US)' <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> >; Bennett, Matthew J CIV USARMY CENWS (US)  
<Matthew.J.Bennett@usace.army.mil <mailto:Matthew.J.Bennett@usace.army.mil> >

Cc: greatwesternmarine@hotmail.com <mailto:greatwesternmarine@hotmail.com>

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Matt,

I understand there is a new proposed dock design and placement.

As with any dock that extends in front of my dock, the issue with navigation remains my biggest concern. Future use of this water way will limit, add risk and issue w/ safe entrance and exit from all side of my docking options.

Do you have further status you can share at this time?

If an in person discussion is necessary, please advise.

Thanks - Tom Graue

425-557-6653

-----Original Message-----

From: Smith, Jonathan CIV USARMY USACE (US) [mailto:Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> ]

Sent: Tuesday, March 28, 2017 7:58 AM

To: Tom Graue <jtgraue5@live.com <mailto:jtgraue5@live.com> >; Bennett, Matthew J CIV USARMY CENWS (US)  
<Matthew.J.Bennett@usace.army.mil <mailto:Matthew.J.Bennett@usace.army.mil> >

Cc: greatwesternmarine@hotmail.com <mailto:greatwesternmarine@hotmail.com>

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Tom, Administrative decision documents are drafted, but our review is not finished yet. Jonathan Smith 206 316-3078

-----Original Message-----

From: Tom Graue [mailto:jtgraue5@live.com <mailto:jtgraue5@live.com> ]

Sent: Monday, March 27, 2017 8:11 AM

To: Bennett, Matthew J CIV USARMY CENWS (US) <Matthew.J.Bennett@usace.army.mil  
<mailto:Matthew.J.Bennett@usace.army.mil> >

Cc: Smith, Jonathan CIV USARMY USACE (US) <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> >; greatwesternmarine@hotmail.com  
<mailto:greatwesternmarine@hotmail.com>

Subject: [Non-DoD Source] RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Matt,

Is there an update you can share at this time?

Thanks - Tom Graue

-----Original Message-----

From: Smith, Jonathan CIV USARMY USACE (US) [mailto:Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> ]

Sent: Friday, March 3, 2017 9:43 AM

To: Tom Graue <jtgraue5@live.com <mailto:jtgraue5@live.com> >; greatwesternmarine@hotmail.com  
<mailto:greatwesternmarine@hotmail.com>

Cc: Bennett, Matthew J CIV USARMY CENWS (US) <Matthew.J.Bennett@usace.army.mil  
<mailto:Matthew.J.Bennett@usace.army.mil> >

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Tom, The project manager assigned to this project can let you know what actions are under consideration as they happen. You may also ask the project manager for updates. I'm going to be around a bit longer as project manager. When I'm gone, you can contact Matt Bennett, Section Chief, as a fall back point of contact. At the moment we are preparing the administrative record for a decision on Cherberg's request to modify the original project and extend the permit expiration date. Jonathan Smith 206 316-3078

-----Original Message-----

From: Tom Graue [mailto:jtgraue5@live.com <mailto:jtgraue5@live.com> ]

Sent: Friday, March 03, 2017 9:21 AM

To: Smith, Jonathan CIV USARMY USACE (US) <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> >

Subject: [EXTERNAL] RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Hi Jonathan,

How will I be kept informed on activities and or status?

Thanks - Tom

From: Tom Graue

Sent: Sunday, February 26, 2017 7:11 PM

To: 'Smith, Jonathan CIV USARMY USACE (US)' <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> >

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Jonathan,

I want to take this opportunity to reiterate our concerns with navigation as I've not had the opportunity to comment directly to the Army Corps of Engineers until now. I understand there may have been other designs since the initial application (3/30/15) and because each design will impact our ability to safely navigate these water, irrespective of the property line and required city setbacks I respectfully request to be continually informed.



I've also included comment (see attached email) from Randy Cowley from RCYC LLC who I've asked to assess and validate my navigation concerns.

The facts aside from the discrepancy in measurements between the original plan and newly proposed plan, any dock located in the area under consideration is use for incoming and outgoing navigation from either our slip or finger pier lift. Waves, wind and the ability to safely operate small and larger boats use this water way and access to Griffith's dock will be impacted as well. As you can see by the dock plan illustrations, the Graue dock has a sizable slip, we've had upwards of a 46 foot yacht in the past and navigation of any vessel this size would clearly require reasonable navigation east and west of the slip for safe departure and approach maneuvers. This portion of the lake is very active, generating large and continuous wave action, it's naturally during these times, mostly during summer where reasonable navigation around the dock slip and lift is required. I would also submit that any proposed dock design would impact the ability to fully access our south west portion of our dock, and navigation would simply be unreasonable for a boater to safely navigate between the docks. This will limit our ability to fully leverage the west portion of our dock in the future as well.

Lastly, regarding the shore line requirements, there is an easement shared between Graue/Cherberg, the property belonging to Graue 9422, I would need to approve and sign off on any changes to this space as I suspect Cherberg is planning to use in order to accommodate these Corps requirements. I've attached file showing both land and water property line for ref which is the land east of the northerly property line.

Thank you for your consideration and I'd be happy to support a call or meeting if additional information or context is requested.

Tom Graue

From: Tom Graue

Sent: Friday, February 24, 2017 8:21 AM

To: 'Smith, Jonathan CIV USARMY USACE (US)' <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil%20%3cmailto:Jonathan.Smith@usace.army.mil> > >

Cc: 'Dad Graue (grauejr@hotmail.com <mailto:grauejr@hotmail.com> <mailto:grauejr@hotmail.com  
<mailto:grauejr@hotmail.com> >)' <grauejr@hotmail.com <mailto:grauejr@hotmail.com  
<mailto:grauejr@hotmail.com%20%3cmailto:grauejr@hotmail.com> > >

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Johnathan,

Is there a next step or follow-up on these measurements?

Tom

From: Tom Graue

Sent: Tuesday, February 21, 2017 9:18 AM

To: 'Smith, Jonathan CIV USARMY USACE (US)' <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil%20%3cmailto:Jonathan.Smith@usace.army.mil> > >

Cc: Dad Graue (grauejr@hotmail.com <mailto:grauejr@hotmail.com> <mailto:grauejr@hotmail.com <mailto:grauejr@hotmail.com> > ) <grauejr@hotmail.com <mailto:grauejr@hotmail.com <mailto:grauejr@hotmail.com%20%3cmmailto:grauejr@hotmail.com> > >

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

Thanks Jonathan for your quick response, here are the specifics based on the materials 3/30/15 application notice and most recently the revised proposal letter received last week.

1. However the measurements from Griffith dock have increased....this must have impacted the dock getting closer to shared Cherberg/Graue prop line or the measurements need to be reevaluated. Where did 7.4 feet come from?

\* The original design plan submitted 3/30/15 show a total distance between Griffith's dock and shared Cherberg/Graue prop line = 49.8

\*  $23.8+4+8+4+10$

\* The new proposed d/d 11/8/16 shows the same distance between Griffith's dock and shared Cherberg/Graue prop line = 57.2

\*  $27.2+4+11+4+11$

2. I also see that the proposed d/d 11/8/16 shows a distance between proposed dock and Cherberg/Graue prop line is 10 feet and 11 feet, what is it?

We need to understand all of these discrepancies.

Thanks for your help.

Tom

-----Original Message-----

From: Smith, Jonathan CIV USARMY USACE (US) [mailto:Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil> ]

Sent: Tuesday, February 21, 2017 8:14 AM

To: Tom Graue <jtgraue5@live.com <mailto:jtgraue5@live.com  
<mailto:jtgraue5@live.com%20%3cmmailto:jtgraue5@live.com> > >

Cc: Dad Graue (grauejr@hotmail.com <mailto:grauejr@hotmail.com> <mailto:grauejr@hotmail.com  
<mailto:grauejr@hotmail.com> > ) <grauejr@hotmail.com <mailto:grauejr@hotmail.com  
<mailto:grauejr@hotmail.com%20%3cmmailto:grauejr@hotmail.com> > >

Subject: RE: NWS-2013-565 James Cherberg (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Tom, Thank you very much for your comments.

Sheet 4 of 8 of the applicant's drawings show, what seem to me, "precise measurements" between the proposed dock and your shared property line. Could you explain what you need to see? The closest approach of two els would be 11 feet northwest of the property line. The applicant reduced the original width of the biggest el from 8 feet to 4 feet, while placing it the same distance (11 feet) or up to 1 foot further from the property line compared to the original plan.

Regarding the "shoreline requirements", planting plans similar to those in the original Corps-approved plans will need to be added to the revised proposed plan.

Please note that "required set-backs" are requirements of other parties e.g. City of Mercer Island. The Corps has not established specific set-back requirements.

-----Original Message-----

From: Tom Graue [mailto:jtgraue5@live.com <mailto:jtgraue5@live.com>  
<mailto:jtgraue5@live.com%20%3cmmailto:jtgraue5@live.com%3e%20> ]

Sent: Monday, February 20, 2017 8:53 AM

To: Smith, Jonathan CIV USARMY USACE (US) <Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil  
<mailto:Jonathan.Smith@usace.army.mil%20%3cmailto:Jonathan.Smith@usace.army.mil> > >

Cc: Dad Graue (grauejr@hotmail.com <mailto:grauejr@hotmail.com> <mailto:grauejr@hotmail.com  
<mailto:grauejr@hotmail.com> > ) <grauejr@hotmail.com <mailto:grauejr@hotmail.com  
<mailto:grauejr@hotmail.com%20%3cmailto:grauejr@hotmail.com> > >; Tom Graue <jtgraue5@live.com  
<mailto:jtgraue5@live.com <mailto:jtgraue5@live.com%20%3cmailto:jtgraue5@live.com> > >

Subject: [EXTERNAL] NWS-2013-365

Johnathan,

Please forward as required.

I received notice regarding a new dock proposal at 9418 SE 33rd St Mercer Island. I'm Graue residence directly east of this proposed project at 9422 SE 33rd St Mercer Island.

I have issue with this new proposal due to navigation as the revised plan and survey do not share previous measurements in accordance with our shared property line. While the dock measurements appear to be the same, the overall measurements between Griffith's dock and our property line suggest the proposed dock encroaches required set-backs.

Considering the sensitivity in the allotted space, setbacks and navigation we need to see precise measurements as these conceptual designs do not help fully assess separation between docks and property lines.

Please compare the original design measurements submitted from initial application to the latest prepared by Layton & Sell.

Lastly, we are also expecting to see the shore-line requirements, do you have these?

Thank you,

Tom Graue

425-557-6653

CLASSIFICATION: UNCLASSIFIED