

ANACORTES PLANNING COMMISSION



February 8, 2017

6 p.m.

1. Roll Call
2. Minutes of January 25, 2017
3. Correspondence
4. Old Business
5. New Business
 - a. Public Hearing: Shoreline Development Permit-2016-1004, Fidalgo Bay RV Resort
 - b. Public Hearing: BLD-2016-1705, Parking Variation Request, 301 and 317 Commercial Avenue



Planning Commission Meeting Minutes for – January 25, 2017

Chair Laumbattus called the Meeting of January 25, 2017 to order at approximately 6 p.m.

Roll Call

Members Present: Commissioners Laumbattus, Moffitt, Oppel, Cleland-McGrath, Mount, and Doll. Absent: Commissioner McNett

Minutes

January 4 and 11, 2017 approved as written.

Correspondence

None

New Business

Public Hearing – Private Road/Easement CUP-2016-1004, 2520 J Ave

Kevin Cricchio, Associate Planner, presented the proposal to serve a 2 lot short plat by a 22 ft. wide private street. Construction of a duplex is currently taking place, with the intention of applying for a short plat after approval of the CUP.

Commissioner Doll expressed concern with parking. Mr. Cricchio clarified that staff recommends painting the curb red for "no parking" as a condition to protect fire access. Commissioner Doll requested clarification on private street standards. Mr. Measamer stated that following street engineering standards is a suggested condition.

With no comments, Chair Laumbattus closed the public hearing.

Commissioner Doll expressed concern with the proximity of the driveways to the crosswalk. Steve Lange, City Engineering Technician, stated that the proposed driveways were considered when the crosswalk was placed as part of safe routes to school. Mr. Lange clarified there would not be a stop sign as the access acts as a standard driveway. Commissioner Oppel requested additional parking be included. Mr. Measamer stated that providing more parking would impact stormwater from additional impervious surface.

Commissioner Doll made a motion to recommend approval of the CUP with proposed conditions to City Council. Chair Laumbattus seconded. The motion passed unanimously.

Chair Laumbattus called the meeting to a close at approximately 6:20 p.m.



Planning Commission Agenda Bill

Meeting Date: 2/8/2017 **Agenda Item:** 5A

Subject: Fidalgo Bay RV Resort Boat Ramp Extension

Staff Contact: Kevin Cricchio, AICP, Associate Planner

Approved for Submittal to Planning Commission by	
X	Don Measamer, Director

Action Type	
X	Public Hearing
X	Discussion
X	Possible Action

Summary & Background: At 6:00 PM on Wednesday, February 8, 2017, an open-record public hearing will be conducted concerning a Shoreline Substantial Development Permit (SSDP) to permit the extension of an existing boat ramp located at the Fidalgo Bay RV Resort. The existing concrete boat ramp is approximately 12 feet wide by 25 feet in length. The proposed extension to the boat ramp will extend approximately 22 feet waterward from the existing ramp into Fidalgo Bay.

Recommendation: The Department of Planning, Community, and Economic Development recommends that the Planning Commission approve the subject Shoreline Substantial Development Permit subject to staff's suggested conditions of approval.

Attachments:

Staff Report & Planning Commission's Draft Findings of Fact, Conclusions of Law, & Decision

Exhibit #01, Master Permit Application, JARPA, & Narrative, SEPA Checklist, Biological Assessment, Wetland Reconnaissance, Archaeological Monitoring Plan, & Critical Areas & Regulatory Compliance Assessment

Exhibit #02, GIS Map & Assessor's Information

Exhibit #03, NOA & NOH With Optional SEPA DNS

Exhibit #04, Agency & Department Comments Received

Exhibit #05, Public Comments Received

Exhibit #06, Issued SEPA MDNS

Exhibit #07, Shoreline Permit #213 & Conditional Use Permit #94-001

Exhibit #08, Site Plan

Exhibit #09, Site Photos



**STAFF REPORT & PLANNING COMMISSION'S DRAFT FINDINGS OF
FACT, CONCLUSIONS OF LAW, & DECISION:**

Open-Record Public

Hearing Date: Wednesday, February 8, 2017, @ 6:00 PM

File Number: SDP-2016-1004

Project Title: Fidalgo Bay RV Resort Boat Ramp Extension

Project Location: The site address is 4701 Fidalgo Bay Road, Anacortes, WA 98221 located in a portion of Section 31 & 32; Township 35 North; Range 02 East; Willamette Meridian.

**Applicant &
Landowner:** Samish Indian Nation
2918 Commercial Avenue
Anacortes, WA 98221

Agent/ Contact: William Haynes, PE
Ashton Engineering, Inc.
5867 Crystal Springs Lane
Bellingham, WA 98226

**Staff Report
Prepared By:** Kevin Cricchio, AICP
Associate Planner
City of Anacortes
904 6th Street
Anacortes, WA 98221

Subject Proposal: The applicant recently applied for a Shoreline Substantial Development Permit (SSDP) and SEPA environmental review to permit the extension of an existing boat ramp located at the Fidalgo Bay RV Resort. The existing concrete boat ramp is approximately 12 feet wide by 25 feet in length. The proposed extension to the boat ramp will extend approximately 22 feet waterward from the existing ramp into Fidalgo Bay. The existing

boat ramp is approximately 295 square feet. The proposed extension will be approximately 237 square feet and is constructed by using 12 precast reinforced concrete logs. The total project area is 370 square feet.

An anchored timber log will be installed to the west of the boat ramp to reduce scour along the structure. The placement of 11 cubic yards of beach nourishing substrates in approximately 390 square feet of the nearshore to the east of the boat launch is also proposed as a source of sediment for possible drift cell transport and as an enhancement measure for fish migration and forage fish production.

The placement of 11 cubic yards of beach nourishing substrates in approximately 390 square feet of the nearshore to the east of the boat launch will mitigate for the 237 square feet of additional concrete being added onsite.

Additionally, the proposed boat ramp extension is being timed to coincide with the Weaverling Spit Phase 3 Beach Enhancement Restoration Project occurring in September of 2017. The enhancement project will remove the existing rockery at the clubhouse and place nourishing beach sediments in the nearshore to the west side of the subject boat launch.

Subject Parcel(s): P33440 & P33271

Existing Land Use: RV Resort

Current Zoning: Commercial Marine (CM) Zoning District.

Surrounding Zoning & Land Uses:

Direction:	Zoning:	Present Land-Use:
North:	Commercial Marine	RV Resort
South:	Commercial Marine	RV Resort
East:	None	Fidalgo Bay
West:	Commercial Marine	RV Resort

Shoreline Environment /

Designation: Aquatic

DRAFT FINDINGS OF FACT:

I. GENERAL BACKGROUND /PROJECT CHRONOLOGY:

1. The subject property is located in the Commercial Marine (CM) Zoning District.
2. An existing RV Resort and boat ramp are located on the subject property.

3. On April 26, 2016, a pre-application conference was held concerning the subject proposal (File # PRE-2016-0009).
4. Per AMC 17.21.020, "Boat moorage, public piers, private and public marinas, ship and boat building and repair, boat and marine equipment sales and services, small scale retail sales and specialty shops, eating and drinking establishments, offices, boatels, hotels, motels, yacht clubs, indoor and outdoor public and private recreation facilities, movie theaters, commercial parking, public parking, private parking, and parks" are permitted uses within the CM Zoning District.
5. Accordingly, the applicant has applied for a Shoreline Substantial Development Permit to permit the waterward extension to the existing boat ramp that was previously permitted by the city.
6. On September 20, 2016, the subject application was submitted to the Planning, Community, & Economic Development Department for review.
7. On September 30, 2016, the subject application was deemed incomplete.
8. Then on December 15, 2016, the subject application was deemed complete.
9. The thirty (30) day comment period ended at 5:00 PM on January 23, 2017, but comments were accepted up until the close of the open-record public hearing.

II. NOTICE OF APPLICATION (NOA) & NOTICE OF HEARING (NOH):

1. According to AMC 18.16.050, Shoreline Substantial Development Permits (SSDP) require that public notice be mailed to property landowners within 300 feet of the subject proposal, public notice be posted onsite, and notice published in the newspaper of record.
2. Accordingly, a Notice of Application (NOA) and Notice of Hearing (NOH) with Optional SEPA DNS was published in the Anacortes American Newspaper on December 21, 2016. This notice was also mailed to neighboring landowners on December 16, 2016. Notice was posted at city hall, the library, the local USPS office, and on the City's website on December 15, 2016. Agencies and departments of jurisdiction were solicited for comment on December 16, 2016. The subject property was posted with this notice on December 16, 2016, in two (2) locations.

III. CRITICAL AREA REVIEW:

Pursuant to Appendix "A" of the Shoreline Master Program (SMP) regulating shoreline critical areas, the subject development was reviewed for proximity to critical areas.

BIOLOGICAL ASSESSMENT (BA):

The proposed extension to the existing boat ramp will occur within Fidalgo Bay. Both the project site and the greater area surrounding Fidalgo Bay known as the Salish Sea

have areas designated as critical habitat. Threatened/Endangered species within this critical habitat may include but is not limited to: Bull trout, Chinook Salmon, Steelhead trout, Rockfish, Bocaccio, Yelloweye Rockfish, Canary Rockfish, Marbled murrelet, Pacific eulachon, Green sturgeon, Killer whale, Stellar sea lion, Humpback whale, and Leatherback turtle. The applicant /agent submitted a Biological Assessment (BA) dated September 2016, prepared by Advanced Environmental Solutions (**See Exhibit #01**).

Possible adverse effects to fish, shellfish, wildlife, and water quality will be minimized or avoided all together according to the specifications of the project design and by implementing best management practices (BMPs) during construction activities.

WETLANDS:

On July 20, 2016, Element Solutions of Bellingham, Washington, prepared a Wetland Reconnaissance report (**See Exhibit #01**) for the proposed development. According to the report, one or more wetlands is located within close proximity to the subject property. However, no wetland report is required as the wetland(s) and associated buffer is located more than three hundred (300) feet away from the proposed area per AMC 17.70.330(B).

PRIORITY HABITATS & SPECIES (PHS):

After reviewing Washington State Department of Fish and Wildlife's (WDFW) website, an active balding eagle's nest does appear to lie on Weaverling Spit. However, there are no anticipated conflicts with either eagle nesting or foraging due the project timing.

Additionally, Washington Department of Fish and Wildlife (WDFW) has provided comment (**See Exhibit #04**) regarding the subject proposal and supports the mitigation of the project with no additional concerns expressed.

FLOOD PLAIN:

The proposed extension to the existing boat ramp will occur within a floodplain (Firm # 5303170080A). The National Flood Insurance Program (NFIP) does require that development activities within a floodplain address "No Effect" per the Endangered Species Act (ESA). Accordingly, the applicant has submitted a Biological Assessment (BA) prepared by Advanced Environmental Solutions (**See Exhibit #01**) dated December 5, 2016, that address a "No Effect" ESA determination.

CULTURAL RESOURCES:

According to an Archaeological Monitoring Plan prepared by Samish Indian Nation (**See Exhibit #01**), no cultural resources have been observed in the project area and no cultural resource impacts are anticipated. The archaeologist for Samish Indian Nation

however will monitor the site during construction activities to ensure that no impacts to cultural resources occur.

IV. AGENCY & DEPARTMENT COMMENTS RECEIVED:

Please see **Exhibit #04** for Agency /Department comments received.

V. PUBLIC COMMENTS RECEIVED:

Please see **Exhibit #05** for public comments received. At the time of writing this staff report, no public comments had been received.

VI. STATE ENVIRONMENTAL POLICY ACT (RCW 43.21C):

1. The subject proposal is not exempt from SEPA environmental review pursuant to WAC § 197.11.800 & AMC Chapter § 18.040.120.
2. Pursuant to AMC 18.04.200, the city integrated the required Notice of Application and Hearing with the required SEPA public notice. Accordingly, a Notice of Application (NOA) and Notice of Hearing (NOH) with Optional SEPA DNS was published in the Anacortes American Newspaper on December 21, 2016. This notice was also mailed to neighboring landowners on December 16, 2016. Notice was posted at city hall, the library, the local USPS office, and on the City's website on December 15, 2016. Agencies and departments of jurisdiction were solicited for comment on December 16, 2016. The subject property was posted with this notice on December 16, 2016, in two (2) locations.
3. On December 16, 2016, the Notice of Application (NOA) and Notice of Hearing (NOH) with Optional SEPA DNS, environmental checklist, narrative, biological assessment, associated application material, and site plan was emailed to the Department of Ecology for posting on to the SEPA register website.
4. On **January 31, 2017**, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued (**See Exhibit #06**). On February 2, 2017, the issued MDNS was emailed to the SEPA register for posting.

VII. SHORELINE MANAGEMENT ACT (RCW 90.58):

1. Proposed development lies within two hundred (200) feet of a shoreline of statewide significance (RCW 90.58.030(2)(f)) and is subject to conformance with the City of Anacortes' Shoreline Master Program (SMP).
2. A portion of the existing boat ramp lies in both the "Urban" and "Aquatic" Shoreline Environment / Designations.
3. The proposed extension to the existing boat ramp however lies solely in the "Aquatic" Shoreline Environment / Designation.

4. According to Table 5.1 of the SMP, “boat launches” are permitted in both the “Urban” and “Aquatic” Shoreline Environments / Designations.
5. The subject proposal is not exempt from obtaining an approved Shoreline Substantial Development Permit (SSDP) per WAC § 173.27.040.
6. According to AMC § 18.16.100(B)(2) “For each shoreline substantial development/conditional use/variance permit application an open-record public hearing shall be held before the planning commission. For project improvements valued at less than one million dollars on project sites less than three acres in size, the Planning Commission may approve, approve with conditions, or deny the permit unless an appeal of the Planning Commission’s action is filed.” The total cost or fair market value of the project has been estimated to be 40,000.00 dollars in value and is on less than 3-acres. Therefore, the Planning Commission has the decision-making authority for the subject shoreline permit.
7. The purpose of the “Urban” shoreline designation “is to provide for commercial, industrial, and recreational uses; residential uses in some locations; and public land uses while seeking opportunities for protection and restoration of ecological functions.”
8. The purpose of the “Aquatic” shoreline designation “is to protect, restore, and manage the unique characteristics and resources of marine waters, including habitat, ecology, navigation and public enjoyment.”
9. Water Dependent uses within both the Urban and Aquatic Shoreline Environments /Designations have a zero (0) foot setback as measured from the ordinary high water mark (OHWM) pursuant to SMP Table 5.2.
10. The subject shoreline permit was reviewed for conformance with Section 9.3 of the Shoreline Master Program that regulates Boat Launches. Accordingly, the following development regulations (DR) were reviewed for conformance with as follows:
 - A. According to DR-9.3.1, “Boat launches for Port, commercial, or public recreational uses may be permitted in all shoreline environments except Natural. Boat launches in the Conservancy and Shoreline Residential environments require a Shoreline Conditional Use Permit.”

STAFF ANALYSIS:

The existing boat ramp is located in both the “Urban” and “Aquatic” Shoreline Environments /Designations. The extension to the boat ramp however will occur solely in the “Aquatic” Shoreline Environment /Designation. According to Table 5.1 of the SMP, boat launches are allowed uses within both the “Urban” and “Aquatic” Shoreline Environments /Designations.

- B. According to DR-9.3.2, “Launches associated with single-family residences for private uses are prohibited.”

STAFF ANALYSIS:

The existing boat ramp is used by the Fidalgo-Bay RV Resort and is not for the private use of a single-family residence.

- C. According to DR-9.3.3, Boat Launches and ancillary facilities shall be located, designed, constructed, and operated as to:
- C1. Minimize adverse effects of fish, shellfish, wildlife, water quality, and existing geo-hydraulic shoreline and stream processes. When impacts cannot be avoided, impacts must be mitigated to assure no-net loss of ecological function necessary to sustain shoreline resources;

STAFF ANALYSIS:

Possible adverse impacts to fish, shellfish, wildlife, and water quality will be minimized or avoided all together according to the specifications of the project design and by implementing best management practices (BMPs) during construction activities per the biological assessment. The project will result in a no-net loss of ecological functional or value.

- C2. Be clearly separated from nearby swimming areas;

STAFF ANALYSIS:

The subject proposal involves an extension to an existing boat launch that was previously permitted by the City (Shoreline Permit #213 & CUP #94-001). The existing boat launch is not part of a swimming area.

- C3. Provide adequate on-shore sewage and waste disposal facilities and a means for effective operation; and

STAFF ANALYSIS:

The Fidalgo Bay RV Resort is served by the City of Anacortes's sanitary sewer service.

- C4. Be compatible with adjacent uses and avoid or mitigate aesthetic impacts;

STAFF ANALYSIS:

The existing boat ramp serves the Fidalgo Bay RV Resort. The RV resort surrounds the boat ramp and thus is compatible with adjacent uses.

C5. Ensure that navigation rights are protected.

STAFF ANALYSIS:

The proposed extension to the existing boat ramp will not impede in any way navigation rights of boats within Fidalgo Bay.

C6. Not impede the long shore flow of sand and gravel.

STAFF ANALYSIS:

The project also entails the installation of an anchored timber log as an erosion control /scour prevention feature and the placement of ~11 cubic yards of beach nourishing substrates for nearshore habitat enhancement. Accordingly, the project will not result in adverse effects to the flow of sand and gravel associated with the long shore flow process.

D. Associated docks and floats shall conform to the applicable policies and performance standards of this Master Program.

STAFF ANALYSIS:

No dock or float exists or is proposed as part of the boat launch extension.

E. Associated parking areas shall:

E1. Comply with the City of Anacortes' Parking Code;

STAFF ANALYSIS:

The subject proposal involves the extension to an existing and permitted boat ramp that serves the Fidalgo Bay RV Resort. Adequate off-street parking surrounds the boat ramp.

E2. Provide adequate off-road parking and loading areas;

STAFF ANALYSIS:

No additional off-street parking is proposed as part of the extension to the existing boat ramp.

E3. Facilitate orderly launching and retrieval of boats, as well as the movement of vehicles and trailers in the launching area;

STAFF ANALYSIS:

Adequate room exists landward of the existing boat ramp to facilitate off-street parking and movement of vehicles and trailers utilizing the boat ramp.

E4. Provide ample room for the handling and maneuvering of boat trailers;

STAFF ANALYSIS:

Adequate room exists upland of the boat ramp for the handling and maneuvering of boat trailers.

E5. Be located at least 25 feet landward of the OHWM; and

STAFF ANALYSIS:

Existing off-street parking upland from the boat ramp is more than 25 feet from the ordinary high water mark.

E6. Ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion. Low Impact Development provisions should be emphasized.

STAFF ANALYSIS:

No changes are proposed to the storm-water system at Fidalgo Bay RV Resort associated with this project.

F. Preferred ramp designs, in order of priority are:

F1. Open grid designs with minimum coverage of beach substrate.

STAFF ANALYSIS:

The proposed boat launch extension is approximately 237 square feet in size. It will be constructed by the use of twelve (12) pre-cast reinforced concrete logs. The logs will be connected with galvanized bolts between some of the planks. The extension of the boat launch will extend approximately twenty-two (22) feet waterward into Fidalgo Bay from the existing boat ramp. The concrete logs will have small gaps between them with substrate therein.

F2. Seasonal ramps that can be removed and stored upland.

STAFF ANALYSIS:

Seasonal ramps are not part of the project as is discussed above.

- F3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in beach profile.

STAFF ANALYSIS:

The boat ramp extension involves the use of twelve (12) pre-cast reinforced concrete logs connected with galvanized bolts between some of the planks. The concrete logs will have small gaps between them and in that respect it is somewhat segmented and able to adapt to minimal beach profile changes. Additionally, the installation of a log parallel to the boat ramp and placement of beach substrate will help to prevent changes in the beach profile.

- G. Ramps shall be placed and maintained near flush with the foreshore slope.

STAFF ANALYSIS:

The extension to the boat ramp will be placed flush with the existing concrete boat ramp.

- H. Maintenance and repair of existing ramps shall minimize impacts to shoreline areas.

STAFF ANALYSIS:

By use of Best Management Practices (BMPs), the extension to the boat ramp and maintenance and repair to the exiting boat ramp will not adversely impact the shoreline area.

11. The subject proposal is/is not consistent with the State of Washington's Shoreline Management Act and the City of Anacortes' 2010, Shoreline Master Program and development regulations listed therein for developments located in the "Aquatic" shoreline environment/designation.

VIII. ZONING ORDINANCE/CODE:

1. The City's Zoning Map establishes zoning district boundaries and the City Zoning Ordinance establishes (1) the permitted use of land in the various zones, and (2) development standards.
2. The subject property is located in the Commercial Marine (CM) Zoning District.
3. Pursuant to AMC § 17.21.010, the Commercial Marine (CM) Zoning District "is established in recognition of the unique and irreplaceable nature of certain marine sites within Anacortes, and creates a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, and other commercial enterprises where orientation to navigable waterways and

tourism trade is of prime importance. Uses in this district are intended to serve the needs of marine oriented and tourist activity, and not to create large scale commercial centers providing basic goods and services to the entire community.”

4. Per AMC 17.21.020, “Boat moorage, public piers, private and public marinas, ship and boat building and repair, boat and marine equipment sales and services, small scale retail sales and specialty shops, eating and drinking establishments, offices, boatels, hotels, motels, yacht clubs, indoor and outdoor public and private recreation facilities, movie theaters, commercial parking, public parking, private parking, and parks” are permitted uses within the CM Zoning District.
5. A recreational vehicle (RV) park or campground requires a Conditional Use Permit per AMC 17.21.040.
6. According to our records, previous permitting (i.e., Shoreline Permit #213, Conditional Use Permit #94-001 & an associated amendment thereto) is on file associated with the existing RV Resort.
7. The subject proposal involves an extension to an existing boat ramp serving the RV resort.
8. The subject proposal is/is not consistent with the above development regulations. The proposed land use is permitted in the underlying zoning district.

IX. CONCLUSIONS OF LAW:

1. The requirements of the State Environmental Policy Act have, have not been complied with.
2. The public notice requirements of the Shoreline Management Act have, have not been complied with.
3. The project is/is not consistent with the shoreline designation and general goals, policies and development regulations of the Anacortes Shoreline Master Program, the Shoreline Management Act, the general purposes of the city comprehensive plan, the city’s planning standards and specifications of the zoning ordinance, and other ordinances applicable to the proposal.
4. The Planning Commission bases its Findings of Fact, Conclusions of Law & Decision on the entire record, including all testimony and exhibits. Any finding which would be deemed a Conclusion of Law, and any Conclusion of Law which should be deemed a finding is hereby adopted as such.

X. STAFF RECOMMENDATION:

The Department of Planning, Community, and Economic Development recommend that the subject Shoreline Substantial Development Permit (SSDP) be approved by the Planning Commission subject to staff’s suggested conditions of approval as listed below.

XI. DECISION:

Based on the foregoing information and analysis, the environmental documents submitted by the applicant, and the City regulatory authority to implement the policies, standards, and the regulations of the Shoreline Master Plan, Comprehensive Plan, and the Anacortes Municipal Code (AMC), the Planning Commission approves/approves with conditions/or denies the shoreline substantial development permit subject to the conditions of approval listed below.

XII. CONDITIONS OF APPROVAL:

1. The scope of the project shall not exceed that as set-out in the shoreline permit application (including attachments), and in accordance with the determinations made and conditions imposed. Exhibit #08 shall be the approved site plan.
2. A building permit(s) with the City of Anacortes' shall be secured prior to work.
3. All applicable permits (local, state, & federal) shall be secured before any construction activities begin onsite and copies provided to the City of Anacortes' PCED.
4. The applicant shall be responsible for reimbursement to the City for the cost of posting, mailing and publication of the public hearing for this proposal. Payment shall be made prior to building permit application submittal or issuance.
5. If any artifacts or human remains are found upon excavation, the Samish Indian Nation; the City of Anacortes' Department of Planning, Community, & Economic Development; and the State of Washington's Department of Archaeology and Historic Preservation (DAHP) shall be immediately notified and the work in the immediate area cease. Pursuant to RCW § 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and § 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology and Historic Preservations before excavating, removing, or altering Native American human remains or archaeological resources in Washington.
6. Development shall comply with the Inadvertent Discovery Plan (IDP) prepared by the Samish Indian Nation. A copy of the IDP shall be onsite during construction.
7. Development shall comply with AMC § 18.16.130 regulating the time limit for shoreline permits as follows:
 - A. Construction, or substantial progress toward completion, must begin within two (2) years after approval of the permit. Substantial progress toward construction shall include, but not limited to, the letting of bids, making of contracts, purchasing of materials involved in development, but shall not include development or uses which are inconsistent with the Shoreline Management Act or the city's master program. In determining the running two-year period hereof, there shall not be included the time during which

development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided, that the city may, in its discretion, extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

- B. Five-Year Permit Authorization. If construction has not been completed within five years of approval by the City of Anacortes, the city will review the permit, with prior notice to parties of record, and, upon showing of good cause, either extend the permit for one additional year, or terminate the permit. Prior to the city authorizing any permit extensions, it shall notify any parties of record and the Department of Ecology. Note: Only one single extension is permitted.
8. Development shall comply with the SEPA Mitigated Determination of Non-Significance (MDNS) that was issued on **January 31, 2017**, as follows:
- A. Development shall comply with the recommendations of the Biological Assessment prepared by Advanced Environmental Solutions, dated December 5, 2016 (MDNS Condition #1).
 - B. The timing of the project shall comply with Washington State's Department of Fish and Wildlife's project work window as is discussed in the Biological Assessment (MDNS Condition #2).
 - C. Hours of construction /work are limited to 7:00 AM to 10:00 PM unless a noise variance is obtained (MDNS Condition #3).
 - D. Noise levels shall not to exceed those standards as established by the state pursuant to Chapter 70.107 RCW and contained in Chapter 173.60 WAC (MDNS Condition #4).
 - E. The applicant /landowner shall comply with federal statutes including but not limited to: Endangered Species Act, Clean Water Act, Marine Mammal Protection Act, and other federal statutes (MDNS Condition #5).
 - F. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Section 5.6 Aquatic Environment, Section 5.10 Urban Environment, Chapter 5, Shoreline Environments & Associated Policies and Regulations, Chapter 6 Environmental Protection General Regulations, Chapter 8 Specific Use Policies and Development Regulations, and Chapter 9 Specific Shoreline Modification Policies and Development Regulations (MDNS Condition #6).
 - G. Prior to commencement of site activities, copies of all applicable state and federal permits and/or approvals shall be provided to the City (MDNS Condition #7).

- H. Pursuant to SMP DR-6.3.10, the landowner shall submit to PCED periodic monitoring of the proposed onsite mitigation that is proposed as part of this project for five (5) years from the date of completed development to ensure the success of the mitigation (MDNS Condition #8).
- I. Proposed construction activities shall occur at low tide. No in water work is permitted (MDNS Condition #9).
- J. A grade and fill permit is required for cut and/or fill of 50 cubic yards or more (MDNS Condition #10).

These Findings of Fact, Conclusions of Law, and Decision were adopted by the City of Anacortes' Planning Commission on **February 8, 2017**.

**CITY OF ANACORTES, WASHINGTON
PLANNING COMMISSION**

By _____
Marty Laumbattus, Planning Commission Chair

APPEALS

Appeals shall be filed in accordance with AMC § 18.16.100 and/or § 18.16.110, as applicable.

EXHIBITS:

EXHIBIT NUMBER:	NAME OF EXHIBIT:
Exhibit #01	Master Permit Application, JARPA, Narrative, SEPA Checklist, Biological Assessment, Wetland Reconnaissance, Archaeological Monitoring Plan, & Critical Areas & Regulatory Compliance Assessment
Exhibit #02	GIS Map & Assessor's Information
Exhibit #03	NOA & NOH With Optional SEPA DNS
Exhibit #04	Agency & Department Comments Received
Exhibit #05	Public Comments Received
Exhibit #06	Issued SEPA MDNS
Exhibit #07	Shoreline Permit #213 & Conditional Use Permit #94-001
Exhibit #08	Site Plan
Exhibit #09	Site Photos

EXHIBIT #01:

**MASTER PERMIT APPLICATION, JARPA,
NARRATIVE, SEPA ENVIRONMENTAL
CHECKLIST, BIOLOGICAL ASSESSMENT,
WETLAND RECONNAISSANCE,
ARCHAEOLOGICAL MONITORING PLAN, &
CRITICAL AREAS & REGULATORY
COMPLIANCE ASSESSMENT**

City of Anacortes – Planning, Community, and Economic Development

906 – 6th Street, P.O. Box 547, Anacortes, WA 98221-0547

MASTER PERMIT APPLICATION

1.

	Applicant	Contact Person (if different)
Name:	<u>Scott Cooper, Samish Indian Nation</u>	<u>William Haynes, Ashton Engineering, Inc.</u>
Mailing Address:	<u>4701 Fidalgo Bay Rd.</u>	<u>5867 Crystal Springs Lane</u>
City, State, Zip:	<u>Anacortes, WA 98221</u>	<u>Bellingham, WA 98226</u>
Phone#:	<u>360.293.5353</u>	<u>360.354.8179</u>
Fax#:	<u>NA</u>	<u></u>
E-mail:	<u>scott@fidalgobaycom</u>	<u>wah@ashtonengr.com</u>
2. Applicant's Interest to Property (check one) Resort Manager w/ authority to
☐ Owner ☐ Contract Purchaser ☐ Lessee ☒ Other (specify) sign for the owner.
3. All Persons/Firms having an ownership interest in the property:
Name: Same as Applicant Phone#
Address:
Name: Phone#
Address:
Name: Phone#
Address:
4. Property Address 4701 Fidalgo Bay Rd. Anacortes, WA 98221
General location of property (including nearest intersection): SEC: 32 TWP: 35N RNG: 02E
- *By submittal of this application, the property owner/applicant grants permission for public officials at the City of Anacortes to enter the subject property, if necessary, for the purpose of site inspection.
5. Attach legal description of property. (If recording of legal description is required, the format MUST comply with Recording Requirements.)
6. List all Property Tax Account Numbers involved in this application (Attach separate pages if necessary):
Parcels P33440 & P33271
7. Approximate acreage: 7.65 8. Present zoning: Commercial Marine
9. Present use of property: Fidalgo Bay RV Resort operates on the property. RV camping and tribal convention center.
The resort includes a concrete boat ramp.



LAND USE

Planning, Community, and Economic Development

904 – 6th Street

P.O. Box 547

Anacortes, WA 98221-0547

360-299-1943

**Preliminary Plats
Conditional Use Permit
Shoreline Permits (all types)
Planned Unit Development
Binding Site Plans
Comprehensive Plan Amendments
Boundary Line Adjustments
Commercial Building Projects**

**Preliminary Short Plats
Rezones
Variances (all types)
Annexations
Plat Modifications
Special Use
Home Occupation**

Development Review Committee (DRC) meeting: All applicants for permits will be required to schedule a Development Review Committee (DRC) meeting. When all of the required information has been received, City staff will schedule your DRC meeting date. Staff must have at least two weeks for an application to be distributed/reviewed. DRC meetings are held every Tuesday and generally start at 1:30 p.m. Representatives from applicable City Departments will be in attendance. Due to the number of DRC meeting requests, discussions will generally be limited to 30 minutes per project. However, if you feel you may require additional time, please inform our office so we may adjust the schedule accordingly. A separate DRC meeting request form is required for this process.

It is our goal to provide thorough clarification of requirements and reduce the number of rejected or incomplete applications to enable an efficient review and timely completion of your application process.

10. Source of water supply and sewer supply: City of Anacortes

11. Permits requested from City:

☐ Annexation

☐ Boundary Line Adjustment

☐ Binding Site Plan

☐ Conditional Use Permit

☐ Comprehensive Plan Amendment

☐ Planned Unit Development

☐ Plat Modification

☐ Preliminary Plat

☐ Rezone

☐ Shoreline Exemption

☐ Shoreline Management Conditional Use Permit

☒ Shoreline Management Substantial Development

☐ Shoreline Variance

☐ Short Plat

☐ Special Use

☐ Variance

☐ Other: _____

12. Explain your request and ALL proposed uses included in this proposal: Extend an existing concrete boat ramp approximately 22 feet down to an elevation of about +3.5' (MLLW) to allow for use over a greater tide cycle period and to reduce boat trailer traffic on the beach. The boat ramp is used for launching small vessels belonging to RV campers and oil spill responders.

PLEASE FILL IN ALL APPLICABLE SECTIONS

FOR REZONES: NA

13. Requested zoning: _____

14. Comprehensive Plan designation: _____

15. Has anyone applied for a rezone of this property within the last five years? _____
If yes, who? _____ Year? _____

FOR SUBDIVISIONS (PLATS): NA

16. Plat Name: _____ 17. Number of Lots: _____

FOR SHORT SUBDIVISIONS (SHORT PLATS): NA

18. Number of Lots: _____ 19. Duplex Lots Proposed: _____

FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT OR CONDITIONAL USE:

20. Total cost or fair market value (whichever is higher) of project (please state total value of all construction finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises): \$ 40,000
21. Construction dates for which permit is requested (month & year): Begin: Sept. / 2017
End: Sept. / 2017
(Or later within the in-water work window.)
22. Does the project require a Shoreline/Floodplain location? If yes, please explain why: Yes, boat ramp
must be on the shoreline as it is water dependent.
23. Water Body: Fidalgo Bay 24. Shoreline Environment Designation: Urban

FOR VARIANCE (ZONING AND SHORELINE): NA

25. Code sections involved: _____
26. Description of variance requested: _____

A notarized affidavit is required to be completed by all persons having an ownership interest in the subject property and the applicant, if different from the property owner(s). If the signatory is not listed as the owner in the title report, or if the signatory is signing on behalf of an entity, documentation authorizing the signatory to sign the affidavit on behalf of the individual or entity shall provided.

STATE OF WASHINGTON)

) ss

I (we) Scott Cooper, being duly sworn, depose and say that I am (we are) the **OWNER(s)** of the property involved in this application, and that I (we) have familiarized myself (ourselves) with the rules and regulations with respect to preparing and filing this application and that the statements and information submitted herewith are in all respects true and correct to the best of my (out) knowledge and belief.

Signed: [Signature]

Property Owner

Subscribed and sworn to before me this 23rd day of August, 20 16



Janece L. Flagg
Notary Public in and for the State of Washington
residing at Mt. Vernon, Washington

STATE OF WASHINGTON)

) ss

I (we) Scott Cooper, being duly sworn, depose and say that I am (we are) the **APPLICANT(s)** for this application, and that I (we) have familiarized myself (ourselves) with the rules and regulations with respect to preparing and filing this application and that the statements and information submitted herewith are in all respects true and correct to the best of my (out) knowledge and belief.

Signed: [Signature]

Applicant

Subscribed and sworn to before me this 23rd day of August, 20 16



Janece L. Flagg
Notary Public in and for the State of Washington
residing at Mt. Vernon, Washington



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) Form^{1,2} [\[help\]](#)

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) [\[help\]](#)

Fidalgo Bay RV Resort Boat Ramp Extension

Part 2—Applicant

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

2a. Name (Last, First, Middle)

Cooper, Scott, C.

2b. Organization (If applicable)

Samish Indian Nation (Fidalgo Bay Resort Manager)

2c. Mailing Address (Street or PO Box)

4701 Fidalgo Bay Rd.

2d. City, State, Zip

Anacortes, WA. 98221

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

(360) 293-5353

(360)707-8786

()

scott@fidalgobay.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.) [\[help\]](#)

3a. Name (Last, First, Middle)

Haynes, William, A.

3b. Organization (If applicable)

Ashton Engineering, Inc.

3c. Mailing Address (Street or PO Box)

5867 Crystal Springs Lane

3d. City, State, Zip

Bellingham, WA 98226

3e. Phone (1)

3f. Phone (2)

3g. Fax

3h. E-mail

(360) 354-8179

wah@ashtonengr.com

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.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail

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]			
4701 Fidalgo Bay Road			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Anacortes, WA. 98221			
5d. County [help]			
Skagit			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
NW	32	35N	2E
5f. Provide the latitude and longitude of the project location. [help]			
48.485 N lat / 122.594.W long			

5g. List the tax parcel number(s) for the project location. [help]		
P33271 and P33440		
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)
None, The Samish Tribe owns parcels on both sides of proposed boat launch extension project.		
5i. List all wetlands on or adjacent to the project location. [help]		
Element Solutions of Bellingham, Washington has prepared a wetland reconnaissance report for the site dated July 20, 2016 – see attached. The report concluded no wetlands are present within 300-feet of the subject boat launch extension and that a Critical area report is not likely required. Access to the project site is via built roads and gravel parking areas. No potential impacts to wetlands are associated with the project, which will occur in the marine waters of Fidalgo Bay. No vegetation clearing is associated with the project.		
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]		
Fidalgo Bay		
5k. Is any part of the project area within a 100-year floodplain? [help]		
☒ Yes ☐ No ☐ Don't know		
5l. Briefly describe the vegetation and habitat conditions on the property. [help]		
Aquatic vegetation is lacking on the intertidal beach within the boat launch project area. The upland extent of the beach is bounded by a low elevation shoreline bank (berm) that is armored with large boulders at the Ordinary High Water Mark (OHWM) of Fidalgo Bay. Native dune grass and weedy herbaceous plants are scattered along the armored shoreline. Landward of the top of the shoreline bank, low-lying mowed grass and RV gravel parking sites and associated infrastructure are present on historic fill. Trees are lacking along the shoreline on the subject property adjacent to and west of the boat launch. The beach substrates are degraded coarse, impounded mixed gravel and sand that are eroded. Recent shoreline restoration to remove rock armor and to nourish beach with finer sediments conducive to shoreline drift and forage fish spawning has occurred and is proposed to be completed this, or next fall on the shoreline areas directly to the west of the project boat launch area.		
5m. Describe how the property is currently used. [help]		
The subject boat launch is located at the Fidalgo Bay Resort, a tribally owned RV park used as a business unit for the Samish Tribe. The Samish Nation tribal convention center is located directly to the southeast of the boat launch on the subject property.		
5n. Describe how the adjacent properties are currently used. [help]		
West of the project site are previously completed Phase I and Phase II beach restoration projects with associated upland planting sites and a grassy field. The Phase III beach restoration project is planned for construction in September 2017 and is located immediately west of the boat ramp. East of the project parcel is some of the last unmodified beach in Fidalgo Bay with intact upland forest vegetation to the end of Weaverling Spit.		
5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]		

The existing boat ramp is located to the northwest of the convention center on Parcel P33440. Upland and southeast of the boat launch and shoreline beach, multiple RV parking sites with associated sewer, communications, and electrical infrastructure are present in good working condition. The project will not result in any changes to the existing land use and or upland conditions on the subject property or within its immediate vicinity.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

From Interstate 5 take exit 230/WA State Highway 20. Go west twelve (12) miles to Fidalgo Bay Road. Go slight right onto Fidalgo Bay Road. Take a right into the Fidalgo RV Park.

Part 6—Project Description

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

The proposed project will extend the existing boat ramp approximately 22 feet using precast concrete planks. Mitigation for the proposed waterward encroachment of the boat ramp structure into the Bay, beach nourishment gravels will placed along the east side of the boat ramp and an anchored large woody debris log will be installed parallel to the ramp on the west side of the ramp.

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

The goal of the boat ramp extension is to increase the amount of time the ramp is available for launching small boats. Currently, the lower end of the existing ramp is at an elevation of +6.4 feet above Mean Lower Low Water (MLLW = 0.0'). The boat ramp extension will extend the ramp end to an elevation of approximately +3.5 feet.

The boat ramp extension will reduce the frequency of trailers traveling on the beach surface and therefore serve to preserve aquatic habitat in areas adjacent to the ramp from potential erosion and degradation.

The proposed beach nourishment to the east of the boat ramp is meant to enhance the degraded natural processes and nearshore functions that support forage fish spawning. The beach nourishment is also intended to benefit Pacific salmon that use Fidalgo Bay and surrounding areas through enhanced forage fish production and improved migratory habitat. The placement of beach nourishment sediments to the east of the boat ramp will help to reduce scour at the project site while also support the natural processes of drift cell transport of sediments to the beach area on the southeast end of the Weaverling Spit.

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) [\[help\]](#)

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

☒ Other: Beach nourishment /forage fish habitat restoration

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.

Existing beach sediments and any debris will be removed waterward of the existing concrete boat ramp in order to install geotextile and precast concrete planks. The volume of material to be excavated and disposed of offsite is approximately 9 CY. An area of approximately 240 SF will be excavated to a uniform depth to accommodate 12" deep precast concrete planks. An excavator and possibly a wheeled loader will be used to construct the project. All heavy equipment will work within the ramp footprint or from the adjacent upland. Anchors for the imported timber log will be installed and attached with galvanized steel hardware to the untreated log (cedar or douglas fir).

Geotextile will be placed on the excavated portion of the beach beneath the new planks. Precast concrete planks will be delivered to the site via flatbed truck and stored on the resort property upland of the MHHW tide elevation. New planks will then be placed with an excavator or crane.

Two types of gravel with differing specifications will be imported with the project. The perimeter of the ramp will receive approximately 4 CY of drain rock. Approximately 11 CY of beach nourishment gravel suitable for forage fish spawning habitat will be placed on the east side of the boat ramp. Specifications for the rock follow.

Drain rock:	Screen/Sieve	Percent Passing	Beach Nourishment:	Screen/Sieve	Percent Passing
	1.5"	90-100		1.5"	100
	1"	20-55		1"	90-100
	0.75"	0-15		0.5"	70-90
	0.375"	0-5		0.25"	50-80
	No. 200	0-2		No. 40	0-10
				No. 100	0-5

All work will be done in the dry as much as practicable. A floating sedimentation boom will be deployed around the work zone should tidal water inundate the site during work activities.

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.

To coincide with adjacent beach project.

Start date: 9/5/17

End date: 9/16/17

☐ See JARPA Attachment D

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

\$40,000

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

Although freshwater wetland areas are associated with the RV Resort properties, the proposed extension of the existing boat launch will occur in the marine waters of Fidalgo Bay. Due to the existing roads and gravel parking areas to provide access to the boat launch, no equipment use or transport of materials is anticipated to occur in wetlands or associated buffer areas which are located at distances greater than 300-feet from the project site.

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 Element Solutions of Bellingham, Washington is preparing a wetland delineation report for the City of Anacortes permit review of proposed gravel parking area alterations on the RV Resort property.

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

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

☐ Yes ☐ No ☒ Not applicable

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

Not Applicable

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 ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)
Not Applicable						

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. [\[help\]](#)

Not Applicable

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. [\[help\]](#)

Not Applicable

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

Beach work will occur during low tide periods, as feasible, when sediments are exposed rather than inundated. Freshly exposed substrates will be covered before tidal inundation.

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 ☐ Not applicable

See project design sheets for proposed installation of mitigation measures.

An anchored timber log will be installed on the up-drift (west) side of the ramp to prevent sediments from building on the ramp. On the down drift (east) side of the ramp, approximately 11 cubic yards of beach nourishment suitable for forage fish spawning habitat will be placed at elevations between +4.0' and +10.5' above MLLW.

All phases of the project construction will utilized Best Management Practices (BMPs) as outlined in the Washington State Department of Ecology's *Stormwater Management in Western Washington* manual (Ecology, 2012).

Beach work will occur during low tide periods, as feasible, when substrates are exposed, rather than submerged. Spill response plan will be maintained and used if needed.

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 design plan is meant to minimize potential aquatic impacts in the marine environment and to enhance forage fish habitat. The habitat features will also support the long-term use and viability of the boat launch. The log will restrict sediments from collecting on the ramp and the placed beach material will also serve to reduce scour on the down drift (east) side of the ramp.

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

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Excavate for new planks	Fidalgo Bay	In and adjacent to Fidalgo Bay	2 days	9.0 cy removed	Approximate area of 370 sf. The area below MHHW is approximately 225 sf.
Install geotextile and planks and drain rock.	Fidalgo Bay	In and adjacent to Fidalgo Bay	2 days	10.1 cy of planks installed. 4 cy of drain rock installed	Area of planks is 237 sf and all below MHHW. Area of drain rock is approx. 132 sf with 125 sf below MHHW.
Install timber log and two anchors.	Fidalgo Bay	In and adjacent to Fidalgo Bay	1 day	2.4 cy of timber log installed.	Approximate area of log is 50 sf.
Install beach nourishment rock	Fidalgo Bay	In and adjacent to Fidalgo Bay	1 day	11 cy of gravel	Approximate area of gravel is 390 sf with 252 sf below existing MHHW.

¹ 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.

² 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.

³ 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. [\[help\]](#)

Approximately 40 square yards of geotextile will be placed on top of the sea bed by hand.
Precast concrete planks (10.1 cy) will be obtained by the contractor and installed with an excavator or crane between elevations of +1.5' and +6.4' MLLW.
15 cy of gravels will be obtained by the contractor and placed with an excavator or crane between elevations of approximately +1.5' and +10.0' MLLW.

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. [\[help\]](#)

9 cy of beach material will be excavated from elevation +1.5' to +6.0' MLLW by excavator and disposed of offsite.

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
WA Dept. Fish & Wildlife	Doug Thompson	(360) 466-4345 ext 251	3/24/16
City of Anacortes	Kevin Cricchio	(360) 293-1901	5/6/16
Army Corps of Engineers	Ron Wilcox	(206) 316-3893	5/6/16
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: http://www.ecy.wa.gov/programs/wq/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.			
17110019			
9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help] • Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.			
WRIA 3			
9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help] • Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html 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: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.			
☐ Rural ☒ Urban ☐ Natural ☒ Aquatic ☐ Conservancy ☐ Other _____			
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: N/A			

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. [\[help\]](#)

Always been a beach area. There was one residence located upland from the project area in the past. RV park area is located on historic fill.

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. [\[help\]](#)

The following federally listed species utilize Fidalgo Bay for migration and foraging and may be present within the vicinity of the project:

Puget Sound Chinook

Coastal/Puget Sound bull trout

Boaccio, canary and yelloweye rockfish

Marbled murrelet – Designated critical habitat for marbled murrelet is not applicable to the project site.

Puget Sound Steelhead does not typically utilize the nearshore.

The project activities will occur in shallow water conditions and no pile driving is associated with the project. Therefor the project is will have no effect on the Southern DPS of killer whale nor on designated critical habitat.

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. [\[help\]](#)

Bald Eagle- work will occur outside of nesting season

Surf smelt, and Pacific herring forage fish spawning areas are associated with the project shoreline and Pacific Sand Lance spawning habitat is documented along the SE end of Weaverling spit. The proposed beach nourishment sediments to be placed as a mitigation measure in association with the project will support forage fish production.

Part 10-SEPA Compliance and Permits

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.)

- ☐ A copy of the SEPA determination or letter of exemption is included with this application.
- ☒ A SEPA determination is pending with City of Anacortes (lead agency). The expected decision date is unknown.
- ☐ 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): _____

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](#)

You must submit a check for \$150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

- ☐ \$150 check enclosed. Check # _____ (To be paid on-line.)
Attach check made payable to Washington Department of Fish and Wildlife.
- ☐ My project is exempt from the application fee. (Check appropriate exemption) _____
- ☐ HPA processing is conducted by applicant-funded WDFW staff.
Agreement # _____
- ☐ Mineral prospecting and mining.
- ☐ Project occurs on farm and agricultural land.
(Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- ☐ Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
HPA # _____

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

FEDERAL GOVERNMENT

United States Department of the Army permits (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 permits:

- ☐ Private Aids to Navigation (for non-bridge projects)

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. SC (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. SC (initial)

Scott Cooper

Applicant Printed Name

Scott Cooper
Applicant Signature

8/23/16
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.

William A. Haynes, PE Ashton Engineering

Authorized Agent Printed Name

William A. Haynes
Authorized Agent Signature

9/15/16
Date

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

Not required if project is on existing rights-of-way or easements.

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: ENV-019-09 rev. 09/2015

ASHTON

Engineering, Inc.

COASTAL & STRUCTURAL DESIGN

Project Narrative - Fidalgo Bay RV Resort Boat Ramp Extension

4701 Fidalgo Bay Rd., Anacortes, WA Parcels: P33440 & P33271

The proposed project will extend and improve an existing concrete boat ramp approximately 20'-6" further downslope in Fidalgo Bay. The proposed width of 11'-8" will match the existing.

The boat ramp is utilized by campers at the resort to launch small vessels. In addition, the ramp is used by first responders to oil spills and the like as well as associated training/ preparedness.

The existing boat ramp ends at an elevation of about +6.4' above mean lower low water (mllw = 0.0') tide. The +6.4' elevation is much higher than recommended by standard boat ramp design. A typical bottom ramp design elevation would be roughly -2 to -4' below mllw or in this case, over 8 vertical feet lower than it is currently.

The high elevation of the ramp significantly limits the period the ramp may be used due to the lack of tidal inundation. The proposed extension will extend the bottom of the concrete ramp to an elevation of approximately +3.5' mllw, about 3' lower than existing. Extending the ramp will improve the time the ramp is available for launching as well as reduce the frequency and potential of boat trailers traveling off the concrete ramp surface on to the beach.

Precast concrete planks will be utilized to extend the ramp. The slope of the existing ramp will be matched. The new deck surface will match the existing bottom of ramp elevation of +6.4' then slope down to match the existing beach grade.

In order to place the new precast concrete planks and a proposed timber log, approximately 9 CY of beach sediments will be excavated in the dry and disposed of offsite. Following placement of a geotextile fabric, the new planks will be placed with about ½" gaps between each plank. A total of 12 planks will be installed, 10 at the surface and 2 serving as underlying anchors. Approximately 4 CY of drain rock will be placed about the perimeter of the extension.

The ramp is located immediately east of the proposed Weaverling Spit Phase III Beach Nourishment project. Beach sediments along the Weaverling Spit site reportedly travel from west to east. During winter months the existing ramp appears to impede along shore flow of sand and gravel as the materials build up on the west side of the ramp and erode away from the east side. The proposed extension may continue to impede transport but possibly to a lesser extent given its lower elevation relative to the seabed.

To offset potential impacts of the extension, and to accommodate Section 9.3 of the SMP, installation of a timber log and beach nourishment gravel is proposed. An untreated log approximately 30' log will be installed along the west side of the ramp and anchored in place with helical screw, or similar, anchors. Approximately 11 CY of beach nourishment gravels, suitable for forage fish spawning, will be placed along the east side of the ramp over an area of about 390 SF. The gravel will serve as both habitat and material for erosion on the downstream side of the ramp. Depending on the rate of and degree of erosion, supplemental gravels may need to be imported and placed along the west side of the ramp on a continuing basis.



LAND USE

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

Fidalgo Bay RV Resort Boat Ramp Extension

2. Name of applicant: [\[help\]](#)

Scott Cooper, Fidalgo Bay Resort Manager

3. Address and phone number of applicant and contact person: [\[help\]](#)

4701 Fidalgo Bay Rd., Anacortes, WA 98221 360.707.8786

Contact: Bill Haynes, P.E.

Ashton Engineering, Inc.

5867 Crystal Springs Lane, Bellingham, WA 98226

360.354.8179

4. Date checklist prepared: [\[help\]](#)

August 25, 2016

5. Agency requesting checklist:

[\[help\]](#)

City of Anacortes, Washington Department of Fish and Wildlife

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

The project is proposed to take 12 days in September of 2017 and coincide with the adjacent Waverling Spit Phase 3 Beach Enhancement project work.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

8. The resort is considering development of an upland field to the northwest of the boat ramp into RV sites. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

A Biological Assessment for federal agency environmental regulatory review and compliance with Section 107 of the Endangered Species Act (ESA) and Essential Fish Habitat (EFH), as regulated by the Magnuson-Stevens Fisheries Conservation Act, has been prepared by Advanced Environmental Solutions (August 2016).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

The USACE is reviewing the Waverling Spit Phase 3 Beach Enhancement project for permit authorization. This project is to take place to the west of and adjacent to the Boat Ramp Extension Project.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

- Washington State Department of Fish and Wildlife – Hydraulic Project Approval
- Army Corps of Engineers Section 404 permit authorization
- City of Anacortes Shoreline permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

The applicant proposes to extend an existing concrete boat launch to accommodate small boats. The existing launch, approximately 12' width x 25' length, as measured from the Ordinary High Water Mark, is approximately 295 square feet in size. Currently, the lower end of the existing ramp is at an elevation of +6.4 feet above Mean Lower Low Water (MLLW = 0.0'). The proposed boat launch extension will extend approximately 22 feet waterward of the existing ramp to an elevation of approximately +3.5 feet (MLLW=0.0'). The proposed boat ramp extension will reduce the frequency of trailers traveling on the beach surface.

The total project area represents approximately 700 square feet.

The project includes shoreline enhancement measures to install an anchored large woody debris log and beach nourishing substrates to the west and east of the boat launch, respectively. The area for beach nourishment represents approximately 390 square feet (252 square feet below MHHW at +8.27 feet).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The project is located in the North/East corner of Parcel #P33440 located at 4701 Fidalgo Bay Rd., in Anacortes, WA 98221, The project site is situated in Section 32, Township 35 North, Range 02 East, W.M.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)**1. Earth**

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes,
mountainous, other: Marine nearshore
intertidal beach - downsloping
- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

The steepest slope on the site is approximately 5%.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

Gravel substrates are present along the beach. Finer sands and mud are present in the subtidal zone.

The soils at the project site, classified as 95% Xerothents (165) and 5% Bow types are primarily comprised of fill.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

There are no surface indicators of unstable soils in the immediate vicinity.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

The proposed boat launch extension will extend approximately 22-feet waterward of the existing ramp to an elevation of approximately +3.5 feet (MLLW=0.0'). The boat launch extension, approximately 237 square feet in size (11'8" x 21.5'), will be constructed with 12 pre-cast reinforced concrete logs, each measuring 2' x 11'8" x 12", that will be connected with galvanized bolts between planks. Existing beach sediments beneath the ramp extension will be removed and a geotextile fabric installed. Minor excavation of approximately 9 cubic yards of existing beach substrates is proposed to prepare the grade. (approximately 370 square feet; 225 square feet below MHHW at +8.27 feet [MLLW=0.0]).

The total launch area after construction will represent approximately 560 square feet (12' x 47') in size, as measured from the OHWM.

An anchored timber log will be installed on the west side of the ramp to help to reduce scour. Approximately 11 cubic yards of beach nourishing substrates are proposed for installation to the east of the boat launch. The beach nourishment, representing approximately 390 square feet in area (252 square feet below MHHW) will provide sediment for possible drift cell erosion on the east side of the boat ramp. The beach nourishment is intended enhance forage fish production and improved migratory fish habitat.

Two types of gravel with differing specifications will be imported with the project. The perimeter of the ramp will receive approximately 4 CY of drain rock. Approximately 11 CY of beach nourishment gravel suitable for forage fish spawning habitat will be placed on the east side of the boat ramp. Specifications for the rock follow.

Drain rock:	Screen/Sieve Percent Passing	Beach Nourishment:	Screen/Sieve Percent Passing
1.5"	90-100	1.5"	100
1"	20-55	1"	90-100
0.75"	0-15	0.5"	70-90
0.375"	0-5	0.25"	50-80
No. 200	0-2	No. 40	0-10
		No. 100	0-5

All fill used on the project will be sourced from a permitted facility.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Outside of natural processes no additional erosion is likely to occur as a result of the proposed project.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

The project will result in an additional 237 square feet of impervious concrete area in the nearshore intertidal zone.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

The project will be conducted during low tide intervals when substrates are exposed. Equipment storage and materials stockpiles will be designated on upland gravel parking areas, away from the shoreline. Work will occur during stable soil conditions.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Exhaust associated with the use of machinery during construction will be temporary and of short duration.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

- Not Applicable

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

Not Applicable

3. Water

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

Site is located on Fidalgo Bay, an open body of salt water that is part of the contiguous Salish Sea region.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

Construction will take place in intertidal nearshore zone of Fidalgo Bay between +2' and +10' above the Mean Lower Low Water [(MLLW) = 0.0', +8.27'=Mean Higher High Water (MHHW)].

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

No wetlands are associated with project. The project will take place in the marine

Waters of Fidalgo Bay at elevations between + 2 and +10 above MLLW (MHHW=+8.27')

Proposed excavation: 9 cubic yards (337 square feet: 225 below MHHW)

Proposed fill includes:

Drain rock : 4 cubic yards (132 square feet; 125 below MHHW)

Precast concrete planks: 10.1 cubic yards (237 square feet below MHHW)

Beach nourishment substrates: 11 cubic yards (390 square feet; 252 below MHHW)

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No, Not Applicable

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

Not Applicable

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

Not Applicable

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

Not Applicable

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

Not Applicable

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

Not Applicable

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

Best management practices (BMPs) will be put in place in order to minimize any potential impact from waste materials, this includes keeping a spill clean-up kit on the premises and using biodegradable hydraulic fluid in the heavy equipment associated with construction.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not Applicable

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Project will take place during low tide intervals so sediments will be exposed.

4. **Plants** [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)

☐ deciduous tree: alder, maple, aspen, other

☐ evergreen tree: fir, cedar, pine, other

☐ shrubs

☒ grass

☐ pasture

☐ crop or grain

☐ Orchards, vineyards or other permanent crops.

☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

☐ water plants: water lily, eelgrass, milfoil,

☒ other other types of vegetation marine
algae

- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

Not Applicable

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

Not Applicable

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

None

- e. List all noxious weeds and invasive species known to be on or near the site.

Not Applicable

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other surf smelt – forage fish

Animals that have been observed on or near the site, or are known to be near the site include: Salmonoid species, Bull trout, sculpin, flatfish, perch, sticleback, goby and forage fish are associated as well. Blacktail deer, and other smaller mammals such as raccoons and rabbit are likely to be present at the RV park. Marine mammals

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

Listed fish include green sturgeon, eulachon, Chinook, bull trout, steelhead, bocaccio, yelloweye and canary rockfish

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

The shoreline of Fidalgo Bay is utilized by migrating fish. The project is limited to the intertidal zone and therefore migrating birds utilizing terrestrial habitat is not applicable to the project site.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

Placement of large log and beach nourishment substrates to enhance forage fish spawning and fish migration

- e. List any invasive animal species known to be on or near the site.

None

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

Fuels, preferable those compatible for use in aquatic habitat, will be used to run the machinery for the project.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

Not Applicable

- b. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

Not Applicable

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

- 1) Describe any known or possible contamination at the site from present or past uses.

Not Applicable

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not Applicable

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not Applicable

- 4) Describe special emergency services that might be required.

Not Applicable

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Non-petroleum hydraulic fluids shall be used in the heavy equipment in the attempt to mitigate any potential damage that may occur from a hydraulic leak.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

Not Applicable

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Air-borne noise will be generated during construction during daylight hours only. No pile driving is associated with the project and therefore underwater noise is not applicable.

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Not applicable

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The project will be taking place on the same property as an RV resort, and not affecting adjacent properties.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

Not Applicable

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not Applicable

- c. Describe any structures on the site. [\[help\]](#)

A clubhouse for the RV resort is present along the shoreline to the east of the boat launch.

- d. Will any structures be demolished? If so, what? [\[help\]](#)

Not Applicable

- e. What is the current zoning classification of the site? [\[help\]](#)

The current zoning for the site is Commercial Marine.

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)

The current comprehensive plan designation for the site is Commercial Marine.

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

The current shoreline designation is Urban.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Forage fish spawning habitat is present at the site.

- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

Not Applicable

- j. Approximately how many people would the completed project displace? [\[help\]](#)

Not Applicable

- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

Not Applicable

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

The site is an existing recreational RV resort and the boat ramp is attendant to the recreational use of the site.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Not Applicable.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Not Applicable

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Not Applicable

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

Not Applicable

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

Not Applicable

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

Not Applicable

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

Not Applicable

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

Not Applicable

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

Not Applicable

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

Not Applicable

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

Not Applicable

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Designated RV camping, and recreational boating is available in the immediate vicinity.

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

Project will provide an improved opportunity for launching boats for recreational purposes.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

Not Applicable

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

Not known.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

Not Applicable

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not Applicable

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

Not Applicable

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

Not Applicable

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

Not Applicable

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

Not Applicable

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

The ramp will continue to serve as access for recreational boating and first responders

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

Not Applicable

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not Applicable

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

Not Applicable

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

Not Applicable

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

Not Applicable

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

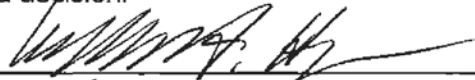
Not Applicable

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

Not Applicable

C. SIGNATURE [HELP]

I certify (or declare) under penalty of perjury under laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make a decision.

Signature: 

Name of signee William A. Haynes

Position and Agency/Organization President / Ashton Engineering, Inc.

Date Submitted: 9/20/14



Samish Indian Nation

OF WASHINGTON

ARCHAEOLOGICAL MONITORING PLAN:

Boat Ramp Extension Project

Fidalgo Bay RV Resort, Anacortes, Skagit County, WA

PROJECT DESCRIPTION AND MONITORING

The boat ramp extension project will add 22 feet of concrete to the existing boat launch. Although there are shell midden sites both east and west of the boat ramp along the shoreline, no cultural resources have been observed in the project area and no impacts to cultural resources are anticipated. However, because of archaeological site proximity, Samish THPO Jackie Ferry, a professional archaeologist meeting the Secretary of Interior standards, will monitor during the project to ensure there are no impacts to cultural resources.

INADVERTENT DISCOVERIES PROTOCOL

In the event that unanticipated cultural resources are impacted during this project, all work will cease and the area will be secured until the monitoring archaeologist can assess the situation and potential impact to cultural resources. If the inadvertent discovery is human remains, work will immediately cease, the area will be secured, and Will Reichardt, Skagit County Sheriff (360-428-3211); Hayley Thompson, Skagit County Coroner (360-416-1996); and Dr. Guy Tasa, DAHP Physical Anthropologist (o: 360-586-3534, m: 360-790-1633) will be notified.

REPORTING

A monitoring report will be sent to interested parties upon project completion.

MAILING ADDRESS: P.O. BOX 217 • ANACORTES, WA 98221

LOCATION: 2918 COMMERCIAL AVE • ANACORTES, WA 98221

PHONE: (360) 293-6404 • **FAX:** (360) 299-0790 • www.samishtribe.nsn.us



ELEMENT
solutions

July 20, 2016

To: Mr. Scott Cooper
4701 Fidalgo Bay Road
Anacortes, WA 98221
scott@fidalgobay.com

Subject: Wetland Reconnaissance for Proposed Boat Ramp at the Fidalgo Bay Resort, Skagit
County Tax Parcel P33440.

Dear Mr. Cooper,

Element Solutions conducted a Reconnaissance-level Wetland Assessment of Skagit County tax parcel P33440 on June 13th, 2016. The property is located at 4701 Fidalgo Bay Road, Anacortes, Washington. During our evaluation, we performed several soil test pits and delineated the boundaries of Wetland A (Figure 1). Subsequent desktop evaluations revealed that the proposed boat ramp improvements will occur greater than 300 feet from the wetland edge; therefore the project is occurring beyond the maximum buffer width under City of Anacortes Municipal Code (AMC 17.70.330). In addition, Element scientists completed a wetlands delineation report entitled, *City of Anacortes Wetland Delineation and Critical Areas Report, Fidalgo Bay RV Park Expansion* (Element, 2016), also to be submitted to the City Planning Department. For a detailed description of the project vicinity, wetland characteristics, and methodology, please see the delineation report.

General Site Description

The subject parcel, totaling 5.5 acres, is zoned City Commercial Marine (CM). The subject area lies on Weaverling Spit, south and east from the City of Anacortes proper. The project area currently consists of a gravel road and a relict concrete boat ramp, with the Resort Clubhouse to the immediate southeast, an existing RV parking lot to the southwest, and the Tommy Thompson Trail approximately 430 feet to the south. The general vicinity of the subject parcel consists of nearshore-marine beach environments, with sandy soils and a variety of nearshore and marine shoreline vegetation. Small nearshore forest enclaves blanket the shoreline of the project vicinity, as well as sparsely vegetated beaches and mudflats to the immediate south of the Tommy Thomson Trail (namely, the mudflats of the Fidalgo Bay Aquatic Reserve).

Wetland Summary

A reconnaissance-level evaluation of potential wetland areas was conducted on the subject parcel. One wetland, Wetland A, was delineated at the southwestern parcel edge. Wetland A is approximately 17,205 ft² and is a palustrine emergent wetland with a permanently flooded water regime; therefore Wetland A receives a wetland acronym PEMH (Cowardin 1979). It is likely that Wetland A has been channelized and modified throughout historic developments of the adjacent railway (now the Tommy Thomson Trail) and Weaverling Spit (Photo 1 below). Although Wetland A was not rated, it is likely a Category III wetland based on similar conditions to nearby rated wetlands (Element, 2016). If subsequent evaluations determine that the wetland is a Category III, then it would receive a 110-foot habitat buffer, according to City Code AMC 17.70.340.



ELEMENT

1312 Cornwall Avenue, Bellingham WA 98225
(360) 671-7387 | info@elementsolutions.org

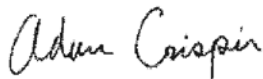
In addition to Wetland A, the staff ecologist also observed a stormwater retention pond (Photo 3) that exhibited wetland conditions (i.e. wetland plants and wetland hydrology). However this pond was clearly engineered and implemented in the recent past, as made evident by landscaping, rock berms, and a water fountain.

Conclusions

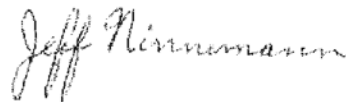
Per the requirements of the City of Anacortes Municipal code, AMC 17.70.330 (B), a Critical Area Report is only required for wetlands and wetland buffers within 300 feet, "*due to the maximum potential buffer size for wetlands*". Because Wetland A is farther than 300 feet from the proposed project area, and is likely a Category III wetland (requiring a 110-ft City of Anacortes Buffer), a Critical area report for the proposed project is not likely required.

If you have any questions about this letter, the relevant delineation report (Element, 2016), or other matters, please contact us at (360) 671-9172.

Respectfully,



Adam Crispin, BS
Environmental Scientist, Aquatic Ecologist
ACrispin@elementsolutions.org



Jeff Ninnemann, MS, PWS, LG
Senior Wetland Ecologist, Environmental Geologist
JNinnemann@elementsolutions.org

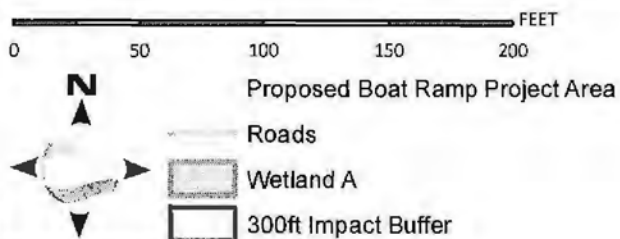
Site Condition Photos



Photos 1 & 2: Wetland A facing south from subject parcel, Tommy Thomson Trail in background (top) and aquatic vegetation typical of a permanently flooded water regime (bottom).



Photos 3 & 4: Nearby stormwater retention pond (top) and vegetation growing on the banks of Wetland A, facing southeast from subject parcel (bottom).



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Bellingham, WA 98225
info@elementsolutions.org
Phone: 360.671.9172

FIGURE 1

Fidalgo Resort
Boat Ramp Improvements:
Wetland Reconnaissance
Date: 7/20/2016

Biological Assessment for Endangered Species Act (ESA) and Magnuson-Stevens Act Essential Fish Habitat (EFH) Compliance

Samish Indian Nation
Fidalgo Bay RV Resort Boat Launch
Extension, Anacortes, Washington



Prepared by Advanced Environmental Solutions (AES), 1500A East College Way, Mount Vernon, WA 360.202.6839 Sept. 2016

Contents

1.0	Introduction	1
2.0	Project Location	2
3.0	Project Description	5
4.0	Action Area	7
5.0	Species and Habitat Associated with the Action Area	9
5.1	Vegetation	11
5.2	Fish	11
5.2.1	ESA Species and Designated Critical Habitat	11
5.2.2	Forage Fish	13
5.3	Wildlife	14
5.3.1	Marine Mammals	15
5.3.2	Birds	15
6.0	Analysis of Effects	17
7.0	ESA Determinations	19
8.0	Essential Fish Habitat	20
9.0	References	22

List of Appendices

Appendix A Samish Indian Nation Weaverling Spit Phase 3 Beach Nourishment Site Plans (Plan Sheets 1 -7), Ashton Engineering, Inc., dated 07/18/2016.

Appendix B iPac Trust Resources Report for Weaverling Spit, Fidalgo Bay, Skagit County, WA (USFWS, 2016).

List of Tables

Table 1	ESA Protected Fish Species & Designated Critical Habitat	10
Table 2	ESA Bird Species and Critical Habitat	16

1.0 Introduction

The Samish Indian Nation is proposing to extend the existing boat launch at the Fidalgo Bay RV Resort in Anacortes, Washington. Precast concrete logs will be used to extend the existing concrete boat launch an additional 22 feet waterward from its lower end at an elevation of +6.4 feet (Mean Lower Low Water [MLLW]=0.0) to +3.5 feet.

During spring and summer, the primary users of the boat ramp are campers at the RV Resort. The ramp is also used occasionally for training and access by first responders. The project is intended to accommodate small boats and will reduce the frequency of trailers travelling on the beach surface.

An anchored timber log will be installed to the west of the boat ramp to reduce scour along the structure. The placement of 11 cubic yards of beach nourishing substrates in approximately 390 square feet (252 square feet below Mean Higher High Water [MHHW] at +8.27 feet.) of the nearshore to the east of the boat launch is also proposed as a source of sediment for possible drift cell transport and as an enhancement measure for fish migration and forage fish production. The project design site plans, Sheets 1 – 5, dated July 18, 2016, as prepared by the project engineer, Ashton Engineering, Inc., of Bellingham, Washington, are included in Appendix A for reference (AEI, 2016).

The project is being timed to coincide with the Weaverling Spit Phase 3 Beach Enhancement Restoration project (USACE Reference: NWS-2016-294) in September 2017. The Phase 3 enhancement project will remove the existing rockery and place nourishing beach sediments in the nearshore to the west side of the subject boat launch.

This Biological Evaluation (BE) report addresses potential project-associated affects to federally designated endangered and threatened species and associated designated or suitable critical habitat as required for federal Section 401/404 (Clean Water Act) permit reviews and compliance with Section 7(c) of the Endangered Species Act (ESA). An analysis of the project activities in regards to the protection of Essential Fish Habitat (EFH) as regulated by Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), is also provided.

2.0 Project Location

The Fidalgo Bay RV Resort is located at 4701 Fidalgo Bay Road in Anacortes, Washington. The tribal owned property (Parcels 33440 and P33271), approximately 9-acres, is situated in the Northeast ¼ of the Northeast ¼ of Section 32, Township 35 North, Range 02 East, W.M. The latitude and longitude coordinates for the project site are 48.485 North / 122.594 West, respectively.

The property is developed with RV sites, parking areas and a conference center/clubhouse that is located directly adjacent to and southeast of the existing boat launch (Photo 1). The boat launch project site is located along the northern shoreline of Weaverling Spit (Sheet 1, Appendix A). Forest habitat is present on the east end of the spit (Photo 2). A former railroad grade, now designated as the City of Anacortes multi-use (non-vehicular) Tommy Thompson trail, is present to the south. Refineries operate on nearby March's Point, located across bay and northeast of the subject project shoreline of Weaverling Spit.



Photo 1. View looking east at boat launch and the Fidalgo Bay shoreline at Weaverling Spit, during an estimated low tide of +0.8-feet (MLLW-0.0') on Feb. 15, 2016. Existing shorefront armoring to the west of the launch (foreground) is proposed for removal in Sept. 2017 during Phase 3 of the Weaverling Spit Beach Enhancement project (NWS-2016-294). The proposed boat launch extension will extend 22 feet waterward from the existing lower end of launch at +6.5-feet MLLW to +3.5 feet. (Photo: AES, Feb. 15, 2016).

The U.S. Geological Survey Hydrologic Unit Code (HUC) code for the project area is 17110019. Fidalgo Bay is located in the Lower Skagit/Samish watershed of Water Resource Inventory Area (WRIA) 3. The baseline line elevation for the MHHW of Fidalgo Bay at the project site, based on



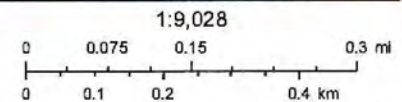
March 8, 2016

Legend

- | | | |
|-----------------|-------------------|-------------------|
| County Boundary | Hydro Labels | 100 foot contours |
| City Names | Regional Labels | |
| Road Labels | 500 foot contours | |

Figure 2. Skagit County Aerial Photograph

NORTH



Data Accuracy Warning: All GIS data was created from available public records and existing map sources. Map features have been adjusted to achieve a best-fit registration. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. Map discrepancies can be as great as 300 feet.

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3.0 Project Description

Project components include:

- 1) Preparation of grade and placement of precast concrete logs to extend existing concrete boat launch an additional 22-feet waterward;
- 2) Installation of an anchored large timber log parallel to west side of launch to reduce erosional scour along the structure, and;
- 3) Placement of beach nourishing sediments in the nearshore on the east side of the launch as a fish habitat enhancement measure.

The total project area represents approximate 370 square feet: 225 square feet below MHHW (+8.27 feet, MLLW=0.0').

The existing launch, approximately 12' width x 25' length, as measured from the Ordinary High Water Mark (OHWM,) is approximately 295 square feet in size. The boat launch extension, approximately 237 square feet in size (11'8" x 21.5'), will be constructed with 12 pre-cast reinforced concrete logs, each measuring 2' x 11'8" x 12", that will be connected with galvanized bolts between some of the planks. The proposed boat launch extension will extend approximately 22 feet waterward from the lower end of the existing ramp at +6.4 (MLLW = 0.0') to a post construction elevation of approximately +3.5 feet. The total size of the boat launch, after construction, as measured from the OHWM, will be approximately 560 square feet (12' x 47').

All heavy equipment will be operated from the existing ramp, adjacent upland and on the beach project area as necessary but only as accommodated by low tide intervals when substrates are exposed, rather than submerged. Precast concrete planks will be delivered to the site via flatbed truck and stored on the resort property upland of the MHHW tide elevation. An excavator and possibly a wheeled loader will be used to construct the project. New concrete planks will be placed with an excavator or crane. No jackhammers, pile drivers or generators will be used for project implementation.

To prepare the grade within the launch extension project area, approximately 9 cubic yards of existing beach sediments and any debris located waterward of the existing launch will be removed and disposed off-site. The minor excavation will be performed to an uniform depth to accommodate the 12" precast concrete planks. A geotextile liner will be placed on the excavated portion of the beach prior to installing the concrete planks.

An anchored timber log will be installed on the west side of the launch to help to reduce scour along the structure (Sheets 3 and 4, Appendix A). Anchors for the imported timber log will be installed and attached with galvanized steel hardware to the untreated log (Western red cedar [*Thuja plicata*] or Douglas fir [*Pseudotsuga menziesii*])(Sheet 5, Appendix A).

Two types of gravel with differing specifications will be imported with the project. All fill used on the project will be sourced from a permitted facility. Legal, permitted facilities will be used for the off-site disposal of materials.

The western perimeter and lower end of the ramp at elevations between +9 feet and +3.5 feet (MLLW = 0.0') will receive approximately 4 cubic yards of drain rock (Sheets 3-5, Appendix A). Specifications for the drain rock, as follows, are based on the Weaverling Spit Phase 3 restoration project specifications for lower beach nourishment (Coastal Geologic Services [CGS], 2016):

Drain rock:	Screen/Sieve Percent Passing
1.5"	90-100
1"	20-55
0.75"	0-15
0.375"	0-5
No. 200	0-2

Approximately 11 cubic yards of beach nourishing substrates are proposed for placement at elevations greater than +4 feet (MLLW= 0.0 feet) to the east of the boat launch (Sheets 3-5, Appendix A). The finer substrates placed for beach nourishment, representing approximately 390 square feet (252 square feet below MHHW) in area, will provide sediment for possible drift cell erosion on the east side of the boat ramp and are intended enhance forage fish production and improve migratory fish habitat. The substrates to be used for beach nourishment are based on the specifications for the upper beach nourishment prescribed for Weaverling Spit Phase 3 restoration project (CGS,2016).

The project is designed to minimize potential impacts to upland and aquatic habitat areas. No clearing of aquatic or terrestrial vegetation is associated with the project. Existing access roads will be used for transport of materials and equipment storage and materials stockpile areas shall be designated in existing RV parking sites. Equipment washouts will occur at upland locations away from the shoreline.

Project construction is scheduled for 12 days duration between September 5 and 16, 2017. This timing has been arranged with the RV Resort so that existing RV parking areas can be utilized for materials and equipment storage temporarily during the project activities. Timing of construction activities is to occur during daylight hours, although hours may be extended from a typical 9-5 schedule based on tides.

The proposed project in-water work will occur during the approved work windows for fish protection in Tidal Reference Area 9 (Blaine), which includes all saltwater areas in Skagit and Whatcom Counties that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and northerly of Deception Pass Bridge (USACE, 2012). The agency approved work windows for the project area include:

Salmon:	July 2 - March 2
Bull trout:	July 16 - February 15
Surf Smelt:	Year Round
Pacific Herring:	South of Governor's Point, April 15 – January 31 North of Governor's Point, June 15 – January 31
Pacific Sand Lance:	March 2 – October 14

Based on the common days between the agency approved work windows, construction activities should be timed between July 16 and February 15 with the short-term (typically two weeks) release of the forage fish restriction, provided that no spawning is occurring on the beach.

Washington Department of Fish and Wildlife (WDFW) has advised that the applicable project work window for forage fish at the project site is more restrictive, from August 1 to March 1 (WDFW, 2016a). Surf smelt spawn year round; therefore a survey for spawn in the project area should occur prior to construction activities and every two weeks during in-water project work.

Best Management Practices (BMPs) as outlined in the latest version of Ecology's *Stormwater Management Manual* shall be implemented to reduce erosion, reduce environmental impact, and

maintain a safe work area. Due to the low gradient site topography and mixed gravel/sand and mud substrates within the boat ramp project area, soil stabilization is not likely to be of concern.

Equipment will be necessarily operated on the beach. The project work will occur during low tide periods, as feasible, when substrates are exposed, rather than submerged. The contractor will reduce the potential for soil compaction from equipment use and transport by sequencing construction phases to initiate work at locations further from the project access point and then working to "back out" of the site at final project completion. All exposed areas will be covered prior to tidal inundation.

To reduce the likelihood of any petroleum products, chemicals, or other toxic or deleterious materials from entering aquatic areas, fuel hoses, oil or fuel transfer valves and fittings would be checked regularly for drips or leaks, and will be maintained and stored properly to prevent spills from construction equipment. Secondary containment will be implemented where applicable. Equipment that utilizes vegetable-based hydraulic fluid is preferred for projects conducted near or in-water.

4.0 Action Area

The limits of the project's action area are defined by considering the potential geographic reach of project-associated mechanisms that may lead to impacts on listed species and associated critical habitat. This includes effects resulting from construction noise, land use disturbances, in-water project work, including equipment operation and transport and the extent of potential sedimentation or degradation of aquatic areas associated with turbidity or discharges of fill material.

The limit of constructed-generated air-borne noise associated with the project is the distance at which noise generated from construction activities is undistinguishable from background or ambient conditions. Due to noise generated by traffic on State Route 20 Spur, located approximately 825 to the south of the project site, ambient or background noise at the project site, estimated as 57dBA, is higher than noise typically associated with a shoreline community site.

Based on Washington State Department of Transportation (WSDOT) guidance, the level of noise to be generated by the specific types of construction equipment proposed for use in association with the project is estimated as 85 dBA (WSDOT, 2015). Calculating for noise attenuation over land, the project's construction-generated air-borne noise is estimated to attenuate to the background traffic noise associated with the Route 20 Spur site at 400-feet (0.075 mile). Noise travelling over water however attenuates at a lesser degree than it does overland where vegetation is present. The distance from the project site across Fidalgo Bay to March's Point is approximately 0.6 mile. Accounting for industrial-generated noise associated with the existing refineries, the background noise level on March's Point is estimated as 50dBA (EPA, 1971). The distance that the project's construction-generated noise is estimated to attenuate over the water to background noise levels associated with March's Point is approximately 1,600 feet (0.30 mile)(Photo 3).

The project is to be conducted in compliance with Washington State's Water Quality Standards for aquatic life in marine waters [Washington Administrative Code (WAC) 173-201A-210](Washington State Legislator, 2015). As provided in WAC 173-201A-200 (1)(e) the aquatic life turbidity criteria may be modified, without specific written authorization from Ecology, to allow a temporary area of mixing during and immediately after necessary in-

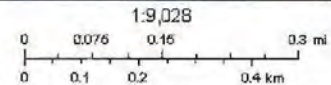
water construction activities that result in the disturbance of in-place sediments. The temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all necessary local and state permits and approvals, and after the implementation of appropriate BMPs to avoid or minimize disturbance of in-place sediments. The temporary mixing area for marine waters is 150 feet.



March 8, 2016

Legend

- | | | | | |
|--|-----------------|-----------------|--|-------------------|
| | County Boundary | Hydro Labels | | 100 foot contours |
| | City Names | Regional Labels | | |
| | Road Labels | | | 500 foot contours |



Data Accuracy: Warning: All GIS data was created from available public records and existing map sources. Map data has been entered to address a best estimate. While great care was taken in the process, map users should recognize the possibility of errors in the location of geographic features. Map discrepancies can be as great as 300 feet.

Copyright 2016

Photo 3. Action Area – Extent of Project's Construction-Generated Airborne Noise to Background Levels

5.0 Species and Habitats Associated with the Action Area

Advanced Environmental Solutions (AES) conducted biological site visits on February 15 and May 4, 2016 in order to document the existing environmental conditions at the project site and within its general vicinity. The low tide at the time of the AES investigation conducted on February 15, 2016 in the afternoon between 3:30 pm and 5:00 pm was estimated at approximately +0.8 feet MLLW (NOAA, 2016). AES delineated the OHWM of Fidalgo Bay at the project site on May 4, 2016. Based on the predicted low and high tide estimates of +0.7 feet and +7.2 feet at 10:16 am and 04:41pm, respectively, on May 4, 2016, the approximate tide elevation at the time of the afternoon site visit was between +3.7-feet and +4.7 feet (MLLW=0.0 feet).

The shoreline to the east and west of the boat launch is currently armored with large boulders (Photo 4). The rockery to the west of the boat launch however is proposed for removal as the main component of the Weaverling Spit Phase 3 Beach Enhancement Restoration project (NWS-2016-264). The rockery to the west of the launch that armors the shorefront of the conference center/clubhouse is not proposed for removal.



Photo 4. View to the west of the northern shoreline of Weaverling Spit (Photos: AES 5/4/2016).

The project shoreline is mapped on the *Coastal Atlas* as an accretion shoreform and the prominent drift cell direction is right to left (northwest to southeast)(Ecology, 2016). Earlier phases (1 and 2) of beach nourishment implemented along the western end of shoreline along the RV Resort were planned to accommodate this drift towards the east. Fine sand and smaller pea-sized substrates a observed along the upper beach on the west end of the project site provided evidence that the intended sediment drift is occurring along the subject shoreline.

The *Soil Survey of Skagit County Area, Washington* identifies highly disturbed Xerorthents soils (Soil Unit #165) as mapped on the developed portion of the subject property (USDA, Soil Conservation Service, 1989). This unit is described for areas where native vegetation has been removed and the surface layer and subsoils have been disturbed, removed and replaced with other soil material as fill or

unpaved parking areas. The existing vegetation landward of the existing rockery at the RV resort is maintained as mowed lawn; a mix of grasses and weedy herbaceous plants is present and trees and shrubs are generally lacking.

The unarmored east end of Weaverling Spit is forested with mixed deciduous and coniferous native trees, shrubs and ground cover plants typical of forests in the Pacific Northwest region. The *Soil Survey* identifies moderately well drained Fidalgo-Lithic Xerochrepts-Rock outcrop complex (Soil Unit #55), with slopes between 3 and 30 percent, as mapped on this portion of the spit (USDA, 1989) are present.

Rock outcrops as cliffs and irregular formations consist of exposures of hard and mostly unweathered argillite. A natural headland with exposed rock forms the northeast end of the spit where a small cove and pocket beach are present at the base of a shoreline bluff that is approximately 10-feet in height (Photo 5). This area is mapped as a feeder bluff on the *Coastal Atlas of Washington State* (Ecology, 2016).



Photo 5. View west looking at headland and pocket beach on the east end of the spit
(Photo: AES February 15, 2016).

Additional details regarding the existing environmental conditions and associated habitats at the project site are provided in the following sections.

5.1 Vegetation

No natural heritage features in regards to rare, sensitive, threatened or endangered native plant species or vegetation communities are documented in association with the project area (WDNR, 2015). No rare plants were observed to be present within the project area during the AES site visits.

Representative canopy species present in the forest on the east end of Weaverling Spit include Douglas fir, western red cedar, red alder (*Alnus rubra*) and Pacific madrone (*Arbutus menziesii*). Representative native shrub species include Ocean spray (*Holodiscus discolor*) and western salmonberry (*Rubus spectabilis*). Non-native and invasive Himalayan blackberry (*Rubus armeniacus*) and English Ivy (*Hedera helix*) are also present. Sword fern (*Polystichum munitum*) is the dominant native ground cover species present, although non-native ground cover plants that appear to have encroached from ornamental landscaping is also present.

The *Coastal Atlas* identifies mixed patchy and continuous low and salt marsh habitat along the subject shoreline of Weaverling Spit, however these habitats were not observed to be present at the project boat launch site (Ecology, 2016). The *Coastal Atlas* mapping does not indicate patchy fringe dunegrass as being present in association with the project site, however it is mapped further west in the Phase 1 and Phase 2 Weaverline Spit restored shoreline areas and at the southeast tip of Weaverling Spit (Ecology, 2016). Dunegrass, was observed to be present in small patches along the shorefront rockery directly to the east and west of the boat launch.

The *Coastal Atlas* indicates the project shoreline as supporting continuous fringe eelgrass (*Zostera marina*) and patchy eelgrass areas are mapped along the spit's southeast shoreline. Kelp is not mapped in association with Weaverling Spit, however patchy fringe kelp is mapped along Fidalgo Bay's shoreline to the east and south of the spit (Ecology, 2016). A thin, patchy wrack line was observed near the OHWM along the subject shoreline during AES site visits.

Aquatic vegetation was not observed to be present within the boat launch project site. Although absent from the boat launch site and shoreline area to the west, rockweed (*Fucus gardneri*), a brown seaweed, was observed by AES to be present on exposed rocks along the forested east end of the spit.

5.3 Fish

Fidalgo Bay provides habitat for a variety of fish including salmon, trout, rockfish and forage fish. Salmonid species associated with Fidalgo Bay include: Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*) cutthroat (*Oncorhynchus clarki*) and steelhead (*Oncorhynchus mykiss*). Bull trout (*Salvelinus confluentus*), which utilize nearshore areas, may also be present. Other commonly represented fish associated with Fidalgo Bay include sculpin, flatfish (flounder and sole), perch, stickleback, pipefish and goby.

5.3.1 ESA Fish Species & Designated Critical Habitat

Table 1 provides a summary of the status for each listed species and associated designated critical habitat. Eight fish species that are federally listed for protection by the provisions of the Endangered Species Act (ESA) are associated with the subject boat launch extension project area in Fidalgo Bay at Weaverling Spit. These listed fish species include Chinook, bull trout, steelhead, bocaccio, yelloweye and canary rockfish, eulachon and green sturgeon.

The project site is situated within the Ecological Significant Unit (ESU) for Puget Sound/Strait of Georgia coho (WDFW, 2016b). Puget Sound/Strait of Georgia coho salmon was listed by the NMFS

as a Species of Concern on April 15, 2004 (NMFS, 2009). Species of Concern are species that NOAA's National Marine Fisheries Service (NMFS) has some concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the ESA. Provisions to protect other listed salmon species benefit coho conservation. The project action area is also situated within Species of Concern range for the Northern DPS for green sturgeon (*Acipenser medirostris*)(NMFS, 2016a).

The project site is situated within designated marine nearshore and marine critical habitat of the Evolutional Significant Units (ESU) for ocean type Puget Sound Chinook salmon and Coastal/Puget Sound bull trout, respectively (NMFS, 2005a,b, USFWS 1999, 2005, 2010). Habitats supporting the freshwater life stages of threatened Chinook and bull trout are not associated with the project action area in Fidalgo Bay.

Table 1. ESA Protected Fish Species & Designated Critical Habitat Associated with Project Action Area.

Species ESU/DPS	ESA Listing Status/Date	ESA Critical Habitat	Juris-diction
Coastal/Puget Sound Bull Trout (<i>Salvelinus confluentus</i>)	Threatened November 1, 1999 (64 FR 58910)	Designated: September 26, 2005 (70 FR 56212) Revised Final Rule: October 18, 2010 (76 FR 61599 61621)	USFWS
Puget Sound Chinook Salmon (<i>Oncorhynchus tshawytscha</i>)	Threatened June 28, 2005 (70 FR 37160)	Designated: September 2, 2005 (70 FR 52630)	NOAA Fisheries - National Marine Fisheries Service (NMFS)
Puget Sound Steelhead (<i>Oncorhynchus mykiss</i>)	Threatened May 11, 2007 (72 FR 26722)	Designated: February 24, 2016 (FR 81 9251) Effective March, 24, 2016 Not Applicable to Action Area	
Puget Sound/Georgia Basin DPS Bocaccio (<i>Sebastes paucispinis</i>)	April 28, 2010 (75 FR 22276) Effective July 27, 2010 Endangered	Designated: November 13, 2014 (79 FR 68042) Effective: February 11, 2015 Proposed delisting of Canary Rockfish (FR 81 43979) July 6, 2016	
Puget Sound/Georgia Basin DPS Yelloweye Rockfish (<i>Sebastes ruberrimus</i>)	Threatened		
Puget Sound/Georgia Basin DPS Canary Rockfish (<i>Sebastes pinniger</i>)	Threatened		
Southern DPS of eulachon (<i>Thaleichthys pacificus</i>)	Threatened March 18, 2010 (75 FR 13012)	Designated: October, 20, 2011 (FR 76 65324) Not Applicable to Action Area	
Southern DPS of green sturgeon (<i>Acipenser medirostris</i>)	Threatened April 7, 2007 (71 FR 17757)	Designated: October 9, 2009 (74 FR 52300) Not Applicable to Action Area	

Notes: DPS = Distinct Population Segment; ESU = Evolutionary Significant Unit; NMFS = National Marine Fisheries Service; USFWS = U.S. Fish and Wildlife Service; FR=Federal Register

As one of the six Primary Constituent Elements (PCE) identified by the NMFS as essential to Chinook salmon, nearshore marine areas designated as critical habitat include those areas free of obstruction and excessive predation with:

- Water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and
- Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels (NMFS, 2005b).

There are no barriers to movement or known water quality issues that would prevent Chinook salmon from utilizing the nearshore project area. Large wood is lacking within the project site's nearshore environment although it has been installed as a restoration component on portions of the western shoreline. The forest habitat on the east end of the spit's feeder bluff contributes towards the recruitment of woody debris along the subject shoreline.

Designated marine critical habitat for Coastal/Puget Sound bull trout includes the areas of Puget Sound from 33 feet below MLLW up to the MHHW line and upstream to the uppermost reach of saltwater in estuaries (USFWS, 2010). Of the nine primary constituent elements (PCEs) for bull trout critical habitat, two are not applicable to the project area. These include PCE 1, related to springs, seeps, and groundwater in relation to water quality and PCE 6, which relates to freshwater spawning and rearing areas. The following PCE's are considered to be functioning adequately to support bull trout within the project nearshore:

- PCE 2: Migration habitats with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and freshwater and marine foraging habitats, including but not limited to permanent, partial, intermittent, or seasonal barriers.
- PCE 3: An abundant food base, including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish.
- PCE 4: Complex river, stream, lake, reservoir, and marine shoreline aquatic environments, and processes that establish and maintain these aquatic environments, with features such as large wood, side channels, pools, undercut banks and unembedded substrates, to provide a variety of depths, gradients, velocities, and structure.
- PCE 5: Water temperatures ranging from 2 to 15°C (36 to 59°F), with adequate thermal refugia available for temperatures that exceed the upper end of this range.
- PCE 7: A natural hydrograph, including peak, high, low, and base flows within historic and seasonal ranges or, if flows are controlled, minimal flow departure from a natural hydrograph.
- PCE 8: Sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited.
- PCE 9: Sufficiently low levels of occurrence of non-native predatory (e.g., lake trout, walleye, northern pike, smallmouth bass); interbreeding (e.g., brook trout); or competing (e.g., brown trout) species that, if present, are adequately temporally and spatially isolated from bull trout.

Due to the lack of large woody debris and other features contributing to habitat complexity within the project's site nearshore area, PCE 4 is not considered to be functioning as a preferred habitat condition for bull trout, however migration of this species through the area would not be impeded.

Designated nearshore critical habitat essential for the conservation of the U.S. Portion of the Distinct Population Segment (DPS) of juvenile bocaccio and yelloweye and canary rockfish in Puget Sound/Georgia Strait is delineated from extreme high water to depths no greater than 98 feet (30

meters) relative to MLLW, with mixed sand, rock and or cobble substrates and which also support kelp (NMFS, 2010a, 2014a). Pelagic larval, and early juvenile (less than 6 months old) and sub-adult/adult life stages are associated with benthic designated critical habitat at water depths typically greater than 98 feet. Although juvenile bocaccio and canary rockfish may be found in intertidal waters with or without kelp, juvenile yelloweye rockfish are not typically found in waters less than 98 feet in depth and are therefore not likely to be present within the project action area (Love, 2002).

Within the nearshore, attributes considered essential to support bocaccio, yelloweye and canary rockfish include:

- (1) Quantity, quality, and availability of prey species to support individual growth, survival, reproduction, and feeding opportunities; and
- (2) water quality and sufficient levels of dissolved oxygen to support growth, survival, reproduction, and feeding opportunities.

None of these attributes appear to be compromised at the nearshore project site.

Designated critical habitat for Puget Sound steelhead does not include the nearshore (NMFS, 2016b). Puget Sound steelhead, unlike most other Pacific salmonids, appears to make only ephemeral use of nearshore marine waters (NMFS, 2007). Freshwater life stages and associated designated critical habitat for Puget Sound steelhead are not associated with the project site. Therefore designated critical habitat for steelhead is not applicable to the project.

Critical habitat for eulachon and green sturgeon is not applicable to the project action area (NMFS, 2010b, 2011, 2016a).

Eulachon, commonly called Columbia River smelt, candlefish or hooligan) are a small, anadromous fish from the eastern Pacific Ocean. They occur in nearshore ocean waters up to 1,000 feet (300 m) in depth, except during spawning in their natal (birth) streams or rivers in late winter through mid-spring. After hatching, within 20 to 40 days, larvae are carried downstream and dispersed by estuarine, tidal, and ocean currents. Larval eulachon may remain in low salinity, surface waters of estuaries for several weeks or longer before entering the ocean. Juvenile eulachon move from shallow nearshore areas to mid-depth areas. Once juvenile eulachon enter the ocean, they move from shallow nearshore areas to deeper areas over the continental shelf. Larvae and young juveniles become widely distributed in coastal waters, where they are typically found near the ocean bottom in waters 20 to 150 m deep (66 to 292 feet) or even as deep as 182 m (597 feet). No natal streams or rivers where eulachon would be dispersing from into estuarine habitat are associated with the project action area and therefore eulachon are not expected to be present within the project's nearshore action area.

In response to comments received by NMFS regarding the exclusion of eulachon populations in Puget Sound rivers, in the Nooksack River, and on the coast of Oregon and Washington from the final rule for the threatened listing of the Southern DPS of Eulachon, the agency stated that although occasional occurrence of eulachon presence has been recorded, these areas are not known to support established populations of eulachon (NMFS, 2010a). Based on this conclusion by NMFS, eulachon is therefore determined to not be associated with the project action area.

The in-water project work is timed to occur during periods of low tides, when project substrates will be exposed, rather than submerged, thus reducing the potential for fish to be present within the construction footprint.

5.3.2 Forage Fish

Forage fish species provide significant diet contributions to many economically important fish including juvenile Chinook salmon, Pacific cod, Pacific hake and dogfish. Due to the limited extent of available inter-tidal spawning habitat in Puget Sound, forage fish are especially vulnerable to shoreline development and construction activities.

Surf smelt (*Hypomesus pretiosus*) and Pacific herring (*Clupea pallasii*) spawning habitat is documented and mapped by WDFW along the project shoreline (WDFW, 2016c). Pacific sand lance spawning areas are documented along the southeast end of Weaverling Spit.

Surf smelt spawn year round within the inter-tidal area of beaches with a specific mixture of coarse sand and pea gravel. Most spawning areas have gravel ranging in size from 1-7 mm in diameter, otherwise known as "pea-gravel" or "coarse sand" (WDFW, 2016c). The sediment mix that has been proposed for placement in the nearshore project area has been sized specifically to enhance surf smelt spawning habitat, although other species are also anticipated to benefit from the project's habitat enhancing objectives. Spawning surf smelt were observed to be present after previous phases of beach nourishment restoration efforts were completed along the subject shoreline to the west of the project site (Woodard, 2016).

Surf smelt require a specific tidal elevation for successful spawning. They spawn around the highest tide in the afternoon or early evening. Eggs are deposited near the water's edge in water a few inches deep, around the time of the high water slack. Within Puget Sound, spawning occurs within the summer months has been most concentrated at a tidal elevation between +7.0 and the mean high-high water line (Pentilla, 2007).

Most herring stocks in Washington spawn from late January through early April. Herring deposit transparent adhesive eggs on inter-tidal and shallow sub-tidal eelgrass and marine algae. Eggs may be deposited anywhere between the upper limits of high tide to a depth of -40.0 feet. However, most spawning takes place between 0.0 and -10.0 feet in tidal elevation (Pentilla, 2007). Mature herring return to their spawning ground in their second or third year and in subsequent years.

Pacific sand lance deposit eggs on a broad range of beach surface substrates from soft, pure sand beaches to beaches armored with gravel up to 3 cm in diameter, although most spawning occurs on the finer grain substrates (Pentilla, 2007). Annual spawning typically occurs from November 1 to February 15 at tidal elevations ranging from +/- 5 feet to above the mean higher high water line.

The substrates within the project site shoreline area consist of coarse gravel mixed with sand. The substrates on the upper beach are finer than those on the lower beach, where 1"x 2" sized rocks were scattered (Photo 5). The beach provides habitat for clams and other shellfish. Shells were scattered along the exposed beach substrates.

5.4 Wildlife

No listed terrestrial wildlife species are associated with the project area. The iPaC (Information for Planning and Conservation) Trust Resources report generated for the site specific Weaverling Spit, Fidalgo Bay project area identified threatened Canada lynx (*Lynx canadensis*) as a species with designated critical habitat in Skagit County, Washington (USFWS, 2016)(Appendix B). Lynx and its associated designated critical habitat are not applicable to the project's action area along the marine shoreline in Anacortes, Washington and no further discussion is provided in regards to this species.

Black tail deer (*Odocoileus hemionus columbianus*) and smaller mammals, such as raccoon and rabbit are likely to forage within the RV resort property adjacent to the marine shoreline.

5.4.1 Marine Mammals

All marine mammals are protected under the Marine Mammal Protection Act (MMPA). Endangered and threatened marine mammals are further protected under the Endangered Species Act (ESA). Fidalgo Bay is situated within the Summer Core Area of endangered Southern Resident Distinct Population Segment (DPS) for Killer Whale (*Orcinus orca*), which includes all marine waters deeper than 20 feet relative to a contiguous shoreline delimited by the line of extreme high water in Haro Strait and waters adjacent to the San Juan Islands (NMFS, 2005c, 2006). Additional core areas for the southern resident DPS of killer whale include Puget Sound and Strait of Juan de Fuca. NMFS has recently filed a petition to revise and expand the Critical Habitat Designation for the Southern Resident DPS of killer whale to additionally include inhabited Pacific Ocean marine waters along the West Coast of the United States that constitute essential foraging and wintering areas (NMFS, 2014b).

Due to the shallow water depths within the project site (less than 20-feet), the lower restricted construction limits are estimated as +3.5-feet MLLW, Southern Resident killer whale designed critical habitat is not applicable to the project.

Log booms located at the west end and in the middle of Fidalgo Bay have been identified as haulout sites for seals and sea lions (Jeffries, et. al., 2000). California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina*) are common along the shorelines of Puget Sound.

Steller sea lion was listed as threatened by NMFS on November 26, 1990 and critical habitat identifying specific breeding rookery and haul-out sites in Alaska, Oregon and California and excluding Washington State, was designated on August 1993 (NMFS, 1990, 1993). In 1997, NMFS identified two DPS of Steller sea lion populations (NMFS, 1997). The status of the population segment west of 144 °W. longitude located near Cape Suckling, Alaska was reclassified as endangered; the status of the remaining segment to the east including sea lion populations in Washington, Oregon and California remained threatened. Due to the healthy status of the Eastern DPS of Steller sea lion, a rule to delist this population segment from ESA protection was finalized by NMFS on November 4, 2013 (NMFS, 2013). No ESA determination for Steller sea lion is required in regards to the project.

5.4.2. Birds

5.4.2.1 ESA Bird Species & Designated Critical Habitat

The iPaC Trust Resources report identified three bird species with critical habitat in Skagit County, Washington that may have the potential to be affected by the project (USFWS, 2016). The status for each of these listed species and associated critical habitat is provided in Table 3.

Breeding yellow-billed cuckoos (*Coccyzus americanus*) are believed to have been extirpated from Washington State, and occasional sightings are vagrants. Historically, the cuckoos nested along wooded rivers in eastern Washington, along the shores of Lake Washington (Snohomish County), in Tacoma (Pierce County), and in Whatcom County. Cuckoos are generally absent from large, urban areas and dense forests, although they will use both of these habitats in central North America. Cottonwoods and willows that form open woodlands with dense, low vegetation are particularly preferred. Since 1934, cuckoos have been sighted outside the Action Area in Grant, Okanogan,

King, Snohomish, and Benton counties. The most recent record is of a single yellow-billed cuckoo in Grays Harbor County in 1996 (Seattle Audubon 2010). Proposed critical habitat for yellow-billed cuckoos does not include areas outside of its current breeding areas and therefore is not applicable to the site (USFWS, 2014).

Table 2. ESA Bird Species and Critical Habitat

Species ESU/DPS	ESA Listing Status/Date	ESA Critical Habitat	Juris-diction
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	Threatened October 1, 1992 (57 FR 45328)	Designated: May 24, 1996 (61 FR 26255) Revised Final Rule October 5, 2011 (76 FR 61599) Not Applicable to the Site	USFWS
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	Threatened November 3, 2014 (79 FR 59991 60038)	Proposed: August 15, 2014 (79 FR 48547). Not Applicable to the Site	
Streaked Horned Lark (<i>Eremophila alpestris strigata</i>)	Threatened, November 4, 2013 (78 FR 61451 61503)	Designated: October 3, 2013 (78 FR 61505 61589) Not Applicable to the Site	

Streaked horn lark (*Eremophila alpestris strigata*), threatened, is a rare endemic subspecies found only in western Washington and Oregon (USFWS, 2013). In Washington, the streaked horned lark nests on grasslands and sparsely vegetated areas at airports, sandy islands and coastal spits. Once abundant on Puget Sound prairies, it has become increasingly rare with extirpation of its former breeding sites in northern Puget trough, southern British Columbia, the Washington Coast north of Grays Harbor, and the Rogue River Valley of Oregon. The decline in breeding habitat is a result of development and the incursion of trees, shrubs, and non-native invasive species, such as Scotch broom (*Cytisus scoparius*) (WDFW, 2016). Designated critical habitat for the streaked horned lark is not applicable to the project action area.

Since yellow-billed cuckoos and streaked horn lark are not likely to breed or be present within the project Action Area, no further discussion is provided for these species in this report.

Marbled Murrelet

Marbled murrelet (*Brachyramphus marmoratus*) was federally listed as a threatened species on October 1, 1992 (57 FR 45328) in Washington, Oregon, and California (USFWS, 1992). Marbled murrelets spend most of their lives in the marine environment, usually within two miles of shore; however, they may travel as far as 70 miles from the coast to reach appropriate nesting habitat within old-growth or mature conifer-dominated forest. Daily movement during the nesting season from April 1 through September 15 occurs primarily at dawn and dusk.

Murrelets feed primarily on small fish and invertebrates. Adult marbled murrelets may be present within the project area action while foraging on the water or traveling between feeding and nesting habitats.

Designated critical habitat for marbled murrelets is based on mature forested land tracts and individual trees essential for successful nesting (Hamer and Nelson, 1995, USFWS 1996, 2011). Murrelets typically nest in large-diameter old-growth trees in low-elevation forests with multi-layered canopies. Nesting occurs over an extended period from late March to late September.

Marine aquatic habitat is not included in designated critical habitat for marbled murrelet. Designated critical habitat is not applicable to the site. No occupied nest sites are documented within the action area and suitable nesting habitat is generally not present in the forested habitat present at the southeast end of Weaverling Spit.

5.4.2.2 Bald Eagle

Bald eagle (*Haliaeetus leucocephalus*) was de-listed as threatened by the U.S. Fish & Wildlife Service in 2007; however bald eagle and its associated habitat remain protected according to the Bald and Golden Eagle Protection Act. Bald eagle and associated habitat are a priority for protection by WDFW according to Chapter 232-12-292 WAC (ICC 17.02.050). Bald eagle nesting and roosting sites are a priority habitat for protection by Washington State.

Bald eagles are present within the project vicinity throughout the year as both resident and wintering populations. An active eagle nest is present within the project's action area on Weaverling Spit (Woodard, 2016). Eagle nesting territory is also nearby on March's Point and near Sharp's Corner at the south end of Fidalgo Bay.

Eagles generally prefer Douglas-fir (*Pseudotsuga menziesii*) or black cottonwood (*Populus balsamifera*) trees with diameters-at-breast-height measuring greater than 22 inches for nesting. Eagles are opportunistic and will use shoreline trees to perch. Eagles typically build nests in January and February and although only one nest is used at a given time, they may build more than one within their territory. Nests are often reused year after year or used alternatively with another nest.

Bald eagles lay one to four eggs in late March or early April and both adults incubate the eggs for about 35 days until hatching. During the nest-building, egg laying and incubating periods, eagles may be sensitive to disturbances and will abandon a nesting attempt if excessive disturbances occur area during this time.

Eagles are opportunist and will use trees to perch. No trees appropriate for perching are present along the shoreline at the proposed project site however they are present to the east along the forested feeder bluff on the spit associated with the nesting habitat. Roosting typically occurs in late fall and early spring along rivers with fish migrations, and is not directly applicable to the project action area.

6.0 Effects Analysis

Direct impacts are those that have the potential to impact individuals of a species or a population as a whole. The boat launch is typically used for the most part by RV campers at the resort during the summer season. Use of the proposed boat launch may result in the crushing, smashing, and killing of listed species. During construction the operation of equipment or placement of material in the water may result in direct impacts. In order to minimize the potential for direct project-associated impacts during construction, activities are timed to occur during low tide intervals when substrates are exposed, rather than submerged. The implementation of BMPs and avoidance and minimization measures during construction activities should eliminate or reduce the risk of direct mortality to a negligible level.

Birds typically detect noises that are 4 dBA greater than background (WSDOT, 2015). Construction-generated noise is anticipated to be at levels greater than the detection limit for birds on Fidalgo Bay for an approximate distance of 1,600 feet from the project site. Construction-generated noise is

anticipated to be at levels greater than the detection limit for birds on the spit or adjacent land areas for an approximate distance of 400 feet from the project site. Prior USFWS guidance regarding bird alert and disturbance noise thresholds was based on the range between the site-specific detection threshold and the generally established injury noise threshold for marbled murrelet of 92dBA. For the project site, bird alert and disturbance thresholds could be estimated as 71 dBA and 81 dBA, respectively. The distance from the project site where construction-generated noise is estimated to approach the bird disturbance threshold, both on land and on water, is 100-feet.

During nesting season (April 1 – September 15) marbled murrelets typically fly to and from their feeding and nesting areas in the early dawn hours and at dusk. The proposed construction timing during daylight conditions will reduce the risk of injury to a young marbled murrelet due a missed feeding at a nest site as result of disturbances associated with construction-generated noise in the adult foraging areas. Guidelines for the operation of construction equipment in areas where murrelets forage typically exclude the hour after sunrise and the hour before dusk as protective measures.

The timing of the project activities in September should not conflict with nesting bald eagles. Eaglets typically disperse from nests by the end of August.

No pile driving is associated with the project and therefore direct impacts to fish, diving birds and marine mammals resulting from underwater noise are avoided. Air-borne generated construction noise is not anticipated to affect hauled out pinnipeds or foraging adult murrelets.

Turbidity

A common result from in-water construction work is a temporary increase in turbidity. This is typically material that is either disturbed from existing bottom material during construction work, or released into the water column as material is placed into the water. Increases in turbidity can have a variety of effects on fish depending on the duration and severity of exposure. Examples of turbidity-related effects (Wilbur and Clarke, 2001) to fish include:

- Changes in foraging efficiency and behavior;
- Exposure to predation if they move into different habitats or reduced risk of predation provided by turbid water;
- Disruption of schooling behavior and alteration of swimming behavior;
- Delayed hatching of eggs or mortality depending on levels and duration of exposure and;
- Reduced respiratory capacity and resulting stress or mortality;

Long-term changes in foraging can affect survival, fish condition, and cohort size. Sedimentation of spawning gravels fills interstitial spaces, smothers eggs, and reduces habitat suitability, as it can bury submerged aquatic vegetation used by fish for cover.

Implementation of BMPs, including timing of construction during low tide intervals when project substrates will be exposed rather than submerged will restrict temporary surface water impacts to that area immediately within and adjacent to the project site. The baseline water quality of Fidalgo Bay is not anticipated to change substantially in association with construction of the project.

Potential impacts to fish from increased levels of turbidity are expected to be minor due to the following reasons:

- 1) Degraded or turbid water quality resulting from the suspension of suspended solids in the water column is considered to be minor and short-term, only lasting minutes before dissipating to near background levels.

- 2) Changes in turbidity are anticipated to be extremely localized because disturbed sediment will be in very shallow water and in a relatively small area; and
- 3) There is no spawning or rearing habitat for Chinook, bull trout or steelhead in the project area. While rearing habitat for rockfish is present and therefore these fish could be exposed to some brief periods of increased turbidity, it is also likely that these fish could be found in somewhat deeper subtidal areas and not within the intertidal of the project site.

Overall, releases of sediment to generate increases in turbidity are expected to be minor and avoidance and minimization measures and BMPs should prevent any release of harmful substances into aquatic areas during construction. Currently trucks used to launch and remove boats at the site will drive directly on beach substrates waterward of concrete extent of the existing launch. The extension of the concrete boat launch has been designed to reduce this tendency and therefore result in a decrease turbidity releases and substrate disturbances in the long-term.

7.0 ESA DETERMINATIONS

Based on the analysis of potential effects and the implementation of conservation measures and Best Management Practices (BMPs) to avoid and minimize effects, the following determinations are made in regards to the affects of the proposed action on listed species and associated critical habitat.

- The proposed project **may affect, but is not likely to adversely affect** Puget Sound Chinook salmon, bull trout, bocaccio and canary rockfish.

These species may be present within the project's action area where potential temporary turbidity increases could occur. However it is likely that these species will move to unaffected areas and or will be excluded from the project's construction area during low tides periods when sediments are exposed.

The project may increase overall boat use and therefore result in more frequent exposure to these species to potential direct impacts; however there will be a significant reduction in disturbances to the area beach substrates since the concrete extension will reduce the current use of vehicles and boat trailers driving directly on beach substrates when launching from the shorter ramp.

Long-term benefits resulting from the project to increase forage fish spawning will contribute towards increased forage success by species that prey on forage fish as a portion of their diet.

NMFS, has issued a proposed rule to remove the Puget Sound/Georgia Basin canary rockfish DPS from the Federal List of Threatened and Endangered Species and remove its critical habitat designation as recommended in the recent five-year review under the Endangered Species Act (ESA) (NMFS, 2016c). These actions based on newly obtained genetic information that demonstrates that the Puget Sound/ Georgia Basin canary rockfish population does not meet the DPS criteria and therefore does not qualify for listing under the ESA. If the Puget Sound/Georgia Basin canary rockfish DPS is delisted prior to permit issue or project implementation, then the requirements under Section 7 of the ESA would no longer apply for this species

NMFS also proposed to update and amend the listing description for Puget Sound/Georgia Basin yelloweye rockfish DPS and bocaccio DPS based on a geographic description and to include fish within specified boundaries to include an area in the northern Johnstone Strait and Queen Charlotte Channel in waters of Canada consistent with newly obtained genetic information on rockfish population grouping. The Puget Sound/Georgia Basin yelloweye rockfish DPS shall remain threatened under the ESA, and the Puget Sound/Georgia Basin bocaccio DPS shall remain

endangered. The ESA determinations for these species in association with the project will remain unchanged should the proposed rule be finalized prior to permit issue or project implementation.

- The proposed project will have **"no effect"** on Puget Sound steelhead, yelloweye rockfish, eulachon, green sturgeon, yellow-billed cuckoo, streaked lark and marbled murrelet;

Although juvenile bocaccio and canary rockfish may be found in intertidal waters with or without kelp, juvenile yelloweye rockfish are not typically found in waters less than 98 feet in depth (Love, 2002).

Steelhead do not regularly utilize nearshore areas and therefore this species is not likely to be present during the project activities.

Eulachon and green sturgeon are not likely to be present within the project action's area. Yellow-billed cuckoo and streaked lark are not associated with the project action area.

The project will be conducted in September near the end of murrelet nesting. Construction activities will be timed to occur during daylight hours at least 1 hour post sunrise and concluded at least 1 hour before dusk as a means minimize disturbances to marbled murrelets potentially traveling between marine waters and terrestrial nests. No pile driving is associated with the project; therefore disturbances to diving marbled murrelets resulting from underwater noise are avoided.

- The project will have **"no effect"** on the Southern Resident DPS of Killer Whale and will have **"no effect"** on this species' designated critical habitat.

Whales are excluded from the project action area due to its shallow water depths. No underwater noise is associated with the project.

- The proposed project is **"likely to adversely affect"** designated critical habitat for Puget Sound Chinook salmon and bull trout. Existing substrates within the boat launch extension area will be replaced with concrete. This area however is already highly disturbed due to existing launch use. Chinook and bull trout do not use the project action area for spawning. It is likely that Chinook and bull trout do and will continue to avoid the launch area during periods of boating activities and therefore existing migration will not be impeded in the long-term as a result of the boat launch extension. Turbidity associated with construction activities will be minimized. The project will result in an overall decrease in the frequency for beach substrate disturbances during boat launch use for the long-term. The extended concrete ramp will reduce vehicle use on exposed beach substrates that is currently occurring due to the existing shorter concrete launch area.
- The proposed project **"may affect, but is not likely to adversely affect"** designated critical habitat for bocaccio, canary and yelloweye rockfish.

The area proposed for removal as designated critical habitat for canary rockfish will continue to be designated critical habitat for bocaccio and, thus, there will be no change to the spatial area that was originally designated (NMFS, 2016c). NMFS does not designate critical habitat outside U.S. territory and therefore the proposed rule to include Canadian waters in the updated DPS boundary for bocaccio and yelloweye rockfish would not change their designated critical habitat. The critical habitat designation for the Puget Sound/Georgia Basin yelloweye rockfish and bocaccio DPSs will remain in place. The project's ESA determinations for designated critical habitat for bocaccio and yelloweye rockfish will not be changed if the proposed rule should become finalized prior to permit issue or project implementation.

Proposed measures to enhance forage fish habitat through the placement of beach nourishment sediments to the east of the ramp will additionally benefit ESA species.

Designated critical habitat for steelhead, eucaloon, sturgeon, streaked horned lark and marbled murrelet, is not applicable to the project area. Proposed critical habitat for yellow-billed cuckoo is not applicable to the project action area.

In summary, the proposed boat launch extension in Fidalgo Bay will not result in a significant decrease in the populations of any ESA-listed species. Any potential project-associated effects during the construction phase of the project will be temporary and are considered insignificant in regards towards the preservation and protection of existing fish and wildlife species and associated habitat and functions. The boat launch extension will result in the permanent replacement of approximately 237 square feet of beach substrates with concrete in the nearshore,

Increased spawning by forage fish as a direct result of the project action to place nourishing beach substrates in approximately 390 square feet in the nearshore to the east of the beach launch may inadvertently benefit species that prey on forage fish as a significant component of their diet

8.0 ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), established procedures to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a federal fisheries management plan (FMP)(NMFS, 2013d). The Pacific Fisheries Management Council (PFMC) has jurisdiction for commercial fisheries in Washington waters and has designated EFH for the Pacific salmon fishery, Pacific coast groundfish, and coastal pelagic fisheries (PFMC 1998, 2003, 2011a, 2011b, 2013d).

Pacific salmon EFH includes all freshwater, estuarine, nearshore and tidal submerged marine waters and substrates within Washington State territorial waters that are necessary for Chinook, coho (*Oncorhynchus kisutch*) and pink salmon (*Oncorhynchus gorbuscha*) spawning, breeding, feeding or growth to maturity (PFMC, 2003).

Designated EFH for groundfish encompasses all waters from the MHHW elevation in estuaries, and upriver extent of saltwater intrusion in river mouths, and along the coasts of Washington, Oregon, and California seaward to 11,483-foot depth contour (PFMC 2011a). Over 90 species of groundfish, including rockfish (bocaccio, canary, etc.), are managed by the PFMC.

The project area, within the intertidal zone at elevations between +3.5 MLLW to MHHW with shallow water depths, is not suitable habitat for the pelagic species of EFH, including northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific chub mackerel (*Scomber japonicas*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*). Therefore the proposed action will have “no effect” on EFH for Coastal Pelagic Species.

The shallow intertidal area of the proposed project area may be used by salmon and juveniles of many rockfish species as discussed previously in relation to the bocaccio and canary rockfish. The project area is located in the intertidal zone and is dewatered on a regular basis. Because of this, the amount of use the site gets by these species is unknown.

Adverse effect is defined as any impact that reduces quality and/or quantity of EFH, and may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey or reduction in species fecundity) site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

The boat launch extension will result in the permanent replacement of approximately 237 square feet of beach substrates in the nearshore with concrete. The placement of beach nourishing substrates in approximately 390 square feet in the nearshore is proposed to the east of the beach launch as a mitigating measure. The substrates may inadvertently benefit species that prey on forage fish as a significant component of their diet.

Temporary construction-related effects to EFH from increases in turbidity will be managed to avoid and reduce impacts through the implementation of best management practices (BMPs) and conservation measures, as previously discussed in the effects analysis for listed Chinook salmon and rockfish. In the long-term potential turbidity resulting from boat launch use is expected to decline. The concrete boat launch extension will reduce launching practices that result in vehicle use on beach substrates as currently exist due to the shorter concrete launch area.

Because the project will result in a reduction in the quantity of EFH, the project **"may adversely affect Pacific salmon EFH and Pacific Groundfish EFH"**.

9.0 References

- Coastal Geological Services, Inc. (CGS) 2016. Weaverling Spit Phase 3 Beach Enhancement Special Provisions Specifications (Permit Level). November 25, 2015. Bellingham, WA November 25, 2015. Bellingham, WA. 10 pps. (Included as Appendix A of this report).
- Ecology. 2016. Washington Department of Ecology Coastal Atlas Map. Available at <https://fortress.wa.gov/ecy/coastalatlus/tools/Map.aspx>. Accessed on March 9, 2016.
- Environmental Protection Agency (EPA). 1971. Noise from Industrial Plants. Washington D.C. December 31, 1971. Available at: <http://nepis.epa.gov/Exe/ZyNET.exe/9101982X.txt?ZyActionD=ZyDocument&Client=EPA&Index=Prior%20to%201976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C70THRU75%5CTXT%5C00000019%5C9101982X.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=p%7Cf&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=17>. Accessed on March 9, 2016.
- Hamer, T.E. and S.K. Nelson. 1995. "Characteristics of Marbled Murrelet Nest trees and Nesting Stands," 69-81 pps. IN. C.J. Ralph, G.L. Hunt, Jr. M.G. Raphael, and F.F. Piatt (Tech. eds). Ecology and conservation of the marbled murrelet. USDA Forest Service General Technical Report, PSW -152, 1994.
- Jeffries, S.J., P.J. Gearin, H.R. Huber, D.L. Saul, and DA Pruett. 2000. Atlas of Seal and Sea Lion Haulout Sites in Washington. Washington Department of Fish and Wild life, Wildlife Science Division, 600 Capitol Way North, Olympia WA. pp. 150 Available at: <http://wdfw.wa.gov/publications/00427/wdfw00427.pdf>. Accessed on May 3, 2014.
- Love, M.S., M.M. Yoklavich, and L. Thorsteinson. 2002. The rockfishes of the Northeast Pacific. University of California Press, Berkeley, California.
- NMFS (National Marine Fisheries Service), 1990. Listing of Steller Sea Lions as Threatened Under the Endangered Species Act Federal Register Vol. 55 No. 1227 (26 November 1990): 49204:49241. Silver Spring, MD. Office of Protected Resources and Habitat Programs. November 1990.
- NMFS, 1993. Designation of Critical Habitat for Steller Sea Lion: Final Rule. Federal Register Vol. 58 No. 165 (27 August 1993): 45269:45285. Silver Spring, MD and Alaska Region. Office of Protected Resources. August 1993. Available at: <http://www.nmfs.noaa.gov/pr/pdfs/fr/fr58-45269.pdf>. Accessed May 3, 2014.
- NMFS, 1997. Threatened Fish and Wildlife; Change in Listing Status of Steller Sea Lions Under the Endangered Species Act: Final Rule. Federal Register Vol. 62 No. 86 (5 May 1997): 24345:24355. Silver Spring, MD and Alaska Regions. Office of Protected Resources and Habitat Programs. May 1997. Available at: <http://www.nmfs.noaa.gov/pr/pdfs/fr/fr62-24345.pdf>.
- NMFS. 2005a. Endangered and Threatened Species; Final Listing Determination for 16 ESUs of West Coast Salmon, and Final 4(d) Protective Regulations for Threatened

- Salmonid ESUs: Final Rule. Federal Register Vol. 70 No. 123 (28 June 2005): 37160:37204. Portland, OR. NMFS Protected Resources Division. June 2005. Available at: <http://westcoastfisheries.noaa.gov/publications/frn/2005/70fr37160.pdf>.
- NMFS. 2005b. Endangered and Threatened Species; Designation of Critical Habitat for 12 Evolutionarily Significant Units of West coast Salmon and Steelhead in Washington, Oregon and Idaho: Final Rule. Federal Register Vol. 70 No. 170 (2 September 2005): 52630:.. Portland, OR. NMFS Protected Resources Division. September 2005. Available at: <http://www.nmfs.noaa.gov/pr/pdfs/fr/fr10-52640.pdf>.
- NMFS, 2005c. Endangered and Threatened Wildlife and Plants; Endangered Status for Southern Resident Killer Whale: Final Rule. Federal Register Vol. 70 No. 222 (18 November 2005): 69903:69912. Seattle, WA. NMFS Protected Resources Division. November 2005. Available at: <http://www.fisheries.noaa.gov/pr/pdfs/fr/fr70-69903.pdf>.
- NMFS, 2006. Endangered and Threatened Species; Designation of Critical Habitat for Southern Resident Whale. Final Rule. Federal Register Vol. 71 No. 229 (29 November 2006): 69054:69070. Seattle, WA. NMFS Northwest Region. November 2006. Available at: <http://www.nwr.noaa.gov>.
- NMFS, 2007. Endangered and Threatened Species; Final Listing Determination for Puget Sound Steelhead. Federal Register Vol. 72 No. 91 (11 May 2007): 26722:26735. Portland, OR. NMFS Northwest Region. May 2007. Available at: <http://www.westcoast.fisheries.noaa.gov/publications/fm/2007/72fr26722.pdf>.
- NMFS, 2009. Species of Concern Factsheet: Coho Salmon (*Oncorhynchus kisutch*) Puget Sound/Strait of Georgia ESU. 2009. Available at: http://www.fisheries.noaa.gov/pr/pdfs/species/cohosalmon_detailed.pdf. Updated June 10, 2009.
- NMFS, 2010a. Endangered and Threatened Wildlife and Plants; Threatened Status for Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye and Canary Rockfish and Endangered Status for the Puget Sound/Georgia Basin Distinct Population Segment of Bocaccio Rockfish. Final Rule. Federal Register Vol. 73 No. 81 (28 April 2010): 22276:22290. Seattle, WA: NMFS Protected Resources Division. April 2010. Accessed at: <http://www.nmfs.noaa.gov/pr/pdfs/fr/fr75-22276.pdf>.
- NMFS, 2010b. Endangered and Threatened Wildlife and Plants; Threatened Status for Southern Distinct Population Segment of Eulachon: Final Rule Vol. 75 No. 13 FR 13012:12024. March 2010. Available at: <http://www.gpo.gov/fdsys/pkg/FR-2010-03-18/pdf/2010-5996.pdf>.
- NMFS, 2011. Endangered and Threatened Species; Designation of Critical Habitat for the Southern Distinct Population Segment of Eulachon: Final Rule. Federal Register Vol. 76, No. 203 (20 October, 2011): 65324: 65352. (Rules and Regulations. Available at: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-20/pdf/2011-26950.pdf>.
- NMFS, 2013. Endangered and Threatened Species; Delisting of the Eastern Distinct Population Segment of Steller Sea Lion Under the Endangered Species Act; Amendment to Special Protection Measures for Endangered Marine Mammals. Final Rule. Federal Register Vol. 78. No. 213 (4 November 2013): 66140:66199. NMFS Office of Protected

Resources, Alaska: November 2013.

NMFS. 2014a. Endangered and Threatened Species; Designation of Critical Habitat Designation for the Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish, and Bocaccio. Federal Register Vol. 79. No. 219 (13 November 2014): 68042:68087 Seattle, WA. NMFS Protected Resources Division. Accessed at: <http://www.gpo.gov/fdsys/pkg/FR-2015-02-13/pdf/2015-03087.pdf>.

NMFS. 2014b. Listing Endangered or Threatened Species: 90-Day Finding on a Petition To Revise the Critical Habitat Designation for the Southern Resident Killer Whale. Federal Register Vol. 79 No. 80 (25 April 2014): 22933: 22935. West Coast Region, Seattle, WA. Available at: <http://www.westcoast.fisheries.noaa.gov/publications/frn/2014/79fr22933.pdf>.

NMFS. 2016a. Green sturgeon Northern DPS Species of Concern FactSheet Available at: http://www.westcoast.fisheries.noaa.gov/publications/SOC/greensturgeon_detailed.pdf.

NMFS. 2016b. Endangered and Threatened Species; Designation of Critical Habitat for Lower Columbia River Coho Salmon and Puget Sound Steelhead: Final Rule. Federal Register Vol. 81: 9251 -9325 (24 February 2016), Silver Springs, MD. Accessed on February 29, 2016 at: <https://www.federalregister.gov/articles/2016/02/24/2016-03409/endangered-and-threatened-species-designation-of-critical-habitat-for-lower-columbia-river-coho#h-4>

NMFS. 2016c. Endangered and Threatened Species; Removal of the Puget Sound/Georgia Basin Distinct Population Segment of Canary Rockfish From the Federal List of Threatened and Endangered Species, and Removal of Designated Critical Habitat, and Update and Amend the Listing Descriptions for the Yelloweye Rockfish DPS and Bocaccio DPS: Proposed Rule. Federal Register Vol. 81: 43979: 43985 (July 6, 2016), Accessed on September 5, 2016 at: <http://www.westcoast.fisheries.noaa.gov/publications/frn/2016/81fr43979.pdf>.

NOAA, 2016. NOAA Tide Predictions, Swinomish Channel ent., Padilla Bay, Washington, 2016. 9448682_2016 published_-2.pdf. Available at: <https://tidesandcurrents.noaa.gov/noaatidepredictions/NOAATidesFacade.jsp?Stationid=9448682A> Accessed February, March 2016.

Penttila, D. 2007. *Marine Forage Fishes in Puget Sound*. Puget Sound Nearshore Partnership Report No. 2007-03. Published by Seattle District, U.S. Army Corps of Engineers, Seattle, Washington.

Pacific Fishery Management Council (PFMC), 1998. *Coastal Pelagic Species Fishery Management Plan through Amendment 8*. Portland, Oregon.

PFMC, 2003. *Pacific Coast Salmon Plan. Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon and California as revised through Amendment 14*. Portland, Oregon.

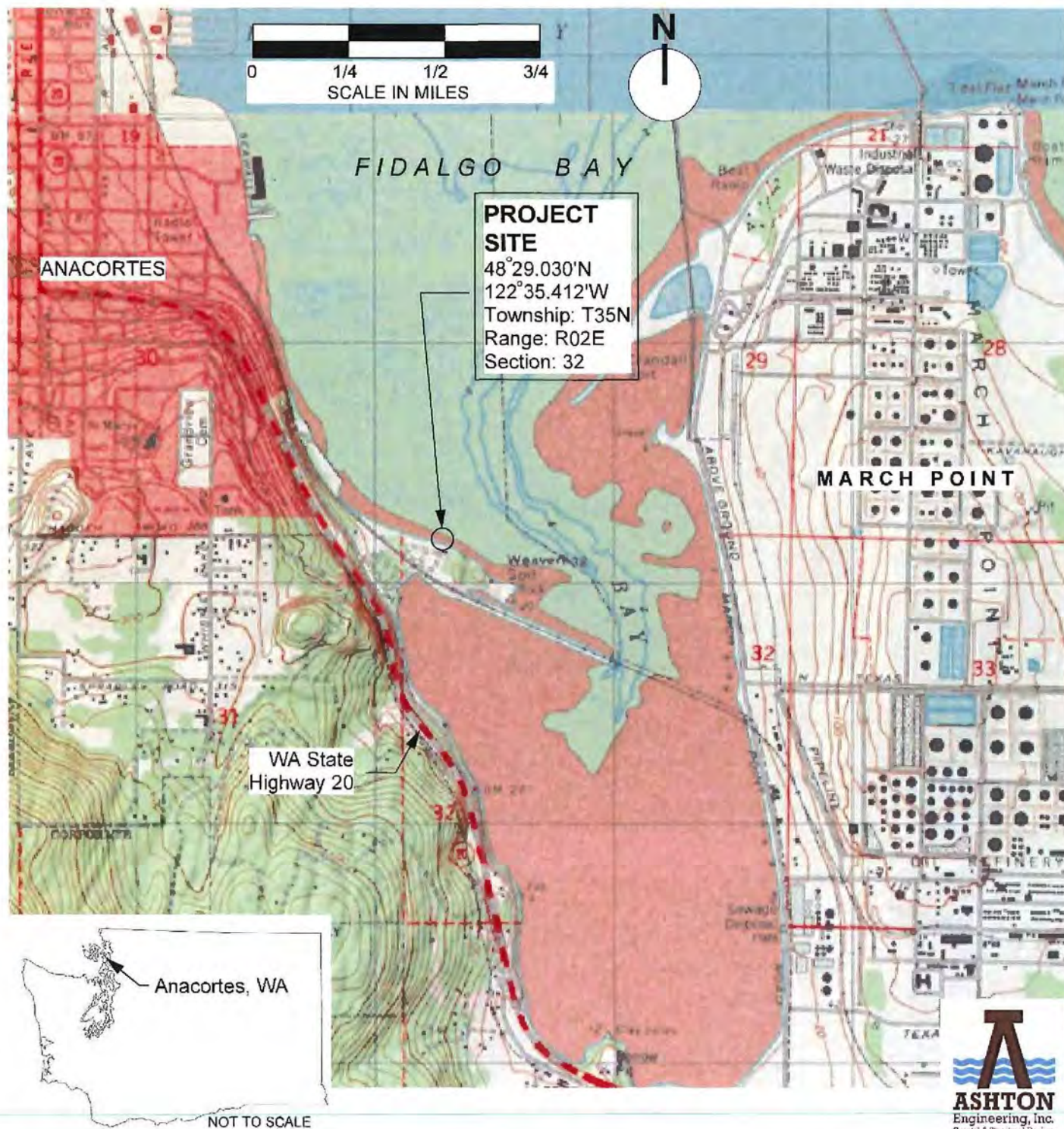
PFMC, 2011. *Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery as Amended through Amendment 23 including Secretarial Amendment 1*. Portland, Oregon 160 pp.

- PFMC, 2016. Coastal Pelagic Species: Background. Available online at <http://www.pcouncil.org/coastal-pelagic-species/background-information/>.
- Seattle Audubon, 2010. Seattle Audubon internet site: http://www.birdweb.org/birdweb/bird/yellow-billed_cuckoo, Accessed on March 9, 2016.
- U.S. Army Corps of Engineers (USACE). 2012. *Approved Work Windows for Fish Protection for all Marine/Estuarine Areas excluding the mouth of the Columbia River (Baker Bay) by Tidal Reference Area*. (14 August 2012) Available at: [www.nws.usace.army.mil/portals/27/docs/regulatory/esa%20forms%20and%20templates/marine%20fish%20work%20windows%20\(8-14-12\).pdf](http://www.nws.usace.army.mil/portals/27/docs/regulatory/esa%20forms%20and%20templates/marine%20fish%20work%20windows%20(8-14-12).pdf). Accessed on March 4, 2016.
- U.S. Department of Agriculture, Soil Conservation Service. 1989. *Soil Survey of Skagit County Area, Washington*.
- U.S. Fish and Wildlife Service (USFWS). 1992. Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for the Washington, Oregon, and California Population of the Marbled Murrelet. Final Rule. 50 CFR Part 17. Federal Register / Vol. 57, No. 101 / Thursday October 1, 1992 / Portland Field Office, Portland Oregon: U.S. Fish and Wildlife Service. October 1992.
- USFWS, 1996. Endangered and Threatened Wildlife and Plants: Final Designation of Critical Habitat for the Marbled Murrelet. Final rule. 50 CFR Part 17. Federal Register Vol. 61, No. 102 / Friday, May 24, 1996 / Rules and Regulations. Portland, Oregon: U.S. Fish and Wildlife Service. May 1996.
- USFWS, 1999. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Bull Trout in the Coterminous United States: Final Rule. Federal Register Vol. 64, No. 210 (1 November 1999; 58910: 58933. Rules and Regulations. Boise, Idaho: U.S. Fish and Wildlife Service. November 1999. Available at: <http://www.gpo.gov/fdsys/pkg/FR-1999-11-01/pdf/99-28295.pdf>.
- USFWS, 2005. Endangered and Threatened Wildlife Plants; Designation of Critical Habitat for the Bull Trout; Final Rule. Federal Register Vol. 70, No. 185 (26 September 2005): 56211-56311. Portland, Oregon: U.S. Fish and Wildlife Service. September 2005.
- USFWS, 2010. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Bull Trout in the Coterminous United States; Final Rule. Federal Register Vol. 75 no. 200 (18 October 2010): 63898:64070. Boise, Idaho: U.S. Fish and Wildlife Service. October 2010. <http://www.fws.gov/pacific/bulltrout/FinalCH2010.html#FinalCH>.
- USFWS, 2011. Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Marbled Murrelet: Final Rule. Federal Register Vol. 76 No. 193 (5 October 2011): 61599 61621, U.S. Fish and Wildlife Service Interior. <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B08C#crithab>.
- USACE, 2013. Endangered and Threatened Wildlife; Designation of Critical Habitat for Taylor's Checkerspot Butterfly and Streaked Horned Lark: Final Rule. FR Vol. 78, No. 192 (3 October 2013):61506 61589. U.S. Fish and Wildlife Service Interior. Lacey, WA. Accessed at: <http://www.fws.gov/policy/library/2013/2013-23552.pdf>.

- USFWS, 2014. Endangered and Threatened Wildlife Plants; Critical Habitat Designation for the Western U.S. Distinct Population of the Yellow Billed Cuckoo; Proposed Rule. Federal Register Vol. 79 1 (15 August 2014): 48547. Sacramento, California: U.S. Fish and Wildlife Service. August 2014. Accessed at: <https://www.federalregister.gov/articles/2014/08/15/2014-19178/endangered-and-threatened-wildlife-and-plants-designation-of-critical-habitat-for-the-western>.
- USFWS, 2016. Samish Tribe Weaverling Spit, Fidalgo Bay Information for Planning and Conservation (iPaC) Trust Resources Report. March 8, 2016. Available at <https://ecos.fws.gov/ipac/gettingStarted/index>.
- Washington State Legislator. 2015. Washington Administrative Code (WAC) 173-201A-210. Accessible online at: <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A-210>. Olympia, Washington
- WDFW, 2016a. Personal communication Doug Thompson, WDFW Habitat Biologist with Tina Mirabile, Advanced Environmental Solutions, March 4, 2016.
- WDFW. 2016b. Washington Department of Fish and Wildlife SalmonScape. Available at: <http://apps.wdfw.wa.gov/salmonscape/map.html>.
- WDFW. 2016c. Washington Department of Fish and Wildlife Marine Beach Spawning Fish Ecology. Available at: http://wdfw.wa.gov/conservation/research/projects/marine_beach_spawning/.
- WDFW, 2016d. Streak Horned Lark Fact Sheet. Washington Department of Fish and Wildlife. Accessed at: http://wdfw.wa.gov/conservation/endangered/species/streaked_horned_lark.pdf.
- WDNR. 2015. WDNR Washington Natural Heritage Program. Sections that Contain Natural Heritage Features. Data Current as July 24, 2015. Available at: file.dnr.wa.gov/publications/amp_nh_trs.pdf. Olympia, WA.
- WDNR. 2016. Washington Department of Natural Resources (Forest Practices Application and Review System. Available at: <https://fortress.wa.gov/dnr/protectiongis/fpamt/index.html#>. Olympia, WA.
- Washington State Department of Transportation (WSDOT), 2015. *Biological Assessment Preparation for Transportation Projects Advanced Training Manual – Version 2015*. WSDOT. Accesible at: <http://www.wsdot.wa.gov/environment/biology/ba/baguidance.htm#manual>.
- Wilber, D.H. and Clarke, D.G. 2001. Biological Effects of Suspended Sediments: A Review of Suspended Sediment Impacts on Fish and Shellfish with Relation to Dredging Activities in Estuaries. North American Journal of Fisheries Management, 21: 4, 855 — 875.
- Woodard, Todd. 2016. Personal communication from Todd Woodard (Samish Indian Nation) to Tina Mirabile, PWS, Advanced Environmental Solutions on February 15, 2016.

Appendix A

**Fidalgo Bay RV Resort Boat Launch Extension Design Plan
Sheets 1-5
Ashton Engineering, Inc. (07/18/2016)**



PURPOSE: EXISTING BOAT RAMP
EXTENSION

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

Samish Indian Nation

VICINITY MAP

OWNER AND ADDRESS:
 Samish Indian Nation
 2918 Commercial Ave.
 Anacortes, WA 98221

ACOE REF. #:

IN: Fidalgo Bay
AT: Anacortes, WA

COUNTY: Skagit

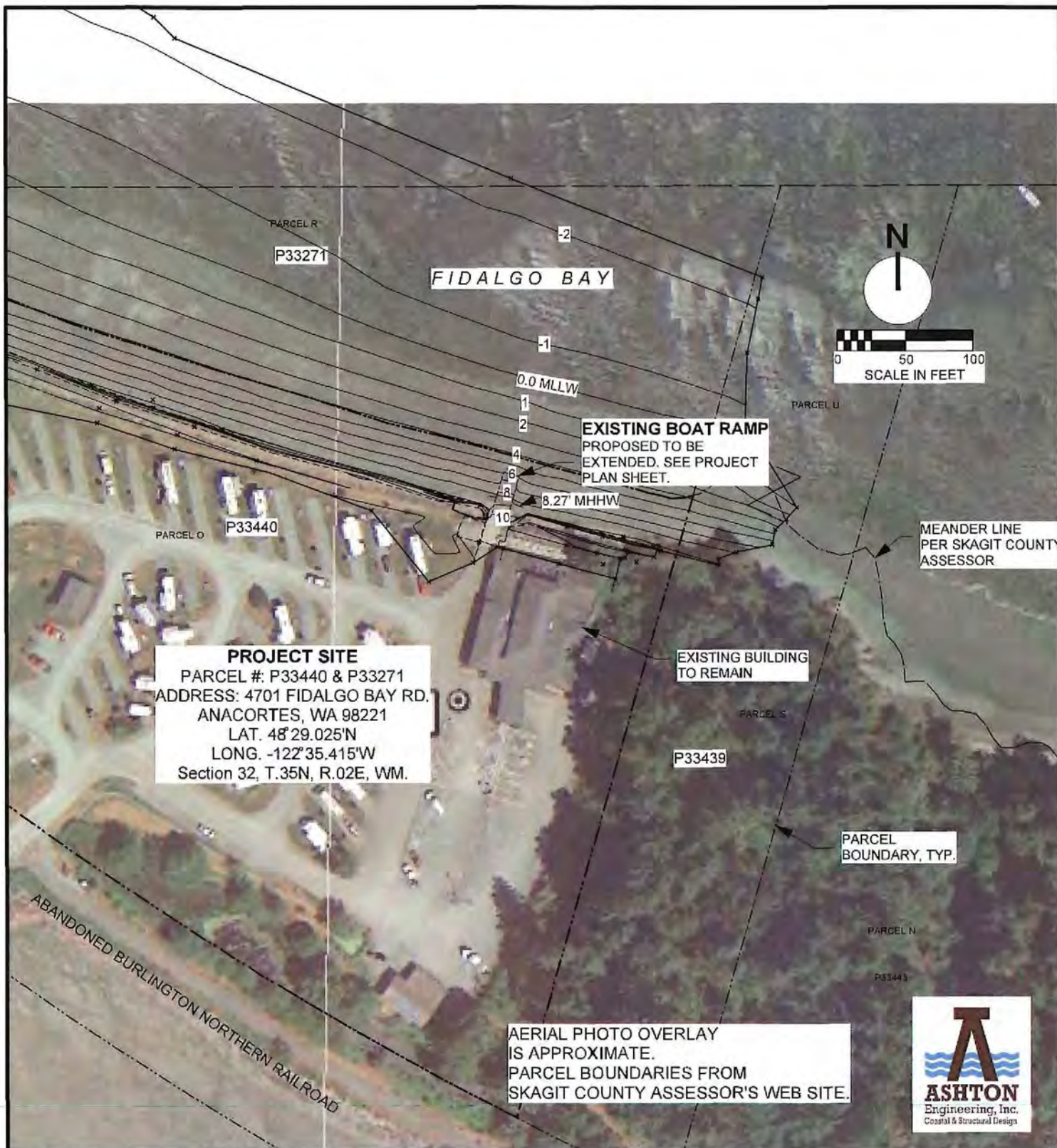
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APPLICANT: Samish Indian Nation

JOB NO.: 21503.22

SHEET 1 OF 5

18 JULY 2016



PURPOSE: EXISTING BOAT RAMP
EXTENSION

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

Samish Indian Nation

EXISTING SITE **PLAN**

OWNER AND ADDRESS:
 Samish Indian Nation
 2918 Commercial Ave.
 Anacortes, WA 98221

ACOE REF. #:

IN: Fidalgo Bay

AT: Anacortes, WA

COUNTY: Skagit

STATE: WA

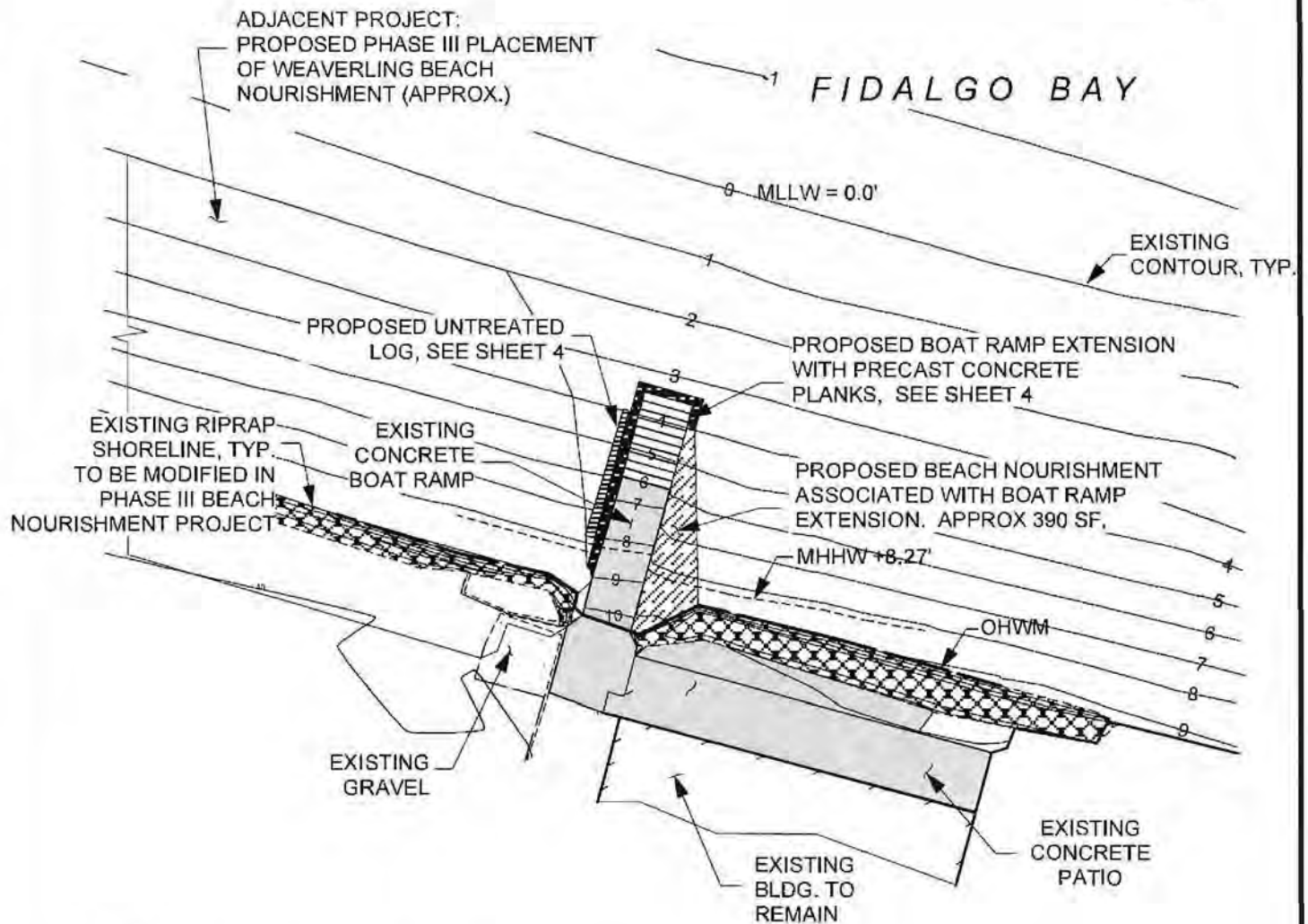
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JOB NO.: 21503.22

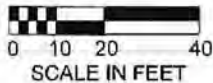
SHEET 2 OF 5

18 JULY 2016





NOTE:
CONTOURS AND ELEVATIONS BASED
ON MAPPING OF EXISTING TOPOGRAPHY
BY COASTAL GEOLOGIC CONSULTANTS.



PURPOSE: EXISTING BOAT RAMP
EXTENSION

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

Samish Indian Nation

PROPOSED SITE PLAN

OWNER AND ADDRESS:
Samish Indian Nation
2918 Commercial Ave.
Anacortes, WA 98221

ACOE REF. #:

IN: Fidalgo Bay
AT: Anacortes, WA

COUNTY: Skagit

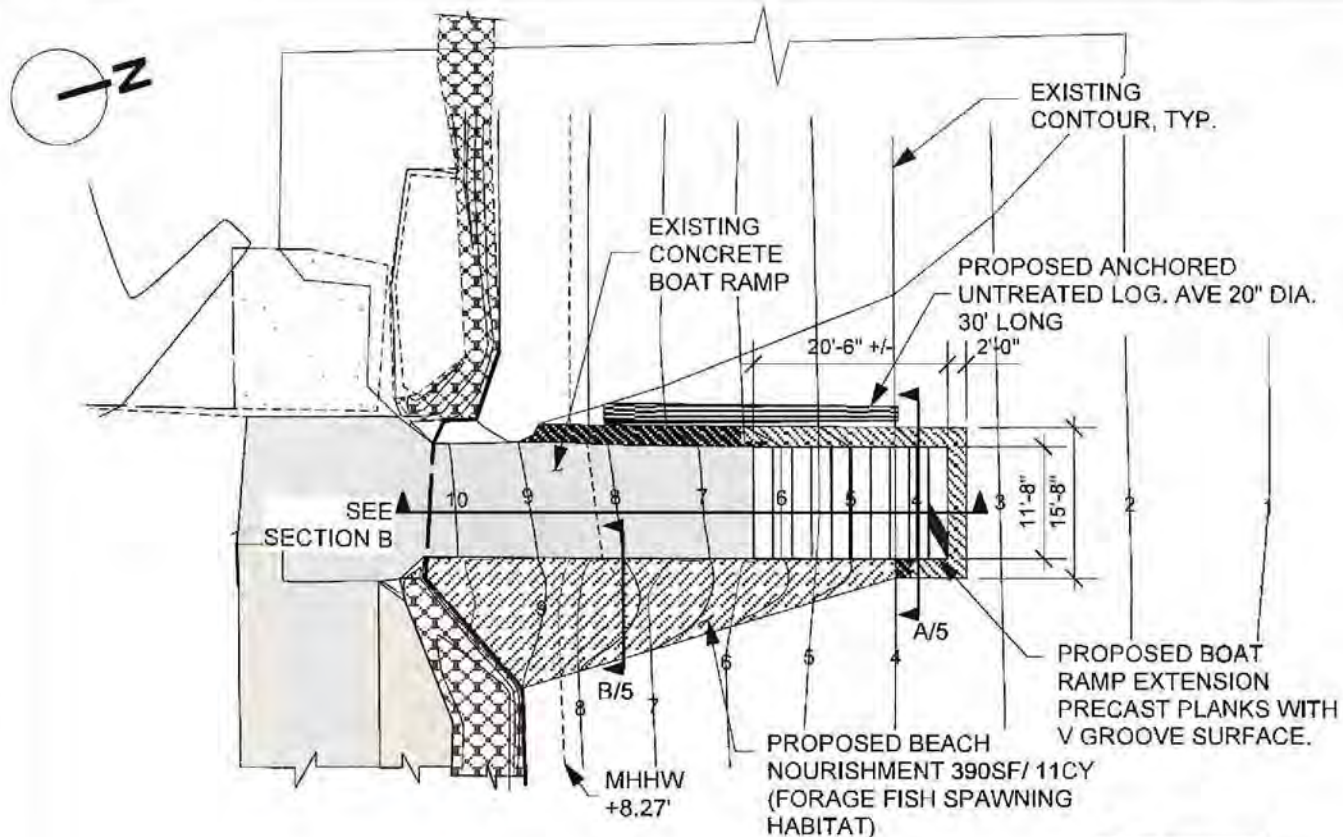
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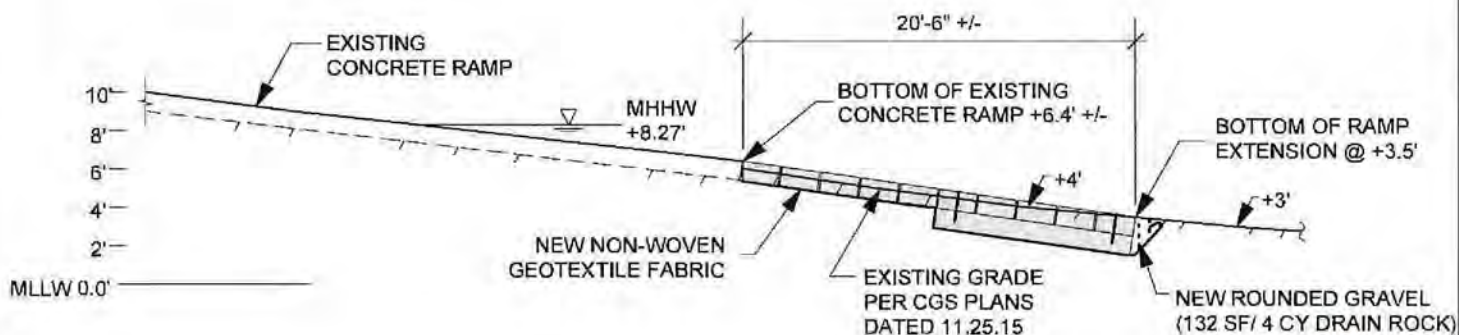
SHEET 3 OF 5

18 JULY 2016



A

Plan - Proposed Boat Ramp Extension
Scale: 1" = 20 ft



B

Longitudinal Section
Scale: 1" = 10 ft



PURPOSE: EXISTING BOAT RAMP
EXTENSION

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

Samish Indian Nation

PROPOSED PLAN & ELEV.

OWNER AND ADDRESS:
Samish Indian Nation
2918 Commercial Ave.
Anacortes, WA 98221

ACOE REF. #:

IN: Fidalgo Bay
AT: Anacortes, WA

COUNTY: Skagit

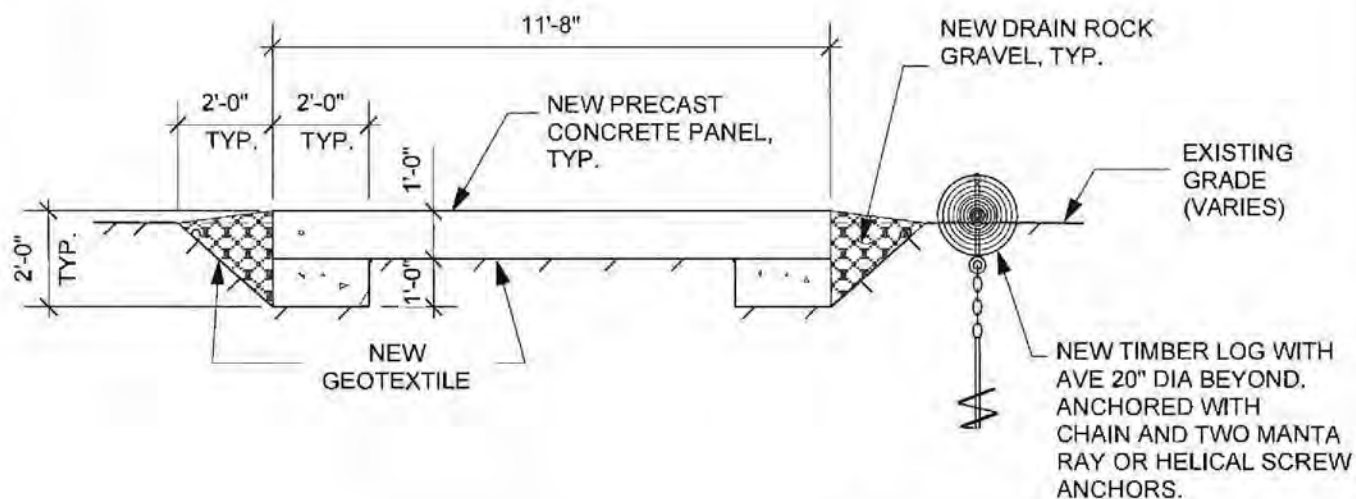
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JOB NO.: 21503.22

SHEET 4 OF 5

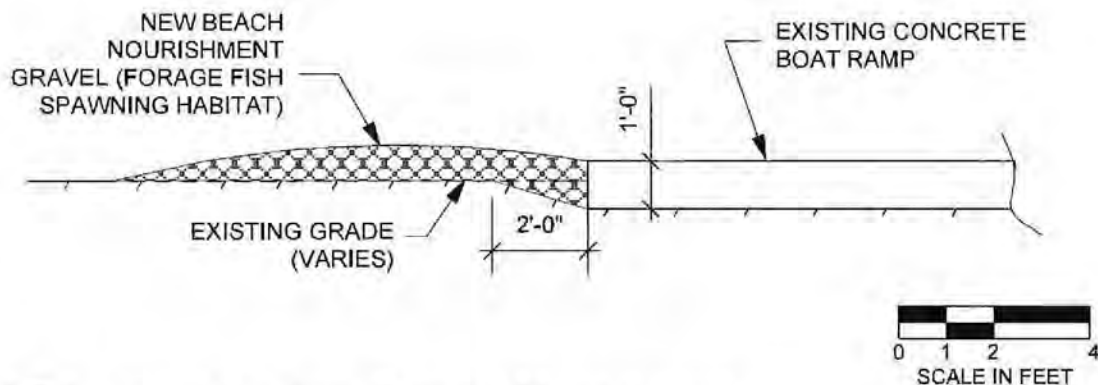
18 JULY 2016



A

Cross Section @ Ramp Extension

Scale: 1/4" = 1'-0"



B

Cross Section @ Beach Nourishment

Scale: 1/4" = 1'-0"



PURPOSE: EXISTING BOAT RAMP
EXTENSION

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

Samish Indian Nation

PROPOSED SECTIONS

OWNER AND ADDRESS:
Samish Indian Nation
2918 Commercial Ave.
Anacortes, WA 98221

ACOE REF. #:

IN: Fidalgo Bay

AT: Anacortes, WA

COUNTY: Skagit

STATE: WA

APPLICANT: Samish Indian Nation

JOB NO.: 21503.22

SHEET 5 OF 5

18 JULY 2016

Appendix B

Weaverling Spit, Fidalgo Bay, IPAC Trust Resources Report (USFWS, March 2016)

Samish Tribe Weaverling Spit, Fidalgo Bay

IPaC Trust Resources Report

Generated March 08, 2016 07:14 PM MST, IPaC v3.0.0

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



Table of Contents

IPaC Trust Resources Report	<u>1</u>
Project Description	<u>1</u>
Endangered Species	<u>2</u>
Migratory Birds	<u>4</u>
Refuges & Hatcheries	<u>6</u>
Wetlands	<u>7</u>

IPaC Trust Resources Report



Samish Tribe Weaverling Spit, Fidalgo Bay

Skagit County, Washington

<https://ecos.fws.gov/ipac/project/KIEY6-G7KI5-FDHG5-WKGG5-LNHFBM>



Trust resources in this location are managed by:

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263
(360) 753-9440

Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the Endangered Species Program of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Birds

Marbled Murrelet <i>Brachyramphus marmoratus</i>	Threatened
CRITICAL HABITAT There is final critical habitat designated for this species. https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B08C	
Streaked Horned Lark <i>Eremophila alpestris strigata</i>	Threatened
CRITICAL HABITAT There is final critical habitat designated for this species. https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0B3	
Yellow-billed Cuckoo <i>Coccyzus americanus</i>	Threatened
CRITICAL HABITAT There is proposed critical habitat designated for this species. https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B06R	

Fishes

Bull Trout *Salvelinus confluentus*

Threatened

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=E065

Dolly Varden *Salvelinus malma*

Proposed Similarity of Appearance (Threatened)

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=E09Z

Mammals

Canada Lynx *Lynx canadensis*

Threatened

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=A073

Critical Habitats

This location overlaps all or part of the critical habitat for the following species:

Bull Trout Critical Habitat Final designated

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=E065#crithab

Chinook Salmon Critical Habitat Final designated

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=E06D#crithab

Killer Whale Critical Habitat Final designated

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=A01L#crithab

Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & Wildlife Service.^[1] There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

1. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern
<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php>

The following species of migratory birds could potentially be affected by activities in this location:

Bald Eagle <i>Haliaeetus leucocephalus</i> Year-round https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B008	Bird of conservation concern
Black Swift <i>Cypseloides niger</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FW	Bird of conservation concern
Caspian Tern <i>Hydroprogne caspia</i> Season: Breeding	Bird of conservation concern
Fox Sparrow <i>Passerella iliaca</i> Year-round	Bird of conservation concern
Olive-sided Flycatcher <i>Contopus cooperi</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0AN	Bird of conservation concern

Peregrine Falcon *Falco peregrinus*

Year-round

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0FU

Bird of conservation concern

Pink-footed Shearwater *Puffinus creatopus*

Year-round

Bird of conservation concern

Purple Finch *Carpodacus purpureus*

Year-round

Bird of conservation concern

Rufous Hummingbird *selasphorus rufus*

Season: Breeding

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0E1

Bird of conservation concern

Short-eared Owl *Asio flammeus*

Year-round

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0HD

Bird of conservation concern

Western Grebe *aechmophorus occidentalis*

Season: Wintering

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0EA

Bird of conservation concern

Willow Flycatcher *Empidonax traillii*

Season: Breeding

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=B0F6

Bird of conservation concern

Wildlife refuges and fish hatcheries

There are no refuges or fish hatcheries in this location

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

This location overlaps all or part of the following wetlands:

Estuarine And Marine Deepwater

[E1UBL](#)

10000.0 acres

Estuarine And Marine Wetland

[E2AB/USN](#)

358.0 acres

[E2AB/USM](#)

227.0 acres

[E2USN](#)

200.0 acres

Freshwater Emergent Wetland

PEMC

3.96 acres

Freshwater Forested/shrub Wetland

PFOA

3.71 acres

A full description for each wetland code can be found at the National Wetlands Inventory website: <http://107.20.228.18/decoders/wetlands.aspx>

December 5, 2016

Mr. Kevin Cricchio, Associate Planner
City of Anacortes Permit Center
P.O. Box 547
Anacortes, WA 98221-0547

RE: Fidalgo Bay Resort Boat Ramp Extension, SDP-2016-1004
Critical Areas and Shorelines Regulatory Compliance Assessment

Dear Mr. Cricchio:

As requested in your letter, dated September 30, 2016, to Mr. Scott Cooper (Applicant, Samish Indian Nation), the following Critical Areas and Shoreline Regulatory Compliance Assessment has been prepared in regards to the proposed boat launch extension project at the Fidalgo Bay RV Resort in Anacortes, WA. The project design elements, recommended conservations measures and Best Management Practices (BMPs) to be implemented during construction, as well as proposed measures to enhance the existing shoreline habitat are evaluated according to the City of Anacortes' (City) requirements for regulatory compliance with "no net loss of ecological functions". Details regarding the project's compliance with development regulations (DR) in the following sections of the City's Shoreline Master Program (SMP) are reviewed.

- ∞ 5.6 (Aquatic Environment)
- ∞ 5.10 (Urban Environment)
- ∞ 9.3 (Boat Launches)
- ∞ 6.3 (Impacts, Mitigation & Bonding)
- ∞ 6.4 (Environmental Impacts)
- ∞ 6.5 (Vegetation Conservation)
- ∞ 6.6. (Critical Areas – General) and;
- ∞ 6.7 (Fish & Wildlife Habitat Conservation Areas).

SMP Shoreline Designations and Use

Sections 5.6 (Aquatic Environment) and 5.10 (Urban Environment)

The project, to extend the existing concrete boat launch for an additional 22 feet waterward from its lower end in Fidalgo Bay, has been designed to accommodate small boats and is intended to reduce the frequency of trailers travelling on the beach surface. The components of the boat launch extension project also include the installation of an anchored timber log as an erosion control/scour prevention feature and the placement of approximately 11 cubic yards of beach nourishing substrates for nearshore habitat enhancement.

The proposed project work will occur exclusively within the City's designated Aquatic shoreline environment, which is assigned to marine waters and lands waterward of the

ordinary high-water mark (OHWM), including the water surface, underlying lands, and the water column of such areas. Table 5.1: Shoreline Use and Modification Matrix of the City's SMP indicates that boat launches are permitted in the Aquatic Environment according to the provisions of a shoreline exemption or substantial development permit. Water-dependent uses (e.g., water-dependent recreation and moorage) that are neither prohibited by the adjoining upland environmental designation nor associated with over-water structures are allowed in the Aquatic Environment.

Water-oriented recreational uses in the Aquatic Environment must be low to moderate in intensity (DR 5.6.2). The boat launch is typically used for the most part by RV campers at the resort during the summer season and occasionally for training and access by first responders. The project will not result in a change in the existing shoreline use at the boat launch site or adjacent upland areas.

No new or reuse of historic over-water structures are proposed in association with the project. Therefore, DRs 5.6.4 through 5.6.13 that are associated with such structures are NOT applicable to the project.

The shoreline designation for the adjoining land that is situated landward of the OHWM on the subject property is Urban. Several existing RV sites and associated parking areas on this portion of the property will be utilized on a temporary basis to stage equipment and stockpile materials. The construction of new facilities within the upland Urban Environment designated shoreline area on the subject property is not proposed in direct association with the project. Boat launches are permitted within the designated Urban Environment shoreline area. The DRs that are outlined in Section 5.6 of the SMP for the upland Urban Environment designated shoreline area are however not applicable to the exclusively Aquatic Environment/"in-water" project.

SMP Section 9.3 (Boat Launches)

Section 9.3.3 of the City's SMP states that boat launches and ancillary facilities shall be located, designed, constructed, and operated as to:

- a. Minimize adverse affects of fish, shellfish, wildlife, water quality, and existing geo-hydraulic shoreline and stream processes. When impacts cannot be avoided, impacts must be mitigated to assure no-net-loss of ecological function necessary to sustain shoreline resources;
- b. Be clearly separated from nearby swimming areas;
- c. Provide adequate on-shore sewage and waste disposal facilities and a means for effective operation;
- d. Be compatible with adjacent uses and avoid or mitigate aesthetic impacts;
- e. Ensure that navigation rights are protected and;
- f. Not impede the along shore flow of sand and gravel.

The existing concrete launch, approximately 12' wide x 25' in length, as measured from the Ordinary High Water Mark (OHWM) of Fidalgo Bay is approximately 295 square feet in size. The proposed boat launch extension, approximately 237 square feet in size (11'8" x 21.5') will be constructed with 12 pre-cast reinforced concrete logs, each measuring 2' x 11'8" x 12" in size. The concrete logs will be connected with galvanized bolts between some of the planks. The proposed boat launch extension will extend

approximately 22 feet waterward in Fidalgo Bay from the lower end of the existing ramp at +6.4 (MLLW = 0.0') to a post construction elevation of approximately +3.5 feet. The boat launch extension project area, including a drain rock to be installed along the perimeter of the western and northern ends of the ramp as scour protection, represents approximate 370 square feet: 225 square feet below MHHW (+8.27 feet, MLLW=0.0'). The total size of the boat launch, after construction of its extension, as measured from the OHWM, will be approximately 560 square feet (12' x 47').

The project shoreline is mapped on Ecology's *Coastal Atlas of Washington State* as an accretion shoreform and the prominent drift cell direction is right to left (northwest to southeast). The low profile of the proposed boat launch extension matches the profile of the existing structure, which is in compliance with this section of the code and in Section 6.4.6 of the City's SMP in that it does not impede sediment transport along the subject shoreline. The timber log, proposed for installation as an erosion control measure to reduce potential scour along the ramp structure, will be located at an up-drift position to the west of the boat launch.

Adverse affects of fish, shellfish, wildlife, water quality and existing geo-hydraulic shoreline processes will be avoided and minimized according the specifications of the project design, implementation of recommended conservation measures and the application of Best Management Practices (BMPs) during construction as described in the following sections of this document. In order to compensate for the conversion of approximately 370 square feet of existing disturbed beach sediments to concrete planks within the footprint of the boat launch extension, approximately 11 cubic yards of beach nourishing sediments are proposed for placement within an estimated 390 square feet of the nearshore area adjacent to and east (down-drift) of the boat launch as a habitat enhancing measure. The area proposed for nearshore enhancement/beach nourishment is slightly greater than the impacted area associated with the launch extension; thus resulting in no net loss of habitat function overall.

The project is in compliance with DR 9.9.3b as no swimming areas are present within the project vicinity. The boat launch extension project does not require on-shore sewage and waste disposal facilities and therefore the project is in compliance with Section 9.3.3c of the SMP. The proposed project, designed to extend the existing boat ramp, is compatible with the existing recreational uses on the property (9.3.3d). The project does not restrict navigation rights (DR 9.3.3e). DRs 9.3.4. (docks and floats), 9.3.5 (associated parking) and 9.3.6 – 9.3.8 (ramps) are not applicable to the project.

SMP Sections 6.3 (Impacts, Mitigation & Bonding)

6.4 (Environmental Impacts)

Archaeological/Historical/Cultural Impacts

Compliance with development regulations outlined in Sections 6.4.2 through 6.4.4 in the SMP in association of archaeological/historical/cultural resources are outside of the scope of this document and should be consulted directly with the Samish Indian Nation (Applicant).

Avoidance, Minimization and Conservation Measures

The project is designed to minimize potential impacts to upland and aquatic habitat areas.

Existing access roads will be used for transport of materials. The timing for project construction has been arranged for 12 days duration between September 5 and 16, 2017 so that existing RV sites and parking areas at upland locations, away from the shoreline, can be utilized for temporary materials and equipment storage and equipment washouts.

The project's in-water work schedule is consistent with the following federal agency U.S. Army Corps of Engineers (USACE) approved work windows for fish protection in Tidal Reference Area 9 (Blaine), which includes all saltwater areas in Skagit and Whatcom Counties that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and northerly of Deception Pass Bridge:

Salmon:	July 2 - March 2
Bull trout:	July 16 - February 15
Surf Smelt:	Year Round
Pacific Herring:	South of Governor's Point, April 15 – January 31 North of Governor's Point, June 15 – January 31
Pacific Sand Lance:	March 2 – October 14

Based on the common days between the specified work windows, construction activities should be timed between July 16 and February 15 with the short-term (typically two weeks) release of the forage fish restriction, provided that no spawning is occurring on the beach.

Washington Department of Fish and Wildlife (WDFW) has advised that the applicable project work window for forage fish at the project site is more restrictive, from August 1 to March 1 (WDFW, 2016a). Surf smelt spawn year round; therefore a survey for spawn in the project area is recommended to occur prior to construction activities and every two weeks during in-water project work.

Equipment to be used for the project includes transport trucks, an excavator and potentially a crane for the placement of the new pre-cast concrete planks. Potential impacts to fish and wildlife species associated with construction generated in-air and underwater noise is avoided as no jackhammers or pile drivers will be used for project implementation. The noise generated during construction is not anticipated to exceed the maximum permissible noise levels and time limits set forth in Anacortes Municipal Code Chapter 17.54 and therefore will be in compliance with DR 6.4.8 of the SMP. Timing of construction activities is to occur during daylight hours, although hours may be extended from a typical 9-5 schedule based on tides.

As provided in the project's SEPA documentation, increased exhaust emissions associated with the use of equipment during construction will be temporary and of short duration. The project is anticipated to be in compliance with DR-6.4.1 related to air quality.

Best Management Practices (BMPs) as outlined in the latest version of Ecology's *Stormwater Management Manual* and as required in the City's Stormwater Management Plan and Engineering Design Standards shall be implemented to reduce erosion and environmental impacts and to maintain to a safe work area (DR 6.4.7, 6.4.22 and 6.4.23).

All heavy equipment will be operated from the existing ramp, adjacent upland and on the beach project area as necessary but only as accommodated by low tide intervals when substrates are exposed, rather than submerged. Due to the low gradient site topography and mixed gravel/sand and mud substrates within the boat ramp project area, soil stabilization is not likely to be of concern. The contractor will reduce the potential for soil compaction from equipment use and transport on the beach by sequencing construction phases to initiate work at locations further from the project access point and then working to “back out” of the site at final project completion. All work will be done in the dry as much as practicable. Exposed areas are to be covered prior to tidal inundation. A floating sedimentation boom however may be deployed around the work zone should tidal water inundate the site during work activities.

To reduce the likelihood of any petroleum products, chemicals, or other toxic or deleterious materials from entering aquatic areas, fuel hoses, oil or fuel transfer valves and fittings would be checked regularly for drips or leaks, and will be maintained and stored properly to prevent spills from construction equipment. Secondary containment will be implemented where applicable as required in Section 6.4.21 of the SMP that is related to the protection of water quality. Equipment that utilizes vegetable-based hydraulic fluid is preferred for projects conducted near or in-water.

A common result from in-water construction work is a temporary increase in turbidity. This is typically material that is either disturbed from existing bottom material during construction work, or released into the water column as material is placed into the water. Increases in turbidity can have a variety of affects on fish depending on the duration and severity of exposure. The project is to be conducted in compliance with Washington State’s Water Quality Standards for aquatic life in marine waters [Washington Administrative Code (WAC) 173-201A-210](Washington State Legislator, 2015). As provided in WAC 173-201A-200 (1)(e) the aquatic life turbidity criteria may be modified, without specific written authorization from Ecology, to allow a temporary area of mixing during and immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. The temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all necessary local and state permits and approvals, and after the implementation of appropriate BMPs to avoid or minimize disturbance of in-place sediments. The temporary mixing area for marine waters is 150 feet.

Minor excavation will be performed within the footprint of the boat launch extension area in order to prepare the beach grade to a uniform depth that will accommodate the 12” precast concrete planks. Approximately 9 cubic yards of existing beach sediments and any debris located waterward of the existing launch are proposed for removal and disposal off-site at a legal, permitted facility or site. A geotextile liner will be placed on the excavated portion of the beach prior to installing the concrete planks.

Two types of gravel, with differing specifications that correspond with those recommended and approved for upper and lower beach nourishment associated with the Weaverling Spit Phase 3 Restoration Project to be implemented in 2017 on the subject shoreline to the west of the boat ramp, will be used. All fill used for the project will be free of contaminants and sourced from a permitted facility. The western perimeter and

lower end of the ramp at elevations between +9 feet and +3.5 feet (MLLW = 0.0') will receive approximately 4 cubic yards of drain rock, as specified for lower beach nourishment. Approximately 11 cubic yards of finer beach nourishing substrates are proposed for placement at elevations greater than +4 feet (MLLW= 0.0 feet) to the east of the boat launch. The finer beach nourishing substrates, representing approximately 390 square feet (252 square feet below MHHW) in area, will provide sediment for possible drift cell erosion on the east side of the boat ramp and are intended to enhance forage fish production and improve migratory fish habitat.

The baseline water quality of Fidalgo Bay is not anticipated to change substantially in association with the project. Implementation of BMPs, including timing of construction during low tide intervals when project substrates will be exposed rather than submerged will restrict temporary surface water impacts to that area immediately within and adjacent to the project site. Overall, releases of sediment to generate temporary increases in turbidity during project implementation are expected to be minor and short in duration. The proposed concrete extension of the existing boat launch has been designed to reduce the tendency for trucks currently utilizing the facility to drive directly on the beach substrates that are waterward of the existing concrete ramp. Therefore the project is anticipated to result in a decrease of turbidity releases and substrate disturbances in the long-term. The extension of the concrete ramp will additionally serve to reduce potential safety hazards associated with the operation of vehicles on the beach sediments (DR 6.4.15).

The use of pre-cast concrete planks reduces the potential for water quality impacts during construction. The project does not result in the installation of any treated (creosote or pentachlorophenol) wood products (DR-6-3.4). An anchored timber log to be installed on the west side of the launch to help to reduce scour along the structure will be untreated Western red cedar [*Thuja plicata*] or Douglas fir [*Pseudotsuga menziesii*].

Applications of pesticides and or herbicide are not associated with the project and therefore DRs 6.4.6-6.4.14 are NOT applicable. The boat launch extension project will not result in impacts to aesthetics or interfere with existing public view areas. No lighted signs or illuminated areas are associated with the project. Therefore DRs 6.4.16 – 6.4.20 related to these issues are NOT applicable to the project.

SMP Section 6.5 (Vegetation Conservation)

AES documented the existing environmental site conditions at the boat launch project area and within its immediate vicinity during site visits conducted during low tide periods on February 15 and May 4, 2016. Aquatic vegetation was observed to be lacking on the exposed mixed cobble, gravel and sand beach substrates within the immediate vicinity of the existing concrete boat launch. Ecology's *Coastal Atlas* identifies mixed patchy and continuous low and salt marsh habitat along the subject shoreline of Weaverling Spit, however these habitats were not observed to be present at the project boat launch site. Kelp is not mapped in association with the shoreline of Weaverling Spit, however patchy fringe kelp is mapped along Fidalgo Bay's shoreline to the east and south. A thin, patchy wrack line was observed near the OHWM along the subject shoreline during the AES site visits.

The vegetation landward of the existing boulder rockery that parallels the OHWM along the subject shoreline adjacent to RV sites and the Samish Nation's Conference Center consists of maintained lawn. No non-native invasive plants were observed to be present in direct association with the boat launch project area. Dunegrass was observed to be present in small patches along the shorefront rockery directly to the east and west of the boat launch. The *Coastal Atlas* mapping does not indicate patchy fringe dunegrass as being present in association with the project site, although it is mapped in association with the Phase 1 and Phase 2 Weaverling Spit restored shoreline areas to the west of the boat launch project site and at the forested southeast tip of Weaverling Spit.

Due to the lack of canopy species, shading of the nearshore environment from overhanging vegetation at the boat launch site and adjacent RV sites is not provided. This function is however being served at the south end of Weaverling Spit, where forest vegetation is present.

No Washington Department of Natural Resources (WDNR) natural heritage features in regards to rare, sensitive, threatened or endangered native plant species or vegetation communities are documented in association with the project area. No rare plants were observed to be present within the boat launch extension project area during the AES site visits.

No clearing of aquatic or terrestrial vegetation is proposed in association with the boat launch extension project and therefore the DRs 6.5.1 to 6.5.12 described in Section 6.5 (Vegetation Conservation) of the SMP are NOT applicable to the project. No trees shall be removed or trimmed in association with the project and therefore the City's Tree Preservation Ordinance (#2756) is NOT applicable to the project. No habitat features, such as snags or large woody debris, are proposed for removal from the boat launch extension project area. The timber log to be installed for erosion control to the west of the ramp also contributes as a large woody debris habitat feature on the beach.

Sections 6.6 (Critical Areas – General)

Element Solutions of Bellingham, Washington conducted a wetland reconnaissance investigation of the project area and its vicinity in July 2016. Although wetlands were identified at the Fidalgo Bay RV property, their locations were determined to be at distances greater than 300-feet from the boat launch extension project site. Therefore City regulated wetland buffer areas are not associated with the project site.

Sections 6.7 (Fish and Wildlife Habitat Conservation Areas)

Fish and wildlife habitat conservation areas, as regulated by the City, include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
2. State Priority Habitats and Areas Associated With State Priority Species and;
3. Habitats and Species of Local Importance.

Kelp beds, eelgrass beds, herring spawning and holding areas, smelt and sand lance spawning and holding areas are classified as "critical saltwater habitats" in the Shoreline Master Program Guidelines, WAC 173-26-221(2)(iii). The proposed boat launch expansion will not result in the disruption of any existing kelp or eelgrass beds. Aquatic

habitat is lacking within the boat launch project site and its immediate vicinity. DR 6.7.2 related to aquatic herbicide treatments is NOT applicable to the project. The project will not result in new outfalls and therefore DRs 6.7.4 and 6.7.5 are NOT applicable to the project.

Endangered Species Act (ESA) Protected Species and Designated Critical Habitat

A Biological Assessment for Endangered Species Act (ESA) and Magnuson-Stevens Act Essential Fish Habitat (EFH) Compliance for the project was prepared by AES in Sept. 2016. Based on a review of the project components and existing and proposed habitat conditions, the following ESA determinations for federally protected species and associated designated critical habitat, as listed in Table 1, were recommended to support federal agency Section 7 ESA consultation.

The analysis presented in the Biological Assessment concluded that the proposed boat launch extension project in Fidalgo Bay would not result in a significant decrease in the populations of any ESA-listed species. Any potential project-associated effects during the construction phase of the project would be temporary and considered insignificant in regards to the preservation and protection of existing fish and wildlife species and associated habitat and functions.

No underwater noise is associated with the project and therefore potential associated effects to diving marbled murrelets and or other marine mammals, including killer whale, are avoided. Although killer whales are associated with Fidalgo Bay, due to the shallow depths in the project area (less than 20-feet), critical habitat for killer whale was considered as not applicable.

Although juvenile bocaccio and canary rockfish may be found in intertidal waters with or without kelp, juvenile yelloweye rockfish are not typically found in waters less than 98 feet in depth. Therefore a “*no effect*” ESA determination was concluded for this species of rockfish in association with the project.

Green sturgeon, eulachon, streaked horned lark and yellow-billed cuckoo were determined to not likely be present within the project action area. *No effect* ESA determinations were concluded in regards to the project’s action for these species. Designated critical habitat for these species is not present within the project area nor its immediate vicinity.

A *no effect* determination was also concluded for Puget Sound steelhead. Steelheads do not typically utilize nearshore areas for migration or foraging and steelhead designated critical habitat is not applicable to the project site. No ESA-listed terrestrial wildlife species are associated with the project area.

The boat launch extension will result in the permanent replacement of approximately 237 square feet of beach substrates with concrete in the nearshore, which represents a likely to adverse affect critical habitat determination for Chinook and bull-trout. The proposed placement of nourishing beach sediments to the east of the ramp is compliant with the

Table 1. ESA Species & Designated Critical Habitat Associated with Project

Agency Jurisdiction	Species ESU/DPS/ Listing Status	Recommended ESA Determination:
USFWS	Coastal/Puget Sound Bull Trout (<i>Salvelinus confluentus</i>) (Threatened)	Species: <i>May Affect, Not Likely to Adversely Affect</i> Designated Critical Habitat: <i>Likely to Adversely Affect</i>
NMFS	Puget Sound Chinook Salmon (<i>Oncorhynchus tshawytscha</i>) (Threatened)	Species: <i>May Affect, Not Likely to Adversely Affect</i> Designated Critical Habitat: <i>Likely to Adversely Affect</i>
	Puget Sound Steelhead (<i>Oncorhynchus mykiss</i>) (Threatened)	Species: <i>No Effect</i> Critical Habitat: Not Applicable to the Nearshore Project Area
	Puget Sound/Georgia Basin DPS Bocaccio (<i>Sebastes paucispinis</i>) (Endangered)	Species: <i>May Affect, Not Likely to Adversely Affect</i> Designated Critical Habitat: Not Applicable to the Nearshore Project Area
	Puget Sound/Georgia Basin DPS Yelloweye Rockfish (<i>Sebastes ruberrimus</i>) (Threatened)	Species: <i>No Effect</i> Designated Critical Habitat: <i>May Affect, Not Likely to Adversely Affect</i>
	Puget Sound/Georgia Basin DPS Canary Rockfish (<i>Sebastes pinniger</i>) (Threatened)	Species: <i>May Affect, Not Likely to Adversely Affect</i> Designated Critical Habitat: <i>May Affect, Not Likely to Adversely Affect</i>
	Southern DPS of eulachon (<i>Thaleichthys pacificus</i>) (Threatened)	Species: <i>No effect</i> Designated Critical Habitat: Not Applicable
	Southern DPS of green sturgeon (<i>Acipenser medirostris</i>) (Threatened)	Species: <i>No effect</i> Designated Critical Habitat: Not Applicable
	Southern Resident DPS for Killer Whale (<i>Orcinus orca</i>), Endangered	Species: <i>No effect</i> Designated Critical Habitat: Not Applicable
USFWS	Yellow-billed Cuckoo (<i>Coccyzus americanus</i>) Threatened	Species: <i>No effect</i> Designated Critical Habitat: Not Applicable
	Streaked Horned Lark (<i>Eremophila alpestris strigata</i>) Threatened,	Species: <i>No effect</i> Designated Critical Habitat: Not Applicable
	Marbled murrelet (<i>Brachyramphus marmoratus</i>)(Threatened)	Species: <i>No effect</i> Designated Critical Habitat: Not Applicable

requirements of DR 6.7.3 and 6.7.1d in which impacts to critical saltwater habitats are to be mitigated to result in equal or better ecological function. Increased spawning by forage fish as a direct result of the placement of the nourishing beach substrates at the project site may inadvertently benefit species, such as rockfish, that prey on forage fish as a significant component of their diet. Based on this ecological benefit, the project's ESA determination for designated critical habitat for listed rockfish species is "may affect, not likely to adversely affect". Other commonly represented fish species associated with Fidalgo Bay that are not ESA protected but which may benefit from nearshore enhancement include chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*), pink (*Oncorhynchus gorbuscha*) salmon, cutthroat trout (*Oncorhynchus clarki*), sculpin, flatfish (flounder and sole), perch, stickleback, pipefish and goby.

Forage Fish

Surf smelt (*Hypomesus pretiosus*) and Pacific herring (*Clupea pallasii*) spawning habitat is documented and mapped by Washington Department of Fish and Wildlife (WDFW) along the project shoreline. Pacific sand lance spawning areas are documented along the southeast end of Weaverling Spit.

The sediment mix that has been proposed for placement in the nearshore project area has been sized specifically to enhance surf smelt spawning habitat, although other species are also anticipated to benefit from the project's habitat enhancing objectives.

Bald Eagle

Bald eagle (*Haliaeetus leucocephalus*) was de-listed as threatened by the U.S. Fish & Wildlife Service in 2007; however bald eagle and its associated habitat remain protected according to the Bald and Golden Eagle Protection Act. Bald eagle and associated habitat are a priority for protection by WDFW according to Chapter 232-12-292 WAC (ICC 17.02.050).

Bald eagles are present within the project vicinity throughout the year as both resident and wintering populations. An active eagle nest is present on Weaverling Spit. Eagle nesting territory is also nearby on March's Point and near Sharp's Corner at the south end of Fidalgo Bay.

Potential project conflicts with nesting or foraging eagles are avoided due to the project timing. The project, proposed for implementation in September, is timed to occur after the breeding and nesting seasons for bald eagles. Roosting which typically occurs in late fall and early spring along rivers with fish migrations is not applicable to the project area. No trees appropriate for perching are present within the vicinity of the boat launch.

Shoreline Buffer

Equipment staging and materials stockpiling is proposed to occur on existing RV sites and associated parking areas located within the upland shoreline buffer approximately 60 landward (southwest) of the project boat launch site. Shoreline buffer areas in this areas

directly adjacent to the boat launch are served at low levels due to the lack of vegetation structure and diversity represented. Existing shoreline buffer functions, as rated in Table 1, are not anticipated to change as a function of the project. No vegetation clearing or native vegetation enhancement is proposed in association with the project.

Table 1 Ratings of Existing Shoreline Buffer Functions at the Fidalgo Bay RV Resort

Shoreline Buffer Function	Existing Rating
Shoreline Stability	High
Water Quality Treatment– Run-off Infiltration	Moderate
Temperature Modification	Low
General Wildlife Habitat	Low
Recruitment of Large Woody Debris	Low

In natural settings, forested areas such as that which is present near the southeast end of Weaverling Spit, serve shoreline buffer functions at the highest levels. Scrub-shrub vegetation communities typically serve functions at moderate levels. Grass and mixed herbaceous vegetation communities, as well as built areas, serve buffer functions at the lowest levels.

Due to the lack of canopy and shrub species growing along the project area shoreline, temperature moderation and recruitment of woody debris functions are rated as low. The lack of vegetation structure along the shoreline is purposeful in order to provide views from the RV sites. Driftwood accumulation along the OHWM is temporary and subject to movement in and out of the project area according to tides and currents. Opportunities for stormwater run-off from adjacent parking areas to be treated by the existing vegetation are limited due to regular maintenance, including mowing, of the existing lawn habitat. Terrestrial habitat for passerine birds, insects and small mammals in the highly modified and built shoreline buffer environment at the RV resort is provided at low levels.

The Samish Nation has completed two phases of shoreline restoration and will implement a third phase in Sept. 2017 in order to remove the remaining existing boulder rockery that parallels the subject shoreline. Enhancement measures to place nourishing beach sediments in the nearshore to the west side of the subject boat launch are proposed during Phase 3 to compliment previous measures, which also included the installation of large debris features. For the purposes of retaining shoreline stability is areas that are directly associated with the boat launch, some of the existing boulders will remain in-situ after the Phase 3 restoration is complete. In areas where the rockery will be removed, a dunegrass planted backshore berm will be installed to provide shoreline stability functions.

Summary

In summary, the Samish Indian Nation's boat launch extension project at the Fidalgo RV Resort, as reviewed in accordance with the proposed design components, application of conservation and best management practices, and mitigating measures to enhance the nearshore with nourishing beach substrates, meets the permit compliance requirements of the City's SMP and Critical Areas regulations.

The proposed project is not anticipated to result in a significant decrease in the populations of any species in or associated with Fidalgo Bay. The project is considered to result in "no loss of ecological functions" due to the proposed placement of approximately 390 square feet of nourishing beach substrates as direct and in-kind compensation to mitigate for impacts associated with the conversion of approximately 370 square feet of beach substrates to concrete plants within the construction footprint of the boat launch extension. Any potential project-associated effects during the construction phase of the project will be temporary and are considered insignificant in regards towards the preservation and protection of existing fish and wildlife species and associated habitat and functions.

Should you have any questions or comments regarding this assessment, please contact me directly at (360) 202-6839. Thank you for your review of these project details.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tina Mirabile", written in a cursive style.

Tina Mirabile, PWS

EXHIBIT #02:

GIS MAP & ASSESSOR'S INFORMATION

4223

R2

R1

4501

CM

SR 20 SPUR

EDEN CO BAY ROAD

4701

WEAVERING ROAD

6755

6772

6842

LM1



0 110 220 Feet

City of Anacortes Utilities

Parks also



Revised
September 2016

	County Parcel Data
	Encroachments
	Easements
	Lock Box
	Airport
	Docks
	Out Buildings
	Sprinkled Buildings
	Buildings

" Cm " Zone
Shoreline Environments:
" Urban & Aquatic "

Details for Parcel: P33271



Jurisdiction: ANACORTES
Please contact the city of ANACORTES for ANACORTES zoning information.

Zoning Designation:

[Recorded Documents](#)

[Excise Affidavits](#)

*Documents scanned and recorded by the Auditor's office
Document scans of excise affidavits*

Parcel Number	XrefID	Quarter	Section	Township	Range
P33271	350231-0-016-0309	00	31	35	02
Owner Information	Site Address(es)	Map Links			
SAMISH INDIAN NATION	FIDALGO BAY RD	Open in iMap			
2918 COMMERCIAL AVE	Anacortes, WA (Jurisdiction, State)	Assessor's Parcel Map:			
ANACORTES, WA 98221	Zip Code Lookup Site Address Information	PDF DWF			
2016 Values for 2017 Taxes*	Sale Information	2017 Property Tax Summary			
Building Market Value \$1,536,400.00	Deed Type WARRANTY DEED	2017 Taxes will be available after 2/15/2017			
Land Market Value +\$1,457,800.00	Sale Date 2003-12-15				
Total Market Value \$2,994,000.00	Sale Price \$4,500,000.00	Use the Taxes link above for 2016 taxes			
Assessed Value \$2,994,000.00					
Taxable Value \$2,994,000.00					

* Effective date of value is January 1 of the assessment year (2016)

Legal Description Definitions

THOSE PORTIONS OF GOVERNMENT LOT 6, SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, AND GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 35 NORTH, RANGE 2 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY, WHICH IS 75 FEET WEST OF THE RIGHT-OF-WAY CHANGE (FROM 100 TO 75 FEET); AT STATION 325 + 85; THENCE SOUTH ALONG THE EASTERLY LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO OLYMPIC V ASSOCIATES, ETAL, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 801120029, RECORDS OF SKAGIT COUNTY, WASHINGTON, TO THE SOUTH LINE OF SAID RAILROAD RIGHT-OF-WAY AND THE TRUE POINT OF BEGINNING; THENCE EASTERLY ALONG THE SOUTH BOUNDARY OF THE BURLINGTON NORTHERN RIGHT-OF-WAY, CROSSING THE SECTION LINE COMMON TO SECTIONS 31 AND 32, CONTINUING EASTERLY ALONG THE BURLINGTON NORTHERN RIGHT-OF-WAY IN LOT 1, SECTION 32, TO THE GOVERNMENT MEANDER LINE; THENCE SOUTH ALONG THE MEANDER LINE TO THE NORTH BOUNDARY OF FIDALGO BAY ROAD AS IT NOW EXISTS; THENCE WESTERLY ALONG THE NORTH BOUNDARY OF FIDALGO BAY ROAD, CROSSING WEAVERLING ROAD, AND CONTINUING TO A POINT THAT IS A DISTANCE OF 525 FEET FROM THE WEST BOUNDARY OF WEAVERLING ROAD (BEING ALSO ON THE EAST LINE OF THE OLYMPIC V ASSOCIATES TRACT AS SET FORTH HEREIN ABOVE); THENCE NORTH ALONG THE EAST LINE OF SAID OLYMPIC V ASSOCIATES TRACT TO THE TRUE POINT OF BEGINNING; LESS COUNTY ROADS, ALSO EXCEPT ANY PORTION THEREOF LYING EASTERLY OF THE WEAVERLING ROAD. ALSO TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 6 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF THE WEAVERLING ROAD AND LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE FIDALGO BAY ROAD. ALSO TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 6 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, AS CONVEYED TO RICHARD V STOCKWELL JR ETUX BY DEED RECORDED UNDER AF#200002140139 DESCRIBED AS FOLLOWS: BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 NORTH, RANGE 2 EAST; THENCE EASTERLY IN GOVERNMENT LOT 1, SECTION 32, ALONG THE HIGH TIDE LINE, A DISTANCE OF 172.68 FEET; THENCE SOUTH TO THE INTERSECTION OF THE SECTION LINE BETWEEN SECTIONS 31 AND 32 AND THE NORTH LINE OF THE BURLINGTON-NORTHERN RIGHT-OF-WAY; THENCE WEST IN GOVERNMENT LOT 6, SECTION 31, ALONG THE NORTH LINE OF THE BURLINGTON-NORTHERN RIGHT-OF-WAY TO A POINT ON THE RIGHT-OF-WAY WHICH IS 75 FEET WEST OF THE RIGHT-OF-WAY CHANGE (FROM 100 TO 75 FEET) AT STATION 325 + 85; THENCE SOUTH ALONG A LINE WHICH INTERSECTS THE NORTH LINE OF THE FIDALGO BAY ROAD AT A POINT 525 FEET FROM THE WEST LINE OF THE WEAVERLING ROAD TO THE SOUTH LINE OF THE BURLINGTON NORTHERN RIGHT-OF-WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH ALONG SAID LINE TO THE NORTH LINE OF THE FIDALGO BAY ROAD, THENCE NORTHWESTERLY ALONG SAID NORTH LINE 11.4 FEET, MORE OR LESS, TO A POINT ON A LINE RUNNING SOUTH 40 DEGREES 57' 37" WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 40 DEGREES 57' 37" EAST, A DISTANCE OF 339.26 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING. EXCEPT EXEMPT PORTION ON P122579. SURVEY AF#201309180087. SURVEY AF#201511250098

*Land Use	(150) MOBILE HOME PARKS		WAC 458-53-030
Neighborhood	(6M2ANA) ANACORTES MOBILE HOME/RV PARK		
Levy Code	0901	Fire District	
School District	SD103	Exemptions	
Utilities		Acres	5.07
Improvement 1 Attributes Summary			
Building Style	SINGLE FAMILY RESIDENCE		
Year Built	1995	Foundation	
Above Grade Living Area	1,024 Square Feet	Exterior Walls	
Finished Basement		Roof Covering	
*Total Living Area	1,024 Square Feet	Heat/Air Conditioning	
Unfinished Basement		Fireplace	
*Total Garage Area		Bedrooms	
Bathrooms			
For additional information on individual segments see Improvements tab			

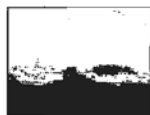
* Land Use codes are for assessment administration purposes and do not represent jurisdictional zoning. Please contact the appropriate planning department in your jurisdiction for land use questions.

* Total living area includes above grade living area and finished basement area.

* Garage square footage includes all garage areas; basement garages, attached garages, detached garages, etc.

Assessment data for improvements is based on exterior inspections. Please contact the Assessor's office if the information does not accurately reflect the interior characteristics.

Details for Parcel: P33440



Jurisdiction: ANACORTES
Please contact the city of ANACORTES for ANACORTES zoning information.

Zoning Designation:

[Recorded Documents](#)

[Excise Affidavits](#)

Documents scanned and recorded by the Auditor's office

Document scans of excise affidavits

Parcel Number

P33440

XrefID

350232-0-001-0206

Quarter Section Township Range

00 32 35 02

Owner Information

SAMISH INDIAN NATION
2918 COMMERCIAL AVE
ANACORTES, WA 98221

Site Address(es)

4701 FIDALGO BAY RD
Anacortes, WA (Jurisdiction, State)

[Zip Code Lookup](#) | [Site Address Information](#)

Map Links

[Open in iMap](#)
Assessor's Parcel Map:
[PDF](#) | [DWG](#)

2016 Values for 2017 Taxes*

Building Market Value \$0.00
Land Market Value +\$2,288,500.00
Total Market Value \$2,288,500.00
Assessed Value \$2,288,500.00
Taxable Value \$2,288,500.00

Sale Information

Deed Type WARRANTY DEED
Sale Date 2003-12-15
Sale Price \$4,500,000.00

2017 Property Tax Summary

2017 Taxes will be available after 2/15/2017
Use the Taxes link above for 2016 taxes

* Effective date of value is January 1 of the assessment year (2016)

Legal Description Definitions

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SECTION CORNER COMMON TO SECTION 29, 30, 31 AND 32, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M., SITUATED IN SKAGIT COUNTY, STATE OF WASHINGTON; THENCE EASTERLY ALONG THE GOVERNMENT MEANDER LINE A DISTANCE OF 172.68 FEET, WHICH IS THE TRUE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID GOVERNMENT MEANDER LINE, 415 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A TRACT OWNED BY RICHARD STOCKWELL; THENCE SOUTHERLY ALONG THE WEST BOUNDARY OF SAID TRACT, (WHICH IS 125 FEET WEST AND PARALLEL TO THE "OLD FENCE LINE", AS ESTABLISHED IN SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 23670), TO THE NORTH LINE OF THE BURLINGTON NORTHERN RIGHT-OF-WAY, THENCE WESTERLY ALONG SAID RIGHT-OF-WAY TO THE INTERSECTION OF THE SECTION LINE COMMON TO SECTIONS 31 AND 32, AND THE NORTH BOUNDARY OF THE BURLINGTON NORTHERN RIGHT-OF-WAY; THENCE NORTH TO THE TRUE POINT OF BEGINNING; EXCEPT THE COUNTY ROAD THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SECTION CORNER COMMON TO SECTION 29, 30, 31 AND 32, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M., SITUATED IN SKAGIT COUNTY, STATE OF WASHINGTON; THENCE EASTERLY ALONG THE GOVERNMENT MEANDER LINE A DISTANCE OF 172.68 FEET, WHICH IS THE TRUE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID GOVERNMENT MEANDER LINE, 415 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A TRACT OWNED BY RICHARD STOCKWELL; THENCE SOUTHERLY ALONG THE WEST BOUNDARY OF SAID TRACT, (WHICH IS 125 FEET WEST AND PARALLEL TO THE "OLD FENCE LINE", AS ESTABLISHED IN SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 23670), TO THE NORTH LINE OF THE BURLINGTON NORTHERN RIGHT-OF-WAY; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY TO THE INTERSECTION OF THE SECTION LINE COMMON TO SECTIONS 31 AND 32, AND THE NORTH BOUNDARY OF THE BURLINGTON NORTHERN RIGHT-OF-WAY; THENCE NORTH TO THE TRUE POINT OF BEGINNING; EXCEPT THE COUNTY ROAD. SURVEY AF#201309180087. SURVEY AF#201511250098

*Land Use	(150) MOBILE HOME PARKS		WAC 458-53-030
Neighborhood	(6M2ANA) ANACORTES MOBILE HOME/RV PARK		
Levy Code	0901	Fire District	
School District	SD103	Exemptions	
Utilities		Acres	7.96
Improvement 1 Attributes Summary			
Building Style	SINGLE FAMILY RESIDENCE		
Year Built		Foundation	
Above Grade Living Area		Exterior Walls	
Finished Basement		Roof Covering	
*Total Living Area		Heat/Air Conditioning	
Unfinished Basement		Fireplace	
*Total Garage Area		Bedrooms	
Bathrooms			
For additional information on individual segments see Improvements tab			

* Land Use codes are for assessment administration purposes and do not represent jurisdictional zoning. Please contact the appropriate planning department in your jurisdiction for land use questions.

* Total living area includes above grade living area and finished basement area.

* Garage square footage includes all garage areas; basement garages, attached garages, detached garages, etc.

Assessment data for improvements is based on exterior inspections. Please contact the Assessor's office if the information does not accurately reflect the interior characteristics.

EXHIBIT #03:

NOA & NOH WITH OPTIONAL SEPA DNS



NOTICE OF APPLICATION & HEARING WITH OPTIONAL SEPA DNS:

Notice Is Hereby Given That An Application Was Made For The Following Proposal:

Request: The applicant recently applied for a Shoreline Substantial Development Permit (SSDP) and SEPA environmental review to permit the extension of an existing boat ramp located at the Fidalgo Bay RV Resort. The existing concrete boat ramp is approximately 12 feet wide by 25 feet in length. The proposed extension to the boat ramp will extend approximately 22 feet waterward in Fidalgo Bay. The subject property is located in the Commercial Marine (CM) Zoning District and in the Urban & Aquatic Shoreline Environments.

File Number: SDP-2016-1004

Applicant: Samish Indian Nation, 4701 Fidalgo Bay Road, Anacortes, WA 98221

Project Location: The project site is located at 4701 Fidalgo Bay Road in a portion of Section 32, Township 35 North; Range 02 East; Willamette Meridian. The subject parcels involved are P33271 & P33440.

Date of Application: September 20, 2016

Date of Completeness: December 21, 2016

Public Comment Period: Any person may comment on this application by writing to the address below and/or by testifying at the public hearing. Staff will issue a recommendation on the project after the comment period ends on **January 23, 2017, at 5:00 pm.** Written comments on the proposal should be submitted before the end of the comment period but will be accepted until the close of the Open-Record Public Hearing.

Required Project Permits/Approvals: The following may be required in addition to the above: Building Permit Application Approval Civil Construction Plan approval, WDFW HPA, DOE Section 401, ACE Section 404

Preliminary Determination of Consistency: At this time, no determination of consistency with City of Anacortes plans, regulations, or standards has been made. At a minimum, this project will be subject to the following plans and regulations: 2010 Shoreline Master Program, Anacortes Comprehensive Plan; Municipal Code (Zoning, etc.), Engineering Design and Building Standards.

SEPA Review: Based on the submitted application and available information, the City anticipates issuing an MDNS for this proposal and the optional DNS process as specified in WAC 197-11-355 is being utilized. Consequently, this may be the only opportunity to comment on the environmental impacts of this proposal. This proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request.

Existing Environmental Documents: SEPA environmental checklist, Biological Assessment, Critical Area Report, Wetland Reconnaissance, Archaeological Monitoring Plan

Open-Record Public Hearing: An open-record public hearing will be held by the **Planning Commission at 6:00 PM on February 8, 2017**, to make a decision on the subject proposal. The hearing will be held at city hall's council chambers located at 904 6th Street, Anacortes, WA.

How to become a party of record: You may become a party of record by submitting written comments, including a (USPS) mailing address, to the City of Anacortes PCED at the address listed below. E-mailed comments must include a return (USPS) mailing address in order for the sender to be considered a party of record. Questions about this proposal, requests to receive future notices of hearings and/or the decision, once made, and/or appeal procedures should be directed to the contact person listed below. The application and complete case file are available for review at the City of Anacortes PCED located at 904 6th Street, Anacortes, WA 98221. A decision on this application will be made within 120 days from the date of completeness.

For Project Information: Kevin Cricchio, AICP, Associate Planner; Phone: (360) 630-6270; Email: kevinc@cityofanacortes.org; City of Anacortes, P.O. Box 547, Anacortes, WA 98221

Date Issued: December 21, 2016

Date Published: December 21, 2016

EXHIBIT #04:

AGENCY & DEPARTMENT COMMENTS RECEIVED



Development Review Group (DRG)

Name of Applicant: Samish Indian Nation

Brief Description: Fidalgo Bay RV Resort- Boat Ramp Extension

Please initial if approved and/or include your comments:

Street Department: B.L.

Comments:

OK

Water Department: TN

Comments:

OK

Solid Waste: mk

Comments:

OK

Sandi Andersen: [Signature]

Comments:



Anacortes Planning, Community & Economic Development Dept.

Permit Center

P.O. Box 547, Anacortes, WA 98221-0547

Don Measamer, *Director of Planning, Community and Economic Development*

PH (360) 293-1901

FAX (360) 293-1938

DEPARTMENT / AGENCY COMMENT FORM:

December 16, 2016

RE: Fidalgo Bay RV Resort, Boat Ramp Extension, SSDP & SEPA Review, SDP-2016-1004

From: Kevin Cricchio, AICP, Associate Planner; City of Anacortes; 904 6th Street; P.O. Box 547, Anacortes, WA 98221; Phone: (360) 630-6270; Email: kevinc@cityofanacortes.org

Description of Subject Proposal:

SDP-2016-1004: The applicant recently applied for a Shoreline Substantial Development Permit (SSDP) and SEPA environmental review to permit the extension of an existing boat ramp located at the Fidalgo Bay RV Resort. The existing concrete boat ramp is approximately 12 feet wide by 25 feet in length. The proposed extension to the boat ramp will extend approximately 22 feet waterward in Fidalgo Bay. The subject property is located in the Commercial Marine (CM) Zoning District and in the Urban & Aquatic Shoreline Environments. The project site is located at 4701 Fidalgo Bay Road in a portion of Section 31 & 32, Township 35 North; Range 02 East; Willamette Meridian. The subject parcels involved are P33271 & P33440. Provide any conditions &/or requirements to me by: 5:00 PM on **January 23, 2017**.

Applicant/ Landowner:

Samish Indian Nation
4701 Fidalgo Bay Road
Anacortes, WA 98221

Conditions &/or Requirements:

PREVIOUS DRB MEETING 04-26-16.

NO PUBLIC WORKS ENGINEERING ISSUES.

Signature:

A handwritten signature in black ink, appearing to read "Kevin Cricchio".

Date:

12.16.16

Dept. / Agency Name:

CITY OF ANACORTES PUBLIC WORKS ENGINEERING

Cricchio, Kevin

From: Jackie Ferry <jferry@samishtribe.nsn.us>
Sent: Friday, January 6, 2017 11:27 AM
To: Cricchio, Kevin
Subject: RE: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

Hi Kevin,

At this time, we have no cultural resources concerns with this project.

Thanks,

Jackie

Jackie Ferry, MA, RPA | Cultural Director | Tribal Historic Preservation Officer | Samish Indian Nation
2918 Commercial Ave | Anacortes, WA 98221-2738 | Monday - Thursday
Office: 360.293.6404 ext. 126 | Fax: 360.299.0790 | E-mail: jferry@samishtribe.nsn.us

From: Cricchio, Kevin [mailto:kevinc@cityofanacortes.org]
Sent: Friday, December 16, 2016 9:44 AM
To: Development Review Group <DevelopmentReviewGroup@cityofanacortes.org>; 'mcewanr@wsdot.wa.gov' <mcewanr@wsdot.wa.gov>; 'erin.l.legge@usace.army.mil' <erin.l.legge@usace.army.mil>; 'ROBERTA.DAVENPORT@dnr.wa.gov' <ROBERTA.DAVENPORT@dnr.wa.gov>; 'Clark, Dennis (DNR)' <Dennis.Clark@dnr.wa.gov>; 'Thompson, Doug S (DFW)' <Doug.Thompson@dfw.wa.gov>; 'TeamMillCreek@dfw.wa.gov' <TeamMillCreek@dfw.wa.gov>; 'Kaehler, Gretchen (DAHP)' <Gretchen.Kaehler@DAHP.wa.gov>; 'SEPA (DAHP)' <sepa@dahp.wa.gov>; 'brandonb@co.skagit.wa.us' <brandonb@co.skagit.wa.us>; 'dalep@co.skagit.wa.us' <dalep@co.skagit.wa.us>; 'ddigges@skagittransit.org' <ddigges@skagittransit.org>; 'Miller, Mark' <mark_miller@fws.gov>; 'erin.l.legge@usace.army.mil' <erin.l.legge@usace.army.mil>; 'Ronald.j.wilcox@usace.army.mil' <Ronald.j.wilcox@usace.army.mil>; 'lcampbell@swinomish.nsn.us' <lcampbell@swinomish.nsn.us>; 'thyatt@skagitcoop.org' <thyatt@skagitcoop.org>; Todd Woodard <twoodard@samishtribe.nsn.us>; Jackie Ferry <jferry@samishtribe.nsn.us>; 'sschuyler@UPPERSKAGIT.com' <sschuyler@UPPERSKAGIT.com>; 'Sarah Tchang' <sarah@portofanacortes.com>; 'Markb@nwcleanairwa.gov' <Markb@nwcleanairwa.gov>; 'Torhil Ramsay' <tramsay@asd103.org>; 'McCammant, Ted' <Ted.McCammant@cngc.com>; 'PUD@skagitpud.org' <PUD@skagitpud.org>; 'elizabeth.bartlett@pse.com' <elizabeth.bartlett@pse.com>; 'jane.major@pse.com' <jane.major@pse.com>
Subject: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

12-16-16

RE: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

Good morning everyone. Attached is a Shoreline Substantial Development Permit and SEPA environmental review to permit the extension of an existing boat ramp located at the Fidalgo Bay RV Resort. The existing concrete boat ramp is approximately 12 feet wide by 25 feet in length. The proposed extension to the boat ramp will extend approximately 22 feet waterward in Fidalgo Bay. The subject property is located in the Commercial Marine (CM) Zoning District and in the Urban & Aquatic Shoreline Environments. The project site is located at 4701 Fidalgo Bay Road in a portion of Section 31 & 32, Township 35 North; Range 02 East;

Cricchio, Kevin

From: Thompson, Doug S (DFW) <Doug.Thompson@dfw.wa.gov>
Sent: Friday, December 16, 2016 10:01 AM
To: Cricchio, Kevin
Subject: RE: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

Mitigation for the project through beach nourishment is appropriate. No additional concerns regarding this project.

*Doug Thompson
Area Habitat Biologist
Washington State Department of Fish and Wildlife
PO Box 1100
La Conner, WA 98257-1100
(360)466-4345 ext. 251
Doug.Thompson@dfw.wa.gov*

From: Cricchio, Kevin [mailto:kevinc@cityofanacortes.org]
Sent: Friday, December 16, 2016 9:44 AM
To: Development Review Group; 'mcewanr@wsdot.wa.gov'; 'erin.l.legge@usace.army.mil'; DAVENPORT, ROBERTA (DNR); Clark, Dennis (DNR); Thompson, Doug S (DFW); Team MillCreek (DFW); Kaehler, Gretchen (DAHP); SEPA (DAHP); 'brandonb@co.skagit.wa.us'; 'dalep@co.skagit.wa.us'; 'ddigges@skagittransit.org'; 'Miller, Mark'; 'erin.l.legge@usace.army.mil'; 'Ronald.j.wilcox@usace.army.mil'; 'lcampbell@swinomish.nsn.us'; 'thyatt@skagitcoop.org'; 'Todd Woodard'; 'Jackie Ferry'; 'sschuyler@UPPERSKAGIT.com'; 'Sarah Tchang'; 'Markb@nwcleanairwa.gov'; 'Torhil Ramsay'; 'McCamant, Ted'; 'PUD@skagitpud.org'; 'elizabeth.bartlett@pse.com'; 'jane.major@pse.com'
Subject: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

12-16-16

RE: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

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Kevin Cricchio, AICP
Associate Planner
Department of Planning, Community, & Economic Development
City of Anacortes
(360) 630-6270

Cricchio, Kevin

From: Nemeth, Terry
Sent: Friday, December 16, 2016 9:53 AM
To: Cricchio, Kevin
Subject: RE: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

No water issues
thanks

From: Cricchio, Kevin
Sent: Friday, December 16, 2016 9:44 AM
To: Development Review Group ; 'mcewanr@wsdot.wa.gov' ; 'erin.l.legge@usace.army.mil' ; 'ROBERTA.DAVENPORT@dnr.wa.gov' ; 'Clark, Dennis (DNR)' ; 'Thompson, Doug S (DFW)' ; 'TeamMillCreek@dfw.wa.gov' ; 'Kaehler, Gretchen (DAHP)' ; 'SEPA (DAHP)' ; 'brandonb@co.skagit.wa.us' ; 'dalep@co.skagit.wa.us' ; 'ddigges@skagittransit.org' ; 'Miller, Mark' ; 'erin.l.legge@usace.army.mil' ; 'Ronald.j.wilcox@usace.army.mil' ; 'lcampbell@swinomish.nsn.us' ; 'thyatt@skagitcoop.org' ; 'Todd Woodard' ; 'Jackie Ferry' ; 'sschuyler@UPPERSKAGIT.com' ; 'Sarah Tchang' ; 'Markb@nwcleanairwa.gov' ; 'Torhil Ramsay' ; 'McCammant, Ted' ; 'PUD@skagitpud.org' ; 'elizabeth.bartlett@pse.com' ; 'jane.major@pse.com'
Subject: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

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Kevin Cricchio, AICP
Associate Planner
Department of Planning, Community, & Economic Development
City of Anacortes
(360) 630-6270

Cricchio, Kevin

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Sent: Friday, December 16, 2016 10:01 AM
To: Cricchio, Kevin
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Mitigation for the project through beach nourishment is appropriate. No additional concerns regarding this project.

*Doug Thompson
Area Habitat Biologist
Washington State Department of Fish and Wildlife
PO Box 1100
La Conner, WA 98257-1100
(360)466-4345 ext. 251
Doug.Thompson@dfw.wa.gov*

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Sent: Friday, December 16, 2016 9:44 AM
To: Development Review Group; 'mcewanr@wsdot.wa.gov'; 'erin.l.legge@usace.army.mil'; DAVENPORT, ROBERTA (DNR); Clark, Dennis (DNR); Thompson, Doug S (DFW); Team MillCreek (DFW); Kaehler, Gretchen (DAHP); SEPA (DAHP); 'brandonb@co.skagit.wa.us'; 'dalep@co.skagit.wa.us'; 'ddigges@skagittransit.org'; 'Miller, Mark'; 'erin.l.legge@usace.army.mil'; 'Ronald.j.wilcox@usace.army.mil'; 'lcampbell@swinomish.nsn.us'; 'thyatt@skagitcoop.org'; 'Todd Woodard'; 'Jackie Ferry'; 'sschuyler@UPPERSKAGIT.com'; 'Sarah Tchang'; 'Markb@nwcleanairwa.gov'; 'Torhil Ramsay'; 'McCammant, Ted'; 'PUD@skagitpud.org'; 'elizabeth.bartlett@pse.com'; 'jane.major@pse.com'
Subject: SDP-2016-1004, Fidalgo Bay RV Resort Boat Ramp Extension

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Good morning everyone. Attached is a Shoreline Substantial Development Permit and SEPA environmental review to permit the extension of an existing boat ramp located at the Fidalgo Bay RV Resort. The existing concrete boat ramp is approximately 12 feet wide by 25 feet in length. The proposed extension to the boat ramp will extend approximately 22 feet waterward in Fidalgo Bay. The subject property is located in the Commercial Marine (CM) Zoning District and in the Urban & Aquatic Shoreline Environments. The project site is located at 4701 Fidalgo Bay Road in a portion of Section 31 & 32, Township 35 North; Range 02 East; Willamette Meridian. The subject parcels involved are P33271 & P33440. Please provide any requirements to me by January 23, 2017. Have a good weekend!

Kevin Cricchio, AICP
Associate Planner
Department of Planning, Community, & Economic Development
City of Anacortes
(360) 630-6270

EXHIBIT #05:

PUBLIC COMMENTS RECEIVED

To date, no public comments have been received.

EXHIBIT #06:

ISSUED SEPA MDNS



Anacortes Planning, Community & Economic Development Dept.

Permit Center

P.O. Box 547, Anacortes, WA 98221-0547

Don Measamer, *Director of Planning, Community and Economic Development*

PH (360) 293-1907

FAX (360) 293-1938

STATE ENVIRONMENTAL POLICY ACT (SEPA)
Mitigated Determination of Non-Significance (MDNS)

FILE NUMBER:

SDP-2016-1004

PROJECT NAME:

Fidalgo Bay RV Resort Boat Ramp Extension

APPLICANT & LANDOWNER:

Samish Indian Nation

P.O. Box 217

Anacortes, WA 98221

SUBJECT PARCELS:

Parcel #: P33440 & P33271

SUBJECT PROPOSAL:

The applicant recently applied for a Shoreline Substantial Development Permit (SSDP) and SEPA environmental review to permit the extension of an existing boat ramp located at the Fidalgo Bay RV Resort. The existing concrete boat ramp is approximately 12 feet wide by 25 feet in length. The proposed extension to the boat ramp will extend approximately 22 feet waterward from the existing ramp into Fidalgo Bay. The existing boat ramp is approximately 295 square feet. The proposed extension will be approximately 237 square feet and is constructed by using 12 precast reinforced concrete logs. The total project area is 370 square feet.

An anchored timber log will be installed to the west of the boat ramp to reduce scour along the structure. The placement of 11 cubic yards of beach nourishing substrates in approximately 390 square feet of the nearshore to the east of the boat launch is also proposed as a source of sediment for possible drift cell transport and as an enhancement measure for fish migration and forage fish production.

The placement of 11 cubic yards of beach nourishing substrates in approximately 390 square feet of the nearshore to the east of the boat launch will mitigate for the 237 square feet of additional concrete being added onsite.

Additionally, the proposed boat ramp extension is being timed to coincide with the Weaverling Spit Phase 3 Beach Enhancement Restoration Project occurring in September of 2017. The enhancement project will remove the existing rockery at the clubhouse and place nourishing beach sediments in the nearshore to the west side of the subject boat launch.

PROJECT LOCATION:

The site address is 4701 Fidalgo Bay Road, Anacortes, WA 98221 located in a portion of Section 31 & 32; Township 35 North; Range 02 East; Willamette Meridian.

ZONING DISTRICT:

The subject property is located in the Commercial Marine (CM) Zoning District and the Aquatic shoreline designation of the City of Anacortes.

SHORELINE ENVIRONMENT /DESIGNATION:

Aquatic

CRITICAL AREA REVIEW:

Pursuant to Appendix "A" of the Shoreline Master Program (SMP) regulating shoreline critical areas, the subject development was reviewed for proximity to critical areas.

BIOLOGICAL ASSESSMENT (BA):

The proposed extension to the existing boat ramp will occur within Fidalgo Bay. Both the project site and the greater area surrounding Fidalgo Bay known as the Salish Sea have areas designated as critical habitat. Threatened/Endangered species within this critical habitat may include but is not limited to: Bull trout, Chinook Salmon, Steelhead trout, Rockfish, Bocaccio, Yelloweye Rockfish, Canary Rockfish, Marbled murrelet, Pacific eulachon, Green sturgeon, Killer whale, Stellar sea lion, Humpback whale, and Leatherback turtle. The applicant /agent submitted a Biological Assessment (BA) dated September 2016, prepared by Advanced Environmental Solutions (See Exhibit #01).

Possible adverse effects to fish, shellfish, wildlife, and water quality will be minimized or avoided all together according to the specifications of the project design and by implementing best management practices (BMPs) during construction activities.

WETLANDS:

On July 20, 2016, Element Solutions of Bellingham, Washington, prepared a Wetland Reconnaissance report (See Exhibit #01) for the proposed development. According to the report, one or more wetlands is located within close proximity to the subject property. However, no wetland report is required as the wetland(s) and associated buffer is located more than three hundred (300) feet away from the proposed area per AMC 17.70.330(B).

PRIORITY HABITATS & SPECIES (PHS):

After reviewing Washington State Department of Fish and Wildlife's (WDFW) website, an active balding eagle's nest does appear to lie on Weaverling Spit. However, there are no anticipated conflicts with either eagle nesting or foraging due the project timing.

Additionally, Washington Department of Fish and Wildlife (WDFW) has provided comment (See Exhibit #04) regarding the subject proposal and supports the mitigation of the project with no additional concerns expressed.

FLOOD PLAIN:

The proposed extension to the existing boat ramp will occur within a floodplain (Firm # 5303170080A). The National Flood Insurance Program (NFIP) does require that development activities within a floodplain address "No Effect" per the Endangered Species Act (ESA). Accordingly, the applicant has submitted a Biological Assessment (BA) prepared by Advanced Environmental Solutions (See Exhibit #01) dated December 5, 2016, that address a "No Effect" ESA determination.

CULTURAL RESOURCES:

According to an Archaeological Monitoring Plan prepared by Samish Indian Nation (See Exhibit #01), no cultural resources have been observed in the project area and no cultural resource impacts are anticipated. The archaeologist for Samish Indian Nation however will monitor the site during construction activities to ensure that no impacts to cultural resources occur.

LEAD AGENCY:

Anacortes Planning, Community & Economic Development Department. The lead agency for this proposal has determined that this project does not have a probable adverse impact on the environment provided that the conditions set out below are satisfied. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

MITIGATION MEASURES /CONDITIONS OF APPROVAL:

1. Development shall comply with the recommendations of the Biological Assessment prepared by Advanced Environmental Solutions, dated December 5, 2016.
2. The timing of the project shall comply with Washington State's Department of Fish and Wildlife's project work window as is discussed in the Biological Assessment.
3. Hours of construction /work are limited to 7:00 AM to 10:00 PM unless a noise variance is obtained.
4. Noise levels shall not to exceed those standards as established by the state pursuant to Chapter 70.107 RCW and contained in Chapter 173.60 WAC.
5. The applicant /landowner shall comply with federal statutes including but not limited to: Endangered Species Act, Clean Water Act, Marine Mammal Protection Act, and other federal statutes.

6. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Section 5.6 Aquatic Environment, Section 5.10 Urban Environment, Chapter 5, Shoreline Environments & Associated Policies and Regulations, Chapter 6 Environmental Protection General Regulations, Chapter 8 Specific Use Policies and Development Regulations, and Chapter 9 Specific Shoreline Modification Policies and Development Regulations.
7. Prior to commencement of site activities, copies of all applicable state and federal permits and/or approvals shall be provided to the City.
8. Pursuant to SMP DR-6.3.10, the landowner shall submit to PCED periodic monitoring of the proposed onsite mitigation that is proposed as part of this project for five (5) years from the date of completed development to ensure the success of the mitigation.
9. Proposed construction activities shall occur at low tide. No in water work is permitted.
10. A grade and fill permit is required for cut and/or fill of 50 cubic yards or more.

The conditions listed above along with the City of Anacortes' code governing noise, land use, traffic, drainage, fire protection, and building will provide substantial mitigation of the aforementioned environmental impacts. The City of Anacortes' derives the authority to require mitigation from Chapter 18.04 of the Anacortes Municipal Code and the State Environmental Policy Act.

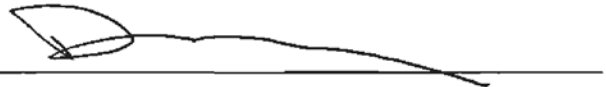
This MDNS is issued after using the optional MDNS process in WAC 197.11.355. There is no further comment period on this MDNS.

RESPONSIBLE OFFICIAL: Don Measamer
POSITION/TITLE: Director of Planning, Community & Economic Development

ADDRESS: 904 6th Street
P.O. Box 547
Anacortes, Washington 98221

DATE: January 31, 2017

Signature: _____



For further information, contact the Anacortes Planning, Community, & Economic Development Department at (360) 299-1901.

The issuance of this Mitigated Determination of Non-significance should not be interpreted as acceptance or approval of the proposal as presented. The City of Anacortes reserves the right to deny or approve said proposal subject to conditions if it is determined to be in the best interests of the city and/or necessary for the general health, safety and welfare of the public to do so.

ISSUED: January 31, 2017

SEPA APPEAL PROCEDURE:

Pursuant to the procedures adopted under AMC § 18.04.250, no administrative appeal of the SEPA threshold determination is provided. The SEPA threshold determination may be appealed to the Skagit County Superior Court under RCW § 43.21C.075 after the City's final action on the underlying action(s). Requests to receive notices of decisions for this project proposal should be submitted to the contact person listed above.

EXHIBIT #07:

**SHORELINE PERMIT #213 &
CONDITIONAL USE PERMIT #94-001**

NOTICE OF PUBLIC HEARINGS

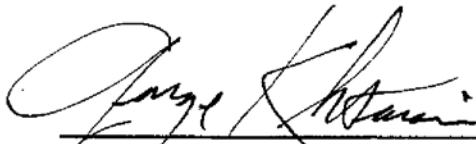
NOTICE IS HEREBY GIVEN that the City of Anacortes will hold the following Public Hearings:

Anacortes Planning Commission Wednesday, February 14, 1996
7:30 p.m.
Municipal Building Council Chambers
6th Street and "Q" Avenue, Anacortes

Anacortes City Council Tuesday, February 20, 1996
7:30 p.m.
Municipal Building Council Chambers
6th Street and "Q" Avenue, Anacortes

The purpose of the Public Hearings will be to consider facilitating the condominiumization of the Fidalgo Bay Resort Recreational Vehicle Park by eliminating the "Single Ownership" requirement.

Anyone wishing to comment on the proposed amendment may do so at the above stated dates, places and times. Written comments are welcome and should be addressed to Ian Munce, Planning Director, P.O. Box 547, Anacortes, WA 98221.



George Khtaian
City Clerk



PUBLISH: January 24, 1996 and January 31, 1996



ANACORTES PLANNING & COMMUNITY DEVELOPMENT DEPT.

(INCLUDING BUILDING DEPARTMENT)

(360) 299-1943

P.O. BOX 547, ANACORTES, WA 98221

(360) 293-1928 FAX

IAN MUNCE, DIRECTOR

BY FAX

January 18, 1996

Mr. Richard Stockwell
Fidalgo Bay Resort
1107 Fidalgo Bay Rd
Anacortes, WA 98221

RE: Your January 16 Letter Regarding Fidalgo Bay Resort

Dear Mr. Stockwell:

The City Zoning Ordinance prohibits a mobile home park in a Commercial Marine zone.

I have no doubt in my mind that your RV park would not have been permitted without the six months per year limit on occupancy.

If I can be of any further assistance, please advise.

Sincerely,

CITY OF ANACORTES

A handwritten signature in cursive script, appearing to read "Ian S. Munce".

Ian S. Munce, AICP
Director of Planning & Community Development

ISM:ll

Fidalgo Bay Resort

1107 Fidalgo Bay Road • Anacortes, Washington 98221 • (206) 293-5353 • Fax: (206) 299-3010

January 16, 1996

Ian Munce
Steve Mansfield

Re: Changing the size of units allowed in an RV Park and length of stay requirement.

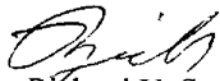
Dear Gentlemen,

One of the members of the bank financing Fidalgo Bay Resort has insisted that the City of Anacortes will allow our RV Park to have the sites enlarged and mobile homes of 750+ square feet put on each site. From your perspective is that a possibility?

Also the question has been raised by this same person as to how easy it would be to eliminate the six month limit so that Navy personnel or RVers could stay for an indefinite period of time. What is the possibility and time frame to change our permit? Please respond in writing so that we can share your response.

Thank you.

Sincerely,



Richard V. Stockwell



ANACORTES LEGAL DEPARTMENT

P.O. BOX 547, ANACORTES, WA 98221

STEPHEN MANSFIELD, CITY ATTORNEY

January 10, 1995

Edwin G. Woodward
Wolfstone, Pachot & Block, P.S., Inc.
1500 Norton Building
801 Second Avenue
Seattle, WA 98104-1577

Re: Fidalgo Bay Resort

Dear Mr. Woodward:

I've reviewed your letter of December 13, 1995. Thank you for the excellent research and presentation of your legal position. My own review has not identified any case law or authority contrary to your position although, I must confess, that I have not had an opportunity to research the matter in depth.

I've had some contact from Mr. Stockwell and George McCorkle relative to this matter and an indication that there is some urgency in trying to move more quickly.

I do not believe that I have the authority to write a letter to you or to Mr. Stockwell committing the City to a particular position relative to Mr. Stockwell's desire to condominiumize the resort. My position with the City is really that of an attorney for my client rather than someone who has any authority to make decisions on policy issues. In that regard, I have discussed this matter with Ian Munce, Planning Director, and shared your letter as well.

The area of primary concern is the restriction in the approval for the RV Park that requires the park to remain in "single ownership". This is also consistent with a subdivision ordinance which speaks the same. My thought, concurred in by Ian, is that we need to get this matter in front of the Planning Commission where I then can provide legal advice to the Planning Commission (and perhaps the City Council) indicating my opinion that the City should not attempt to prohibit the condominium process. Assuming my advice remains the same as it would be now, I would advise the City to delete that restriction from the approvals given to Mr. Stockwell's project which would then eliminate any legal issues relating to the City's restrictions.

January 10, 1996

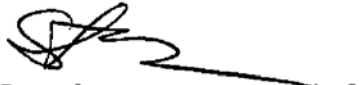
Mr. Munce advises me that he believes the primary purpose of the restriction was to ensure that one individual or entity would be responsible for seeing that the development complied with the other restrictions imposed upon it, such as the restriction prohibiting occupancy for more than six months in any one year. I believe the primary purpose of the six month restriction was to prevent the park from becoming in essence a housing project as opposed to a recreation vehicle park.

I would be very happy to meet with you further regarding this project and I would certainly ask that Mr. Munce participate in those meetings as well. It does appear to me that solutions are forthcoming regarding Mr. Stockwell's concerns and I would be more than willing to assist in expediting the matter as much as possible.

If you have additional questions or if I can be of further assistance, please let me know.

Yours truly,

CITY OF ANACORTES



Stephen E. Mansfield
City Attorney

SEM:cg

cc: Dean Maxwell
Ian Munce



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

June 7, 1995

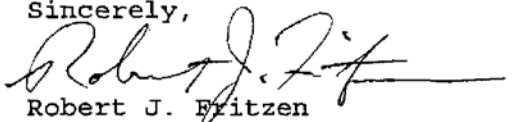
Richard & Barbara Stockwell
P.O. Box 594
LaConner, WA 98257

Dear Mr. & Mrs. Stockwell:

Re: City of Anacortes Permit #213
Richard & Barbara Stockwell - Applicants
Shoreline Substantial Development Permit #1994-NW-15327B

Enclosed is a corrected letter to replace the one recently sent. There is no change other than the corrected shoreline permit number. Thank you.

Sincerely,


Robert J. Fritzen
Shorelands Specialist
Shorelands and Water Resources
Program

RF:rf
RECS DP.WP

cc: Ian Munce - City of Anacortes, Shoreline Administrator



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

June 7, 1995

Richard & Barbara Stockwell
P.O. Box 594
LaConner, WA 98257

Dear Mr. & Mrs. Stockwell:

Re: City of Anacortes Permit #213
Richard & Barbara Stockwell - Applicants
Shoreline Substantial Development Permit #1994-NW-15327B

The subject Shoreline Management Substantial Development permit has been filed with this office by the City of Anacortes on May 22, 1995.

The development authorized by the subject permit may NOT begin until the end of the appeal period June 21, 1995. You will be notified in writing if this permit is appealed. Other federal, state, and local permits may be required in addition to the subject permit.

If this permit is NOT appealed, this letter constitutes the Department of Ecology's final notification of action on this permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert J. Fritzen".

Robert J. Fritzen
Shorelands Specialist
Shorelands and Water Resources
Program

RF:rf
RECS DP.WP

cc: Ian Munce - City of Anacortes, Shoreline Administrator



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

June 1, 1995

Richard & Barbara Stockwell
P.O. Box 594
LaConner, WA 98257

Dear Mr. & Mrs. Stockwell:

Re: City of Anacortes Permit # 213
Richard & Barbara Stockwell - Applicant
Revised Shoreline Management Permit # 1994-HQ-15321B

The subject Revised Shoreline Substantial Development Permit was approved by the City of Anacortes on May 19, 1995, and received by this office on May 22, 1995. The 30 day appeal period will terminate June 21, 1995.

At your own risk, construction may begin during this appeal period provided all other federal, state, and local laws regulating such construction have been complied with. We will notify you by letter if this permit is appealed.

Sincerely,

Robert J. Fritzen
Shorelands Specialist
Shorelands and Water Resources Program

RF:rf
RECREV.WP

cc: Ian S. Munce - Shoreline Administration



ANACORTES PLANNING & COMMUNITY DEVELOPMENT DEPT.

(INCLUDING BUILDING DEPARTMENT)

(206) 293-1900

P.O. BOX 547, ANACORTES, WA 98221

(206) 293-1928 - FAX

IAN MUNCE, DIRECTOR

February 9, 1994

Mr. Richard Stockwell
P.O. Box 594
LaConner, WA 98257

RE: Revised Conditions for Shoreline Permit #213 Issued for
Weaverling Spit RV Park

Dear Mr. Stockwell:

This letter is to confirm that the conditions on the above
referenced project have been revised as set-out on the
attachment to this letter.

These revisions are made pursuant to Section 13 of the
Anacortes Shoreline Master Plan. They do not substantially
change the uses or increase the bulk proposed, or otherwise
increase the impact of the development upon the shoreline.
In fact, they further reduce the impact of the proposed
development.

If you have any questions please advise.

Sincerely,

CITY OF ANACORTES

A handwritten signature in cursive script, appearing to read "Ian S. Munce", is written over the typed name.

Ian S. Munce, AICP
Director of Planning
and Community Development

ISM:11

cc: Ms. Terra Hegy
Attorney General's Office
Mr. Brian Williams, State Fisheries

Attachment

**REVISED CONDITIONS FOR SHORELINE PERMIT #213 ISSUED TO
RICHARD STOCKWELL FOR WEAVERLING SPIT RV PARK**

1. The scope of the project not exceed that as set-out in the application (including attachments).
2. A Building Permit shall be secured from the City of Anacortes prior to any construction activity authorized by this permit being begun.
3. Maximum RV park occupancy shall not exceed 233 RV units; no tents are allowed except in designated RV spaces.
4. The RV park shall be maintained in single ownership.
5. No users of the RV park shall stay overnight more than 180 days in any calendar year; the owner shall keep records documenting compliance with this condition available for City inspection.
6. Every RV space shall be at least 20 feet wide; permanent structures, such as skirting and lean-tos are prohibited.
7. All RV spaces shall be set back 25 feet from Fidalgo Bay Road.
8. The wetland areas on the site shall be delineated, surveyed, and mapped pursuant to the City Zoning Ordinance and any wetland areas more than 10,000 square feet in size shall be left in their natural state together with a 25' buffer zone.
9. The set-back along Fidalgo Bay Road shall be landscaped so as to develop a solid screen of evergreen. These trees or shrubs shall be no less than 4 feet in height when planted.
10. A landscaping and lighting plan shall be approved by the Planning Commission prior to construction.
11. No left turn shall be permitted by any vehicles from the RV site onto Fidalgo Bay Road; physical barriers shall be installed to ensure this.
12. Fidalgo Bay Road and the roadway between Fidalgo Bay Road and 34th and R Avenue shall be upgraded by the proponent to safety and ride standards as established by the Director of Engineering and Development Services.
13. Weaverling Road shall be improved to City standards relative to vehicular and pedestrian access and to stormwater management.
14. A transportation impact fee shall be paid as required by City Ordinance.
15. The design of the laundry, showers and restroom facilities shall be sized to handle the volumes generated by 100% occupancy and the design and capacity shall be as required by the Building Inspector.
16. The stormwater system shall be as required by the Director of Engineering and Development Services and shall meet NPDES permit and State Hydraulic Project Approval conditions, if any.

17. Any stormwater outfall shall be approved through the shoreline permit process.
18. An erosion and sedimentation control plan must be approved by the City Director of Engineering and Development Services and then implemented prior to construction.
19. The project shall be served by City water and sewer. The water and sewer systems and hookup fees shall be as required by the Director of Public Works.
20. The design and location of the solid waste collection system shall be as required by the Director of Public Works.
21. A 25' wide Native Growth Protection Area (NGPA) shall be established immediately landward of the OHWM on the northern shoreline of Parcel B in which no development shall occur and in which appropriate native vegetation shall be preserved, established and maintained. This NGPA will border the entire northern shoreline of Parcel B with the exception of the pathways described in condition #22, and any existing non-conforming buildings until such buildings are removed. This NGPA will be protected on all landward sides, including the adjacent access pathways, by an impermeable barrier at least 3' high from original grade consisting of a fence erected outside the NGPA, or dense native vegetation within the landward 10' of the NGPA extending to the landward edge of the NGPA. Any berming of soils within the NGPA shall be limited to the landward 10', with the seaward side of the berm area protected by silt fencing until the disturbed area is re-stabilized by vegetation. This NGPA shall be signed at intervals not exceeding 100 feet with signs readable from the NGPA boundary, both landward and seaward, reading "NATIVE GROWTH PROTECTION AREA --PLEASE KEEP OFF".
22. Access to the northern shoreline of Parcel B shall be provided by a maximum of three 8' wide pathways running generally perpendicular to the shoreline through the adjacent 25' shoreline buffer area.
23. Except for the easternmost 60' of Parcel B, the landscaping plan shall include screening vegetation between the northern shoreline and the adjacent developed area. At minimum, this visual screen shall consist of a continuous evergreen shrub border rising at least 3' above original grade. This screen may be placed in the landward 10' of the NGPA described in condition #21, if the vegetation satisfies the criteria outlined in condition #21.
24. The pond at the northeast corner of Parcel B shall be protected by an open space buffer that averages at least 25' in width, with no individual RV space approaching closer than 8' to the top of the slope surrounding the pond. The top of the slope is defined as the line where the existing grade exceeds 15%, or the adjacent 100' elevation contour shown on the 1/5/94 site plan, whichever is furthest from the pond. The open space buffer may contain an access pathway to the shoreline and the pond.
25. The intersection of the access road to the clubhouse with the shoreline shall be designated as a public viewpoint open between 9:00 a.m. and one hour before sunset.
26. The use of the boat ramp and boat rentals shall be limited to RV park registrants and to powerboats no more than 16' in length; no more than 15 powerboats may be available for rental.
27. The total wetland buffer areas shall average 25' in width.

Shoreline Management Act of 1971

Permit for Shoreline Management Substantial Development

Conditional Use or Variance

Type of Action

☒ Substantial Development Permit
☐ Conditional Use Permit
☐ Variance Permit

Application No: **213**
Administering Agency:
City of Anacortes
Date Received: **10/27/93**
Approved: **yes**
Date: **1/12/94**

Pursuant to Chapter 90.58 RCW, a permit is hereby **granted** to:

Name and Address of Applicant:

*Richard and Barbara Stockwell
P.O. Box 594
La Conner, WA 98257*

to undertake the following development (please be specific)

construction of a 233-unit RV Park

upon the following property (please list the legal description, i.e., section to the nearest quarter section, township, range)

This proposal is located at 1107 to 1111 Fidalgo Bay Road, Anacortes, Section 32, Township 35 North, Range 2 East, W.M.

within ***Fidalgo Bay*** and/or its associated wetlands.

The project will ***not be*** within shorelines of statewide significance (RCW 90.58.030).

The project will be located within a ***Urban II*** (shoreline area) designation.

The following master program provisions are applicable to this development (state the master program section or page number.) If a conditional use or variance, also identify the portion of the master program which provides that the proposed use may be a conditional use, or that portion of the master program being varied. ***(See Shoreline Administrator's "Findings of Fact")***

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions:

1. The scope of the project not exceed that as set-out in the shoreline application (including attachments).

2. A Building Permit shall be secured from the City of Anacortes prior to any construction activity authorized by this permit being begun.
3. Maximum RV Park occupancy shall not exceed 233 RV units; no tents are allowed except in designated RV spaces.
4. The RV Park shall be maintained in single ownership.
5. No users of the RV park shall stay overnight more than 180 days in any calendar year; the owner shall keep records documenting compliance with this condition available for City inspection.
6. Every RV space shall be at least 20 feet wide; permanent structures, such as skirting and lean-tos are prohibited.
7. All RV spaces shall be set back 25 feet from Fidalgo Bay Road.
8. The wetland areas on the site shall be delineated, surveyed, and mapped pursuant to the City Zoning Ordinance and any wetland areas more than 10,000 square feet in size shall be left in their natural state together with a 25' buffer zone.
9. The set-back along Fidalgo Bay Road shall be landscaped so as to develop a solid screen of evergreen. These trees or shrubs shall be no less than 4 feet in height when planted.
10. A landscaping and lighting plan shall be approved by the Planning Commission prior to construction.
11. No left turn shall be permitted by any vehicles from the RV site onto Fidalgo Bay Road; physical barriers shall be installed to ensure this.
12. Fidalgo Bay Road and the roadway between Fidalgo Bay Road and 34th and R Avenue shall be upgraded by the proponent to safety and ride standards as established by the Director of Engineering and Development Services.
13. Weaverling Road shall be improved to City standards relative to vehicular and pedestrian access and to stormwater management.
14. A transportation impact fee shall be paid as required by City Ordinance.
15. The design of the laundry, showers and restroom facilities shall be sized to handle the volumes generated by 100% occupancy and the design and capacity shall be as required by the Building Inspector.
16. The stormwater system shall be as required by the Director of Engineering and Development Services and shall meet NPDES permit and State Hydraulic Project Approval conditions, if any.
17. Any stormwater outfall shall be approved through the shoreline permit process.
18. An erosion and sedimentation control plan must be approved by the City Director of Engineering and Development Services and then implemented prior to construction.
19. The water and sewer systems and hookup fees shall be as required by the Director of Public Works.

20. The design and location of the solid waste collection system shall be as required by the Director of Public Works.
21. A 10 foot buffer area back from the Ordinary High Water Mark shall be established in which no development whatsoever shall occur and in which the existing shoreline vegetation is preserved.
22. The intersection of the access road to the clubhouse with the shoreline shall be designated as a public viewpoint open between 9:00 a.m. and one hour before sunset.
23. The use of the boat ramp and boat rentals shall be limited to RV Park registrants and to powerboats no more than 16' in length; no more than 15 powerboats may be available for rental.
24. Any violation of this permit and its conditions shall constitute a violation of the State Shorelines Management Act and its regulations and be subject to its penalties.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin or is not authorized until thirty days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-14-090, or until all review proceedings initiated within thirty days from the date of such filing have terminated: Except as provided in RCW 90.58.140(5)(a)(b)(c).

Ian S. Munce
Ian S. Munce, Shorelines Administrator

1/12/94
Date

This section for department use only in regard to a Conditional Use or Variance Permit

Date received by the Department _____

Approved _____ Denied _____

This conditional use/variance permit is approved by the Department pursuant to Chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

Date

**Before the Planning Commission, City of Anacortes
Shoreline Management Substantial Development Permit
Application by Richard and Barbara Stockwell
Shoreline Permit # 213**

Findings of Fact and Conclusions of Law and Decision Thereon

FINDINGS OF FACT

1. General Background

- 1.1 Anacortes Planning Director has been designated the Shorelines "Administrator" and "Environmental Officer" for the City of Anacortes Shoreline Management Master Plan, Section 5 - Definitions, Appendix C.
- 1.2 Under Section 11: Permit Procedure, d) "Not more than 5 working days after the 30 day review period, or following a hearing, if necessary, the Environmental Officer shall recommend approval or denial of the permit to the Planning Commission who shall approve or deny the permit at their next meeting. If the Planning Commission does not act on the permit the decision of the Environmental Officer shall stand."
- 1.3 Application was made on October 27, 1993 for a Shoreline Substantial Development Permit to construct a 316 unit recreational vehicle park at Weaverling Spit in Anacortes. The application is **Exhibit I**.
- 1.4 The proposed project is located on Fidalgo Bay.

2. State Environmental Policy Act

- 2.1 A Determination of Nonsignificance (hereinafter DNS) was issued for this project on November 15, 1993 by the City of Anacortes, the SEPA lead agency. **Exhibit 2**
- 2.2 In response to this DNS the following comments were received:

Exhibit 3 - (entitled Attachment 1 to Exhibit 2)- November 15, 1993 Memorandum from Jim Pemberton, Director of Engineering and Development Services

Exhibit 4 - November 30, 1993 letter from State Department of Fisheries - *the City of Anacortes has adopted WDF's stormwater management guidelines and compliance with these guidelines will be enforced through Condition 16 as detailed below. Shoreline buffer is addressed in Condition 21.*

Exhibit 5 - December 1, 1993 letter from State Department of Ecology - *compliance with Ecology's Baseline General Permit for Storm Water Discharges Associated with Industrial Activities is required in Condition 16 under the reference to a "NPDES Permit". A Waterfront Buffer Area is addressed in Condition 21.*

Exhibit 6 - December 2, 1993 letter from State Department of Ecology - *lot coverage will be less than 70% even if RV were to be counted as structures as RV's are required to have a 10 foot horizontal separation (5.4.2). Landscaping is addressed in Conditions 8, 9, and 10. Wetland protection is addressed in Condition 8 and the City Zoning Ordinance. Public access is addressed in Finding 4.2.2. Wetland buffer is addressed in Condition 8 and shoreline buffer is addressed in Condition 21.*

3.0 Notice

- 3.1 Section 11: "Permit Procedure", page 6, item b) of the Shoreline Master Plan with regard to Public Notice states, in part:

"Upon receipt of the application, the Environmental Officer shall instruct the applicant to publish notices of the application once a week for two consecutive weeks in a newspaper of general circulation in the City of Anacortes. In addition, the Environmental Officer shall post at least four copies of the notice prominently on the subject property or in conspicuous public places within 300 feet thereof. Within thirty days of the final publication of notice, any interested person may submit his views upon the application, in writing, to the Environmental Officer."

- 3.2 Notice of Application was published in the Anacortes American on November 3, 1993 and November 10, 1993 (Exhibit 7) and four copies of the Notice were posted on the site and copies were also posted at the Municipal Building, Library and Post Office on November 3, 1993 (Exhibit 8).

3.2.1. The following comments were received:

Exhibit 9 - November 12, 1993 letter from Don and June Dixon

Exhibit 10 - November 20, 1993 letter from E.A. Graber

Exhibit 11 - December 2, 1993 letter from Greg Willette

Exhibit 12 - December 6, 1993 letter from Bill Stitt

Exhibit 13 - December 7, 1993 supplementary information from applicant

- 3.3 The 30-day review period for this project ended on December 10, 1993. The Environmental Officer forwarded Findings of Fact and Conclusions of Law to the Planning Commission. The Planning Commission reviewed this permit on December 15, 1993 and voted to approve the project subject to the conditions as outlined on pages 5 and 6.

4.0 Shoreline Master Plan

- 4.1 The subject property is in a shoreline area designated **Urban II** by the Shoreline Master Plan for the City of Anacortes. This designation is primarily for those areas which contain a mixture of commercial, light manufacturing, and high density residential uses. It is the intent of this designation to maintain existing character of the area without substantially increasing bulk or scale of development, and to encourage location of water dependent or water related uses attractive to the public. Uses include, but are not limited to: Ferry terminals, urban parks and **commercial recreation facilities, restaurants, resorts**, convention centers and hotels, marinas, shops and markets.

- 4.2 The applicable goals and policies of the Shoreline Master Plan have been met by this application as detailed and conditioned below.

4.2.1 III PUBLIC ACCESS ELEMENT

GOAL: Increase public physical and visual access to shorelines.

OBJECTIVE: Increase opportunities for public view sites and identify publicly owned access areas through appropriate signing.

4.2.2 The applicant will meet this goal and objective by operating a deli, open to the general public, adjacent to the waterfront.

4.3.1 Recreation Regulations

- a. Commercial recreational developments shall conform to relevant regulations contained in this Master Plan.
- b. Recreational development shall not unduly burden or create conflicts with adjacent shoreline uses.
- c. Recreational developments, public and private, shall be located, constructed, and operated so as not to be a hazard to public health and safety nor should they materially interfere with normal public use of the water and shorelines.

4.3.2 These regulations have been adhered to through project conditions detailed below.

4.4.1 Commercial recreational developments are a permitted use in the Urban II Shoreline Area Designation. In the Weaverling Spit Urban II Shoreline Area Designation the lot coverage by buildings or structures is 70%, the maximum height is 35', and the set-back from the Ordinary High Water Mark is zero.

4.4.2 These regulations have been adhered to through project conditions detailed below.

5.0 Zoning Ordinance

5.1 The City Zoning Map establishes zone boundaries and the City Zoning Ordinance establishes (1) the permitted use of land in the various zones and (2) development standards.

5.1.1 The subject property is in a Commercial Marine Use District (CM), Chapter 17.22 of the Anacortes Municipal Code, Title 17, Zoning. In this Zone there is no minimum lot size (Zoning Ordinance 17.22.050) and no minimum setback requirements (Zoning Ordinance 17.22.060). The maximum land coverage by buildings is 50% (Zoning Ordinance 17.22.080), but this does not apply to a RV Park as: (1) a building is a structure as herein defined...(Zoning Ordinance 17.06) and (2) a structure is a combination of materials constructed or erected which has **permanent** location on the ground or attached to something having permanent location on the ground...(Zoning Ordinance 17.06) [Emphasis added]. The height limit is 35 feet...(Zoning Ordinance 17.22.090).

5.2.1 Section 17.22.010 - "Purpose" states: "The Commercial Marine Use District (CM) is established in recognition of the unique and irreplaceable nature of certain marine sites within Anacortes, and creates a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, and other commercial enterprises where orientation to navigable waterways and tourism trade is of prime importance. Uses in this district are intended to serve the needs of marine oriented and tourist activity, and not to create large scale commercial centers providing basic goods and services to the entire community."

5.2.2 To ensure that this purpose is met and is not undermined by year round occupancy a condition has been added to limit the duration of stay to 180 days per calendar year.

5.3.1 Section 17.22.040 - "Conditional Uses" lists RV Parks as a Conditional use in a CM district. However, the City Subdivision Ordinance mandates that the density shall not exceed 20 RV spaces per acre of gross site area (Subdivision Ordinance 16.28.030.4). Site area is defined as the total horizontal area within the property lines excluding external streets, except where property lines extend waterward of the Ordinary High Water Mark (OHWM) in which case the site area is the total horizontal area landward of the OHWM and excluding external streets (Zoning Ordinance 17.06 Area, Site). Gross site area is the site area plus one-half the width of abutting rights-of-way of streets and alleys; no allowance is provided for abutting railroad right-of-way (Zoning Ordinance 17.06 Gross Acre).

5.3.2 The Stockwell property has been calculated by the City Engineering Department to have a gross site area of 11.65 acres. Accordingly, the City can approve up to 233 RV units on this site. To ensure that density is not exceeded a condition has been added prohibiting tents except in designated RV spaces.

5.4.1 Both the Zoning Conditional Use and Subdivision PUD mechanisms are available for project review. The City Zoning and Subdivision Administrator has determined that the most meaningful review will be by way of the Zoning Conditional Use process and by applying the standards set out in the Subdivision Ordinance.

5.4.2 RV lots shall be separated from each other and from the structures to allow at least 10 feet separation between parked vehicles (Subdivision Ordinance 16.28.030.3). As RV's are generally 8.5 feet wide every RV space shall be at least 20 feet wide.

5.4.3 All RV spaces shall be located at least 25 feet from a public street or highway right-of-way and shall be set back 10 feet from interior roadways (Subdivision Ordinance 16.28.030.5). As the RV spaces are designed to have a vehicle between the RV and the interior road, the 10 foot requirement has been met. All RV spaces shall be set back 25 feet from Fidalgo Bay and 10 feet from Weaverling Road.

5.4.4 At least 1/12 of the RV Park area shall be developed for a park or playground area (Subdivision Ordinance 16.28.030.7). This one acre area shall be comprised of the Fidalgo Bay Road Buffer Strip, the existing forested area along Fidalgo Bay Road, the Club House area, the tennis courts, and the beach area.

5.5.1 These general purposes and uses as set forth in Section 17.22.040 and Section 16.28 have been met by this proposal as conditioned below.

6.0 Findings of Fact

1. The requirements of the State Environmental Policy Act have been complied with.
2. The Public Notice requirements of the Shoreline Management Act have been complied with.
3. The project as conditioned below is consistent with the shoreline designation and general goals and objectives of the Anacortes Shoreline Master Plan.
4. The proposed use as conditioned below will not unduly burden or create conflicts with adjacent shoreline uses.

5. The proposed use will be consistent with the policies, regulations, and general intent of this master plan.
6. The proposed use will not materially interfere with the public use of the shorelines but will provide an opportunity for a public access.
7. Project impacts to public services will be mitigated through standard City charges for: water and sewer hookups and transportation impacts.

7.0 Conclusions

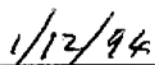
Shoreline Substantial Development Permit # 213 should be issued to the Stockwells for the construction of a 233 unit RV Park. The permit is issued subject to the following conditions:

1. The scope of the project not exceed that as set-out in the shoreline application (including attachments).
2. A Building Permit shall be secured from the City of Anacortes prior to any construction activity authorized by this permit being begun.
3. Maximum RV Park occupancy shall not exceed 233 RV units; no tents are allowed except in designated RV spaces.
4. The RV Park shall be maintained in single ownership.
5. No users of the RV park shall stay overnight more than 180 days in any calendar year; the owner shall keep records documenting compliance with this condition available for City inspection.
6. Every RV space shall be at least 20 feet wide; permanent structures, such as skirting and lean-tos are prohibited.
7. All RV spaces shall be set back 25 feet from Fidalgo Bay Road.
8. The wetland areas on the site shall be delineated, surveyed, and mapped pursuant to the City Zoning Ordinance and any wetland areas more than 10,000 square feet in size shall be left in their natural state together with a 25' buffer zone.
9. The set-back along Fidalgo Bay Road shall be landscaped so as to develop a solid screen of evergreen. These trees or shrubs shall be no less than 4 feet in height when planted.
10. A landscaping and lighting plan shall be approved by the Planning Commission prior to construction.
11. No left turn shall be permitted by any vehicles from the RV site onto Fidalgo Bay Road; physical barriers shall be installed to ensure this.
12. Fidalgo Bay Road and the roadway between Fidalgo Bay Road and 34th and R Avenue shall be upgraded by the proponent to safety and ride standards as established by the Director of Engineering and Development Services.
13. Weaverling Road shall be improved to City standards relative to vehicular and pedestrian access and to stormwater management.

14. A transportation impact fee shall be paid as required by City Ordinance.
15. The design of the laundry, showers and restroom facilities shall be sized to handle the volumes generated by 100% occupancy and the design and capacity shall be as required by the Building Inspector.
16. The stormwater system shall be as required by the Director of Engineering and Development Services and shall meet NPDES permit and State Hydraulic Project Approval conditions, if any.
17. Any stormwater outfall shall be approved through the shoreline permit process.
18. An erosion and sedimentation control plan must be approved by the City Director of Engineering and Development Services and then implemented prior to construction.
19. The water and sewer systems and hookup fees shall be as required by the Director of Public Works.
20. The design and location of the solid waste collection system shall be as required by the Director of Public Works.
21. A 10 foot buffer area back from the Ordinary High Water Mark shall be established in which no development whatsoever shall occur and in which the existing shoreline vegetation is preserved.
22. The intersection of the access road to the clubhouse with the shoreline shall be designated as a public viewpoint open between 9:00 a.m. and one hour before sunset.
23. The use of the boat ramp and boat rentals shall be limited to RV Park registrants and to powerboats no more than 16' in length; no more than 15 powerboats may be available for rental.
24. Any violation of this permit and its conditions shall constitute a violation of the State Shorelines Management Act and its regulations and be subject to its penalties.



Ian S. Munce, Shorelines Administrator



Date



ANACORTES PLANNING & COMMUNITY DEVELOPMENT DEPT.

(INCLUDING BUILDING DEPARTMENT)

(206) 293-1900

P.O. BOX 547, ANACORTES, WA 98221

(206) 293-1928 - FAX

IAN MUNCE, DIRECTOR

January 13, 1994

Department of Ecology
Shorelands and Coastal Zone Management Program
Management Section
Mail Stop PV-II
Olympia, WA 98504

RE Richard and Barbara Stockwell
RV Park

Dear Ms. Hegy:

The City of Anacortes on January 12, 1994 issued Shoreline Management Permit No. **213** to the above named applicant.

We enclose the following documents:

1. Copy of permit
2. Copy of application with supporting maps
3. Copy of affidavit of public notice of said application
4. Copy of Environmental Checklist and threshold determination
5. Copy of Shoreline Administrator's Findings of Fact

If additional information is desired, please advise.

Sincerely,

CITY OF ANACORTES

Ian S. Munce, AICP
Director of Planning and
Community Development

ISM:kj

Enclosures



ANACORTES PLANNING & COMMUNITY DEVELOPMENT DEPT.

(INCLUDING BUILDING DEPARTMENT)

(206) 293-1900

P.O. BOX 547, ANACORTES, WA 98221

(206) 293-1928 - FAX

IAN MUNCE, DIRECTOR

January 13, 1994

State of Washington
Office of Attorney General
Temple of Justice, AV-21
Olympia, WA 98504

RE: Richard and Barbara Stockwell
RV Park

Gentlemen:

The City of Anacortes on January 12, 1994, issued Shoreline Management Permit No. 213 to the above named applicant.

We enclose the following documents:

1. Copy of permit
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If additional information is desired, please advise.

Sincerely,

CITY OF ANACORTES

Ian S. Munce, AICP
Director of Planning and
Community Development

ISM:kj

Enclosures

The Chair then opened a public hearing on Shoreline Permit Application #213 submitted by Richard and Barbara Stockwell to locate an RV park at Weaverling Spit, in the general vicinity of Fidalgo Bay Road and Weaverling Road. The Planning Director introduced the staff report with 22 recommended conditions. Additionally, Mr. Munce noted receipt of a December 14, 1993 letter from the State Department of Natural Resources requesting stormwater bio-filtration and highlighting the importance of the adjacent tidelands. The applicant, Mr. Richard Stockwell, described the project in detail, concluding by stating that he was in agreement with the conditions proposed by City staff. Dr. Richard Threet then reviewed his December 15, 1993 memorandum to the Anacortes Planning Commission. In this memorandum Dr. Threet proposed new language for Condition #8 and proposed two additional conditions, one regarding delineation of the ordinary high water mark and one regarding the exact property delineation. Finally, Dr. Threet argued that Condition #3 be revised to state that maximum RV park occupancy shall not exceed 205 units. Dr. Threet based this recommendation on his considered opinion that proper delineation of the ordinary high water mark would reduce the number of lots to 235 and that a better layout, with appropriate landscaping, would reduce the number further to 205.

The applicant's engineer, Mr. Gary Sturdy, stated his opposition to the changes in Dr. Threet's proposed Condition #8 and the other revisions requested by Dr. Threet.

The Planning Director pointed out that Finding of Fact 5.3.2 should read as follows: "The Stockwell property has been calculated, on a preliminary basis, by the City Engineering Department to have a closed site area 12.5 acres. Accordingly, the City can approve up to 250 RV units on this site, with the final number dependent on on-site mapping of the ordinary high water mark and on resolution of land ownership issues with the Washington State Department of Transportation. To ensure that density is not exceeded a condition has been added prohibiting tents except in designated RV spaces." Additionally, Mr. Munce recommended that Condition #8 be revised to read as follows: "The wetland area or areas on, or adjacent to, the site shall be delineated, surveyed, and mapped pursuant to the City's Zoning Ordinance and any wetland areas more than 10,000 sq. feet in size shall be left in their natural state together with 25' buffer zones."

Mr. Bill Stitt, speaking as an individual and on behalf of the Stittwood Property Owners Association, spoke in favor of reducing the density to approximately 10 to 12 units per gross acre and to the desirability of setting up the project on a condominium ownership basis. With this in mind Mr. Stitt recommended that the conditons regarding single ownership and a maximum stay of 180 days be dropped. Mr. Gary Sturdy, engineer for the applicant, stated that his firm would use both the 1987 and the 1989 wetland delineation manuals and would utilize whichever was the more stringent. Mr. Sturdy stated that the next steps would involve delineating the wetlands and the ordinary high water mark. Ms. Margaret Yeoman asked if sewer hookups would be available to each site.

*P.C. Min. 12-15-93
page 1 of 2*

Mr. Richard Stockwell stated that he had been working for the past three years to resolve a one or two foot possible discrepancy in his property's legal description with the WSDOT. He asked that his project not be held up to resolve such a minor discrepancy. Additionally, Mr. Stockwell pointed out that the easement that he gave the WSDOT did not affect the density calculations under the terms of the City Subdivision Ordinance.

Dr. Richard Threet stated that the Commission should have before them a good property boundary survey map with both the wetlands and the ordinary high water mark delineated on this. Project details should then be superimposed on this map for Planning Commission and City Council review. Mr. Rick Sadler, of Fidalgo Bay Road, asked to see the details of where all the utilities would go. The issue was raised that a condition should be added stipulating that permanent structures, such as RV skirting and lean-tos, should be prohibited. Ms. Margaret Yeoman stated that there should be some proper open space provision, rather than the City accepting the buffer and beach areas as satisfying the requirement that 1/12 of the RV park area shall be set aside as open space.

Ms. Leslie Sadler, of Fidalgo Bay Road, stated that additional conditions should be added in ensure the quality of the RV park, standards such as controlling the age of the recreational vehicles permitted in the park. Mr. Ron Tracy of "R" Avenue, spoke in favor of the RV lifestyle and the desirability of having Mr. Stockwell's RV park in Anacortes.

Mr. Don Dixon of 8th Street, spoke in favor of the City providing some latitude to the Stockwells vis-a-vis the City RV park standards. Commissioner Carlisle proposed that Conditional #11 be amended by adding after the semi-colon, "physical barriers shall be installed to ensure this." Mr. Mike Young, of Fidalgo Bay Road, stated that he wanted to know in detail what road improvements were involved. Commissioner Jackson pointed to the fact that the beach on the north side of the subject property was a significant smelt spawning beach. She inquired as to what the applicant would do to minimize impacts to this beach. Mr. Gary Sturdy, project engineer, stated that his stormwater design would ensure that the stormwater was treated through bio-filtration and discharged into what is known as "the back bay". This portion of Fidalgo Bay is on the south side of the Stockwell property and away from the eel grass beds and smelt spawning areas.

The Commissioners concluded that before taking action, they wanted to see an accurate property map, with wetlands and ordinary high water mark delineated and with project details superimposed on this drawing, before they took any action on this application. Accordingly, they continued the hearings to 7:30 p.m. on January 12, the Commission's next scheduled regular meeting.

P.C. min. 12-15-93

page 2 of 2

CERTIFICATION OF MAILING

I, Lorraine Love, certify that I mailed, postage prepaid, copies of the foregoing document on the 7th day of December, 19 93 to each of the following-named parties at the last known post office addresses, with the proper postage affixed to the respective envelopes:

Document(s) Findings of Fact & Attachments

Richard Stockwell

**Before the Planning Commission, City of Anacortes
Shoreline Management Substantial Development Permit
Application by Richard and Barbara Stockwell
Shoreline Permit # 213**

Findings of Fact and Conclusions of Law and Decision Thereon

FINDINGS OF FACT

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- 1.1 Anacortes Planning Director has been designated the Shorelines "Administrator" and "Environmental Officer" for the City of Anacortes Shoreline Management Master Plan, Section 5 - Definitions, Appendix C.
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- 2.1 A Determination of Nonsignificance (hereinafter DNS) was issued for this project on November 15, 1993 by the City of Anacortes, the SEPA lead agency. Exhibit 2
- 2.2 In response to this DNS the following comments were received:

Exhibit 3 - (entitled Attachment 1 to Exhibit 2)- November 15, 1993 Memorandum from Jim Pemberton, Director of Engineering and Development Services

Exhibit 4 - November 30, 1993 letter from State Department of Fisheries - *the City of Anacortes has adopted WDF's stormwater management guidelines and compliance with these guidelines will be enforced through Condition 16 as detailed below. Shoreline buffer is addressed in Condition 21.*

Exhibit 5 - December 1, 1993 letter from State Department of Ecology - *compliance with Ecology's Baseline General Permit for Storm Water Discharges Associated with Industrial Activities is required in Condition 16 under the reference to a "NPDES Permit". A Waterfront Buffer Area is addressed in Condition 21.*

Exhibit 6 - December 2, 1993 letter from State Department of Ecology - *lot coverage will be less than 70% even if RV were to be counted as structures as RV's are required to have a 10 foot horizontal separation (5.4.2). Landscaping is addressed in Conditions 8, 9, and 10. Wetland protection is addressed in Condition 8 and the City Zoning Ordinance. Public access is addressed in Finding 4.2.2. Wetland buffer is addressed in Condition 8 and shoreline buffer is addressed in Condition 21.*

3.0 Notice

- 3.1 Section 11: "Permit Procedure", page 6, item b) of the Shoreline Master Plan with regard to Public Notice states, in part:

"Upon receipt of the application, the Environmental Officer shall instruct the applicant to publish notices of the application once a week for two consecutive weeks in a newspaper of general circulation in the City of Anacortes. In addition, the Environmental Officer shall post at least four copies of the notice prominently on the subject property or in conspicuous public places within 300 feet thereof. Within thirty days of the final publication of notice, any interested person may submit his views upon the application, in writing, to the Environmental Officer."

- 3.2 Notice of Application was published in the Anacortes American on November 3, 1993 and November 10, 1993 (Exhibit 7) and four copies of the Notice were posted on the site and copies were also posted at the Municipal Building, Library and Post Office on November 3, 1993 (Exhibit 8).

3.2.1. The following comments were received:

Exhibit 9 - November 12, 1993 letter from Don and June Dixon

Exhibit 10 - November 20, 1993 letter from E.A. Graber

Exhibit 11 - December 2, 1993 letter from Greg Willette

Exhibit 12 - December 6, 1993 letter from Bill Stitt

Exhibit 13 - December 7, 1993 supplementary information from applicant

- 3.3 The 30-day review period for this project ended on December 10, 1993. The Environmental Officer forwarded Findings of Fact and Conclusions of Law to the Planning Commission. The Planning Commission reviewed this permit on December 15, 1993 and voted to _____ the project subject to the conditions as outlined on page _____.

4.0 Shoreline Master Plan

- 4.1 The subject property is in a shoreline area designated **Urban II** by the Shoreline Master Plan for the City of Anacortes. This designation is primarily for those areas which contain a mixture of commercial, light manufacturing, and high density residential uses. It is the intent of this designation to maintain existing character of the area without substantially increasing bulk or scale of development, and to encourage location of water dependent or water related uses attractive to the public. Uses include, but are not limited to: Ferry terminals, urban parks and **commercial recreation facilities, restaurants, resorts**, convention centers and hotels, marinas, shops and markets.
- 4.2 The applicable goals and policies of the Shoreline Master Plan have been met by this application as detailed and conditioned below.

4.2.1 III PUBLIC ACCESS ELEMENT

GOAL: Increase public physical and visual access to shorelines.

OBJECTIVE: Increase opportunities for public view sites and identify publicly owned access areas through appropriate signing.

4.2.2 The applicant will meet this goal and objective by operating a deli, open to the general public, adjacent to the waterfront.

4.3.1 Recreation Regulations

- a. Commercial recreational developments shall conform to relevant regulations contained in this Master Plan.
- b. Recreational development shall not unduly burden or create conflicts with adjacent shoreline uses.
- c. Recreational developments, public and private, shall be located, constructed, and operated so as not to be a hazard to public health and safety nor should they materially interfere with normal public use of the water and shorelines.

4.3.2 These regulations have been adhered to through project conditions detailed below.

4.4.1 Commercial recreational developments are a permitted use in the Urban II Shoreline Area Designation. In the Weaverling Spit Urban II Shoreline Area Designation the lot coverage by buildings or structures is 70%, the maximum height is 35', and the set-back from the Ordinary High Water Mark is zero.

4.4.2 These regulations have been adhered to through project conditions detailed below.

5.0 Zoning Ordinance

5.1 The City Zoning Map establishes zone boundaries and the City Zoning Ordinance establishes (1) the permitted use of land in the various zones and (2) development standards.

5.1.1 The subject property is in a Commercial Marine Use District (CM), Chapter 17.22 of the Anacortes Municipal Code, Title 17, Zoning. In this Zone there is no minimum lot size (Zoning Ordinance 17.22.050) and no minimum setback requirements (Zoning Ordinance 17.22.060). The maximum land coverage by buildings is 50% (Zoning Ordinance 17.22.080), but this does not apply to a RV Park as: (1) a building is a structure as herein defined...(Zoning Ordinance 17.06) and (2) a structure is a combination of materials constructed or erected which has **permanent** location on the ground or attached to something having permanent location on the ground...(Zoning Ordinance 17.06) [Emphasis added]. The height limit is 35 feet...(Zoning Ordinance 17.22.090).

5.2.1 Section 17.22.010 - "Purpose" states: "The Commercial Marine Use District (CM) is established in recognition of the unique and irreplaceable nature of certain marine sites within Anacortes, and creates a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, and other commercial enterprises where orientation to navigable waterways and tourism trade is of prime importance. Uses in this district are intended to serve the needs of marine oriented and tourist activity, and not to create large scale commercial centers providing basic goods and services to the entire community."

5.2.2 To ensure that this purpose is met and is not undermined by year round occupancy a condition has been added to limit the duration of stay to 180 days per calendar year.

5.3.1 Section 17.22.040 - "Conditional Uses" lists RV Parks as a Conditional use in a CM district. However, the City Subdivision Ordinance mandates that the density shall not exceed 20 RV spaces per acre of gross site area (Subdivision Ordinance 16.28.030.4). Site area is defined as the total horizontal area within the property lines excluding external streets, except where property lines extend waterward of the Ordinary High Water Mark (OHWM) in which case the site area is the total horizontal area landward of the OHWM and excluding external streets (Zoning Ordinance 17.06 Area, Site). Gross site area is the site area plus one-half the width of abutting rights-of-way of streets and alleys; no allowance is provided for abutting railroad right-of-way (Zoning Ordinance 17.06 Gross Acre).

5.3.2 The Stockwell property has been calculated by the City Engineering Department to have a gross site area of 12.5 acres. Accordingly, the City can approve up to 250 RV units on this site. To ensure that density is not exceeded a condition has been added prohibiting tents except in designated RV spaces.

5.4.1 Both the Zoning Conditional Use and Subdivision PUD mechanisms are available for project review. The City Zoning and Subdivision Administrator has determined that the most meaningful review will be by way of the Zoning Conditional Use process and by applying the standards set out in the Subdivision Ordinance.

5.4.2 RV lots shall be separated from each other and from the structures to allow at least 10 feet separation between parked vehicles (Subdivision Ordinance 16.28.030.3). As RV's are generally 8.5 feet wide every RV space shall be at least 20 feet wide.

5.4.3 All RV spaces shall be located at least 25 feet from a public street or highway right-of-way and shall be set back 10 feet from interior roadways (Subdivision Ordinance 16.28.030.5). As the RV spaces are designed to have a vehicle between the RV and the interior road, the 10 foot requirement has been met. All RV spaces shall be set back 25 feet from Fidalgo Bay and 10 feet from Weaverling Road.

5.4.4 At least 1/12 of the RV Park area shall be developed for a park or playground area (Subdivision Ordinance 16.28.030.7). This one acre area shall be comprised of the Fidalgo Bay Road Buffer Strip, the existing forested area along Fidalgo Bay Road, the Club House area, the tennis courts, and the beach area.

5.5.1 These general purposes and uses as set forth in Section 17.22.040 and Section 16.28 have been met by this proposal as conditioned below.

6.0 Findings of Fact

1. The requirements of the State Environmental Policy Act have been complied with.
2. The Public Notice requirements of the Shoreline Management Act have been complied with.
3. The project as conditioned below is consistent with the shoreline designation and general goals and objectives of the Anacortes Shoreline Master Plan.
4. The proposed use as conditioned below will not unduly burden or create conflicts with adjacent shoreline uses.

5. The proposed use will be consistent with the policies, regulations, and general intent of this master plan.
6. The proposed use will not materially interfere with the public use of the shorelines but will provide an opportunity for a public access.
7. Project impacts to public services will be mitigated through standard City charges for: water and sewer hookups and transportation impacts.

7.0 Conclusions

Shoreline Substantial Development Permit # 213 should be issued to the Stockwells for the construction of a 250 unit RV Park. The permit is issued subject to the following conditions:

1. The scope of the project not exceed that as set-out in the shoreline application (including attachments).
2. A Building Permit shall be secured from the City of Anacortes prior to any construction activity authorized by this permit being begun.
3. Maximum RV Park occupancy shall not exceed 250 RV units; no tents are allowed except in designated RV spaces.
4. The RV Park shall be maintained in single ownership.
5. No users of the RV park shall stay overnight more than 180 days in any calendar year; the owner shall keep records documenting compliance with this condition available for City inspection.
6. Every RV space shall be at least 20 feet wide.
7. All RV spaces shall be set back 25 feet from Fidalgo Bay Road and 10 feet from Weaverling Road.
8. The wetland area on the site shall be delineated pursuant to the City Zoning Ordinance and any wetland areas more than 10,000 square feet in size shall be left in their natural state together with a 25' buffer zone.
9. The set-back along Fidalgo Bay Road shall be landscaped so as to develop a solid screen of evergreen. These trees or shrubs shall be no less than 4 feet in height when planted.
10. A landscaping and lighting plan shall be approved by the Planning Commission prior to construction.
11. No left turn shall be permitted by any vehicles from the RV site onto Fidalgo Bay Road.
12. Fidalgo Bay Road and the roadway between Fidalgo Bay Road and 34th and R Avenue shall be upgraded by the proponent to safety and ride standards as established by the Director of Engineering and Development Services.
13. Weaverling Road shall be improved to City standards relative to vehicular and pedestrian access and to stormwater management.

14. A transportation impact fee shall be paid as required by City Ordinance.
15. The design of the laundry, showers and restroom facilities shall be sized to handle the volumes generated by 100% occupancy and the design and capacity shall be as required by the Building Inspector.
16. The stormwater system shall be as required by the Director of Engineering and Development Services and shall meet NPDES permit and State Hydraulic Project Approval conditions, if any.
17. Any stormwater outfall shall be approved through the shoreline permit process.
18. An erosion and sedimentation control plan must be approved by the City Director of Engineering and Development Services and then implemented prior to construction.
19. The water and sewer systems and hookup fees shall be as required by the Director of Public Works.
20. The design and location of the solid waste collection system shall be as required by the Director of Public Works.
21. A 10 foot buffer area back from the Ordinary High Water Mark shall be established in which no development whatsoever shall occur and in which the existing shoreline vegetation is preserved.
22. Any violation of this permit and its conditions shall constitute a violation of the State Shorelines Management Act and its regulations and be subject to its penalties.

Ian S. Munce, Shorelines Administrator

Date

MEMORANDUM

TO Jim Pemberton, Dave Ford, Gary Robinson, Bill Ross
FROM: Ian Munce
SUBJECT Findings of Fact - Stockwell RV Park
DATE November 29, 1993

For your review and comment: Please find attached copy of the Findings of Fact regarding the Stockwell Shoreline Permit Application. If possible, could you please comment by this Friday. Thank you for your attention to this.

ISM:kj

Attachment

**Before the Planning Commission, City of Anacortes
Shoreline Management Substantial Development Permit
Application by Richard and Barbara Stockwell
Shoreline Permit # 213**

Findings of Fact and Conclusions of Law and Decision Thereon

FINDINGS OF FACT

1. General Background

- 1.1 Anacortes Planning Director has been designated the Shorelines "Administrator" and "Environmental Officer" for the City of Anacortes Shoreline Management Master Plan, Section 5 - Definitions, Appendix C.
- 1.2 Under Section 11: Permit Procedure, d) "Not more than 5 working days after the 30 day review period, or following a hearing, if necessary, the Environmental Officer shall recommend approval or denial of the permit to the Planning Commission who shall approve or deny the permit at their next meeting. If the Planning Commission does not act on the permit the decision of the Environmental Officer shall stand."
- 1.3 Application was made on October 27, 1993 for a Shoreline Substantial Development Permit to construct a 316 unit recreational vehicle park at Weaverling Spit in Anacortes. The application is Exhibit I.
- 1.4 The proposed project is located on Fidalgo Bay.

2. State Environmental Policy Act

- 2.1 A Determination of Nonsignificance (hereinafter DNS) was issued for this project on November 15, 1993 by the City of Anacortes, the SEPA lead agency. Exhibit 2
- 2.2 In response to this DNS the following comments were received:

Exhibit 3 - (entitled Attachment 1 to Exhibit 2)- November 15, 1993 Memorandum from Jim Pemberton, Director of Engineering and Development Services

3.0 Notice

- 3.1 Section 11: "Permit Procedure", page 6, item b) of the Shoreline Master Plan with regard to Public Notice states, in part:

"Upon receipt of the application, the Environmental Officer shall instruct the applicant to publish notices of the application once a week for two consecutive weeks in a newspaper of general circulation in the City of Anacortes. In addition, the Environmental Officer shall post at least four copies of the notice prominently on the subject property or in conspicuous public places within 300 feet thereof. Within thirty days of the final publication of notice, any interested person may submit his views upon the application, in writing, to the Environmental Officer."

- 3.2 Notice of Application was published in the Anacortes American on November 3, 1993 and November 10, 1993 (Exhibit 4) and four copies of the Notice were posted on the site and copies were also posted at the Municipal Building, Library and Post Office on November 3, 1993 (Exhibit 5).

3.2.1. The following comments were received:

Exhibit 6 - November 12, 1993 letter from Don and June Dixon

Exhibit 7 - November 20, 1993 letter from E.A. Graber

- 3.3 The 30-day review period for this project ended on December 10, 1993. The Environmental Officer forwarded Findings of Fact and Conclusions of Law to the Planning Commission. The Planning Commission reviewed this permit on December 15, 1993 and voted to _____ the project subject to the conditions as outlined on page _____.

4.0 Shoreline Master Plan

- 4.1 The subject property is in a shoreline area designated **Urban II** by the Shoreline Master Plan for the City of Anacortes. This designation is primarily for those areas which contain a mixture of commercial, light manufacturing, and high density residential uses. It is the intent of this designation to maintain existing character of the area without substantially increasing bulk or scale of development, and to encourage location of water dependent or water related uses attractive to the public. Uses include, but are not limited to: Ferry terminals, urban parks and **commercial recreation facilities, restaurants, resorts**, convention centers and hotels, marinas, shops and markets.
- 4.2 The applicable goals and policies of the Shoreline Master Plan have been met by this application as detailed and conditioned below.

4.2.1 III PUBLIC ACCESS ELEMENT

GOAL: Increase public physical and visual access to shorelines.

OBJECTIVE: Increase opportunities for public view sites and identify publicly owned access areas through appropriate signing.

- 4.2.2 The applicant will meet this goal and objective by operating a deli, open to the general public, adjacent to the waterfront.

4.3.1 Recreation Regulations

- a. Commercial recreational developments shall conform to relevant regulations contained in this Master Plan.
- b. Recreational development shall not unduly burden or create conflicts with adjacent shoreline uses.
- c. Recreational developments, public and private, shall be located, constructed, and operated so as not to be a hazard to public health and safety nor should they materially interfere with normal public use of the water and shorelines.

- 4.3.2 These regulations have been adhered to through project conditions detailed below.

4.4.1 Commercial recreational developments are a permitted use in the Urban II Shoreline Area Designation. In the Weaverling Spit Urban II Shoreline Area Designation the lot coverage is 70%, the maximum height is 35' and the setback from the Ordinary High Water Mark is zero.

4.4.2 These regulations have been adhered to through project conditions detailed below.

5.0 Zoning Ordinance

5.1 The City Zoning Map establishes zone boundaries and the City Zoning Ordinance establishes (1) the permitted use of land in the various zones and (2) development standards.

5.1.1 The subject property is in a Commercial Marine Use District (CM), Chapter 17.22 of the Anacortes Municipal Code, Title 17, Zoning. In this Zone there is no minimum lot size (Zoning Ordinance 17.22.050) and no minimum setback requirements (Zoning Ordinance 17.22.060). The maximum land coverage by buildings is 50% (Zoning Ordinance 17.22.080), but this does not apply to a RV Park as: (1) a building is a structure as herein defined...(Zoning Ordinance 17.06) and (2) a structure is a combination of materials constructed or erected which has **permanent** location on the ground or attached to something having permanent location on the ground...(Zoning Ordinance 17.06). The height limit is 35 feet...(Zoning Ordinance 17.22.090).

5.2.1 Section 17.22.010 - "Purpose" states: "The Commercial Marine Use District (CM) is established in recognition of the unique and irreplaceable nature of certain marine sites within Anacortes, and creates a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, and other commercial enterprises where orientation to navigable waterways and tourism trade is of prime importance. Uses in this district are intended to serve the needs of marine oriented and tourist activity, and not to create large scale commercial centers providing basic goods and services to the entire community."

5.2.2 To ensure that this purpose is met and is not undermined by year round occupancy a condition has been added to limit the duration of stay to 90 days per calendar year.

5.3.1 Section 17.22.040 - "Conditional Uses" lists RV Parks as a Conditional use in a CM district. However, the City Subdivision Ordinance mandates that the density shall not exceed 20 RV spaces per acre of gross site area (Subdivision Ordinance 16.28.030.4). Site area is defined as the total horizontal area within the property lines excluding external streets, except where property lines extend waterward of the Ordinary High Water Mark (OHWM) in which case the site area is the total horizontal area landward of the OHWM and excluding external streets (Zoning Ordinance 17.06 Area, Site). Gross site area is the site area plus one-half the width of abutting rights-of-way of streets and alleys; no allowance is provided for abutting railroad right-of-way (Zoning Ordinance 17.06 Gross Acre).

5.3.2 The Stockwell property has been calculated by the City Engineering Department to have a gross site area of 10.0 acres. Accordingly, the City can approve up to 200 RV units on this site. To ensure that density is not exceeded a condition has been added prohibiting tents except in designated RV spaces.

5.4.1 Both the Zoning Conditional Use and Subdivision PUD mechanisms are available for project review. The City Zoning and Subdivision Administrator has determined that the most meaningful review will be by way of the Zoning Conditional Use process and by applying the standards set out in the Subdivision Ordinance.

5.4.2 RV lots shall be separated from each other and from the structures to allow at least 10 feet separation between parked vehicles (Subdivision Ordinance 16.28.030.3). As RVs are generally 10 feet wide every RV space shall be at least 20 feet wide.

5.4.3 All RV spaces shall be located at least 25 feet from a public street or highway right-of-way and shall be set back 10 feet from interior roadways (Subdivision Ordinance 16.28.030.5). As the RV spaces are designed to have a vehicle between the RV and the interior road, the 10 foot requirement has been met. All RV spaces shall be set back 25 feet from Fidalgo Bay and Weaverling Road.

5.4.4 At least 1/12 of the RV Park area shall be developed for a park or playground area (Subdivision Ordinance 16.28.030.7). This .8 acre area shall be comprised of the Fidalgo Bay Road Buffer Strip, the existing forested area along Fidalgo Bay Road, the Club House area, the tennis courts, and the beach area.

5.5.1 These general purposes and uses as set forth in Section 17.22.040 and Section 16.28 have been met by this proposal as conditioned below.

6.0 Findings of Fact

1. The requirements of the State Environmental Policy Act have been complied with.
2. The Public Notice requirements of the Shoreline Management Act have been complied with.
3. The project as conditioned below is consistent with the shoreline designation and general goals and objectives of the Anacortes Shoreline Master Plan.
4. The proposed use as conditioned below will not unduly burden or create conflicts with adjacent shoreline uses.
5. The proposed use will be consistent with the policies, regulations, and general intent of this master plan.
6. The proposed use will not materially interfere with the public use of the shorelines but will provide an opportunity for a public access.

7.0 Conclusions

Shoreline Substantial Development Permit # 213 should be issued to the Stockwells for the construction of a 200 unit RV Park. The permit is issued subject to the following conditions:

1. The scope of the project not exceed that as set-out in the shoreline application (including attachments).
2. A Building Permit shall be secured from the City of Anacortes prior to any construction activity authorized by this permit being begun.

3. Maximum RV Park occupancy shall not exceed 200 RV units; no tents are allowed except in designated RV spaces.
4. The RV Park shall be maintained in single ownership.
5. No RV shall be parked in the RV park for more than 90 days in any calendar year.
6. Every RV space shall be at least 20 feet wide.
7. All RV spaces shall be set back 25 feet from Fidalgo Bay Road and from Weaverling Road.
8. The wetland area on the site shall be delineated pursuant to the City Zoning Ordinance and any wetland areas more than 10,000 square feet in size shall be left in their natural state together with a 25' buffer zone.
9. The set-back along Fidalgo Bay Road shall be landscaped so as to develop a solid screen of evergreen. These trees or shrubs shall be no less than 4 feet in height when planted.
10. A landscaping and lighting plan shall be approved by the Planning Commission prior to construction.
11. No left turn shall be permitted from the RV site onto Fidalgo Bay Road.
12. Fidalgo Bay Road and the roadway between Fidalgo Bay Road and 34th and R Avenue shall be upgraded by the proponent to safety and ride standards as established by the Director of Engineering and Development Services.
13. Weaverling Road shall be improved to full City standards.
14. A transportation impact fee shall be paid as required by City Ordinance.
15. The design of the laundry, showers and restroom facilities shall be sized to handle the volumes generated by 100% occupancy and the design and capacity shall be as required by the Director of Engineering and Development Services.
16. The stormwater system shall be as required by the Director of Engineering and Development Services and shall meet NPDES permit conditions if a NPDES permit is required.
17. Any stormwater outfall shall be approved through the shoreline permit process.
18. An erosion and sedimentation control plan must be approved by the City Director of Engineering and Development Services and then implemented prior to construction.
19. The water and sewer systems and hookup fees shall be as required by the Director of Public Works.
20. The design and location of the solid waste collection system shall be as required by the Director of Public Works.

21. Any violation of this permit and its conditions shall constitute a violation of the State Shorelines Management Act and its regulations and be subject to its penalties.

Ian S. Munce, Shorelines Administrator

Date

JOSEPH R. BLUM
Director



Exhibit 4

STATE OF WASHINGTON
DEPARTMENT OF FISHERIES

333 E. Blackburn Road • Mount Vernon, Washington 98273-9006 • (206) 428-1568

November 30, 1993

City of Anacortes Planning Department
ATTENTION: Ian Munce
Post Office Box 547
Anacortes, Washington 98221

**SUBJECT: Determination of Non-Significance - Stockwell Proponent -
Recreational Vehicle Park - Fidalgo Bay, Tributary to
Guemes Channel, Section 31, Township 35 North, Range 02
East, Skagit County, SEPA Log No. 25891, WRIA 03.MARI**

Dear Mr. Munce:

The Washington Department of Fisheries (WDF) has reviewed the above-referenced Determination of Non-Significance for the Stockwell Recreational Vehicle Park and offers the following comments. Additional comments may be offered as the project progresses.

One of the major impacts to marine waters, from development, is the introduction of fine grained sediments and pollutants such as oils, heavy metals, phosphates, etc., into marine receiving waters from roadways, parking lots, and other impervious surfaces. This run-off and the pollutants it contains can adversely affect fish life by filling estuarine and nearshore rearing and spawning habitats, by covering up eelgrass beds, by changing invertebrate and vertebrate species diversity and abundance, and by contaminating important sport and commercial shellfish beds. In order to protect water quality affecting these and other fish resources and habitats, stormwater run-off must be treated.

The applicant has not provided sufficient detail on the design of the stormwater system for evaluation of potential impacts to fish resources and their habitat. Without additional detail, we cannot evaluate the effectiveness of the proposed drainage plan for protection of these resources and habitats.

WDF has developed stormwater management guidelines for the purpose of protecting fish habitat and aquatic life (enclosed). The final drainage plan for the proposed development shall conform to the water quality section of these guidelines. A Hydraulic Project Approval shall be required from the Department of Fisheries for the stormwater system.

The proposed project design should incorporate an adequate buffer area between the developed upland and Fidalgo Bay such that existing shoreline vegetation is preserved and the necessity to armor the shoreline in the future is avoided.

November 30, 1993

Page 2

Thank you for the opportunity to provide these comments. If you have any questions please contact me at (206) 428-1053.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Williams".

Brian Williams
Regional Habitat Manager
Habitat Management Division



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. BOX 47600 • Olympia, Washington 98504-7600 • (206) 459-6000

December 1, 1993

Mr. Ian S. Munce
City of Anacortes
PO Box 547
Anacortes WA 98221

Exhibit 5

Dear Mr. Munce:

Thank you for the opportunity to comment on the determination of nonsignificance for the construction of a 316-space recreational vehicle park, proposed by Richard and Barbara Stockwell. We reviewed the environmental checklist and have the following comments.

The owner of a construction site which disturbs five acres or more of total land area, and which has or will have a discharge of storm water to a surface water or to a storm sewer, must apply for coverage under Ecology's Baseline General Permit for Storm Water Discharges Associated with Industrial Activities. Owners of sites where less than five acres of total land area will be disturbed must also apply if the construction activity is part of a larger plan of development or sale in which more than five acres will eventually be disturbed. Discharge of storm water from such sites without a permit is illegal and subject to enforcement action by the Department of Ecology.

Application should be made at least 30 days prior to commencement of the construction activities. A storm water permit application form, referred to as a Notice of Intent, can be obtained by calling (206) 407-7156.

If you have any questions, please call Mr. Bob Newman with our Water Quality Program at (206) 649-7046.

Sincerely,

Rebecca J. Inman
Environmental Review Section
RI:
93-8288

cc: Bob Newman, NWRO
Janet Thompson, NWRO





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. BOX 47600 • Olympia, Washington 98504-7600 • (206) 459-6000

December 2, 1993

Mr. Ian S. Munce
City of Anacortes
PO Box 547
Anacortes WA 98221

Exhibit 6

Dear Mr. Munce:

We sent you a letter on December 1, 1993 regarding the determination of nonsignificance for the construction of a 316-space recreational vehicle park, proposed by Richard and Barbara Stockwell. Since then we have additional comments.

The project seems very large relative to the surrounding area. In the Urban II environment, lot coverage may not exceed 70%, which includes buildings and structures. Strictly speaking, an asphalt pad may not be a "building" or "structure", but the temporary placement of recreational vehicles on those sites could exceed the permitted lot coverage. No landscaping has been proposed. Wetlands are a concern, and in particular wetlands should not be filled. Public access should be provided, in some form, along the shoreline. Vegetated buffers should be provided for both the wetland and shoreline.

If you have any questions, please contact Ms. Terra Hegy with our Shorelands Program at (206) 407-6530.

Sincerely,

Rebecca J. Inman
Environmental Review Section

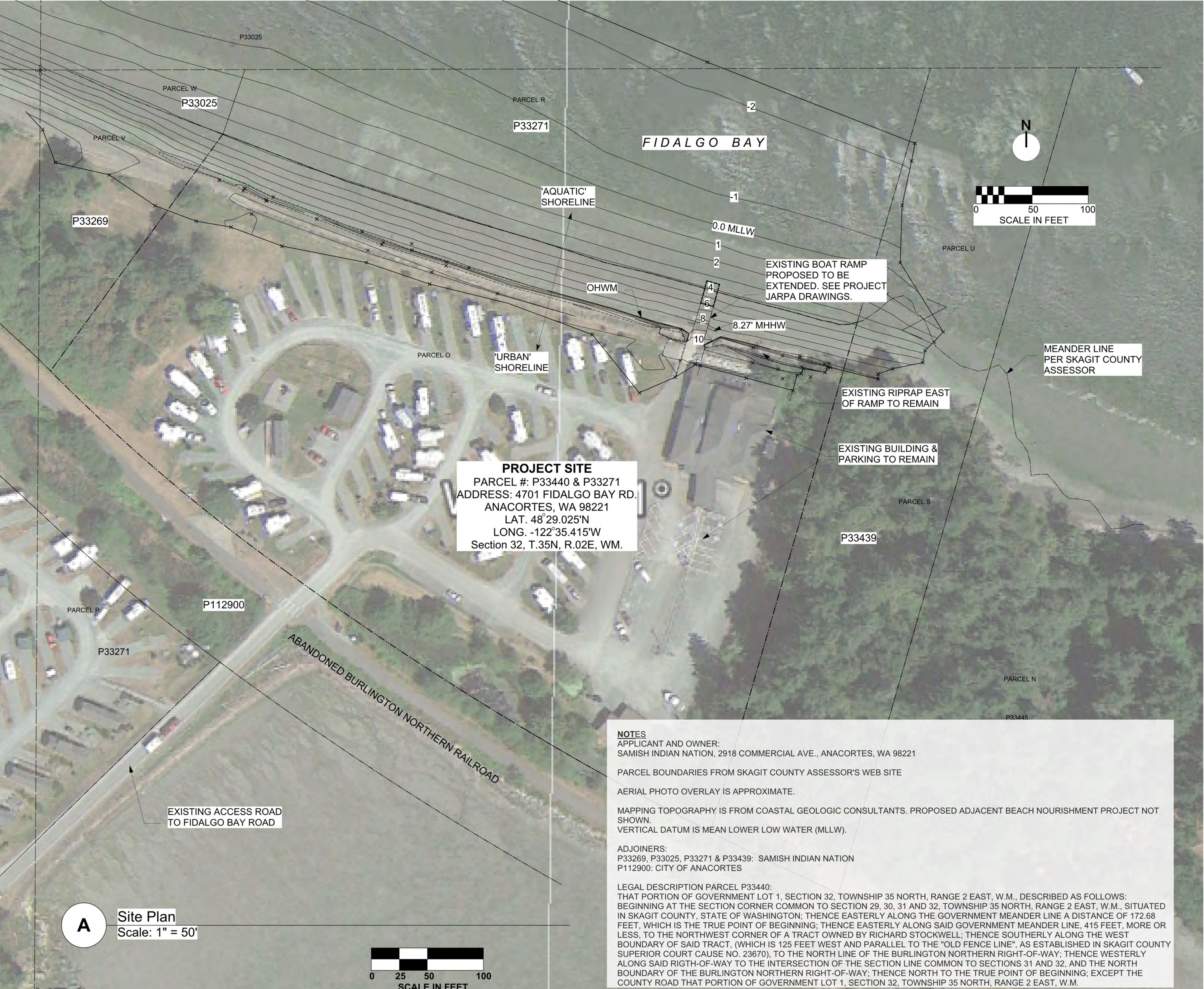
RI:
93-8288

cc: Terra Hegy, Shorelands
Linda Rankin, Shorelands



EXHIBIT #08:

SITE PLAN





ASHTON
Engineering, Inc.
Coastal & Structural Design

5867 Crystal Springs Ln
Bellingham, WA 98226
360.354.8179

Project Name: Fidalgo Bay Resort Boat Ramp Extension	Project Location: Weaverling Spit, Anacortes, WA	Drawing Title: Overall Site Plan
No.	Issue/ Revision	Date
		12.5.16
For Permit		
Job No: 21510.22		
Sheet: 1 of 1		

EXHIBIT #09:

SITE PHOTOS

FIDALGO BAY RV RESORT BOAT RAMP EXTENSION SDP-2016-1004 SITE PHOTOS:



Existing boat ramp.
Looking north to north
northeast. Board in
background separates
ramp and beach from
upland area. RV Resort
building on right side

Looking
approximately
west along
shoreline. Boat
launch and ramp
are out of view in
the foreground to
the left and right.





Looking approximately east to southeast. RV resort building on right side fronting on Fidalgo Bay.



Planning Commission Agenda Bill

Meeting Date: 2/8/2017

Agenda Item: BLD-2016-1705

Subject: Integra Parking Modification Request

Staff Contact: Kait Nelson, Associate Planner

Approved for Submittal to Commission by	
X	Don Measamer, Director

Action Type	
X	Public Meeting
X	Discussion
X	Decision

Summary Statement: Permit a modification of parking requirements for proposed development of mixed use, two story buildings at 301 and 317 Commercial Avenue.

Recommended Motion: Discussion & approval of the subject parking modification with suggested conditions of approval

Attachments (listed in order presented): [Click here to enter text.](#)

Planning Commission's Draft Findings of Fact, Conclusions of Law, & Recommendation

Exhibit #01: Narrative

Exhibit #02: Existing & Proposed Site Plan

Exhibit #03: TSI Transportation Analysis

Exhibit #04: Public Comments Received

Exhibit #05: Elevation Graphic



Planning Commission's Draft Findings of Fact, Conclusions of Law, & Decision

I) Background Information

Meeting Date:	February 8, 2017
Project Name:	Integra Parking Modification
File Number:	BLD-2016-1705
Applicant	Underwood & Associates, 1005 4 th Street, Anacortes, WA 98221
Landowner:	Kevin Welch, Schussboomer Properties, LLC, PO Box 1420, Anacortes, WA 98221
Subject Proposal:	Proposed reduction in off-street parking requirements associated with the demolition of an existing structure at 301 Commercial Avenue. Construct a new two story mixed use (retail & office) in its place with parking located behind the building, to the east. The parking to the north of 317 Commercial will be replaced with a two-story office building and parking will be modified to the east of the building, removing the existing curb cut. The two buildings are proposed to connect with a sky bridge.
Legal Description:	Lots 7, 8, and 10; lots 11 through 14; Block 25
Project Location:	301 & 317 Commercial Avenue: Section 18, Township 35, Range 02, Willamette Meridian.
Subject Parcel:	Parcel #P55023 & P55024
Zoning/ Comprehensive Plan Designation:	CBD/Central Business District
Site Area:	24,000 square feet (0.55 acres)

Utilities: Drainage, sewage, and water will all be provided by the City of Anacortes.

Lot Access: The proposed parking will be accessed from 3rd Street.

II) Findings of Fact

Nature of Application

- 1) Underwood & Associates has requested approval of a parking modification associated with proposed construction of office and retail space in the Central Business District.
- 2) The surrounding properties include retail, office, and food establishments.
- 3) Each subject parcel has one building located on site. The building at 301 Commercial Avenue will be demolished and replaced with a new two story, multi-use building. The parking will be reconfigured to be located at the back of the property, shielded by the building from Commercial. The building at 317 Commercial will be kept, with new two story building infill constructed along Commercial. Parking on this lot will be shielded as well.
- 4) A parking analysis was completed by David Markley, P.E. at Transportation Solutions Inc., which reviewed the existing and proposed on and off street parking supply. This references the City of Anacortes parking requirements and the City of Anacortes 2015 Parking Study.
- 5) A Planning Commission Meeting will take place at 6 p.m. in the City Hall Council Chambers.

Consistency with Applicable Zoning Regulations

A) AMC Chapter 17.46.020

- 1) A parking modification may be requested to Planning Commission where a documented finding shows that the overall parking situation in the project vicinity will not be adversely affected.
- 2) Office type buildings require 4 parking spaces for every 1,000 net square feet of building, requiring 72 parking spaces. Retail type buildings require 5 parking spaces for every 1,000 net square feet of building, requiring 19 parking spaces. A total of 91 parking spaces would be required.

- 3) The project is proposing 16 parking spaces at 301 Commercial Avenue and 11 parking spaces at 317 Commercial Avenue. In addition, 32 parking spaces are proposed for use by this site in an adjacent lot, at 909 and 905 4th Street, providing a total of 59 spaces. The applicant is requesting a reduction in required parking spaces to a total of 59 spaces.
- 4) About 90% of Integra employees are expected to occupy the site during the day, reducing the parking demand to 62 parking spaces, instead of 72 spaces, assuming that employee parking habits stay the same.
- 5) According to the parking analysis by TSI, parking occupancy of the downtown area will increase by 5% or less and will remain well below the capacity of the on-street parking supply in the area.
- 6) Reconfiguration of the parking on these lots removes one curb cut along Commercial, which adds an on street parking space, and shields parking from pedestrians on the main strip of Commercial Avenue, providing a benefit to the downtown area.
- 7) The retail space of the proposed building is 3,800 net square feet, while the existing space is 8,512 net square feet. This reduces the demand for short-term (2 hour) parking on the downtown area.

B) 2016 Comprehensive Plan

The 2016, City of Anacortes Comprehensive Plan designates the project as Central Business District. The Central Business District's purpose is to reinforce downtown as the center for commercial, civic, and cultural activities within the City. The goals and policies outlined in the Comprehensive Plan are intended to provide guidance for both public and private decision makers in growth and development of the City.

Land Use

Goal LU-7: Downtown and South Commercial Avenue. Enhance the character and economic vitality of Downtown and South Commercial Avenue corridor.

Policy LU-7.1(A): Encourage a mixture of uses downtown, including restaurants and taverns, retail, office, civic, cultural, lodging, and residential uses to support day and evening activities for all ages.

Economic Development

Goal ED-1: Balanced Economy. Foster a balanced, diversified and sustainable local economy that contributes to Anacortes's high quality of life.

Policy ED-1.4: Encourage expansion of existing employers and attraction of new employers that pay wages sufficient to support family households and fund needed public services.

Policy ED-1.6: Facilitate the retention, growth, and new location of small and locally owned business.

Goal ED-2: Retail & Commercial. Enhance commercial businesses, which serve the community's needs for goods and services.

Policy ED-2.10: Strive to provide for a range of sites for a variety of retail development including sites that serve auto-oriented customers as well as those serving pedestrians.

Goal ED-5: Other Growth Economic Sectors. Attract businesses in other sectors that offer growth opportunities and provide high wage jobs.

Transportation

Goal T-3. Support Growth. Support the City's and region's growth strategy by focusing on moving people and goods within the City and beyond with a highly efficient multimodal transportation network for now and into the future.

Policy T-3.23(B): Investigate opportunities to reduce parking requirements.

Public Comments Received

There have been 5 written comments received in support of the request. Comments will be accepted up until the Planning Commission Meeting.

III) Conclusions of Law

- 1) The Planning Commission has jurisdiction to make a decision on the request consistent with Section 17.46.020 AMC.
- 2) Approval of the request, as conditioned, conforms to the general purposes of the City Comprehensive Plan and the City's planning standards and specification of the zoning ordinance.

- 3) The Planning Commission bases its Findings Fact and Conclusions of Law on the entire record, including all testimony and exhibits. Any finding which would be deemed a Conclusion of Law and any Conclusion of Law which should be deemed a finding is hereby adopted as such.

Staff Recommendation

The department of Planning, Community, and Economic Development recommends that the Planning Commission approve the parking modification request subject to the staff suggested conditions of approval listed below.

Planning Commission Decision

Based on the foregoing Findings of Fact and Conclusions of Law, the Anacortes Planning Commission hereby **denies, approves, approves with conditions** of the request to vary parking requirements, subject to the following conditions:

1. The applicant shall, with assistance from City staff, implement additional on-street parking opportunities, by restriping or realignment of existing parking along the South side of 3rd Street, or provide a fee in lieu of improvements.
2. Bicycle parking shall be provided as outlined in AMC 17.46.020.
3. Parking shall be available to the public during off-peak work hours within the satellite parking area located on 4th Street.
4. Occupants of the proposed buildings shall implement a transportation management program to incentivize employees to bike to work.
5. Alley access shall be designed to encourage use by pedestrians.
6. The approval of this parking modification request will expire if no building permit has been applied for within 5 years of the decision date.

Nothing in the permit/approval shall excuse the application, owner, lessee, agent, successor, or assigns from full compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project. In particular, no clearing, grading, filling, construction, or other physical alteration of the site may be undertaken prior to the issuance of the necessary permits for such activities.

City of Anacortes Planning Commission

Marty Laumbattus, Chair

Appeals

Appeals may be made to City Council by filing a notice of appeal with the City Clerk. The appeal shall state the reason for the appeal and be signed by the party filing the appeal.

Exhibits

Exhibit #	Name of Exhibit
1	Narrative
2	Existing & Proposed Site Plan
3	TSI Transportation Analysis
4	Public Comments Received
5	Elevation Graphic



underwood and associates, llc

1005 Fourth Street, Anacortes, Washington, 98221 * 360.588.0471

December 14, 2016

City of Anacortes

Planning, Community & Economic Development
904 6th Street
Anacortes, WA 98221

RE: Parking Modification Request for Proposed Project at 301 & 317 Commercial Avenue

The proposed project consists of the demolition of the existing structure at 301 Commercial Avenue and new construction of a two-story mixed use building in its place (ground floor retail, upper floor offices), with new parking behind to the east. The existing parking area to the north of 317 Commercial (Integra Building) will be replaced with a two-story office building with a modification to the existing parking configuration to the east. Please refer to the proposed site plan for a bird's eye view of the building and parking configuration.

The proposed development falls shy of the City of Anacortes's off-street parking requirement, however, Anacortes Municipal Code allows parking modification requests be addressed to the Planning Commission where "a documented finding that the overall parking situation in the project vicinity will not be adversely affected" (AMC 17.46.020).

As such, David Markley, P.E., a traffic and parking engineer with Transportation Solutions, Inc. has reviewed the existing and proposed on and off street parking supply. Mr. Markley evaluated both the City of Anacortes requirements of the proposed project, which include transportation method data as well as the City of Anacortes 2015 Parking Study. Mr. Markley's analysis concludes that the parking shortfall spillover can easily be absorbed by the existing on street parking supply. Please refer to Mr. Markley's attached findings and report.

The proposed project meets certain policies of the City of Anacortes' Economic Development Element of the 2016 Comprehensive Plan. Policy ED-1.4 "encourage(s) expansion of existing employers and attraction of new employers that pay wages sufficient to support family households and fund needed public services." The proposed project will create new, high wage jobs and it will attract new workers and families to our community. Policy ED-1.6 states, "Facilitate the retention, growth and new location of small locally-owned business." The proposed project promotes the growth of a locally grown business. Policy ED-2.10 states, "Strive to provide for a range of sites for a variety of retail development including sites that serve auto-oriented customers as well as those serving pedestrians." The proposed project provides ground floor retail space for up to four businesses in the downtown core where there is active pedestrian presence. The requested parking modification would help serve those businesses allowing more potential customers to frequent the businesses where there is currently only on-street parking. Goal ED-5 states, "Other Growth Economic Sectors. Attract businesses in other sectors that

offer growth opportunities and provide high wage jobs.” The proposed project is a result of growth and it is an opportunity for a local business to expand and create additional high wage jobs.

This is an exciting project that will provide additional jobs in Anacortes, will have a direct positive impact on the local economy, and will be a welcome addition to the downtown core.

We respectfully request the Planning Commission grant the parking modification request.

If you have any questions, please don't hesitate to ask.

Sincerely,



Mike Underwood, AIA



UNDERWOOD
& ASSOCIATES, LLC

1005 4th Street
anacortes, washington 98221
360.588.0471
mike underwood, AIA

mike@underwoodarchitecture.com

Integra Building

Anacortes, WA



3 Vicinity Map

1/2" = 1'-0"

This is A Standard List Of Abbreviations Used By This Office. Items Listed May Or May Not Be Used On This Set Of Drawings.

A	A.b. Anchor Bolts Ac. Acoustical Add. Addition Adj. Adjustable / Adjacent A.f.f. Above Finished Floor Alt. Alternate	G	Ga. Gauge Galv. Galvanized Glu-lam Glue Laminated GLB Glue Lam Beam Gr. Grade GWB Gypsum Wallboard	R	R. Rad., R R.d. Radius Ref. Reference Reqd. Required Rm. Room RO Rough Opening
B	Bld. Building Blk. Block B.O. By Owner Btm. Bottom B.U.C. Built Up Column BWP Braced Wall Panel	H	HB Hose Bib Horiz. Hollow Core Hr. Horizontal Hdr. Header	S	SC Sect. Sct. Section Sf. Square Feet Shtg. Sheathing Sim. Similar Spec. Specification Sq. Square Std. Stainless Steel Stl. Standard Stl. Steel Stor. Storage SS Storm Sewer Susp. Suspended
C	Cab. Cabinet Cdr. Cedar C.J. Control Joint C.lg. Caulking C.L. Centerline CMU Concrete Masonry Unit Col. Column Conc. Concrete Constr. Construction Cont. Continuous	I	Insul. Insulation Int. Interior	T	T. Tread TOF Top Of Footing TOC Top Of Curb T&G Tongue & Groove Thk. Thick TOS Top Of Slab TOW Top Of Wall Tv Television Typ. Typical
D	D. Dryer Dbl. Double Df. Douglas Fir Dn. Down DS Downspout Dtl. Detail DW Dishwasher Washer	M	Mat. Material Max. Maximum M.b. Machine Bolt Mech. Mechanical Memb. Membrane Min. Minimum Mir. Mirror Mtl. Metal	U	UNO Unless Noted Otherwise
E	Ea. Each EL Elevation Elec. Electrical Elev. Elevator EQ Equal Equip. Equipment (e) Existing Exist. Existing Ext. Exterior	N	(n) New NIC Not In Contract NTS Not To Scale	V	Var. Varies VCT Vinyl Composition Tile Vert. Vertical Vest. Vestibule
F	FD Floor Drain Fin. Finish F.f. Finished Floor FS Finished Slab FLR Floor Fnd. Foundation F.o.c. Face Of Concrete F.o.s. Face Of Studs FL Foot Or Feet Fur. Furring F.e. Fire Extinguisher	O	OC On Center OFCl Owner Furnish / Contractor Installed Opg. Opening OSB Oriented Strand Board	W	W. Washer Wt. With WC Water Closet WD Wood WO Without W/O Water Proof WP Welded Wire Fabric
		P	P-lam Plastic Laminate Ply Plywood PR Pair PSL Parallam timber PT Pressure Treated		

General Notes

1. All potential contractors shall thoroughly familiarize themselves with job conditions before bidding to ensure that they understand the scope of the work. These notes are general in nature and are intended to set the minimum standards for construction. Any conditions which are not clear or are different than required by code or site conditions shall be brought to the attention of the designer immediately. The contractor shall verify all dimensions and conditions on all sheet drawings and in the field, and notify the designer of any discrepancies before proceeding.
2. Specific notes and details shall take precedence over general notes and typical details.
3. Dimensions shall supersede scale, and are measured from edge of stud.
4. All work shall conform to the latest approved editions of the standards listed in "codes".
5. Provide 6" high temporary and permanent address numbers on site that are viewable from the street.

Project Description

The project consists of the demolition of the existing structure at 301 Commercial Avenue and new construction of a two story mixed use in it's place with new parking behind to the east. The existing parking area to the north of 317 Commercial (Integra Building) will be replaced with a two story office building and modification to the parking to the east. The two buildings will be connected via sky bridge that spans the alley. Please refer to the schematic site plan.

1 Project Info

1/4" = 1'-0"

Project Directory

Owner:	Schussboomer Properties, LLC P.O. Box 1420 Anacortes, WA 98221
Design-Builder:	TRICO Companies, LLC P.O. Box 409 15066 Josh Wilson Road Burlington, WA 98233 Bruce Berglin 360-757-2373
Architect:	Underwood & Associates, LLC 1005 4th Street Anacortes, WA 98221 Mike Underwood, AIA 360-588-0471
Civil Engineer:	Sound Development Group 1111 Cleveland Avenue, No. 202 P.O. Box 1705 Mount Vernon, WA 98273 Pat Severin, P.E. 360-404-2010
Struct. Engineer:	Kingworks Consulting Engineering, PLLC 1004 Commercial Street, PMB 311 Anacortes, WA 98221 Quinn Hanks, P.E. 360-588-0471
Traffic/Parking:	Transportation Solutions, Inc. (TSI) 8250-165th Avenue NE, Suite 100 Redmond, WA 98052 David Markley, P.E. 425-883-4134
Surveyor:	Northwest Surveying & GPS, Inc. 407 5th Street Lynden, WA 98264 Jeromy DeMeyer, PLS 360-345-1950
Geotech:	Geotest Services, Inc. 714 Marine Drive Bellingham, WA 98225 Edwardo Garcia, P.E.

Building Information

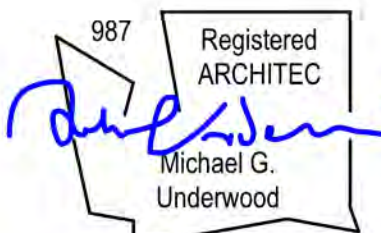
Site Address:	301 & 317 Commercial Avenue Anacortes, WA 98221
Parcel #:	55023 & 55024
Legal Description:	P55023 - LOTS 7, 8, 9 AND 10, BLOCK 25, MAP OF THE CITY OF ANACORTES, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 2 OF PLATS, PAGES 4 TO 7, RECORDS OF SKAGIT COUNTY, WASHINGTON. SURVEY AF# 201609190148 P55024 - ANACORTES, BLOCK 25, LOT 11 THROUGH 14, SURVEY RECORDED UNDER AF#200207250106. SURVEY RECORDED UNDER AF#200207250106.
P55023 Existing gross areas for 301 Commercial Avenue	Site Area: 12,000 sf Retail Bldg: 10,640 sf Ext. Storage Area: 1,362 sf
Proposed gross areas for 301 Commercial Avenue	Retail First Floor: 4,475 sf Office Second Floor: 5,350 sf
	Skybridge (between P55023 and P55024 above alley): 96 sf
	Building Total: 9,825 sf
P55024 Existing gross areas for 317 Commercial Avenue	Site Area: 12,000 sf Office Bldg First Floor: 5,850 sf Office Bldg Second Floor: 5,850 sf
Proposed gross areas for 317 Commercial Avenue	Exist. Office Bldg First Floor: 5,850 sf (to remain) New Office Bldg First Floor Addition: 3,700 sf Exist. Office Bldg Second Floor: 5,850 sf (to remain) New Office Bldg Second Floor Addition: 3,700 sf
	Building Total: 19,100 sf

Building Code

1. building	2015 IRC
2. mechanical	2015 IRC
3. plumbing	2015 UPC
4. energy & ventilation:	2015 WSEC
City of Anacortes Building Code (AMC) City Zone: Central Business District (CBD - AMC Section 17.20)	
Allowable Uses: Retail, Offices, Public & Private Parking	
Minimum Lot Size: No Minimum	
Minimum Setbacks: Along any property line adjoining a residentially zoned district with no intervening street or alley there shall be a setback of at least ten feet. No setback is required at other property lines.	
Maximum Density: No Maximum	
Maximum Land Coverage: No Maximum	
Maximum Building Height: 50 Feet	
Offstreet Parking: Parking shall meet requirements of Section 17.46	
Building Standards: See Section 17.20.110	
Basic Design Standards: See Section 17.20.120	
Commercial Avenue Street Frontage: See Section 17.20.130	

Parking Notes:

Existing on site parking:	22 spaces on site at 317 Commercial 32 spaces on site at 909 and 905 4th street (behind Majestic)
Proposed on site parking:	16 spaces on site at 301 Commercial (new spaces) 11 spaces on site at 317 Commercial (reconfigured spaces) 32 spaces on site at 909 and 905 4th Street (no change) 59 spaces total provided
City of Anacortes Parking Code Requirement (AMC 17.46)	Retail = 19 spaces (5/1000 sf) Office = 72 spaces (4/1000 sf) 91 spaces total campus parking spaces required on site
Shortfall:	32 spaces
Note: The reconfiguration of the existing parking lot at 317 Commercial would eliminate the curb cut and access from Commercial Avenue. This would provide 1 to 2 additional on street parking spaces.	



Pre-App Schematics
not for construction

Project name:

Integra Building

Project: 2016-45

Issue Date: 2016-11-17

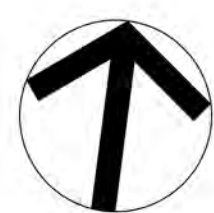
Revisions		
No.	Date	Description

Architectural Sheet List	
Sheet Number	Sheet Name
A0.0	Title Sheet
A1.1	Existing Site Plan
A1.2	Schematic Site Plan
SP1	General Notes
Grand total: 4	

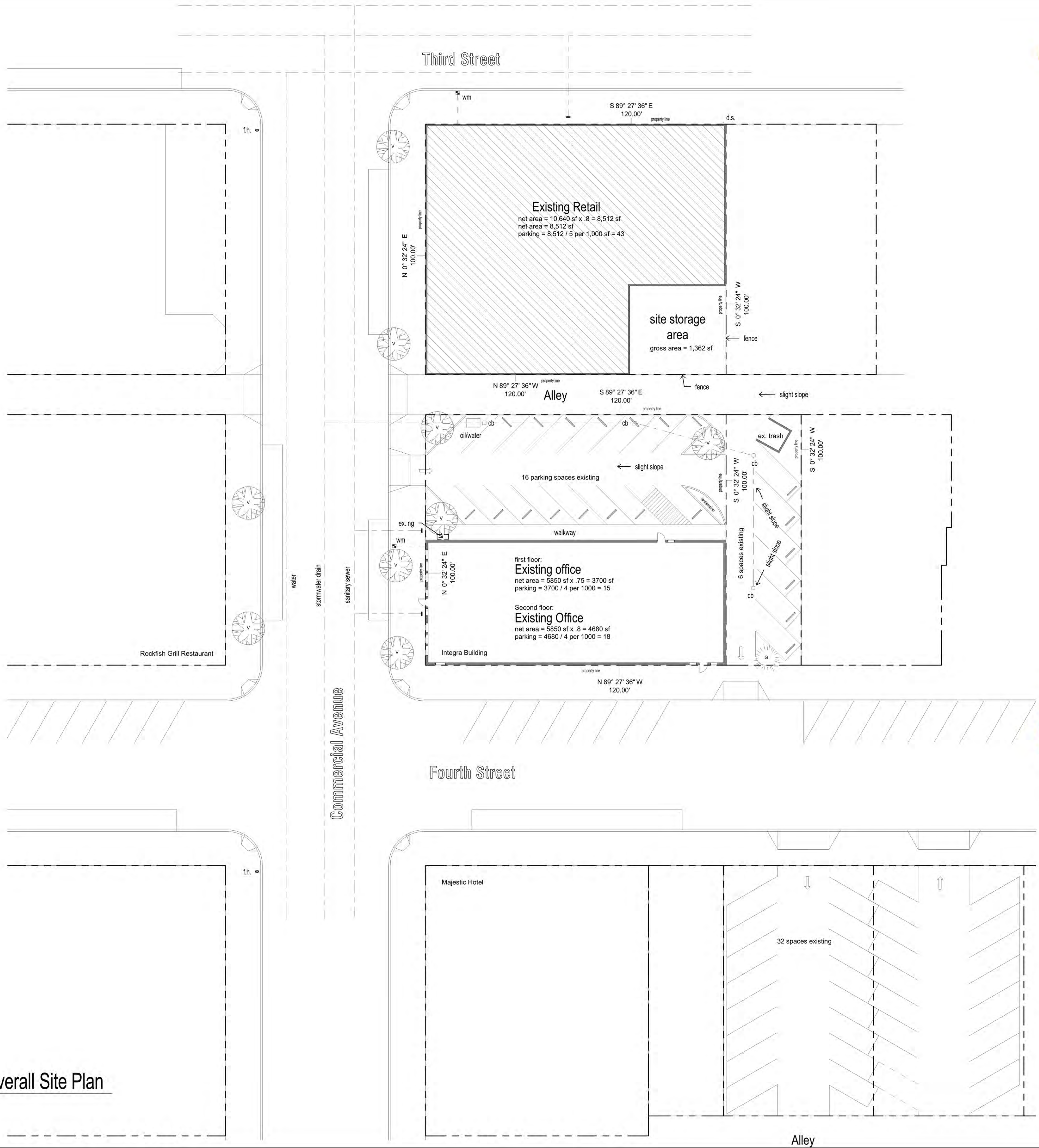
Title Sheet

A0.0

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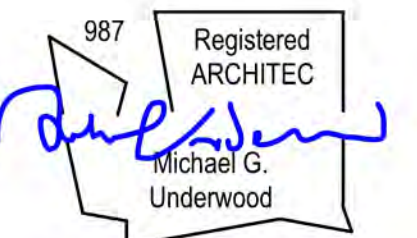
1 A1 - Existing Overall Site Plan
1" = 20'-0"



UNDERWOOD
& ASSOCIATES, LLC

1005 4th Street
anacortes, washington 98221
360.588.0471
mike underwood, AIA

mike@underwoodarchitecture.com



Pre-App Schematics
not for construction

Project name:
Integra Building

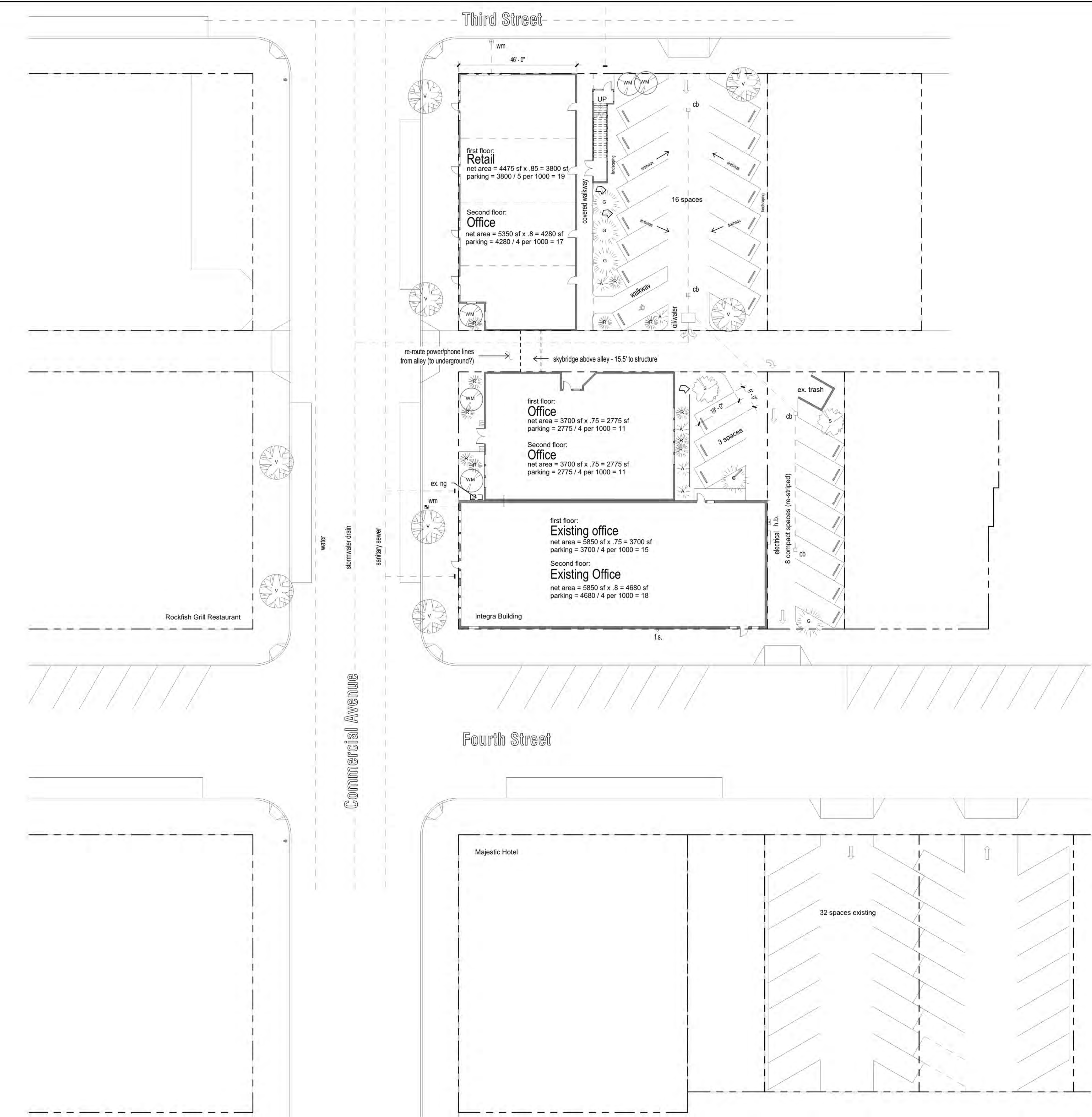
Project: 2016-45
Issue Date: 2016-11-17

Revisions		
No.	Date	Description

Existing Site
Plan

A1.1

11/17/2016 4:13:06 PM



2 A1 - Proposed Overall Site Plan
1" = 20'-0"



UNDERWOOD
& ASSOCIATES, LLC

1005 4th Street
anacortes, washington 98221
360.588.0471
mike underwood, AIA

mike@underwoodarchitecture.com



Pre-App Schematics
not for construction

Project name:

Integra Building

Project: 2016-45

Issue Date: 2016-11-17

Revisions		
No.	Date	Description

Schematic Site
Plan

A1.2

11/17/2016 4:13:07 PM



Dakota Creek Industries Inc.

P.O. Box 218 820 Fourth Street

Anacortes, Washington 98221

Telephone (360) 293-9575

FAX (360) 293-6432

E-mail: dci@fidalgo.net

January 20, 2017

City of Anacortes Planning Commission
C/O Don Measamer
Director of Planning, Community & Economic Development
904 6th Street
PO Box 547
Anacortes, WA 98221

RE: Parking Modification Request for 301 and 317 Commercial Avenue

Dear Mr. Measamer,

Please accept this letter in support of the requested variance in the parking requirements for the proposed development by Integra, Inc. The proposed development and parking variance will not adversely impact our business, Dakota Creek Industries, Inc. In my opinion, this development will enhance the downtown core.

Integra's proposed project is an opportunity to provide additional living wage jobs in Anacortes. We know living wage jobs in turn provides an economic benefit to the City of Anacortes. I have also come to observe Integra's employees become invested in our community by volunteering as coaches, in the schools and in other organizations which in turn makes our community a vibrant diversified place to call home.

In conclusion, I would urge the Anacortes Planning Commission to support Integra's request for a parking modification on their proposed project at 301 & 317 Commercial Avenue.

Thank you for your consideration.

Sincerely,

Katherine T. Pittis, Property Manager
Dakota Creek Industries, Inc.

January 28, 2017

City of Anacortes Planning Commission
C/O Don Measamer
Director of Planning, Community & Economic Development
904 6th Street
PO Box 547
Anacortes, WA 98221

RE: Parking Modification Request for 301 and 317 Commercial Avenue

Dear Mr. Measamer,

I am Kirsten Henry and I am writing to show my support for the parking space variance to enable the addition to the Integra building to be built. I have worked at Integra for just about ten years and have had the pleasure of working with so many wonderful people who live in and are an involved part of our town.

Our company employees frequent the downtown restaurants, coffee shops, businesses, and we probably use the Majestic about 20 times per year for guest rooms, meeting spaces, and events. I realize that more people brings more difficulty with parking and space, but more people also brings more revenue to downtown, and I know that is something the city is trying to encourage.

The type of people our business draws are intelligent, kind people – the type that we wish to draw to Anacortes. Integra pays excellent, competitive wages, which allow higher earners to live in Anacortes and directly contribute back to the community both downtown and in all other areas. These are the reasons I support the development, and thusly, the necessary parking modifications. Thank you for your time and I hope your team sees fit to pass this through.

Sincerely,

A handwritten signature in cursive script that reads "Kirsten H. Henry". The signature is written in dark ink and is positioned above the printed name and contact information.

Kirsten H. Henry
Integra Director
Kirsten.Koci@gmail.com
360-421-3353

January 26, 2017

City of Anacortes Planning Commission
C/O Don Measamer
Director of Planning, Community & Economic Development
904 6th Street
PO Box 547
Anacortes, WA 98221

Dear Mr. Measamer:

Integra LTC Solutions has employed me as the controller since December 2015. Additionally, my husband and I have owned and operated Anacortes Automotive Inc for over 20 years. As an employee of Integra and a small business owner in Anacortes, I am writing this letter in support of the parking variance needed by Integra in connection with the plans to construct a new building at 301 Commercial Ave.

I am excited about the new building that will increase office space for Integra's growing staff as well as provide retail space for the business community of Anacortes. Both the increase of Integra staff and the new retail space provide economic benefit for Anacortes. Currently and as Integra's staff increases, the restaurants, coffee shops and other Old Town businesses benefit from increased commerce.

Again, I would like to state that I am in support of the parking variance, as the new building at 301 Commercial Ave will provide economic benefit to the community. Additionally, according to the review on the existing and proposed on and off street parking supply done by David Markley, P.E., the shortfall of parking can easily be absorbed by the existing street parking.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorna Rudolph", with a stylized, flowing script.

Lorna Rudolph, Controller
Integra LTC Solutions
And Co-owner Anacortes Automotive

January 26, 2017

City of Anacortes Planning Commission
C/O Don Measamer
Director of Planning, Community & Economic Development
904 6th Street
PO Box 547
Anacortes, WA 98221

RE: Parking Modification Request for 301 and 317 Commercial Avenue

Dear Mr. Measamer,

My name is Marilyn Barcott and I have lived in Anacortes for 27 years. I am writing this letter in support of the parking variance. As an employee of Integra since June 2016, I have never had to park anywhere besides our designated parking spaces. Because of this reason, I believe that even with the addition of new employees, the few that may have to park in public parking spaces will not affect the downtown area.

Integra's competitive wages allows employees to make purchases downtown and around Anacortes as a whole. I see many employees with coffees and food purchased from the downtown area on a daily basis.

As a person who has lived almost her whole life here, I have seen many businesses go out of business or move out of town. The addition and new building to bring in more employees to Integra will bring in more revenue and support to the downtown businesses.

In conclusion, I am in full support of the parking modification. This will benefit Anacortes directly downtown and as a whole. I am very excited for the new building and expansion and look forward to seeing a beautiful addition to the downtown of Anacortes.

Sincerely,



Marilyn Barcott
Integra
mbarcott@gmail.com
360-840-5315

Nelson, Kait

From: Measamer, Don
Sent: Friday, January 20, 2017 7:36 AM
To: 'Russ Olivier'
Cc: Nelson, Kaitlynn; Grage, Libby
Subject: RE: Parking Modification Request for 301 and 317 Commercial Avenue

Thank you Russ, we will make sure it is included in the Planning Commission packet. Best regards,

Don Measamer, Director | Planning, Community & Economic Development Department
P.O. Box 547 | 904 6th Street | Anacortes, WA 98221
360.299.1942 (work) don@cityofanacortes.org

From: Russ Olivier [mailto:rolivier@vipgroup.com]
Sent: Thursday, January 19, 2017 2:24 PM
To: Measamer, Don
Subject: RE: Parking Modification Request for 301 and 317 Commercial Avenue

Hello Don,

I am submitting support to grant a parking variance of 10 spaces. Integra is a long standing successful business in Anacortes. Their plan to expand will allow for new jobs in their core business and improved retail space on Commercial St. The Majestic Inn and Spa could not ask for a better neighbor.

Best Regards,

Russ Olivier
VP of Operations
VIP Hospitality Group
419 Commercial Avenue
Anacortes, WA 98221
360-299-2522 Office
775-737-1288 Cell
rolivier@vipgroup.com



Integra Addition

underwood & associates, llc
1005 4th street
anacortes, wa 98221
360-588-0471

