DATE:       July 16, 2014

TO:         Planning Commission

FROM:       Libby Grage, Senior Planner, Planning, Community & Economic Development

SUBJECT:    July 23, 2014, Open Record Public Hearing
            Phase VII, Guemes Channel Trail
            SDP-2014-0003: Shoreline Substantial Development Permit, Shoreline Conditional
            Use Permit, and Shoreline Variance request

BRIEFING:
On July 23, 2014, the Planning Commission will conduct an open-record public hearing regarding
the proposed construction of Phase VII of the Guemes Channel Trail requiring a Shoreline
Substantial Development Permit, Shoreline Conditional-Use Permit, and Shoreline Variance. Members of the Planning Commission conducted a site visit at 9:00 AM on July 23, 2014, to
familiarize themselves with the project site. Attached hereto, is the staff report, exhibit list, and
associated exhibits referenced therein.

BACKGROUND:
The packets distributed for the July 23, 2014, open-record public hearing include background
information related to the project application. Please bring your packets to the July 23, 2014
open-record public hearing.

RECOMMENDATION:
Staff recommends that the Planning Commission approve the shoreline substantial development
permit, shoreline conditional use permit and shoreline variance subject to the staff-recommended
conditions, and direct staff to prepare the final findings of fact and decision for the Chair’s
approval.
PLANNING COMMISSION STAFF REPORT
DRAFT FINDINGS OF FACT, CONCLUSIONS OF LAW & DECISION:

File Number: SDP-2014-0003

Project Title: Guemes Channel Trail, Phase VII

Location: In a portion of Sections 22 & 23, Township 35 North, Range 01 East, Willamette Meridian.

Guemes Channel, from approximately east of Edwards Way to Lovric’s Marina, Anacortes, WA 98221

Applicant/Owner: City of Anacortes
Public Works Department
P.O. Box 547
Anacortes, WA 98221

Agent /Contact: Ross Widener
Widener & Associates
10108 32nd Avenue West, Suite D
Everett, WA 98204

Open-Record Public Hearing Date: Wednesday, July 23, 2014, @ 7:00 PM

Subject Proposal: Shoreline Substantial Development permit, Shoreline Conditional-Use Permit, and Shoreline Variance to construct Phase VII (7) of the Guemes Channel Trail within the existing right-of-way of an abandoned railroad bed, beginning from the existing trail terminus east of the Edwards Way cul-de-sac and running 3,250 ± lineal feet to the east. Additionally, 888 ± lineal feet of gravel access will be constructed from Lovric’s Marina to the west. The trail will be 12 feet wide (or less in areas) and have a setback ranging from 0 to 15 ± feet as measured from the Ordinary High Water Mark. Once complete, the final grade will average about 5 feet above the ordinary high water mark.
Existing Land Use: Undeveloped brushy hillsides within an abandoned railroad right-of-way.

Current Zoning & Comp. Plan Designation: Commercial Marine (CM), Light Manufacturing, & Residential Low Density (R2)

2010 Shoreline Master Plan Designation: Conservancy Shoreline Environment /Designation

Date of PC Decision: July 23, 2014

FINDINGS OF FACT:

I. GENERAL BACKGROUND:

1.1 On June 3, 2014, the City of Anacortes’ Planning, Community, and Economic Development Department received an application from the City of Anacortes’ Public Works Department for a Shoreline Substantial Development Permit, Shoreline Conditional-Use Permit, and Shoreline Variance for the construction of Phase VII (7) of the Guemes Channel Trail – a non-motorized pedestrian and bicycle trail to be located within the abandoned railroad bed described above. This portion of the trail is part of the larger trail system that will ultimately connect the Washington State Ferries to Washington Park and the Tommy Thompson Trail.

1.2 The subject application was deemed complete on June 13, 2014.

1.3 The project site is located in the City of Anacortes’ Commercial Marine, Light Manufacturing, and Residential Low Density (R2) Zoning Districts.

1.4 Currently, there are no existing land use(s) on the subject property. The land consists of an abandoned railroad bed with a riprap bank waterward toward Guemes Channel.

1.5 The zoning and land uses surrounding the project site are as follows:

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<tr>
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<th>Zoning</th>
<th>Land-Use</th>
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<tbody>
<tr>
<td>North</td>
<td>N/A</td>
<td>Guemes Channel</td>
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<tr>
<td>South</td>
<td>Commercial Marine &amp; Residential Low Density (R2)</td>
<td>Commercial and Residential</td>
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<tr>
<td>East</td>
<td>Light Manufacturing, Residential Low Density (R2)</td>
<td>Commercial, Industrial, and Residential</td>
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<tr>
<td>West</td>
<td>Commercial Marine &amp; Residential Low Density (R2)</td>
<td>Commercial and Residential</td>
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The proposed construction of Phase 7 of the Guemes Channel Trail is located within the shoreline jurisdiction of the Washington State’s Shoreline Management Act, RCW 90.58. According to the City of Anacortes’ 2010 Shoreline Master Program, the subject site is located within the Conservancy Shoreline Environment/Designation.

The trail was designed to limit the construction of hard surfaces to that necessary for the successful operation of the trail, including provision of emergency services. It will not involve the placement of structures or storage other than interpretive signage. The proposed trail will be the same width as the existing trail and will connect directly to it.

Sections of the proposed trail were purposely designed to be slightly narrower in order to avoid tree removal and thus minimize the total amount of vegetative disturbance to that required to install a trail at this location. A Tree Inventory and Removal Plan prepared by Herrigstad Engineering & Surveying was submitted on June 13, 2014, and shows those trees within the proposed trail designated for removal (See Exhibit 20). Trail grading will require the removal of 72 deciduous trees (mostly alders) ranging from 6 inches to 24 inches in diameter (DBH). The majority are 8 to 12 inches DBH. No trees will be removed from outside of the existing right-of-way. Removed trees will be replaced by native conifers & deciduous trees at a 1:1 ratio (See Exhibit 7).

The site plan associated with the proposed trail is marked as Exhibit 22.

Pursuant to AMC Chapter 17.70, the subject development was reviewed for proximity to Environmentally Sensitive / Critical Areas.

A Cultural Resource Survey dated July 9, 2013, was prepared by Drayton Archaeology of Bellingham, WA (See Exhibit 9).

A Geologically Hazardous Area Assessment dated May 16, 2014, was prepared by GeoEngineers of Bellingham, WA (See Exhibit 10).

A Biological Assessment / Critical Areas Report dated April 2014, was prepared by Alicia Yabu, B.S., of Widener & Associates of Everett, WA to document project consistency with the City’s environmental and Shoreline Master Program regulations (See Exhibit 8). In addition, FHWC completed their consultation responsibilities as the lead federal agency through concurrence and a no effect determination that was prepared as part of their NEPA review process (See Exhibit 11).

The project involves the installation of six (6) storm-drains ranging from 12” to 36” in diameter to improve runoff conveyance. These drains will be located...
under the new trail and outfall on the existing /restored riprap embankment. The project will not result in the installation of outfalls that discharge runoff from new pollution generating sources. The new discharge pipes will not convey runoff beyond quantities that currently exist at the site. Overall, the discharge pipes will convey runoff from the existing storm drainage network and will provide a more organized approach to the existing informal network. Long-term, the project will minimize the total number of outfall structures required in the project corridor by allowing runoff from multiple existing structures of upslope properties. The pipes are sized to accommodate drainage from existing developments (See Exhibits 7 & 10).

1.12 The proposed trail seeks to utilize the former Great Northern Railroad grade as a base for the pedestrian trail.

II. NOTICE OF APPLICATION & PUBLIC HEARING:

2.1 The type of public notice required for shoreline substantial development permits, shoreline conditional-use permits, and shoreline variance applications are outlined in AMC § 18.16.050, Table 1. Notice of the application and hearing is required to be mailed to property owners within 300-feet, posted on-site and published in the newspaper. Notice of Application and Hearing was published in the Anacortes American on June 18, 2014. The subject property was posted with Public Notice Signage in 3 areas on June 16, 2014. Property owners within 300 feet of the project site and agencies /departments of jurisdiction were solicited comment on June 16, 2014. Notice of the application and public hearing was provided consistent with these requirements (See Exhibits 12 & 13).

2.2 Several members of the Planning Department met members of the Planning Commission during a site visit conducted at 9:00 AM on Wednesday July 23, 2014, to familiarize themselves with the project site.

2.3 The project application was routed to City staff and other agencies with jurisdiction and comments were received and are incorporated into these findings and conditions as appropriate. It is noted that additional issues will be addressed in City staff’s review of the Building and other Permit Applications that will follow on from approval, if granted, of this application.

2.4 The 30-day public comment period for the project application ended on July 18, 2014. Any comments received from agencies of jurisdiction and/or the public are referenced in the attached exhibit list.

2.5 Pursuant to AMC § 18.16.070, “Requests for multiple shoreline permits, including conditional use and variance permits, required for a single project shall be processed simultaneously.”
2.6 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 is estimated to be $837,500.00 in value on less than 3-acres, therefore, the Planning Commission has decision-making authority for this application.

2.7 The Planning Commission held an open-record public hearing on July 23, 2014, at 7:00 PM. Planning, Community and Economic Development (PCED) was represented by Libby Grage, Senior Planner while the applicant was represented by Matt Reynolds, PE, of the Public Works Department.

2.8 At the conclusion of the public hearing the Planning Commission deliberated and voted to approve, approve subject to conditions, or deny the project permit application.

III. STATE ENVIRONMENTAL POLICY ACT:

3.1 Pursuant to WAC 197.11.800 SEPA environmental review was required for the subject proposal. The City of Anacortes’ Planning, Community, & Economic Development Department was the SEPA lead agency and issued a Mitigated Determination of Non-Significance (MDNS) on July 7, 2014, with eight (8) conditions listed therein (See Exhibit 5).

IV. SHORELINE MASTER PROGRAM:

4.1 The subject property is in a shoreline area designated “Conservancy” by the 2010, Shoreline Master Program for the City of Anacortes. According to Section 5.8 of the Shoreline Master Program, the purpose of the “Conservancy designation is intended to protect and restore the public benefits and ecological functions of open space, floodplain, natural areas and other sensitive lands (e.g., valuable historic, educational, or scientific research areas, areas of high scenic value) where they exist within the City, while allowing a variety of compatible uses. It is the most suitable designation for shoreline areas that possess a specific resource or value that can be protected without excluding or severely restricting all other uses. It should be applied to those areas that could most benefit the public if their existing character is maintained, but which are also able to tolerate limited or carefully planned development or resource use. Permitted uses may include recreational, cultural, and historic uses provided these activities are in keeping with the goals of protection and restoration stated herein.”
4.2 The proposed pedestrian and bicycle trail is not exempt from obtaining a shoreline substantial development permit (SSDP) pursuant WAC 173.27.040.

4.3 The subject proposal was typed as a “Water-enjoyment (e.g., pedestrian trails) Recreational Facility” and according to Table 5.1 of the City of Anacortes’ 2010 Shoreline Master Program, it is a permitted use within the Conservancy shoreline environment /designation. However according to Table 5.1 since some upland fill is associated with the creation of the proposed trail, a shoreline Conditional-Use Permit is required.

4.4 According to DR-5.8.3 and Table 5.2 of the City of Anacortes’ 2010, Shoreline Master Program, the Conservancy shoreline environment /designation requires a 100-foot setback from the ordinary high water mark. However, since the proposed trail will be between 0 to 15 feet from the ordinary high water mark, the setback requirement will not be met. Therefore, a shoreline Variance is required to deviate from this setback requirement pursuant to DR-5.8.4 of the Shoreline Master Program.

4.5 Chapter 5 – Shoreline Environments & Associated Policies and Regulations:

Section 5.8(E). Development Regulations -Applicable Development Regulations including but not limited to are as follows:

Ecological Functions & Habitat Enhancements:
DR-5.8.2 “Uses that result in restoration of ecological functions and/or enhance fish and wildlife habitat are permitted if the use is otherwise compatible with the character of the area.”

Setbacks:
DR-5.8.3(b) According to DR-5.8.3(b) of the 2010, Shoreline Master Program, “Developments consisting of public access and low-moderate intensity6 water-oriented recreational uses are not required to meet the one hundred (100) foot setback, but shall be approved through the Shoreline Variance process. However. Where such development may be approved within the setback, the placement of structures, storage, and hard surface shall be limited to the minimum necessary for the successful operation of the use.”

Vegetation Conservation:
DR-5.8.5 Within the Conservancy designation, removal of vegetation and topsoil is strictly regulated under the Vegetation Conservation Provisions of Section 6.5.

Height Limitations:
According to Table 5.2 of the 2010 Shoreline Master Program, new or expanded structures shall be limited to maximum height of 25 feet.

**Lot Coverage:**

According to Table 5.2 of the 2010 Shoreline Master Program, lot coverage is limited to 25%.

4.5.1 As proposed, the subject application **is/is not** consistent with the above development regulations.

4.6 Chapter 6 – Environmental Protection General Regulations:

**Chapter 6 Development Regulations** - Applicable Development Regulations including but not limited to are as follows:

**Impacts, Mitigation, and Bonding:**

DR-6.3.1 All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment...

DR-6.3.2 In approving shoreline development, the City of Anacortes shall ensure that shoreline development, use, and/or activities will result in no net loss of ecological functions necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time to the extent consistent with constitutional and statutory limitations on the regulation of private property...

**Archaeological /Historic/ Cultural Impacts:**

DR-6.4.2 All shoreline permits shall contain provisions that require developers to comply with all applicable state law requirements regarding preservation of archaeological and historic resources, including provisions to stop work and notify the appropriate agencies should protected resources be uncovered during excavation.

DR-6.4.3 Archaeological sites located both in and outside shoreline jurisdiction are potentially subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 (Archaeological excavation and removal permits) as well as the provisions of this section.

**Earth:**
DR-6.4.7 An erosion and sedimentation control plan shall be submitted with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. Said program shall conform to the City of Anacortes’ Engineering Design Standards and shall at a minimum, utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.

Public Health & Safety:
DR-6.4.15 All shoreline developments shall be located, designed, constructed, and operated so as not to be a hazard to public health and safety.

View Protection/Aesthetics:
DR-6.4.17 New development shall be located and designed to mitigate adverse impacts to views from public vista points.

Water Quality:
DR-6.4.22 All development approved under [the] Shoreline Master Program shall be designed and maintained consistent with the City’s Stormwater Management Plan and Engineering Design Standards.

4.6.1 As conditioned, the proposal is not consistent with the above development regulations. No structure is proposed as part of the construction of Phase 7 of the Guemes Channel Trail. However, a few interpretive signs are proposed as part of the trail construction. The subject site is the former railroad right-of-way of the Great Northern Railroad. The construction of the proposed trail is required to meet all City and Department of Ecology stormwater management standards. Consistency with applicable requirements will also be reviewed during construction plan and/or building permit application review.

4.7 Chapter 7 – Shoreline Public Access Development Regulations:

Chapter 7 Development Regulations -Applicable Development Regulations including but not limited to are as follows:

General Requirements:
DR-7.4.1 Developments, uses, and activities shall be designed and operated to avoid significantly blocking, reducing, or adversely interfering with the public’s visual or physical access to the water and the shorelines.
4.7.1 The proposal is/is not consistent with the above regulations. The development will not block, reduce, or adversely interfere with the public’s visual or physical access to the water and shoreline.

4.8 Chapter 8 – Specific Use Policies and Development Regulations

Chapter 8 Specific Use Policies and Development Regulations including but not limited to are as follows:

Section 8.10 Recreational Facilities:

DR-8.10.1 Table 5.1 generally identifies allowed and prohibited recreation developments by environment designation.

DR-8.10.2 Recreational facilities shall make adequate provisions for:
  a. Vehicular and pedestrian access, both on-site and off-site;
  b. Vehicular traffic, both inside and outside the facility;
  c. Vehicular parking;
  d. Water supply, sewage disposal, and garbage collection;
  e. The control of fires both within recreational facilities and between recreational facilities and adjacent private or public lands;
  f. The preservation of overflows and trespasses onto adjacent properties;
  g. Screening, planting strips, fences, and signs to prevent park overflow and to protect the value and enjoyment of adjacent or nearby private or public properties;
  h. Enforcement of laws and regulations associated with use of the facilities being proposed;
  i. Security;
  j. Maintenance.

DR-8.10.3 Valuable shoreline resources and fragile or unique areas such as wetlands and accretion shore forms, shall be used only for non-intensive recreation activities.

DR-8.10.4 Waterward of the ordinary high water mark, no recreational buildings or structures shall be built, except water-dependent and/or water enjoyment structures as follows: docks, bridges, piers, public boat launches, marinas, and viewing platforms.

DR-8.10.6 Encourage recreational facilities to provide signage and enforce regulations that prohibit tree cutting and limit the taking of marine life, driftwood, and the like.
DR-8.10.7 Signs associated with recreational facilities shall be kept to a minimum in number and size and shall be erected as informational or directional aids.

4.8.1 The subject proposal is/is not consistent with the above regulations. The applicant will be required to obtain a grading and/or building permit and meet all applicable building and fire code requirements, as determined by the Building Official and Fire Marshal.

4.9 Chapter 9, Specific Shoreline Modification Policies and Development Regulations:

Chapter 9– Specific Shoreline Modification Policies and Development Regulations—Applicable Development Regulations including but not limited to are as follows:

DR-9.7.1 Fill for water-dependent uses and for public use shall be given priority.

DR-9.7.2 Fill shall be permitted only when in conjunction with a proposal or activity otherwise permitted under the SMP.

DR-9.7.3 Fill waterward of the ordinary high water mark is permitted by Shoreline Conditional Use Permit only when necessary to accommodate water-dependent uses, and for maintenance and repair of existing structures; expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; a transportation facility, utility, or navigational structure with no feasible alternative; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; disposal of dredged material considered suitable under and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources; mitigation or compensation actions and ecological restoration including beach nourishment or enhancement projects when significant impacts can be mitigated; and public access.

DR-9.7.4 Projects shall be located and designed to minimize the area of fill necessary to accommodate the use.

4.9.1 The subject proposal is/is not consistent with the above regulations. The applicant will be required to obtain a grading and/or building permit and meet all applicable building and fire code requirements, as determined by the Building Official and Fire Marshal. The fill waterward of the ordinary high water mark is necessary to repair an existing structure to accommodate public access.
V. SHORELINE VARIANCES & ANALYSIS:

The Guemes Trail is considered to be a “Water-enjoyment” land use within the “Recreational Facility” category. According to Section 5.8 of the Shoreline Master Program, a 100-foot setback is required in the Conservancy shoreline environment/designation. Therefore, a variance is required in order for the trail to function along the existing railroad corridor. The railroad corridor is more than 100 years old and has been non-operational since around the 1960’s. The City of Anacortes intends to utilize the existing railroad bed for a multi-functional trail corridor, which will connect Washington Park to the existing Tommy Thompson trail in the future.

An analysis of the Shorelines Variance criteria is provided below. Pursuant to Section 32.2(C) of the City of Anacortes’ 2010, Shoreline Master Program, the following criteria shall be used in evaluating Shoreline Variance application requests:

5.1 That the strict application of the bulk, dimensional or performance standards set forth in the applicable Master Program precludes a reasonable use of the property not otherwise prohibited by the Master Program;

The applicant is requesting relief from the minimum setback requirement of 100-feet for a non-water dependent use within the Conservancy environment /designation of the Shorelines Master Program. The trail encroaches into the 100-foot setback. If the variance is not allowed, then the trail would need to shift to the south. This would cause the design of the trail to be changed and require the design to take in to account cutting into the hillside. Currently, the design has minimal disturbance to the hillside and if the trail is redesigned by moving the trail towards the hillside, significant cuts would need to occur. This could cause slope instability and increase the likelihood of slope failure during storm events.

5.2 That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant’s own action;

The proposed Guemes Trail will be constructed along the existing railroad bed, which has been in existence for more than 100 years. The railroad corridor was constructed at the base of the hill slope along the Guemes Channels southern border and the northern boundary of Fidalgo Island. The existing railroad property is approximately 40-feet in width and the actual railroad bed was 15-20 feet in width along this section of the proposed Guemes Trail, which consist of existing railroad ties and near shore riprap. The irregular shape of the railroad corridor provides the ideal condition for a trail and will have no direct impacts on the surrounding properties. Also, abandoned rail corridors throughout Washington State have long been used as trail corridors. Great examples of these are the City of Anacortes Tommy Thompson trail and the Snohomish County Centennial Trail.
5.3 That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;

Phase VII of the Guemes Channel Trail is compatible with other permitted activities in the area. The reconstruction of the existing trail corridor to the Guemes Trail will not have any direct impact to adjacent properties. The trail will be built along the existing railroad corridor, which sits at the base of a hill between the Guemes Channel and the northern boundary of the City of Anacortes and does not interfere with properties in the surrounding area. The construction of the proposed trail will result in several improvements to the shoreline environment. There are existing creosote railroad ties located within the trail corridor. As part of the trail construction, these railroad ties will be removed and disposed of safely. Also, the existing riprap has been damaged over the years and portions of the riprap have fallen and dispersed along the shore. The riprap will be repaired and the existing materials along the shorelines will be removed and placed back within the riprap.

5.4 That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum to afford relief; and

The proposed construction of Guemes Trail does not constitute a grant of special privilege for the applicant. The construction of the trail has been designed to afford the minimum necessary to accommodate the anticipated use of the trail users along this portion of the trail. The paved trail will be 12-feet (or less) in certain locations. The trail with be provided with a one-foot gravel shoulder on either side. The trail width takes into account the need for emergency vehicle access along the trail corridor and the width of the trail has been adjusted to ensure safe movement of these vehicles. The 12-foot width is provided in those areas to ensure safe emergency vehicle movement. If the trail cannot be designed to accommodate emergency vehicle use and there is an incident along the trail, a delayed response to victims will occur.

5.5. That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

The public rights of navigation and use of the shorelines will not be adversely affected by the granting of this variance. The granting of this variance will only improve access for the public to navigate and use the shorelines of the Guemes Channel and Fidalgo Island north shore marine. The final constructed trail will not provide any barrier to the general public and will also provide the opportunity for individuals with disabilities to utilize the Guemes Trail and enjoy the opportunities the trail has to offer the City of Anacortes community.

VI. SHORELINE CONDITIONAL USE PERMITS & ANALYSIS:

Per DR-9.7.3 fill waterward of the ordinary high water mark is permitted by shoreline conditional use permit when necessary for maintenance and repair of existing structures and for public access. According to Section 3.1(C) of the 2010, Shoreline Master Program, Shoreline
Conditional Use Permits will be processed subject to the public notice, comment, and a public hearing pursuant to Anacortes Municipal Code.

Pursuant to Section 3.1(D) of the 2010, Shoreline Master Program, land uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following approval criteria:

6.1 That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Master Program;

The State of Washington Department of Ecology reviewed and approved the 2010 update and amendment to the City’s Shoreline Master Program and thus complies with 90.58 RCW. Additionally, the subject proposal was typed as a “Water-enjoyment (e.g., pedestrian trails) Recreational Facility” and pursuant to Table 5.1 of the Shoreline Master Program, it is a permitted use within the underlying Conservancy shoreline environment designation.

6.2 That the proposed use will not interfere with the normal public use of public shorelines;

Phase 7 of the Guemes Channel Trail is part of the larger trail system that will ultimately connect the Washington State Ferries to Washington Park and the Tommy Thompson Trail. This subject trail lies within land owned by the City of Anacortes. The multi-use pedestrian and bicycle trail is intended for public use of public shorelines.

6.3 That the proposed use of the site and design of the project will be compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Master Program;

The existing and proposed trail complies with the (R2), (CM), & (LM) underlying zoning districts; Comprehensive Plan Designations & policies; and policies, goals, and development regulations of the Shoreline Master Program for the Conservancy Shoreline Environment.

6.4 That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

The project is designed to avoid significant adverse effects by avoiding removal of trees as possible, replanting of trees at a 1:1 ratio, and incorporation of planting pockets on the waterward side of the trail as feasible. The project also includes removal of creosote railroad ties which will benefit the shoreline environment.

6.5 That the public interest will suffer no substantial detrimental effect.

The construction of the Guemes Channel Trail is being constructed with the public interest in mind. There will be no substantial detrimental effect by constructing Phase VII of the Guemes
Channel Trail. Conversely, constructing Phase VII of the proposed trail will have a positive effect on the public that live, work, and play in the City of Anacortes along with the environment.

VII. **2012 COMPREHENSIVE PLAN:**

7.1 *The following Comprehensive Plan goals appear to be applicable to the proposal:*

**General City Goal 1:** Create and maintain a high quality of life and environment that maximizes the opportunity for all citizens to share the social, psychological, physical, and economic benefits of Anacortes /Fidalgo Island; aesthetics and health are key components of quality of life.

**General City Goal 2:** Improve the image of Anacortes as a marine oriented City by encouraging, protecting and enhancing marine views from public places, public access, and marine habitats and resources by encouraging marine water-dependent and water-related businesses and activities.

**General City Goal 3:** Promote compatible land uses and improve visual appearance in each and every zoning district.

**Transportation Goal 1:** Encourage planning for public transportation which will link the most highly frequented destinations, i.e. ferry, downtown, medical facilities, and recreational facilities.

**Transportation Goal 5:** Develop the City as a pedestrian friendly community and improve non-motorized circulation patterns.

**Transportation Goal 6:** Encourage a physically active community by allowing people of all ages to incorporate physical activity into their lives by walking, bicycling, exercising and using public transit as part of everyday living.

**Parks & Recreation Goal 1:** Provide a range of quality and accessible park and recreational areas, facilities, and opportunities that will attract all age groups and interests.

**Parks & Recreation Goal 4:** Increase the opportunities for public access to and enjoyment of the shorelines of Anacortes.

**Conservation Goal 4:** Public access to shorelines and tidelands should be maintained, enhanced, and increased.

**Conservation Goal 11:** Enhance and preserve the City’s marine resources.
7.1.1 The subject proposal is/is not consistent with the goals of the Comprehensive Plan listed above.

VIII. ZONING ORDINANCE:

8.1 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.

8.2 The subject property is located in the Commercial Marine (CM), Light Manufacturing (LM), & Residential Low Density (R2).

8.2.1 Pursuant to AMC § 17.18.010, the purpose of the LM zone “is intended to accommodate those businesses which are not compatible with uses found in the central business district, and industrial and other uses which do not create noise, smoke, odors, or other objectionable nuisances or hazards detrimental to uses in the LM district or surrounding districts.”

8.2.2 According to AMC § 17.18.020, “Parks” are permitted land uses within the LM Zoning District. The proposed multi-use pedestrian and bicycle trails is a type of “Park” per se. Maximum land coverage is limited in the zone to 60%. Since no structure is proposed, setbacks are a moot point.

8.2.3 The subject proposal is/is not consistent with the above development regulations. The proposed land use is permitted in the underlying zoning district. No structure is proposed. Setbacks and minimum number of off-street parking is a moot point as the subject proposal involves the construction of a multi-use pedestrian and bicycle trail.

8.3 Pursuant to AMC § 17.21.010, the purpose of the “CM” zone 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.”

8.3.1 According to AMC § 17.21.020, “public and private recreational facilities” along with “parks” are permitted land uses within the “CM” Zoning District. The proposed multi-use pedestrian and bicycle trails is a type of “Park” per se. Maximum land coverage is limited in the zone to 50%. Since no structure is proposed, setbacks are a moot point.

8.3.2 The subject proposal is/is not consistent with the above development regulations. The proposed land use is permitted in the underlying zoning district. No structure is proposed. Setbacks and minimum number of off-
street parking is a moot point as the subject proposal involves the construction of a multi-use pedestrian and bicycle trail.

8.4 Pursuant to AMC § 17.36.010, the purpose of the R2 zone is “to maintain and create an environment which meets the standards for single-family residential development, by restricting uses within the district, and by requiring a minimum lot size and maximum density.”

8.4.1 According to AMC § 17.36.020, “Necessary public uses, parks, and playgrounds” are permitted land uses within the R2 Zoning District. The proposed multi-use pedestrian and bicycle trails is a type of “Park” or “Public Use” per se. Maximum land coverage is limited in the zone to 35%. Since no structure is proposed, setbacks are a moot point.

8.4.2 The subject proposal is/is not consistent with the above development regulations. The proposed land use is permitted in the underlying zoning district. No structure is proposed. Setbacks and minimum number of off-street parking is a moot point as the subject proposal involves the construction of a multi-use pedestrian and bicycle trail.

IX. CONCLUSIONS:

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 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, the 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. 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/denies the shoreline substantial development permit, shoreline conditional-use permit, and shoreline variance, subject to the following conditions of approval:
1. The scope of the project shall not exceed that as set-out in the shoreline substantial development permit application, shoreline conditional-use permit, and shoreline variance (including attachments), except as amended through the final conditions of approval.

2. The project shall comply with all applicable Shoreline Master Program regulations, including but not limited to, Chapter 5, *Shoreline Environments & Associated Policies and Regulations*, Chapter 6, *Environmental Protection General Regulations*, and Chapter 8, *Specific Use Policies and Development Regulations*.

3. Development shall comply with the eight (8) conditions of approval as listed in the SEPA Mitigated Determination of Non-Significance issued on July 7, 2014, and as follows:
   a) All applicable state, federal, and local permits shall be secured prior to work taking place onsite (MDNS #1)
   b) Site activities shall comply with Northwest Clean Air Agency requirements and erosion control, dust control and best management practices shall be employed as required by the building and public works department during construction (MDNS #2).
   c) A Large Parcel Stormwater Plan and Water Quality Plan shall be developed by the applicant, if applicable, and approved by the Public Works Director and implemented (MDNS #3).
   d) Existing railroad ties shall be removed and disposed of in an appropriate manner (MDNS #4).
   e) Near-shore enhancement shall include the removal of invasive plant species such as English Ivy and Himalayan Blackberry, as determined by the project biologist (MDNS #5).
   f) The project biologist shall monitor construction and determine trees, shrubs and other vegetation that need not be impacted by the trail construction. This may include narrowing the trail in some areas to avoid impacts as determined by the project biologist and Parks Director (MDNS #6)
   g) Native shoreline vegetation pockets shall be provided as feasible along the trail. The consulting project biologist in conjunction with WDFW shall determine planting area location, type and amount of vegetation (MDNS #7).
   h) A consulting archeologist shall be available and contacted in the event artifacts are discovered during construction. Work crews shall obtain appropriate cultural resource training prior to ground disturbing activities and all applicable state law and tribal guidelines shall be followed (MDNS #8).

4. The design and construction of the proposed trail and retaining wall(s) shall comply with the recommendations and suggestions of the Geologically Hazardous Area Assessment prepared by GeoEngineers dated May 16, 2014. GeoEngineers will monitor the construction of the proposed trail and retaining wall for conformance with their
recommendations and suggestions contained in their Geologically Hazardous Area Assessment and final report provided to the City of Anacortes’ Building Department.

5. Best Management Practices shall be implemented at all times during the proposed maintenance and repairs activities. Once complete, any disturbed shoreline areas shall be restored to pre-existing or better conditions.

6. A building permit(s) and/or clearing & grading permit with the City of Anacortes’ shall be secured prior to work.

7. An erosion and sedimentation control plan shall be submitted to the City with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. Said program shall conform to the City of Anacortes’ Engineering Design Standards and shall at a minimum, utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.

8. Trees proposed for removal shall be replaced at a minimum of a 1:1 ratio with preference given to native conifers and deciduous species of the Pacific Northwest. The applicant shall coordinate with the Washington State Department of Fish and Wildlife (WDFW) the location of replacement trees along the trail corridor that will have the most beneficial impact. Said replacement of trees shall be replanted within six (6) months of completion of the trail.

These Findings of Fact, Conclusions of Law and Recommendation were adopted by the Anacortes Planning Commission on ________________________.

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:

<table>
<thead>
<tr>
<th>EXHIBIT NUMBER:</th>
<th>NAME OF EXHIBIT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit #1</td>
<td>Staff Report</td>
</tr>
<tr>
<td>Exhibit #2</td>
<td>Master Application</td>
</tr>
<tr>
<td>Exhibit #3</td>
<td>JARPA Application</td>
</tr>
<tr>
<td>Exhibit #4</td>
<td>SEPA Environmental Checklist</td>
</tr>
<tr>
<td>Exhibit #5</td>
<td>SEPA Mitigated Determination of Non-Significance (MDNS)</td>
</tr>
<tr>
<td>Exhibit #6</td>
<td>Notice of Application &amp; Hearing</td>
</tr>
<tr>
<td>Exhibit #7</td>
<td>Project Narrative</td>
</tr>
<tr>
<td>Exhibit #8</td>
<td>Biological Assessment</td>
</tr>
<tr>
<td>Exhibit #9</td>
<td>Cultural Resource Survey</td>
</tr>
<tr>
<td>Exhibit #10</td>
<td>Geologically Hazardous Area Assessment</td>
</tr>
<tr>
<td>Exhibit #11</td>
<td>WSDOT Local Agency Environmental Classification</td>
</tr>
<tr>
<td>Exhibit #12</td>
<td>Agency Comments Received</td>
</tr>
<tr>
<td>Exhibit #13</td>
<td>Public Comments Received</td>
</tr>
<tr>
<td>Exhibit #14</td>
<td>Department of Archaeology and Historic Preservation Letter</td>
</tr>
<tr>
<td>Exhibit #15</td>
<td>Email from Fred Buckenmeyer, Director, Public Works Department</td>
</tr>
<tr>
<td>Exhibit #16</td>
<td>Vicinity Map</td>
</tr>
<tr>
<td>Exhibit #17</td>
<td>Project Area Map</td>
</tr>
<tr>
<td>Exhibit #18</td>
<td>Map 1 of Cross Island Connections – Guemes Channel Trail to Tommy Thompson Trail – Map #1</td>
</tr>
<tr>
<td>Exhibit #19</td>
<td>Map 2 of Cross Island Connections – Guemes Channel Trail to Tommy Thompson Trail</td>
</tr>
<tr>
<td>Exhibit #20</td>
<td>Tree Removal Plan</td>
</tr>
<tr>
<td>Exhibit #21</td>
<td>Site Photos</td>
</tr>
<tr>
<td>Exhibit #22</td>
<td>Site Plan of Phase 7, Guemes Channel Trail</td>
</tr>
</tbody>
</table>
City of Anacortes – Planning, Community, and Economic Development
906 – 6th Street, P.O. Box 547, Anacortes, WA 98221-0547

MASTER PERMIT APPLICATION

1. Applicant
   Name: City of Anacortes Attn: Matt Reynolds
   Mailing Address: PO Box 547
   City, State, Zip: Anacortes, WA 98221
   Phone#: 360-299-1551
   Fax#: 
   E-mail: matr@cityofanacortes.org
   Contact Person (if different)
   Ross Widener
   Mailing Address: 10108 37nd Ave W Ste D
   City, State, Zip: Everett, WA 98204
   Phone#: 425-503-3629
   Fax#: 
   E-mail: rwidener@prodigy.net

2. Applicant’s Interest to Property (check one)
   ☑ Owner  ☐ Contract Purchaser  ☐ Lessee  ☐ Other (specify)
   JUN 13 2014

3. All Persons/Firms having an ownership interest in the property:
   Name: City of Anacortes
   Address: 904 6th St Anacortes, WA 98221
   Phone#: 360-293-1500

   Name: 
   Address: 
   Phone#: 

   Name: 
   Address: 
   Phone#: 

4. Property Address N/A
   General location of property (including nearest intersection): SEC: 22, 23  TWP: 39N  RNG: 91E
   From the eastern terminus of the existing trail for 0.48 miles to the Lowic Marine property.

   *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):
   N/A. Project is within existing right-of-way. Property is identified as "null" on County assessor map.

7. Construction area: 2.24 acres
   Trail area: 0.70 acre

8. Present zoning: CM/LM/R2

9. Present use of property: None - It is an abandoned railroad bed.
10. Source of water supply and sewer supply: N/A

11. Permits requested from City:
   - [ ] Annexation
   - [ ] Rezone
   - [ ] Boundary Line Adjustment
   - [ ] Shoreline Exemption
   - [ ] Binding Site Plan
   - [ ] Shoreline Management Conditional Use Permit
   - [ ] Conditional Use Permit
   - [ ] Shoreline Management Substantial Development
   - [ ] Comprehensive Plan Amendment
   - [ ] Shoreline Variance
   - [ ] Planned Unit Development
   - [ ] Short Plat
   - [ ] Plat Modification
   - [ ] Special Use
   - [ ] Preliminary Plat
   - [ ] Variance
   - [ ] Other: ____________________________

12. Explain your request and ALL proposed uses included in this proposal:

   The proposal will clear and grub an existing abandoned railroad bed in order to construct a 12-foot wide multi-use trail. This trail is a segment of the larger trail system which will provide safe transportation and recreation for walkers and cyclists. It will ultimately connect to the Washington State Ferries and Washington Park.

   ___________________________________________________________________________________

   PLEASE FILL IN ALL APPLICABLE SECTIONS

FOR REZONES:

13. Requested zoning: N/A

14. Comprehensive Plan designation: N/A

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

FOR SUBDIVISIONS (PLATS):

16. Plat Name: N/A ____________________________ 17. Number of Lots: N/A

FOR SHORT SUBDIVISIONS (SHORT PLATS):

18. Number of Lots: N/A ____________________________ 19. Duplex Lots Proposed: N/A
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): $837,500

21. Construction dates for which permit is requested (month & year): Begin: August 2014
End: October 2015

22. Does the project require a Shoreline/Floodplain location? If yes, please explain why:

Yes. The project is within shoreline jurisdiction of the Guemes Channel. According to FEMA and City maps, the project is at the limits of the designated 100-year floodplain.

23. Water Body: Guemes Channel

24. Shoreline Environment Designation: Conservancy

FOR VARIANCE (ZONING AND SHORELINE):

25. Code sections involved: SMP DR-5.8.3

26. Description of variance requested:

As the project is within the 100 foot setback of the OHWM, the public access/low-moderate intensity water-oriented recreational use setback requirement variance will be used. The finished trail will have a variable distance from the OHWM and may range from 0 to 15 feet from the OHWM on a horizontal plane. The final grade will average about 5 feet above the OHWM elevation. The extent of the final project will not encroach into the OHWM beyond what was already disturbed for the construction and maintenance of the original railroad.
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 be provided.

STATE OF WASHINGTON

) ss

I (we) __________________________________________, 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: ____________________________

Property Owner

Subscribed and sworn to before me this __________ day of __________, 20__

Notary Public in and for the State of __________
residing at ____________________________

STATE OF WASHINGTON

) ss

COUNTY OF SKAGIT

I (we) __________________________, 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: ____________________________

Applicant

Subscribed and sworn to before me this 13th day of June, 2014

Notary Public in and for the State of Washington
residing at Puyallup, WA 98371
Notary Expiration 9-27-16
WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) Form
USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith’s Dock or Seabrook Lane Development) [help]
   Guemes Channel Trail Phase VII

Part 2—Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)
   Hoxie, Robert

2b. Organization (If applicable)
   City of Anacortes

2c. Mailing Address (Street or PO Box)
   PO Box 547

2d. City, State, Zip
   Anacortes, WA 98221

2e. Phone (1) 2f. Phone (2) 2g. Fax 2h. E-mail
   360-293-1920 ( ) ( ) robh@cityofanacortes.org

Additional forms may be required for the following permits:
- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3405.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.mysis.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.


For other help, contact the Governor’s Office for Regulatory Innovation and Assistance at (600) 917-0043 or help@ora.wa.gov.

JARPA Revision 2012.3
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)

Widener, Ross

3b. Organization (If applicable)

Widener & Associates

3c. Mailing Address (Street or PO Box)

10108 32nd Ave W Ste D

3d. City, State, Zip

Everett, WA 98204

3e. Phone (1) 3f. Phone (2) 3g. Fax 3h. E-mail

425-503-3629 ( ) ( ) nwidener@prodigy.net

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]

From the terminus of the existing paved trail to the Lovric property.

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]

<table>
<thead>
<tr>
<th>¼ Section</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>22, 23</td>
<td>35N</td>
<td></td>
<td>01E</td>
</tr>
</tbody>
</table>

5f. Provide the latitude and longitude of the project location. [help]

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

48.508639 N lat / -122.489814 W long

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

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

N/A – within existing right-of-way

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Mailing Address</th>
<th>Tax Parcel # (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port of Anacortes</td>
<td>100 Commercial Ave</td>
<td>P31666; P31669; P31665</td>
</tr>
<tr>
<td></td>
<td>Anacortes, WA 98221</td>
<td></td>
</tr>
<tr>
<td>GDR Lending LLC</td>
<td>336A E Fairhaven Ave</td>
<td>P31575</td>
</tr>
<tr>
<td>CO Rick Bolduc</td>
<td>Burlington, WA 98233</td>
<td></td>
</tr>
<tr>
<td>San Juan Passage &amp; Phase 1</td>
<td>7 Jackson Walkway</td>
<td>P128121</td>
</tr>
<tr>
<td>Homeowners Asso.</td>
<td>Providence, RI 02903</td>
<td></td>
</tr>
<tr>
<td>GP Anacortes LLC</td>
<td>7 Jackson Walkway</td>
<td>P128091; P131391; P131390; P131389; P131388; P131801; P131800; P131799; P131798;</td>
</tr>
</tbody>
</table>
5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Guemes Channel

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]

The shoreline consists of a dense understory of blackberries and grasses, along with fast growing successive species consistent with an area that has had previous disturbances. These species include red alder, willows, herbaceous plants, and saplings. There are some scattered coniferous trees as well.

5m. Describe how the property is currently used. [help]

The property is currently unused.

5n. Describe how the adjacent properties are currently used. [help]

Adjacent properties are used as commercial marine business (marina) while upslope properties are primarily residential.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

The only structures on the property are remnants of the abandoned railway. There is a deck within the rail road corridor, which will be removed during construction.

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

From SR20 turn right at the roundabout onto Commercial Ave for about 1.3 miles. Then turn left on to 12th St for about 1.08 miles. 12th Street then becomes Oakes Ave. Continue on Oakes Ave for approximately 1.6 miles. Turn right onto Glasgow Way and then at the end of the road turn left onto Edwards Way. Follow Edwards Way to the cul-de-sac. This is where the existing trail segment begins.

Part 6—Project Description

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

The project proposes to clear the railroad corridor and remove any remnant ties and rails in order to construct a new paved multi-use trail from the terminus of the existing trail until the Lovric property.

6b. Describe the purpose of the project and why you want or need to perform it. [help]
This project is intended to provide improved safe public recreation opportunities along the scenic shoreline of Anacortes. It will ultimately link the San Juan Ferry to downtown Anacortes and the Tommy Thompson Trail.

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

- Commercial
- Residential
- Institutional
- Transportation
- Recreation
- Maintenance
- Environmental Enhancement

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

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

- Other: Recreational trail construction / abandoned railbed conversion

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.

First, the appropriate temporary sediment and erosion control measures will be installed prior to any earth disturbing activity. This may include, but are not limited to: silt fence, straw wattles, or check dams. The trail route will be cleared and grubbed of vegetation and any remnant railway ties/rails. The existing corridor embankment is lined with riprap that was installed during the construction of the original railroad. In many instances, the embankment has been washed out. At these locations, the riprap will be retrieved from the beach, during low tides, and replaced on the embankment to provide a stable corridor. Retrieving the riprap will be the only activity to take place below MHHW. Clean fill will be brought to the site, as necessary, to fill the corridor to the proper level grade. The trail route will then be covered with gravel and paved. Equipment required for this project will include excavators, backhoes, dump trucks, concrete trucks, and rollers.

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

- Start date: June 2014
- End date: October 2015
- See JARPA Attachment D

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

- $ 837,500

6h. Will any portion of the project receive federal funding? [help]
Part 7—Wetlands: Impacts and Mitigation

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

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

☒ Not applicable

7b. Will the project impact wetlands? [help]

☐ Yes ☐ No ☐ Don’t know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☐ No ☐ Don’t know

7d. Has a wetland delineation report been prepared? [help]

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

☐ Yes ☐ No

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]

☐ If Yes, submit the plan with the JARPA package and answer 7g.

☐ If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☐ 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]

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 you can find this information in the plan. [help]

<table>
<thead>
<tr>
<th>Activity (fill, drain, excavate, flood, etc.)</th>
<th>Wetland Name¹</th>
<th>Wetland type and rating category²</th>
<th>Impact area (sq. ft. or Acres)</th>
<th>Duration of impact³</th>
<th>Proposed mitigation type⁴</th>
<th>Wetland mitigation area (sq. ft. or acres)</th>
</tr>
</thead>
</table>

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
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.)

☐ 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.

☐ Not applicable

To minimize impacts to the adjacent channel, all work below MHHW will be done during low tide, in the dry, and during the in-water work window of August 1 – August 31. The only work below MHHW is the retrieval of the washed-out riprap. Added fill material may encroach below MHHW as well. Eelgrass beds in the vicinity have been surveyed and staked. They will be avoided at all costs during construction.

In addition, all appropriate temporary sediment and erosion control measures will be implemented prior to construction and regularly maintained throughout. A spill prevention control and countermeasures (SPCC) plan will be prepared and implemented.

8b. Will your project impact a waterbody or the area around a waterbody?

☐ Yes  ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies?

- 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

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.

N/A
### 8e. Summarize impact(s) to each waterbody in the table below.

<table>
<thead>
<tr>
<th>Activity (clear, dredge, fill, pile drive, etc.)</th>
<th>Waterbody name</th>
<th>Impact location</th>
<th>Duration of impact</th>
<th>Amount of material (cubic yards) to be placed in or removed from waterbody</th>
<th>Area (sq. ft. or linear ft.) of waterbody directly affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove riprap</td>
<td>Guemes Channel</td>
<td>Below MHHW</td>
<td>2 months</td>
<td>As necessary</td>
<td>As necessary</td>
</tr>
<tr>
<td>Fill</td>
<td>Guemes Channel</td>
<td>Below MHHW</td>
<td>Permanent</td>
<td>12 CY</td>
<td>450 sq ft</td>
</tr>
</tbody>
</table>

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 floodplain.
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.

Fill removed from below MHHW consists of the riprap that has been washed out from the railroad embankment over the years. It will be placed back onto the existing riprapped embankment to fill any holes. Any other material to fill in holes to create a level grade will be imported from a commercial source.

### 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.

No dredging activities will occur. Riprap will be removed from the beach as previously described and replaced on the embankment.

### 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.

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Contact Name</th>
<th>Phone</th>
<th>Most Recent Date of Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>( )</td>
<td></td>
</tr>
</tbody>
</table>

#### 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?

- If Yes, list the parameter(s) below.

☐ Yes ☒ No

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

- Go to [http://cipub.epa.gov/surflocate/index.cfm](http://cipub.epa.gov/surflocate/index.cfm) to help identify the HUC.
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 - Lower Skagit-Samish

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

☑ 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/173-25/211_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/Business/Permits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.

☑ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]
- If No, provide the name of the manual your project is designed to meet.

☑ Yes ☐ No

Name of manual:

9i. Does the project site have known contaminated sediment? [help]
- If Yes, please describe below.

☐ Yes ☒ No

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

The property was once a portion of the Great Northern Railroad.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]
- If Yes, attach it to your JARPA package.

☑ Yes ☐ No
91. 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]

Several listed species potentially occur within Guemes Channel. These include Bull trout, Marbled murrelet, Chinook salmon, Steelhead trout, Humpback whale, Leatherback sea turtle, Killer whale, Canary rockfish, Yelloweye rockfish, Bocaccio, and Eulachon. However, as this project will not involve any in-water work, there will be no effect to any aquatic species. The only non-fish species is the Marbled murrelet. Impacts are not anticipated since there is no suitable nesting habitat within the action area and foraging in the area is unlikely as there is high levels of disturbance from the nearby ferries.

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]

According to the WDFW’s PHS mapper, there may be bald eagle nesting habitat approximately 130 feet from the proposed trail route. Other habitats in the vicinity include surf smelt and sand lance beaches. These are mapped to be in the harbor to the west of the proposed project and will not be impacted. The channel is also mapped as Dungeness crab and pinto abalone habitat. As there will be no in-water work, there will be no impacts to aquatic species. The project will involve entry below the MH-HW to retrieve washed out riprap. Care will be taken to minimize disturbance below MH-HW during this work. There will be no disturbance to existing eelgrass beds.

Part 10–SEPA Compliance and Permits

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

- Online Project Questionnaire at http://apps.ecy.wa.gov/opas/.
- Governor’s Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@ora.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

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

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/seapale-review.html.

☐ 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 pending.

☐ 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**

<table>
<thead>
<tr>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Substantial Development</td>
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<tr>
<td>☑ Conditional Use</td>
</tr>
<tr>
<td>☑ Variance</td>
</tr>
<tr>
<td>☐ Shoreline Exemption Type (explain):</td>
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</table>

**Other City/County permits:**

<table>
<thead>
<tr>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Floodplain Development Permit</td>
</tr>
<tr>
<td>☐ Critical Areas Ordinance</td>
</tr>
</tbody>
</table>

**STATE GOVERNMENT**

<table>
<thead>
<tr>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Hydraulic Project Approval (HPA)</td>
</tr>
<tr>
<td>☐ Fish Habitat Enhancement Exemption – <a href="#">Attach Exemption Form</a></td>
</tr>
</tbody>
</table>

Effective July 10, 2012, 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 #__________________________
  
  Attach check made payable to Washington Department of Fish and Wildlife.

- ☑ Charge to billing account under agreement with WDFW. Agreement #12-1492__________________________

- ☐ 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**

<table>
<thead>
<tr>
<th>Permit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ United States Department of the Army permits (U.S. Army Corps of Engineers):</td>
</tr>
</tbody>
</table>

- ☑ 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. [signature] (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. [signature] (initial)

[Name] [Signature] [Date]

Applicant Printed Name

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.

[Name] [Signature] [Date]

Authorized Agent Printed Name

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.

[Name] [Signature] [Date]

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) 933-6341. ORIA publication number: ENV-019-09 rev. 08/2013
Attachment C: Contact information for adjoining property owners.

Use this attachment only if you have more than four adjoining property owners.

Use black or blue ink to enter answers in white spaces below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Mailing Address</th>
<th>Tax Parcel # (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kiehl, Timothy H</td>
<td>4516 Cutter Drive, Anacortes, WA 98221</td>
<td>P131393</td>
</tr>
<tr>
<td>Zaborowski, Paul E</td>
<td>4512 Cutter Drive, Anacortes, WA 98221</td>
<td>P131392</td>
</tr>
<tr>
<td>Washington Federal Savings</td>
<td>425 Pike St 3rd Floor, Seattle, WA 98101</td>
<td>P130304, P130301, P130299, P130298, P130297</td>
</tr>
<tr>
<td>Curran, Justin P</td>
<td>1613 7th St, Anacortes, WA 98221</td>
<td>P130302</td>
</tr>
<tr>
<td>Decker Wong Living Trust</td>
<td>3108 N 31st St, Tacoma, WA 98407</td>
<td>P130300</td>
</tr>
<tr>
<td>Decker Thomas K Trustee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wong Nancy Trustee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ives, Dorothy K</td>
<td>2804 Oakes Ave, Anacortes, WA 98221</td>
<td>P31570</td>
</tr>
<tr>
<td>Groesbeck, Paul E</td>
<td>4010 Oakes Ave, Anacortes, WA 98221</td>
<td>P31565</td>
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<tr>
<td>Groesbeck, Jean V</td>
<td></td>
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<tr>
<td>Four Islands Holding LLC</td>
<td>1041 W 18th St A101, Costa Mesa, CA 92627</td>
<td>P130630, P31563</td>
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<tr>
<td>Hay, Frederick D</td>
<td>3918 Oakes Ave, Anacortes, WA 98221</td>
<td>P58373</td>
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<tr>
<td>Hay, Kathleen V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Anacortes</td>
<td>PO Box 547, Anacortes, WA 98221</td>
<td>P31742</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Number</td>
</tr>
<tr>
<td>-------------------------------------------</td>
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<tr>
<td>Jacobson, David J</td>
<td>3912 Oakes Ave</td>
<td>P116201</td>
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<tr>
<td>Jacobson, Sandra</td>
<td>Anacortes, WA 98221</td>
<td></td>
</tr>
<tr>
<td>Phillips, Kenneth M</td>
<td>1945 82nd Ave SE</td>
<td>P116202</td>
</tr>
<tr>
<td>Phillips, Robin C</td>
<td>Mercer Island, WA 98040</td>
<td></td>
</tr>
<tr>
<td>Leeward Landing LLC</td>
<td>PO Box 319</td>
<td>P31716</td>
</tr>
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<td></td>
<td>Anacortes, WA 98221</td>
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<tr>
<td>TS Anacortes Enterprises LLC</td>
<td>202 Commercial Ave</td>
<td>P31717</td>
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<tr>
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<td>Anacortes, WA 98221</td>
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<tr>
<td>Kay, Jane E &amp; Sayre, Jeffrey M</td>
<td>2017 E 59th Ave</td>
<td>P31743; P31732</td>
</tr>
<tr>
<td>Sayre, Matt M</td>
<td>Spokane, WA 99223</td>
<td></td>
</tr>
<tr>
<td>Triton America LLC</td>
<td>13593 Bayview Edison Rd</td>
<td>P31711</td>
</tr>
<tr>
<td></td>
<td>Mount Vernon, WA 98273</td>
<td></td>
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<tr>
<td>Carabini, Christopher E &amp; Carabini,</td>
<td>3516 Oakes Ave</td>
<td>P31715</td>
</tr>
<tr>
<td>Michelle R</td>
<td>Anacortes, WA 98221</td>
<td></td>
</tr>
<tr>
<td>Yamazaki, Silvy</td>
<td>3514 Oakes Ave</td>
<td>P58137</td>
</tr>
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<td></td>
<td>Anacortes, WA 98221</td>
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<tr>
<td>Zevely, James</td>
<td>4806 Harbor View</td>
<td>P31714</td>
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<td></td>
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<tr>
<td>Caper, John Jr &amp; Caper, Pamela T</td>
<td>3502 Oakes Ave</td>
<td>P31713</td>
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<tr>
<td>Hanson, Michael G</td>
<td>3420 Oakes Ave</td>
<td>P31712</td>
</tr>
<tr>
<td>Hanson, Held R</td>
<td>Anacortes, WA 98221</td>
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<tr>
<td>Seward, Douglas L &amp; Seward Diane M</td>
<td>15208 Beaver Marsh Rd</td>
<td>P58532</td>
</tr>
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<td></td>
<td>Mount Vernon, WA 98273</td>
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<tr>
<td>Dingle, William F Jr</td>
<td>3408 Oakes Ave</td>
<td>P58531</td>
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<tr>
<td>Ford, Jacqueline D</td>
<td>Anacortes, WA 98221</td>
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<tr>
<td>Humphreys, Brian F</td>
<td>121 Gaslight Medical Pkwy #100</td>
<td>P31686</td>
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<td></td>
<td>Lufkin, TX 75904</td>
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<tr>
<td>Estvold, Marc L &amp; Estvold, Pamele Mae</td>
<td>3302 Oakes Ave</td>
<td>P31687</td>
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<td></td>
<td>Anacortes, WA 98221</td>
<td></td>
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<tr>
<td>Lovrics Landing LLC</td>
<td>3022 Oakes Ave</td>
<td>P31702; P58476</td>
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<td></td>
<td>Anacortes, WA 98221</td>
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<tr>
<td>Martin, Peter G</td>
<td>3220 Oakes Ave</td>
<td>P58478</td>
</tr>
<tr>
<td>Martin, Carolyn J</td>
<td>Anacortes, WA 98221</td>
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<tr>
<td>Gahler, Hans Rudolf &amp; Gahler, Delores</td>
<td>3214 Oakes Ave</td>
<td>P58477</td>
</tr>
<tr>
<td></td>
<td>Anacortes, WA 98221</td>
<td></td>
</tr>
</tbody>
</table>
ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.
A. BACKGROUND

1. Name of proposed project, if applicable:

Guemes Channel Trail Phase VII

2. Name of applicant:

City of Anacortes

3. Address and phone number of applicant and contact person:

Robert Hoxie
City of Anacortes
PO Box 547
Anacortes, WA 98221
360-293-1920

4. Date checklist prepared:

May 15, 2014

5. Agency requesting checklist:

City of Anacortes

6. Proposed timing or schedule (including phasing, if applicable):

June 2014 – October 2015

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This project is part of the City’s trail program which will ultimately connect the San Juan Ferry to downtown Anacortes and the Tommy Thompson Trail. Additional segments will be constructed in the future.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- Geotech Report
- Biological Assessment
- Cultural Resources Report

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.

No other pending applications are known.

10. List any government approvals or permits that will be needed for your proposal, if known.

HPA
US Army Corps of Engineers Section 404 permit
City of Anacortes permits (shorelines)
NEPA approval
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.)

The proposed project will construct a new ¼ mile long paved multi-use coastal trail along the Guemes Channel. It will connect to the existing segment of trail located at the Edwards Way cul-de-sac and proceed eastward to the Lovric Marina property. The trail will be constructed over an abandoned railroad bed. Remnant railroad ties and other debris will be cleared and the route will be graded to create a level surface for paving. Portions of existing railway revetment have slid out to the beach over the years. These materials will be retrieved and placed back into the embankment. Retrieval of the riprap will only occur in the dry, during low tides.

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.

The proposal is located along the Guemes Channel from the eastern end of the existing trail near the Edward Way cul-de-sac. It will extend to the Lovric Marina property. The trail grade will be approximately 5.2 feet above the mean higher high line. It is within Sections 22 and 23 of Range 1E, Township 35N.

B. ENVIRONMENTAL ELEMENTS

1. Earth
   a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other .......
   b. What is the steepest slope on the site (approximate percent slope)?

   There are steep slopes on the landward side of the proposed trail of up to 50%. The trail route is relatively flat as it was a former railway. In many areas, however, pockets of the trail route have slid or washed out.

   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 prime farmland.

   The site is generally comprised of railroad fill. Underlying native soils include a loose to medium dense silty sand to sandy silt with occasional gravel and organic matter. The soils are part of the Whidbey Formation.

   d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

   The site has a history of shallow, small scale slide events due to the oversteepened bluff above the trail site. The project does not involve significant grading of the bluff and will not adversely affect bluff erosion. Though small cuts are proposed near retaining walls, they will be surfaced with erosion resistant materials. The trail itself and reconstructed revetment will limit toe erosion and will help improve bluff stability overall. The embankment on the waterward side of the proposed trail has also experienced small washouts due to wave action. The project will repair damaged areas of the revetment which was determined in the geotech report to be adequate mitigation for the erosion hazard.

   e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

   The project will require a total of approximately 2,450 cubic yards (CY) of excavation in areas of retaining wall construction. Cuts will be mainly from past slide debris and will not affect slope stability. It will also require about
3,350 CY of fill in order to create a level trail surface. Fill will be imported from a commercial source.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Clearing and grading operations have the potential to cause erosion during project construction.

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

Approximately 50% of the right-of-way will be covered with impervious surfaces.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Standard erosion control BMPs will be used during construction. This will include the installation of silt fence at the base of the slope where rock removal is expected to occur. Other measures will include straw wattle to control stormwater flows from reaching disturbed areas, as needed. Stabilized construction entrances will also be prepared. All non-paved areas will be seeded and stabilized once complete.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

There will only short term increases in emissions during construction from construction equipment, construction related vehicles, and dust. No long term increases in emissions will occur since the proposal is a non-motorized trail.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are no off-site sources of emissions.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Dust will be controlled by spraying exposed areas with water, as needed.

3. Water

a. Surface:

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.

Guemes Channel is located approximately 5 feet from the trail.

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.

The project will not involve any direct in-water work. All work will be done in the dry. Work will be done below the MHHW, however, in order to retrieve riprap that has slid from the existing revetment. This work will be done during low tides during the approved in-water work window of August 1 – August 31.

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.
Approximately 12 CV of fill will be placed below the MHHW (the 8.3 elevation line) in order to provide a level trail surface. These are the areas that have eroded and/or slid away. Only fallen riprap will be removed from below the MHHW.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No. The revetment provides an elevation above the 100-year floodplain.

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.

No.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No.

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.

None.

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.

Stormwater is the only potential source of runoff. The path will be graded so that stormwater runoff flows to the waterward side of the trail for infiltration or drainage to the Guemes Channel. This is a non-motorized trail so it will not be generating pollutant contaminated runoff. Other upslope runoff will be conveyed to the six proposed stormwater pipes.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

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

No impacts to surface, ground, or runoff water is anticipated. During construction, the standard appropriate erosion and sediment control measures will be implemented to prevent turbid runoff from entering Guemes Channel untreated. These measures include installation of silt fence at the base of the slope, straw mulch, and/or straw wattle to prevent flow across any disturbed areas.
4. Plants
a. Check or circle types of vegetation found on the site:
Deciduous tree: alder, maple, aspen, other
Evergreen tree: fir, cedar, pine, other: Douglas fir
Shrubs: grass, pasture crop or grain
Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
Water plants: water lily, eelgrass, milfoil, other
Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?
   Many larger plant specimens have uprooted and fallen down the slope due to the many shallow landslides that have occurred throughout the corridor. The only types of vegetation that will be removed by this project are younger deciduous trees (mainly alder) between 6 and 24 inches in diameter and shrubs. Approximately 72 of the deciduous trees will be removed. Others will be trimmed. A total of approximately 1.1 acres of overgrown brush (mainly blackberries) and grasses that have grown over the rail bed will be cleared. All temporarily disturbed areas will be reseeded upon project completion.

c. List threatened or endangered species known to be on or near the site.
   No threatened or endangered plant species are known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
   To minimize the amount of trees that need to be removed, the project was designed to limit the amount of cut slope required and those areas of trail are narrowed. Removed trees will be replaced by native coniferous species at a 1:1 ratio. All other temporarily disturbed areas will be reseeded.

5. Animals
a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.
   There are no threatened or endangered species known to be within the project site. The Guemes Channel adjacent to the project site provides habitat for many listed aquatic species such as bull trout, Chinook salmon, steelhead trout, humpback whale, killer whale, and leatherback sea turtle. The channel also provide potential foraging habitat for marbled murrelet. There is no suitable nesting habitat for murrelet as all trees are relative young. As there will be no in-water work as part of this project, there will be no impacts to these species.

c. Is the site part of a migration route? If so, explain.
   The site is within the pacific flyway route.

d. Proposed measures to preserve or enhance wildlife, if any:
   The project will replace removed trees with native conifers, which have a greater habitat value than the existing deciduous trees.
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.

N/A.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. 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:

None.

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.

No.

1) Describe special emergency services that might be required.

No special emergency services will be required.

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

None.

b. Noise

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

None.

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.

The proposal will not generate increased noise levels since it is a non-motorized trail.

3) Proposed measures to reduce or control noise impacts, if any:

None.

8. Land and shoreline use
a. What is the current use of the site and adjacent properties?

The site is currently unused. It is an abandoned railroad bed that has been overgrown with brush and weeds. The immediate site area is undeveloped. Adjacent properties are primarily residential. There are also marinas in the vicinity.
b. Has the site been used for agriculture? If so, describe.
   No.

c. Describe any structures on the site.
   The only structures are remnants of the former rail line. There is a deck across the right-of-way that will be removed.

d. Will any structures be demolished? If so, what?
   Railroad remnants and other debris and an existing deck will be removed.

e. What is the current zoning classification of the site?
   Surrounding areas are zoned as Commercial Marine, Light Manufacturing, and Residential Low Density.

f. What is the current comprehensive plan designation of the site?
   The comprehensive plan designation is the same as above.

g. If applicable, what is the current shoreline master program designation of the site?
   The project site is located within the conservancy designation.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
   The site is within shoreline jurisdiction. Portions of the slope along the northern coast of Anacortes has also been classified as 'unstable' according to Department of Ecology Coastal Zone Atlas Slope Stability Maps.

i. Approximately how many people would reside or work in the completed project?
   N/A

j. Approximately how many people would the completed project displace?
   None.

k. Proposed measures to avoid or reduce displacement impacts, if any:
   N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
   The proposal is consistent with the City’s comprehensive plan as one of its transportation goals is to “develop a pedestrian and bike trail along the Guemes Channel from the state ferry terminal to connect with the Fidalgo Bay Trail (Tommy Thompson Trail).” It is also described within the parks and recreation goals to “increase the opportunities for public access to and enjoyment of the shorelines of Anacortes... The multi-use trail along Guemes Channel should be a high priority project.” The proposal is included in the City’s shoreline master program, under the public access section. One of the policies (4.5.14) is to, “Develop a waterfront trail along the Guemes Channel connecting Washington Park to Downtown and the Tommy Thompson Trail, while providing protection of intact shoreline ecological functions or enhancement to shoreline functions where impaired conditions exist and where such enhancements are feasible.”
9. Housing
   a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

      None.

   b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

      None.

   c. Proposed measures to reduce or control housing impacts, if any:

      None.

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?

      N/A.

    b. What views in the immediate vicinity would be altered or obstructed?

      No views would be altered or obstructed. The proposal will grant the public access to scenic views of the Guemes Channel and surrounding landscape.

    c. Proposed measures to reduce or control aesthetic impacts, if any:

      None.

11. Light and glare
    a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

      None.

    b. Could light or glare from the finished project be a safety hazard or interfere with views?

      No.

    c. What existing off-site sources of light or glare may affect your proposal?

      None.

    d. Proposed measures to reduce or control light and glare impacts, if any:

      None.

12. Recreation
    a. What designated and informal recreational opportunities are in the immediate vicinity?

      There is an existing segment of the Guemes Channel Trail (Phase 1) which the proposed segment will connect to.
b. Would the proposed project displace any existing recreational uses? If so, describe.

No. The project will create new recreational opportunities.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and cultural preservation
a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

There are no properties listed on any register within the project site. The railroad bed that the trail will be constructed on was once a part of the Great Northern Railroad but was determined to not be eligible for listing on the National Register of Historic Places.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

The closest listed property is the La Merced, a 4-masted schooner ship. It will not be impacted by the proposal as it is over 200 feet away from the project limits.

c. Proposed measures to reduce or control impacts, if any:

None.

14. Transportation
a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The site is accessed via the existing segment of trail which begins at the Edwards Way cul-de-sac. The nearest highway is Oakes Ave/Hwy 20.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

The nearest transit stop is on Oakes Ave, near Glasgow Street, approximately 930 feet due southeast of the cul-de-sac access point.

c. How many parking spaces would the completed project have? How many would the project eliminate?

None. Currently, trail users park within the Edwards Way cul-de-sac for the existing trail.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.
f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None.

g. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public services

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

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

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.

None.

C. SIGNATURE

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: ________________________________

Date Submitted: ________________________________
STATE ENVIRONMENTAL POLICY ACT (SEPA)
MITIGATED DETERMINATION OF NON-SIGNIFICANCE

PROJECT NAME:
Guemes Channel Trail, Phase VII, File #: SDP-2014-0003

APPLICANT:
Robert Hoxie, Project Manager, Public Works Department, City of Anacortes

PROJECT DESCRIPTION:
The Public Works Department has applied to construct phase VII of the Guemes Channel Trail within the existing right-of-way of an abandoned railroad bed beginning from the existing trail terminus east of the Edwards Way cul-de-sac and running 3,250 ± lineal feet to the east. An approximately 888 lineal foot gravel access will be constructed from Lovric’s Marina to the west. The trail will be 12-feet wide and have a setback ranging from 0 to 15 feet as measured from the ordinary high water mark.

This portion of the trail is part of the larger trail system which will provide opportunities for safe transportation and recreation for pedestrians and bicyclists. Ultimately the trail will connect the Washington State Ferries to both Washington Park and the Tommy Thompson Trail.

Construction will include retrieval of rip-rap boulders from the beach to reconstruct the rail-road bed, clearing and grubbing of vegetation, grading, installation of retaining walls, reorganization of the existing stormwater infrastructure network and installation of discharge pipes. Some construction activities may involve work below the ordinary high water mark (OHWM) during low tide but will not involve work in the water. Fill will be added to the rail-bed to create a smooth even surface and it will be paved.

According to the City of Anacortes’ Shoreline Master Program, several shoreline permits are required for the proposed trail including a shoreline substantial development permit (SDP), shoreline conditional-use permit (CUP), and shoreline variance.

PROJECT LOCATION:
Phase VII of the Guemes Trail is located approximately at the eastern terminus of the existing trail and extends for 0.48 ± miles to the Lovric Marina property. The subject property is located in a portion of Section 22 and 23, Township 35 North, Range 01 East, Willamette Meridian.
ZONING DISTRICT:
Commercial Marine (CM)

SHORELINE ENVIRONMENT:
Conservancy

EXISTING ENVIRONMENTAL DOCUMENTS:
SEPA checklist (5/27/14), Cultural Resources Study (7/9/13) and SHPO concurrence (4/17/14), Geologically Hazardous Area Assessment (5/16/14), Biological Assessment for the Critical Areas Report Requirement (4/14), JARPA (6/12/14), a NEPA Categorical Exclusion and a Section 7 No Effect Determination for ESA listed species was approved by WSDOT on behalf of FHWA on 6/12/14.

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:
1. All applicable state, federal, and local permits shall be secured prior to work taking place onsite.

2. Site activities shall comply with Northwest Clean Air Agency requirements and erosion control, dust control and best management practices shall be employed as required by the building and public works department during construction.

3. A Large Parcel Stormwater Plan and Water Quality Plan shall be developed by the applicant, if applicable, and approved by the Public Works Director and implemented.

4. Existing railroad ties shall be removed and disposed of in an appropriate manner.

5. Nearshore enhancement shall include the removal of invasive plant species such as English Ivy and Himalayan Blackberry, as determined by the project biologist.

6. The project biologist shall monitor construction and determine trees, shrubs and other vegetation that need not be impacted by the trail construction. This may include narrowing the trail in some areas to avoid impacts as determined by the project biologist and Parks Director.

7. Native shoreline vegetation pockets shall be provided as feasible along the trail. The consulting project biologist in conjunction with WDFW shall determine planting area location, type and amount of vegetation.
8. A consulting archeologist shall be available and contacted in the event artifacts are discovered during construction. Work crews shall obtain appropriate cultural resource training prior to ground disturbing activities and all applicable state law and tribal guidelines shall be followed.

The conditions listed above, along with the City of Anacortes’ codes 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 AMC, 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:               Assistant Director of Planning, Community & Economic Development  
CONTACT PERSON:               Libby Grage, Senior Planner (360) 299-1986  
                               libbyb@cityofanacortes.org  
MAILING ADDRESS:             P.O. Box 547  
                              Anacortes, WA 98221  
DATE: 7/1/14  
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.

SEPA APPEAL PROCEDURE:
Pursuant to the procedures adopted under AMC Chapter 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).

ISSUED: July 7, 2014
NOTICE OF APPLICATION with Optional DNS & PUBLIC HEARING

Notice is hereby given that an application was made for the following proposal:
Shoreline substantial development permit/shoreline variance/shoreline conditional use permit for the construction of a section of paved non-motorized multi-use trail along Guemes Channel (Phase VII of the Guemes Channel Trail) within the existing right-of-way of an abandoned railroad bed, beginning from the existing trail terminus east of the Edwards Way cul-de-sac and running approximately 3,250 lineal feet to the east. An approximately 888 lineal foot gravel access will be constructed from Lovric’s Marina to the west. The trail will be 12’ wide and have a setback ranging from appx. 0’ to 15’ from the Ordinary High Water Mark. Construction will include retrieval of rip-rap boulders from the beach to reconstruct the rail-road bed, clearing and grubbing of vegetation, grading, installation of retaining walls, reorganization of the existing stormwater infrastructure network and installation of discharge pipes.

File Number: SDP-2014-0003
Date of application: June 3, 2014
Date of completeness: June 13, 2014

Environmental Review: The City of Anacortes has reviewed the proposed project for the probable adverse environmental impacts and expects to issue a mitigated determination of nonsignificance (MDNS) for this project. The Optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project.

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts.

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal (Note: These conditions are in addition to mitigation required by the development regulations listed below):

1. All applicable state, federal and local permits shall be secured prior to work taking place on site.
2. A Large Parcel Stormwater Plan and Water Quality Plan shall be developed by the applicant, if applicable, and approved by the Public Works Director and implemented.
3. Existing railroad ties shall be removed and disposed of in an appropriate manner.
4. Nearshore enhancement shall include the removal of invasive plant species such as English Ivy and Himalayan Blackberry, as determined by the project biologist.
5. The project biologist shall monitor construction and determine trees, shrubs and other vegetation that need not be impacted by the trail construction. This may include narrowing the trail in some areas to avoid impacts as determined by the project biologist and Parks Director.
6. Native shoreline vegetation pockets shall be provided as feasible along the trail. The consulting project biologist in conjunction with WDFW shall determine planting area location, type and amount of vegetation.
7. A consulting archeologist shall be available and contacted in the event artifacts are discovered during construction. Work crews shall obtain appropriate cultural resource training prior to ground disturbing activities and all applicable state law and tribal guidelines shall be followed.

SEPA comments: Written SEPA-related comments must be submitted to the project contact listed below by July 2, 2014 at 5pm. A copy of the subsequent threshold determination may be obtained upon request.

Land Use Permit application comments: Written public comments on the land use permit application should be submitted to the project contact listed below by July 18, 2014 at 5pm, but will be accepted through the close of the public hearing.
Required Additional Project Permits/Approvals:  The following may be required: DOE, WDFW & USACE approvals; building permit.

Existing Environmental Documents: SEPA checklist (5/27/14), Cultural Resources Study (7/9/13) and SHPO concurrence (4/17/14), Geologically Hazardous Area Assessment (5/16/14), Biological Assessment for the Critical Areas Report Requirement (4/14), JARPA (6/12/14), a NEPA Categorical Exclusion and a Section 7 No Effect Determination for ESA listed species was approved by WSDOT on behalf of FHWA on 6/12/14.

Public Hearing: An open record public hearing before the Planning Commission has been scheduled for **Wednesday, July 23, 2014 at 7:00 pm.** Any person wishing to comment on this application may do so at the Public Hearing.

The Planning Commission will conduct a site visit on Wednesday, July 23, 2014 at 9:00 am. No public testimony will be taken at the site visit.

SEPA Responsible Official:
Don Measamer, Interim Director
Planning, Community & Economic Development Director

For Project Information:
Libby Grage, Senior Planner
360-299-1986; libbyb@cityofanacortes.org
P.O. Box 547
Anacortes, WA 98221

If reasonable accommodation due to a disability is needed, contact Cherri Kahns at 299-1950 48 hours prior to the meeting date.

Publish: June 18, 2014
Project Narrative

Guemes Channel Trail Phase VII
Shoreline Permit Submittals

Prepared By:
Alicia Yabu
Biologist
Widener & Associates
Project Narrative

This narrative is provided to supplement the application materials for the shoreline substantial development, variance, and conditional use permit for the Guemes Channel Trail Phase VII project.

Project Description

The proposed project will occur from the eastern terminus of the existing paved non-motorized trail off of the Ship Harbor Blvd cul-de-sac to the Lovric Marina property. This is approximately 0.48 miles. The western access point to the trail will be via the existing trail at the Ship Harbor Blvd cul-de-sac. The eastern access point will be the gravel paths at Lovric Marina. The trail will utilize the existing abandoned railroad bed which is approximately 5-10 feet above the beach. This portion of the trail is part of the larger trail system that will ultimately connect the Washington State Ferries to Washington Park and the Tommy Thompson Trail. The trail will be 12 feet wide. Trail embankments will utilize existing riprap from the railroad. In many places, this riprap has been washed out and must be retrieved from the beach and placed back in the embankment. This process will involve work below the Mean Higher High Water (MHHW) line during low tide. No in-water work will occur. Fill will be added to the railbed to create a smooth, even surface and it will be paved. A total of six drainage outfalls will be installed. They will convey runoff from the existing drainage network and will form a more organized system. As the pathway is for non-motorized use, the project will not have an increase in pollutant contaminated stormwater runoff.

Existing Conditions

There is currently approximately 0.42 miles of paved interpretive trail to which the proposed trail extension will connect at the eastern end. The railroad was abandoned in 1961 and has had little or no maintenance since. The route is characterized by overgrown brush. Landward of the proposed route, there is a 100 – 400 foot band of dense vegetation and some residential properties until Oakes Ave, to the south. Vegetation in the vicinity is comprised of native and invasive species including Himalayan blackberry, red alder, willows, herbaceous plants, saplings, grasses, and sparse deciduous and coniferous trees.

Project Consistency with 2010 Shoreline Master Plan

As this work will create a new recreation opportunity and not disturb any natural shoreline beyond that which has been previously disturbed, it is consistent with the goals and policies of the Shoreline Master Program (SMP). Those most relevant to the proposed project will be discussed in the following sections:
4.6 Recreational Element

The project will be consistent with the applicable policies described in 4.6 of the SMP:

Policy 4.6.1: N/A. Does not have affiliation with the Port of Anacortes or Skagit County.

Policy 4.6.2: Project is a lineal access within City property designated for recreational use.

Policy 4.6.3: N/A. Project is not a private recreational facility.

Policy 4.6.4: The project will achieve a balance of active recreational and passive open spaces by creating a designated walkway well above MHHW. It will not encroach on public beach.

Policy 4.6.5: The trail is only intended for recreational walking, jogging, biking, etc. and does not invite unassociated uses nor will it exceed its capacity.

Policy 4.6.6: N/A. There are no conflicting recreational uses.

Policy 4.6.7: N/A. The project does not abut Fidalgo Bay.

Policy 4.6.8: The project is not anticipated to significantly degrade shoreline ecosystems or its functions. Vegetation removal will be kept to the minimum necessary to complete the work, no in-water work will occur, there will be no disturbance to the eelgrass, and all temporarily disturbed areas will be restored upon completion. To preserve the maximum vegetation possible, the trail has been designed to be narrower in certain locations to minimize the need for tree removal.

Policy 4.6.9: N/A. Project is not associated with any private recreational facilities.

Policy 4.6.10: This trail is intended to provide the community with scenic views of Guemes Channel for the long term as a part of the larger trail system linking the San Juan Ferry to downtown Anacortes and the Tommy Thompson Trail.

Policy 4.6.11: Support and community outreach is conducted via the Guemes Channel Trail website. The public are encouraged to provide comments and the project is being planned/developed in accordance to those comments.

Policy 4.6.12: N/A. Not a commercial recreational development.

Policy 4.6.13: The development will be constructed up to current standards and be ADA accessible. It will create a new public use of the shoreline where there wasn’t one before.
4.7 Conservation Element

The project’s consistency with the goals and policies of the conservation element will be summarized. This project will be constructed wholly within existing right-of-way of the abandoned rail line. It will therefore have the minimal impacts to shoreline vegetation since this corridor was already impacted by railroad ties. Though there will be an increase in impervious surfaces, the trail is for non-motorized use. Thus there will not be an increase in pollution-generating surfaces or impacts to stormwater runoff and water quality. Standard erosion and sediment control devices will be installed prior to construction to reduce short term water quality impacts. Eelgrass within the trail reach has been surveyed and staked. Special care will be given to ensure beds are not disturbed during retrieval of riprap from the beach during low tide.

5.8 Conservancy Environmental Designation

According to the City’s Shoreline Designation Map and SMP, the project is within the conservancy environmental designation. Per SMP 5.8.A and table 5.1, permitted use in the conservancy designation include recreational facilities (e.g. pedestrian trails). It will be consistent with the listed management policies of the conservancy environment for the following reasons:

Policy 5.8.1: The trail will ensure the preservation of scenic resources.

Policy 5.8.2: The trail will preserve the natural character of the area as it will only use previously disturbed areas for the railroad tracks and will not expand the disturbed area.

Policy 5.8.3: This recreational trail is classified as water-enjoyment per table 5.1 of the SMP and therefore is a water-oriented use.

Policy 5.8.4: The proposal will not result in a net loss of shoreline ecological function or further degrade other shoreline values since the location was previously cleared and used for rail transport and the same area will be used for the trail. Retrieving riprap fallen from the railroad embankment for reuse as trail embankment and stabilization minimizes the need for additional fill material in the shoreline. The project will also involve the removal of any remnant railroad ties. This will benefit the shoreline environment by eliminating creosote treated wood in the area. Best management practices (BMPs) will be implemented to reduce short term construction impacts. For example, stabilized construction entrances will be established at both ends of construction limits and silt fence will be installed at the base of the slope. The trail has been designed to have a minimal impact to vegetation, as its width has been reduced in certain locations to reduce impacts to trees. Clearing of the route area will result in removal of invasive species such as Himalayan blackberries and promotion of native species. All temporarily disturbed areas will be reseeded and mulched upon completion. Trail grading will require the removal of 72 deciduous trees (mostly alders) ranging from 6 inches to 24 inches in diameter. The majority are 8 to 12 inches. No trees will be removed outside of the existing right-of-way.
They will be replaced with native coniferous species during site restoration at a 1:1 ratio. A limited number of trees will have to be trimmed to accommodate construction equipment. Vegetation removal will comply with the policies and regulations from 6.5 of the SMP.

Policy 5.8.5: This policy encourages public access and recreation in the Conservancy environment whenever feasible. The project complies with this policy.

**Consistency with Variance Criteria under DR-5.8.3 (setbacks)**

As the proposal will be within 100 feet of the ordinary high water mark, it shall meet requirements of DR-5.8.3 (b). It shall go through the Shoreline Variance process for approval. This project is solely intended for public access and recreation and will be for low-moderate intensity water-oriented use. The trail has been designed to limit the construction of hard surfaces to that necessary for the successful operation of the trail. It will not involve the placement of structures or storage other than interpretive signage. The trail will be the same width as the existing trail and will connect directly into it. As previously discussed, sections of the trail were purposely designed to be slightly narrower in order to avoid tree removal and thus minimize the total amount of vegetation disturbance to that required to install a trail at this location.

**Consistency with Conditional Use Criteria under SMP 3.1.D (Criteria for Granting Shoreline Conditional Use Permits)**

The project complies with RCW 90.58.020 and the policies of the SMP as it
  1) Increases public access and recreational opportunities in the shoreline thus increasing public interest,
  2) Allows the public to enjoy the physical and aesthetic qualities of the natural shoreline,
  3) Does not cause significant adverse effects to the shoreline environment as it will not result more disturbed area beyond existing, and
  4) Is compatible with other authorized uses in the area and planned for the area as the Guemes Channel Trail has been in the comprehensive plan for a long time.

**Consistency with Utilities Criteria under SMP 8.14 (Utilities)**

As the project will include the installation of six storm drains ranging from 12” to 36” in diameter, it involves major utilities. No other utilities will be installed as part of this project. Compliance with the policies in SMP 8.14.B will be demonstrated below.

Policy 8.14.1: The drains will provide improved runoff conveyance. They will be located under the new trail and outfall on the existing/restored riprap embankment. As the riprap is currently below the OHWM, the outfalls will be below the OHWM.

Policy 8.14.2: The drains will be within existing right-of-way
Policy 8.14.3: N/A. Project does not involve utility production and processing facilities and transmission facilities.

Policy 8.14.4: These drains will be within the trail corridor and therefore within a public access corridor.

Policy 8.14.5: N/A

Policy 8.14.6: N/A. There are no wetlands within the project area.

Policy 8.14.7: A) The trail is anticipated to be used as an alternative form of transportation between the downtown and ferry locations as well as for recreation. It will serve the growing population of locals and tourists alike. The storm drain utilities will thus serve trail users by improving site conditions and reducing standing water around the site. B) It is within existing right-of-way. C) The trail will present new access to the scenic view and aesthetic quality of the shoreline. D) N/A. There is an existing shoreline defense works and it will be maintained by this project. E) N/A.

Policy 8.14.8: Disturbed areas will be restored with native species upon project completion. Conifer

Policy 8.14.9: N/A. The drainage culverts will not degrade the shoreline or views of the shoreline.

Consistency with fill criteria under SMP 9.7 (Fill)

As the project will involve placement of fill within the shoreline, demonstration with the policies of SMP 9.7 will be demonstrated below.

Policy 9.7.1: Fill will not be placed in a manner that extends the disturbed areas beyond that previously existed for the construction and operation of the original railroad. It will not adversely affect shoreline ecological processes and functions beyond that existing.

Policy 9.7.2: Fill landward of the OHWM is necessary to support the proposed trail and provide a flat, smooth graded needed for paving.

Policy 9.7.3: Fill waterward of the OHWM will be permitted by the Shoreline Conditional Use Permit. As it is for the construction of the multi-use coastal trail, it will accommodate a water-dependent use, provide public access to the shoreline, and expand a transportation facility. It will not involve dredging below the OHWM.

Policy 9.7.4: N/A

Policy 9.7.5: Fill will be protected by the restored riprap revetment.
Policy 9.7.6: N/A.

Policy 9.7.7: N/A. Fill will not impact navigation.

Consistency with SMP 6.7 (Fish and Wildlife Habitat Conservation Areas)

As the project is located adjacent to saltwater habitats including eelgrass beds and potential forage fish spawning areas, the following will demonstrate how the proposal is consistent with the policies and regulations of SMP 6.7.

Policy 6.7.1: Protection of the salt water habitat has been achieved by limiting the scope of this project to not require any in-water work. Work below the OHWM is limited to the retrieval of rock that has fallen or washed out from its position in the existing rock revetment and rebuilding those segments of wall.

Eelgrass has been previously surveyed and the Contractor will be required to keep equipment out of eelgrass beds at all costs. An approximate 30' wide corridor will be allocated for general work activities and the majority of the usable rock material is within this parameter.

There are no documented spawning grounds for forage fish within/directly adjacent to project limits, therefore there are no anticipated impacts to forage fish. All work below the OHWM will be limited to the WDFW approved work window in order to further minimize the potential to impact forage fish.

Policy 6.7.2: This project is a water-dependent use and a recreational facility and is thus permitted in critical saltwater habitats. Mitigation for removed trees will be provided upon completion of the project and there will be no net loss of ecological functions resulting from the project. In addition, 2-foot wide planting pockets will be included on the waterward side of the trail in areas where space allows. Downed trees required to be removed from the trail route will be left onsite to provide natural woody debris in the drift zone.

Policy 6.7.3: There will be minimal activity on the beach. As previously described, work on the beach will only involve gathering fallen rock materials in order to restore the deteriorated railroad bed embankment. There will be no change in the composition of the beach. Removal of the large riprap pieces will ultimately free up beach substrate areas for potential surf smelt spawning habitat.

Policy 6.7.4: N/A. There is no alternative location for a coastal trail connection with the existing segments of trail beyond the required setback. A variance is being applied for by this application.

DR-6.7.1: N/A the facility will not be built over critical saltwater habitat. The trail grade will be at or landward of the OHWM and approximately 5 feet higher in elevation than the OHWM.
DR-6.7.2: N/A. The project will not involve removal of aquatic vegetation or chemical treatments.

DR-6.7.3: There will be no removal of sand or gravel from the salt water habitat. Though there will be placement of fill material below OHWM, it will bring the grade back to the original grade of the railroad bed and will have no impacts beyond those previously existing.

DR-6.7.4: The project will not result in the installation of outfalls that discharge runoff from new pollution generating sources. Though the project will involve the installation of new discharge pipes, they will not convey runoff beyond quantities that that currently exists at the site, nor will the discharge be within the salt water habitat. The pipes will run underneath the new trail and outlet within the riprap wall structure. Water will not be discharged directly into the channel or any finer native substrates. Outfall dissipation structures will be added to the 30” and 36” pipes. Overall, the discharge pipes will convey runoff from the existing storm drainage network and will provide a more organized approach to the existing informal network.

DR-6.7.5: Existing major outfalls will be maintained. In the long run, the project will minimize the total number of outfall structures required throughout the project corridor by allowing runoff from multiple existing structures of upslope properties to be conveyed through a drainage system that meets current standards. The pipes are sized to accommodate drainage from existing developments.

DR-6.7.6: The vegetated buffer south of the proposed trail will be maintained. Though some deciduous trees will be removed from the trail route, native coniferous trees, which have more habitat value, will be planted elsewhere in the shoreline as space allows.

DR-6.7.7: Previous habitat analysis (i.e. eelgrass survey) have been performed (see plans for survey boundaries).
Guemes Channel Trail Phase VII

Biological Assessment

Prepared for:
City of Anacortes
P.O. Box 547
Anacortes, WA 98221

April 2014
This page is intentionally left blank for printing purposes.
This document has been prepared by a qualified biologist per Anacortes Municipal Code 17.70.550.

Author:

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Widener & Associates
10108 32nd Ave W Ste D
Everett, WA 98204
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## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
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<tr>
<td>BA</td>
<td>Biological Assessment</td>
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<td>BMP</td>
<td>Best Management Practices</td>
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<tr>
<td>Db</td>
<td>Decibel</td>
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<tr>
<td>DPS</td>
<td>Distinct Population Segment</td>
</tr>
<tr>
<td>EFH</td>
<td>Essential Fish Habitat</td>
</tr>
<tr>
<td>ESA</td>
<td>Endangered Species Act of 1973 (amended)</td>
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<td>ESU</td>
<td>Evolutionary Significant Unit</td>
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<tr>
<td>FHWA</td>
<td>Federal Highway Administration</td>
</tr>
<tr>
<td>HUC</td>
<td>Hydraulic Unit Code</td>
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<tr>
<td>NLTAA</td>
<td>&quot;may affect / not likely to adversely affect&quot;</td>
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<tr>
<td>MSA</td>
<td>Magnuson-Stevens Fishery Conservation and Management Act (amended 1996)</td>
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<tr>
<td>NOAA</td>
<td>National Oceanic &amp; Atmospheric Administration</td>
</tr>
<tr>
<td></td>
<td>-National Marine Fisheries Service</td>
</tr>
<tr>
<td>MHW</td>
<td>Mean High Water</td>
</tr>
<tr>
<td>MHHW</td>
<td>Mean Higher High Water</td>
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<td>Mean Lower Low Water</td>
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<td>Marine Mammal Protection Act</td>
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<td>Primary Constituent Elements</td>
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<td>Submerged Aquatic Vegetation</td>
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<tr>
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<td>Surface Transportation Program</td>
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<tr>
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<td>Temporary Erosion and Sediment Control</td>
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<td>US Army Corps of Engineers</td>
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<td>Washington Department of Fish and Wildlife</td>
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<td>WSDNR</td>
<td>Washington State Department of Natural Resources</td>
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<tr>
<td>WSDOT, H &amp; LP</td>
<td>Washington State Department of Transportation, Highways and Local Programs Division</td>
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Executive Summary

This biological assessment has been prepared on behalf of the City of Anacortes for the proposed construction of approximately 3/4 mile of paved, non-motorized, coastal trail on the northwest shoreline of Fidalgo Island along Guemes Channel.

The project will add to an existing segment of the Guemes Channel Trail accessed at the Edwards Way cul-de-sac near the San Juan Island Ferry terminal. From the eastern terminus of the existing segment, the new addition would continue eastward approximately ¼ miles to Lovric’s marina. The proposed trail will be 12 feet wide and involve a maximum excavation depth of 4 feet and be constructed entirely within the existing right-of-way of an abandoned railroad bed. It is located in Township 35N, Range 01E, Sections 22 and 23.

The scenic views and gentle grade of this extension of the waterfront trail system will enhance recreational opportunities, provide public access to a long stretch of waterfront and provide enjoyable transportation opportunities for walkers and cyclists of all ages and abilities. The passion that was exhibited to first build, and then rebuild, the Tommy Thompson trestle bridge after the 2009 fire proved that the local community and the city of Anacortes have a strong desire for public access to waterfront areas and for walking and biking trails. And, those projects show that the community is willing and able to accomplish such projects successfully. Finally, the current abandoned railway track is in serious disrepair and constitutes a public safety hazard.

At places along the existing shoreline, the rip-rap boulders from the embankment have collapsed seaward on to the beach. These will be retrieved with a backhoe or excavator during low tide and replaced to support the current railroad bed after clearing and removal of any remnant railway materials. Additional fill will be placed on top of the refurbished bed, which will then be paved over. No in-water work will be performed, though work will occur below the Mean Higher High Water (MHHW) line during low tide. Due to some necessary substrate disturbance below the MHHW line, work will occur within the WDFW marine in-water work window of between July 16 and January 31. This window incorporates the best time for in-water work to occur to minimize effects on listed fish species and their prey. To accommodate the recommended work-window and tides, work is scheduled for the summers of 2014 and 2015. It is expected that up to 72 deciduous (mostly alders) trees ranging from 6 to 24 inches in diameter will need to be removed for grading of the trail. Trees may also have to be trimmed.

Listed species identified by the USFWS and the NOAA Fisheries as potentially occurring in the project area and the effect determinations for them are outlined in the table below. Potential impacts to listed species are construction noise and loss of trees from clearing and grubbing of pathway. Conservation measures have been incorporated into the project to minimize and avoid project impacts. These include work to be done below the MHHW line being limited to the WDFW prescribed in-water work windows and at low tide so that all work will be done “in the dry”, avoiding all eelgrass beds during work below MHHW, using appropriate BMPs such as erosion control methods, disposing of all waste offsite, and replanting of any disturbed vegetation where appropriate.
### Summary table of project effects on species protected under the ESA

<table>
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<th>Federal Status</th>
<th>Effect Determinations</th>
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<td>Threatened</td>
<td>No Effect</td>
</tr>
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<td>Bull Trout Coastal/Puget Sound (C/P) DPS Critical Habitat</td>
<td>Designated</td>
<td>No Effect</td>
</tr>
<tr>
<td>Marbled murrelet (Brachyramphus marmoratus)</td>
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<tr>
<td>Chinook Salmon Puget Sound (PS) ESU (Oncorhynchus tshawytscha)</td>
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<tr>
<td>Chinook Salmon PS Critical Habitat</td>
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<tr>
<td>Steelhead Trout PS DPS (Oncorhynchus mykiss)</td>
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<td>Humpback Whale (Megaptera novaeangliae)</td>
<td>Endangered</td>
<td>No Effect</td>
</tr>
<tr>
<td>Leatherback Sea Turtle (Dermochelys coriacea)</td>
<td>Endangered</td>
<td>No Effect</td>
</tr>
<tr>
<td>Killer (Orca) Whale Southern Resident DPS (Orcinus Orca)</td>
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<td>Canary rockfish PS/GB DPS (Sebastes pinniger)</td>
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<td>Yelloweye rockfish PS/GB DPS (Sebastes ruberrimus)</td>
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<tr>
<td>Bocaccio PS/GB DPS (Sebastes paucispinis)</td>
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<tr>
<td>Eulachon (Pacific smelt) Southern DPS (Thaleichthys pacificus)</td>
<td>Threatened</td>
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</tbody>
</table>
# Table of Contents

**Executive Summary** .................................................................................. 1-1

**Chapter 1 Project Overview** ..................................................................... 1-1
  1.1 Project Description ............................................................................. 1-1
  1.1.1 Existing Conditions ..................................................................... 1-1
  1.1.2 Proposed Conditions ................................................................... 1-2
  1.2 Project Area and Setting ................................................................... 1-7

**Chapter 2 Federally Listed Species and Designated Critical Habitats & Other**
  **Sensitive Species and Habitats** ............................................................. 2-1
  2.1 Listed Species for Skagit County ..................................................... 2-1
  2.2 Occurrence of Species in Action Area ............................................ 2-2
  2.2.1 Marbled Murrelet ....................................................................... 2-2
  2.2.2 Leatherback Sea Turtle .............................................................. 2-2
  2.2.3 Bull Trout Puget Sound DPS ...................................................... 2-3
  2.2.4 Steelhead Trout Puget Sound DPS ............................................. 2-3
  2.2.5 Chinook Salmon Puget Sound ESU ............................................ 2-3
  2.2.6 Rockfish Spp. Puget Sound/Georgia Straight DPS ..................... 2-3
  2.2.7 Pacific Eulachon Southern DPS .................................................. 2-4
  2.3 Designated Critical Habitats ............................................................ 2-4
  2.4 Priority Habitats and Species ............................................................ 2-4

**Chapter 3 Environmental Baseline** ......................................................... 3-1
  3.1 Terrestrial Resources/Habitat ......................................................... 3-1
  3.1.1 Topography .............................................................................. 3-1
  3.1.2 Land Use .................................................................................. 3-1
  3.1.3 Vegetation ................................................................................. 3-1
  3.1.4 Noise Environment ................................................................. 3-1
  3.2 Water Resources ........................................................................... 3-2
  3.2.1 Hydrology ................................................................................ 3-2
  3.2.2 Wetlands .................................................................................. 3-2

**Chapter 4 Project Details** ....................................................................... 4-1
  4.1 Construction and Conservation Measures ..................................... 4-1
  4.1.1 Project Timeline and Sequencing ............................................. 4-1
  4.1.2 Potential Impacts on Water Quality ......................................... 4-2
  4.2 Conservation Measures .................................................................. 4-3
  4.2.1 Post-Project Site Restoration .................................................. 4-3
  4.2.2 Site and Equipment Preparation ............................................. 4-3
  4.3 Maintenance .................................................................................. 4-3

**Chapter 5 Project Action Area** ................................................................. 5-1
  5.1 Limits of an Action Area .................................................................. 5-1
  5.1.1 Zone of Terrestrial Impacts ....................................................... 5-1
  5.2 Defining an Action Area .................................................................. 5-1

**Chapter 6 Effects Analysis** ..................................................................... 6-1
  6.1 Direct Effects .................................................................................. 6-1
  6.1.1 Terrestrial Noise ....................................................................... 6-1
  6.1.2 Water Quality ........................................................................... 6-1
  6.1.3 Vegetation Removal ................................................................. 6-1
  6.1.4 Wetlands .................................................................................. 6-2
  6.2 Indirect Effects ............................................................................... 6-2
  6.2.1 Changes in Land Use ............................................................... 6-2
6.2.2 Predator-Prey Relationship ................................................................. 6-2
6.3 Interrelated and Interdependent Actions ................................................... 6-2

Chapter 7 Effect Determinations .................................................................... 7-1
7.1 Effect Determinations for Listed Species ................................................. 7-1
7.1.2 Leatherback Sea Turtle ......................................................................... 7-1
7.1.3 Other Fish Species (Bull trout, Chinook salmon, Steelhead trout, Rockfish spp.)
   While these species have the potential to be present within the action area
during high tide, the proposed project will have "no effect" on them for the
following reasons: ......................................................................................... 7-1
7.2 Effect Determinations for Designated Critical Habitat .............................. 7-2
7.2.1 Chinook salmon Critical Habitat ............................................................. 7-2

Chapter 8 References ....................................................................................... 1
Appendix A: Skagit County Species List from USFWS (Revised March 15, 2012) .... A-1
Appendix B: Noise Analysis ............................................................................. B-1

List of Figures
Figure 1: Vicinity Map and trail location ......................................................... 1-5
Figure 2: Project area ...................................................................................... 1-9
Figure 3: Action Area with impact zones ....................................................... 5-3

List of Tables
Table 1: Listed species and critical habitat potentially present in Skagit County .... 2-1

List of Photos
Photo 1: Easterly view of current trail ............................................................. 1-1
Photo 2: Eeach, riprap, marina endpoint (in distance) and representative vegetation... 1-2
Photo 3: Characteristic underbrush and grade along trail route ..................... 1-3
Photo 4: Eastern end of trail route, facing southwest, location of listed wetland .... 1-3
Photo 5: Example of route clearing (August 2009) from previous work on the currently
   existing portion of the trail ........................................................................... 4-2

Biological Assessment: Guemes Channel Trail Phase 7
City of Anacortes
Chapter 1 Project Overview

1.1 Project Description

1.1.1 Existing Conditions
There is currently approximately 0.42 miles of paved interpretive trail to which the new addition will connect at the eastern end. The project would convert approximately 3/4 mile of abandoned railroad bed to a paved, non-motorized, multi-use trail.

The current interpretive trail to which the new addition will attach is approximately 0.42 miles long, paved and runs adjacent to the beach, atop an old railway grade. (See Photo 1). It starts at the northern cul de sac of Edwards Way and dead-ends to the east. It currently provides recreation for thousands of visitors every year. Imported rip-rap boulders were put in place originally to provide stability for the railway bed. These form the oceanside embankment supporting the paved trail which is raised above the beach, ranging in height from a few feet to a few yards above MHHW. It has very little grade as it was built atop a beach-front railway lane. There is a rough wooden railing on the seaward side along some stretches with several interpretive signs. At some points along the trail, the embankment’s support rocks have a formal appearance in their arrangements and come up the trail’s edge. At others, there is a gravel or vegetation shoulder before the more utilitarian stacking of the rip-rap adjacent on the landward edge of the beach. Immediately inland of the trail is a 50 to 100-foot wide strip of dense shrubs and willows. Inland of that lies the Gilbane development.

Photo 1: Easterly view of current trail
1.1.2 Proposed Conditions

The overall goal of the project is to add ¼ mile to an existing 12-foot wide, non-motorized, multi-use, low gradient, interpretive paved trail along the northern coast of Fidalgo Island (Fig. 1 – Vicinity Map). Project work will also include installation of storm drainage pipes.

The current right of way of the proposed new addition to the trail's route is currently comprised of abandoned railway track atop rip-rap and stone fill (see Photo 2). The rail route was abandoned in 1961 and has had little or no maintenance since. The railway bed is in very poor condition and some of it has washed away. The route is characterized by overgrown brush and the occasional tree (see Photo 3). There are also numerous washouts along its route.

There is approximately 100 - 400 feet of dense vegetation between the beach and Oakes Ave. (Hwy 20) to the south. The proposed trail route runs approximately ¼ mile east to Lovric’s Landing Marina. Adjacent and to the west of the marina, there is approximately 700 feet of shoreline which is part of a 2.59 acre designated “Estuarine and Marine” wetland (USFWS 2013). Photo 4 shows the shore at this location.

Photo 2: Beach, riprap, marina endpoint (in distance) and representative vegetation
Photo 3: Characteristic underbrush and grade along trail route

Photo 4: Eastern end of trail route, facing southwest, location of listed wetland
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1.2 Project Area and Setting

The project is located along the northern coast of Fidalgo Island (see Fig. 1), in Township 35N, Range 01E, and Sections 13, 22 and 23. The project area is the inland edge of beach between the Guemes Island and San Juan ferry terminals on the northern coast of Fidalgo Island (Fig. 2 – Project Area). Fidalgo Island is the easternmost island in the San Juan chain and is the port of embarkation of Washington State Ferries to the San Juan Islands and Vancouver Island British Columbia. Fidalgo Island is connected to mainland Skagit County and to Whidbey Island by bridges. It is surrounded on the north by Guemes Channel, on the east by Fidalgo and Padilla Bays, and to the west by Rosario Strait and the San Juan Islands. The Guemes Channel is approximately one mile wide and has a relatively regular cross-section, with an average depth of nearly 15 m. The seabed in the Guemes Channel is estimated to be gravel (Snohomish Co. 2008). The mean tidal range is 4.8 feet, with spring range being 8.2 feet (NOAA NOS 2009). Anacortes is the largest city on the island, with a population of approximately 16,000, with a population density of approximately 1340 inhabitants per sq. mile and substantial summer tourist input.

Apart from the beach directly to the north and thin, undeveloped vegetated buffers to the south, the local area is a roughly homogenous, suburban residential neighborhood in a small, northwest Washington State island community.
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Chapter 2 Federally Listed Species and Designated Critical Habitats & Other Sensitive Species and Habitats

2.1 Listed Species for Skagit County

The USFWS, NOAA Fisheries and The Washington State Department of Natural Resources (WSDNR) listed species that are potentially present within Skagit County are summarized in Table 1 (below). The most current version of the USFWS list, revised September 3, 2013, is referenced for this assessment (USFWS - Appendix C). NOAA resources populated the listed species under their jurisdiction (NOAA 2009a, NOAA 2009b, NOAA 2010 and NOAA 2014). The WSDNR Natural Heritage Information System was reviewed for federally listed plant species within the area (WSDNR 2012).

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<th>Species</th>
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<th>Status in Action Area</th>
<th>Federal Status</th>
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<td>Salvelinus confluentus</td>
<td>Absent</td>
<td>Threatened</td>
</tr>
<tr>
<td>Bull Trout C/P DPS Critical Habitat</td>
<td>Lynx Canadensis</td>
<td>Absent</td>
<td>Designated</td>
</tr>
<tr>
<td>Canada lynx</td>
<td>Ursus arctos</td>
<td>Absent</td>
<td>Endangered</td>
</tr>
<tr>
<td>Gray wolf</td>
<td>Ursus arctos</td>
<td>Absent</td>
<td>Threatened</td>
</tr>
<tr>
<td>Grizzly bear</td>
<td>Brachymorphus marmoratus</td>
<td>Absent</td>
<td>Threatened</td>
</tr>
<tr>
<td>Northern spotted owl Critical habitat</td>
<td>Oncorhynchus tshawytscha</td>
<td>Absent</td>
<td>Designated</td>
</tr>
<tr>
<td>Northern spotted owl</td>
<td>Stix occidentalis caurina</td>
<td>Absent</td>
<td>Threatened</td>
</tr>
<tr>
<td>Chinook Salmon Puget Sound (PS) ESU</td>
<td>Oncorhynchus mykiss</td>
<td>Absent</td>
<td>Threatened</td>
</tr>
<tr>
<td>Chinook Salmon PS Critical Habitat</td>
<td>Megaptera novaeangliae</td>
<td>Absent</td>
<td>Endangered</td>
</tr>
<tr>
<td>Steelhead Trout PS DPS</td>
<td>Dermochelys coriacea</td>
<td>Absent</td>
<td>Endangered</td>
</tr>
<tr>
<td>Humpback Whale</td>
<td>Orcinus Orca</td>
<td>Absent</td>
<td>Endangered</td>
</tr>
<tr>
<td>Leatherback Sea Turtle</td>
<td>Orcinus Orca</td>
<td>Absent</td>
<td>Endangered</td>
</tr>
<tr>
<td>Canary rockfish PS/GB DPS</td>
<td>Sebastes pinniger</td>
<td>Absent</td>
<td>Designated</td>
</tr>
<tr>
<td>Yelloweye rockfish PS/GB DPS</td>
<td>Sebastes ruberrimus</td>
<td>Absent</td>
<td>Threatened</td>
</tr>
<tr>
<td>Bocaccio PS/GB DPS</td>
<td>Sebastes paucispinis</td>
<td>Absent</td>
<td>Endangered</td>
</tr>
<tr>
<td>Species</td>
<td>Scientific Name</td>
<td>Status in Action Area</td>
<td>Federal Status</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------</td>
<td>-----------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Eulachon (Pacific smelt)</td>
<td>Thaleichthys pacificus</td>
<td>Absent</td>
<td>Threatened</td>
</tr>
<tr>
<td>Southern DPS</td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>

There are either no suitable habitats for, or recent documented occurrences of: Canada lynx, gray wolf, grizzly bear, or northern spotted owl in the action area of the project. There are also no northern spotted owl or marbled murrelet critical habitats designated within the action area of the project. There is no suitable habitat for listed marine mammals (killer whale, humpback whale) as they require at least 20 feet of water and this project will not involve any in-water work. Thus, these species and critical habitats will not be discussed further in this document.

### 2.2 Occurrence of Species in Action Area

#### 2.2.1 Marbled Murrelet

The marbled murrelet was federally listed as a threatened species on October 1, 1992 (USFWS 1992). The 2013 species list obtained from the USFWS (Appendix C) indicates that the marbled murrelet is present in Skagit County.

Marbled murrelet nesting season is April 1st to September 23rd. Thus, the approved below-MHHW work window (August 1 – August 31) includes all marbled murrelet life history stages, adults and juveniles. Marbled murrelet nests are most often observed within 12 miles of the ocean but have been found as far as 50 miles from saltwater (Shohtet et al 2008). In Washington State, preferred marbled murrelet nesting sites are in old-growth, coniferous forest stands with at least 50% canopy cover (Hamer and Nelson 1995). They typically nest in the largest tree in the stand, with an average nest tree height of 187 feet with multiple deformities canopy layers and on branches averaging 11.4 inches in diameter (Hamer and Nelson 1995). There are no documented nesting areas in the action area, nor does the site contain trees fitting this description as the site is on an old railroad bed with a bluff inland of it. The vegetation on the site is typified by shrubs, overgrown herbaceous species, saplings and young alders, some of which have uprooted and slid own the bluff onto, or across, the railroad bed. Year-round marbled murrelet densities in Guemes Channel are low, ranging from 0.99 – 3.0 birds per km² (USFWS Appendix A). While no nesting is presumed to occur within the action area (due to lack of appropriate sites), murrelets may use the action area for migration and foraging during construction.

Prey species such as surf smelt may be found in Guemes Channel during construction (August 1 – August 31). Prey species will not be within the action area as no in-water work will take place and substrate disturbance below the MHHW-line will be de minimus and insignificant.

#### 2.2.2 Leatherback Sea Turtle

The Leatherback Sea Turtle was listed as endangered under the Endangered Species Act in 1970 (NOAA 1970). Leatherbacks are listed throughout their range which is very diverse and spans most of the world's oceans. These turtles are known as pelagic (open ocean) animals, but may also forage in coastal waters. In the U.S., habitat would
primarily be found along the coasts and not within smaller channels. Leatherbacks nest in tropical or sub-tropic regions. The largest remaining nesting grounds are located on the coasts of Northern South America, West Africa, Puerto Rico, U.S. Virgin Islands, and Southeast Florida. They can tolerate a wide range of water temperatures, which makes their habitat range very vast. There is no open water habitat or nesting habitat within the project area.

2.2.4 Bull Trout Puget Sound DPS
The Coastal/Puget Sound DPS of Bull trout was federally listed as a threatened species on November 1, 1999 (USFWS 1999). Bull trout require cold temperatures (below 59°F): abundant cover in the form of large wood, undercut banks, and boulders; clean substrate for spawning; interstitial space large enough to conceal juvenile bull trout; migratory corridors with minimal physical, biological, or water quality impediments; and stable channels (Shellburg 2002, USFWS 2005a, Wydowski and Whitney 2003). Bull trout are potentially present within Guemes Channel but are not present within the action area of the project as it does not involve any in-water work.

2.2.5 Steelhead Trout Puget Sound DPS
The Puget Sound ESU of Steelhead trout was federally listed as a threatened species listed on May 11, 2007 (NOAA 2007). Juvenile Steelhead usually outmigrate to the sea from April through June and spend little time in estuaries. Adult steelhead are epipelagic (found in the upper water column) in coastal waters to a depth of 25 m; however, juveniles in Puget Sound are periodically found in nearshore marine habitats such as eelgrass meadows and tidalflats (PNNL 2003). Steelhead trout are assumed to be present within Guemes Channel, but are not present within the action area of the project as it does not involve any in-water work.

2.2.6 Chinook Salmon Puget Sound ESU
The Puget Sound ESU of Chinook salmon was federally listed as a threatened species listed on March 24, 1999 (NOAA 1999). Juvenile Chinook salmon are considered one of the most estuarine dependent salmon species and feed and rear in these habitats for extended periods before migrating to pelagic marine habitats (PNNL, 2003). Some Chinook remain in the Puget Sound year round. They prefer relatively fine-grained substrate, low gradients, and shallow water habitats close to shore. Spawning fish would return to freshwater from late March to early September. Chinook salmon are assumed to be present within Guemes Channel, but are not present within the action area of the project as it does not involve any in-water work.

2.2.7 Rockfish Spp. Puget Sound/Georgia Straight DPS
Three species of Rockfish have been listed under the ESA on July 27, 2010. Canary and yelloweye rockfish were listed as threatened, while bocaccio was listed as endangered (NOAA 2010b). Adult rockfish are most commonly found in deeper waters (approximately 160 – 820 feet deep, but have been reported at much lower depths) with rocky substrate, which is limited in the Puget Sound. Juveniles utilize
nearshore waters with substrates of rock or cobble and are most often found in schools under drifting kelp mats (NatureServe 2012). These species reach maturity at approximately 14 – 16 inches or 4 – 6 years of age. Rockfish are long lived and yelloweye rockfish may live up to 120 years old while bocaccio live up till around 50. These species are assumed to be present within Guemes Channel, but are not present within the action area as no in-water work will occur.

2.2.8 Pacific Eulachon Southern DPS
The Pacific Eulachon was listed as threatened under the Endangered Species Act in 2010 (NOAA 2010c). Eulachon (also known as Columbia River smelt, candlefish, or hooligan) are found in the eastern north Pacific Ocean from northern California to southwest Alaska and into the southeastern Bering Sea. They typically spend 3 to 5 years in saltwater before returning to freshwater to spawn from late winter through mid-spring. They are infrequently found in coastal rivers and tributaries to Puget Sound. They are assumed to be within Guemes Channel, but are not present within the action area as no in-water work will occur.

2.3 Designated Critical Habitats
Critical habitat is a specific geographic area that contains features essential for the conservation of a threatened or endangered species and may require special management and protection. Critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery (USFWS 2005a).

Critical habitat for the Puget Sound ESU of Chinook salmon has been designated within the project area (NMFS 2005). Critical habitat for the Southern Resident Killer whale has also been designated within the Guemes Channel; however, the project will not affect any areas that have water greater than 20 feet in depth, relative to the extreme high water. Killer whale critical habitat is therefore not within the action area (NOAA 2006). There is no other designated critical habitat in the vicinity.

2.4 Priority Habitats and Species
A search of the Washington Department of Fish and Wildlife was conducted to identify other sensitive habitat and species within the action area (WDFW 2014). As the project is located adjacent to the Guemes Channel, the action area consists of marine intertidal aquatic habitat, and reported presence of Dungeness crab and pinto abalone.
Chapter 3 Environmental Baseline

3.1 Terrestrial Resources/Habitat

3.1.1 Topography
The project lies adjacent to Guemes Channel on the north side of Fidalgo Island. It is situated on the seaward side of a vegetated bluff, adjacent to the beach, along a very gently graded abandoned railway bed. It ranges from a few feet to a few yards above MHHW. (see Fig. 1 and Photo 1).

3.1.2 Land Use
Most of the project lies along undeveloped beach. Other than the ferries, the dominant land use in the project vicinity is undeveloped brushy hillsides, sandwiched between nearby residential and beachfront, with a few marinas along the shore, in use and abandoned. The land surrounding the project area is zoned as: Commercial Marine, Light Manufacturing, Residential Low Density and Residential Medium Density (City of Anacortes 2013).

3.1.3 Vegetation
The beach abutting the railway route is generally void of vegetation. However, native eelgrass (Zostera marina) is present within the intertidal zone further to sea. Equipment and personnel will not venture into eelgrass beds and they will not be impacted.

The vegetation along the proposed path (Photo 3) is comprised of native and introduced species, including: Himalayan blackberry, alder, willows, herbaceous plants, saplings and sparse deciduous and coniferous trees. The terrain is quite steep, with multiple small landslides. As such, there are no dense forests or forest canopies. Rather, it is a mix of tall grasses and shrubs, with only the occasional tree.

3.1.4 Noise Environment
The existing noise environment in the project action area is characteristic of beachfronts on a residential island of low to medium population density.

Approximately ¾ mile west of the current paved trail, the San Juan – Victoria B.C. ferry terminal has vehicles departing from 4:30 am to midnight. The total ridership for 2008 was nearly 1.72 million, including car and walk-on (WSDOT 2009). In peak season the WSDOT operates 38 sailing per day, 30 in off-season. Several ferry boats are assigned to the run, ranging in capacity from 144 - 87 cars.

Street traffic noise is the considered the largest component of background noise as it calculated to be 66.5 dBA (see Appendix D for noise analysis).

The Guemes Channel is a major marine waterway, for commercial shipping and recreation. It also harbors two ferry services. As such, it hosts frequent transient marine traffic passing through the area, along with traffic from nearby marinas.
3.2 Water Resources

3.2.1 Hydrology
The project area is located in the Guemes Channel, Strait of Juan de Fuca. Guemes Channel is bound by Fidalgo Bay on the East and the Bellingham Channel on the west. It connects Rosario Strait with Fidalgo Bay and Padilla Bay. The project lies in nearshore waters that consist of sand/mud substrates, and is devoid of kelp. Guemes Channel near the project and action area is less than 120 feet deep. The channel is approximately 1 mile wide and 3 miles long. Guemes Channel ranges in depth from 40 – 270 feet and is subject to strong tidal currents.

Guemes Channel provides a migration corridor for salmon and other marine aquatic species. The Guemes Channel has fast moving water that accommodates a considerable amount of barge and oil tanker traffic in and out of the Fidalgo Bay refineries along with pleasure boats.

There are multiple existing drainage pipes from upland properties that extend from the slope south of the proposed trail. Runoff from these pipes will be conveyed to the six proposed culverts which will outlet onto the rock revetment leading up to the channel.

3.2.2 Wetlands
On the beach adjacent to the west side of Lovric’s Landing Marina, there is approx. 700 feet of shoreline as part of a 2.59 acre designated “Estuarine and Marine” wetland (USFWS 2013). There will be no impact to wetlands as a result of this project.
Chapter 4 Project Details

4.1 Construction and Conservation Measures

4.1.1 Project Timeline and Sequencing
Prior to beginning work on the project, the Contractor will be required to submit a Temporary Erosion and Sediment Control (TESC) Plan for approval by the City, outlining the procedures to be used to prevent erosion and control sediment from the work area. In general, this TESC Plan will designate areas where equipment can and cannot be used, and specify which Best Management Practices (BMPs) shall be used for each item of work.

A Spill Prevention Control and Countermeasures (SPCC) Plan will be prepared by the contractor and approved by the City prior to the initiation of construction.

Following WDFW listed work windows for the area and beginning early in the window (summer) to reduce the likelihood of extreme weather and rain events that may delay work and increase erosion, the schedule for work below the MHHW line (accessing beach) will be between August 1 and August 31. All other aspects of the project above MHHW are expected to begin in June 2014 and be completed by October 2015.

Preparation
Work crews may be simultaneously accomplishing different aspects of the preparation as forward progress is made. The route will be surveyed prior to construction activities and the exact route will be mapped and marked to best avoid large trees and deal with local geological issues such as drainage, washouts and landslides, as well as private property and access issues.

First, each new portion of the trail will be cleared and grubbed of vegetation and any remnant railway materials (see Photo 5 for example of cleared and grubbed trail from previous work on the currently existing portion of the trail). Drainage issues will also concurrently be addressed. Riprap replacement will occur next below MHHW. Imported clean fill material may be added to the pathway as necessary to create a relatively level grade for future paving.
Below MHHW work
The only actions to take place below the MHHW line with the retrieval and replacement of any dislodged riprap to its proper, original place using a backhoe or excavator with grapple. No structures or materials will be installed below MHHW.

Completion
No work below the M-HW line will be needed for this portion of the project. All work and necessary access is above this level and on dry land. Final fill material and gravel topping will be imported and compacted to create a relatively smooth surface for the application of asphalt pavement. Leveling and paving is estimated to take several weeks. To accommodate any unforeseen circumstances, a work schedule of 1 month has been allotted for this activity.

4.1.2 Potential impacts on Water Quality
The project will not result in any impact to water quality as it does not create any pollution generating impervious surfaces. Though storm drainage pipes will be installed, they will convey runoff from the existing storm drain system and from the non-pollution generating pedestrian trail.
Prior to construction a TESC Plan and a SPCC Plan will be implemented to prevent erosion and control sediments from the work area.

These plans will require the following actions:
- All equipment shall be checked daily for leaks and any necessary repairs made prior to commencement of work
- A Spill Prevention Control and Countermeasures Plan will be prepared by the contractor and approved by the County prior to the initiation of construction.
- No refueling will be conducted below MHHW and at least 50 feet from water in accordance with the WSDOE 401 water quality certification.

Due to the aforementioned actions, no impacts to water quality are anticipated to exceed the water quality standards set forth in the Water Quality Standards of Surface Waters of the State of Washington and/or the 401 permit issued by the WSDOE (WSDOE 2006).

While some maneuvering of heavy equipment on the beach will be necessary (at low tides), no in-water work will be conducted, nor will any underwater or submerged work procedures be necessary. However, due to the necessity of working from the beach at times, care shall to be taken not to drive on, or interact in any way with, native eelgrass (Zostera marina) beds. While they are not a listed species, they are known to provide vital nursery, feeding and breeding habitat for listed species and their prey (Thayer and Phillips 1977).

4.2 Conservation Measures

4.2.1 Post-Project Site Restoration
Once riprap has been returned to its original place atop the path route, it is anticipated that any vacant space left behind on the beach will be naturally filled with native soils and substrate over time from tidal activity.

Disturbed vegetation will be replanted with appropriate native plants. All removed trees will be replaced with native coniferous species such as Douglas fir, Western hemlock, and Shore pine.

4.2.2 Site and Equipment Preparation
- Implementation of the TESC Plan, BMP’s
- No machinery will operate in eelgrass beds nor will any anchoring or grounding occur within these areas.
- All washout water and waste materials will be fully contained and disposed of onsite in accordance with federal, state, and local laws.

4.3 Maintenance
Construction of the path will require stabilization of the deteriorating railway route and buffering of collapsed bluffs and washouts. Once completed, the need for future maintenance of the new sections of path is expected to be reduced due to a decrease in landslides. Otherwise, the work will not change any maintenance schedules or require additional equipment.
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Chapter 5 Project Action Area

5.1 Limits of an Action Area
The limits of an action area are affected by site and project-specific conditions. The action area for a project encompasses the extent of all direct and indirect effects of a project that affects both terrestrial and/or aquatic species.

5.1.1 Zone of Terrestrial Impacts
The noise element is generally the farthest-reaching impact from construction activities and can adversely affect wildlife in various ways. Therefore, noise will be used to determine the terrestrial zone of the action area. For terrestrial animals, the sound pressure levels created by construction activities will attenuate to background 397 feet from the project site over land. However, sound will carry over the water from the near-shore construction activities and attenuate to background 667 feet from the project site (see Appendix E for information on how ambient levels and effect distances were calculated).

The project will not require in-water work, nor will any project effect transmit underwater. Therefore, there is no aquatic zone to the action area.

5.2 Defining an Action Area
The action area encompasses all areas that could potentially be affected directly or indirectly by the proposed project and is not limited to the actual construction area.

The action area (Fig. 3) will be comprised of two long semi-ovals, just over 3/4 mile long, cut lengthwise, centered over the proposed pathway. Over land, the distance of the action area from the path will be 397 feet. Over water, it will be 667 feet.
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Chapter 6 Effects Analysis

6.1 Direct Effects
“Direct effects” are the direct or immediate effects of the project on listed species or their habitats.

6.1.1 Terrestrial Noise
Terrestrial construction noise will attenuate to background levels within 667 feet over water and 397 feet inland.

Noise levels from construction activities are expected to exceed existing noise levels generated by ferry and residential traffic. Noise may frighten marbled murrelets away from the project area, forcing individuals to forage in other areas, potentially increasing competition for resources and reducing species fitness.

Terrestrial, foraging marbled murrelets will not experience disturbance. Nesting murrelets, which are not expect in the area due to lack of suitable nesting habitat, would experience behavioral disturbance within 446 feet over water and 288 feet over land.

No roadways will be added, improved or modified as part of this project. Over the long-term, the project may increase area traffic due to the new recreational opportunity created by the public path. However, this minor increase in terrestial noise from foot traffic would not affect aquatic species. No terrestrial northern spotted owl or marbled murrelet nesting habitats or designated critical habitats are within, or near, the action area. Any effects from any increase in visitor traffic would be insignificant.

6.1.2 Water Quality
Water quality is not expected to be affected due to the fact that no in-water work will take place. Beach substrate may be disturbed. However, as currents within the channel are strong, averaging 0.9 and 2.1 knots on flood and ebb tides (Geoengineers, Inc. et al 2008), this disturbance is not expected to exceed the water quality standard set forth in the 401 permit from the WSDOE (WSDOE 2006).

Stormwater
A small amount of impervious surface will be added to the watershed in the form of the proposed paved trail. However, the trail will be limited to non-motorized vehicle only and thus, will not generate any extra pollution. Rainwater runoff will be directed to either side of the path though gentle grading of the pathway for filtration into the neighboring soil. The slope to the south (inland) covers between 100 and 400 feet. The proposed trail will be 12 feet wide and thus the new impervious area will be less than 5% of total watershed. No further stormwater effects are foreseen as a result of the proposed project.

6.1.3 Vegetation Removal
The area is in a highly unstable, disturbed area. It is beachfront which experiences occasional severe storms and landslides. Thus, many of the larger plant specimens have uprooted and fallen down the slope. It is expected that 72 deciduous trees (mostly alders) between 6 and 24 inches diameter will need to be removed and others may need
to be trimmed. Any vegetation that needs to be removed for staging or access for
construction will be replaced with appropriate native plants. A swath 12 feet wide for the
length of the trail (approximately ¼ mile, 3960 feet) will be cleared of vegetation and
replaced by the proposed trail. This equals 47,520 sq. ft, or approximately 1.1 acres.

6.1.4 Wetlands
As referenced in section 3.2.2, there is one section of designated wetland within the
action area however no impacts to this wetland will occur.

6.2 Indirect Effects
"Indirect effects" are those effects caused by, or resulting from, the proposed action and
are later in time but are still reasonably certain to occur (50 CFR 402.02).

Three examples of indirect effects are:
1. Changes to ecological systems resulting in altered predator/prey relationships
2. Changes to ecological systems resulting in long-term habitat alteration
3. Anticipated changes in human activities, including changes in land use

6.2.1 Changes in Land Use
Currently, most of the land that would be developed for the path is privately held, with
little use or no access as there is no established trail through the heavily vegetated hill
slopes. Public access to the nearby areas is along the beach at low tide. Much of the
project area is too far from public access to see much beach-going foot traffic. The
advent of a paved public path will likely increase the public’s use of the project area.
However, this is not expected to adversely affect any listed species or their habitat.
Over the long-term, the project may increase area traffic due to the new recreational
opportunity created by the public path. However, this possible, unquantifiable minor
increase in terrestrial noise would not affect aquatic species. No terrestrial northern
spotted owl or marbled murrelet nesting habitats or designated critical habitats are
within, or near, the action area. Thus, there should be no measurable effects from any
increase in visitors.

6.2.2 Predator-Prey Relationship
Surf smelt are known to inhabit Guemes Channel year round (Thompson, pers. comm.
2010). Pacific Herring are another important forage species for both salmon and
murrelets. The proposed below-MHHW work (August 1 – August 31) is within the WDFW
work window (July 16 - January 31) to minimize adverse effects to listed aquatic species.
Since no in-water work will be performed, no effects to prey species are expected. Thus,
predator-prey relationships are not expected to be significantly affected by this project.

6.3 Interrelated and Interdependent Actions
Interrelated actions are those that are part of a larger action and depend on the larger
action for their justification. Interdependent actions are those that have no independent
utility apart from the action under consideration (50 CFR 402.02). No interrelated or
interdependent actions are expected to result from this project.
Chapter 7 Effect Determinations

7.1 Effect Determinations for Listed Species

7.1.1 Marbled Murrelet
While marbled murrelet could possibly forage in the area, as surf smelt are known to use the beach west of the action area for spawning, the proposed project will have "no effect" for the following reasons:

- No suitable nesting habitat for marbled murrelets is present within the project action area.
- The trees to be removed are relatively young and do not provide suitable nesting habitat and are not expected to be used by marbled murrelets.
- All removed trees will be replaced with native coniferous varieties.
- Sound pressure levels from construction noise will not be above the injury threshold.
- The project area is unlikely to be used for foraging due to existing disturbance. The Guemes Island ferry makes approximately 50 trips daily and the Anacortes/San Juan Ferry also makes approximately 17 daily departures.
- While surf smelt are a prey species and may be present in Guemes Channel, no in-water work will be performed and work below MHHW will be completed during the marine fish work window (July 15th - August 31st) in order to prevent effects to fish.
- Marbled murrelets densities are low in the vicinity and are not likely to be within the action area at any given time.
- Eelgrass beds will not be impacted.

7.1.2 Leatherback Sea Turtle
Though there is potential for the leatherback sea turtle to be present in Puget Sound, the project will have "no effect" for the following reasons:

- Leatherbacks are known to forage in pelagic waters; the project area is within a confined channel and all work will be done in the dry.
- There is no nesting habitat in the project area as they only nest at tropical or subtropical latitudes.

7.1.3 Other Fish Species (Bull trout, Chinook salmon, Steelhead trout, Rockfish spp.)
While these species have the potential to be present within the action area during high tide, the proposed project will have "no effect" on them for the following reasons:

- No in-water work will occur as part of this project. All work below the MHHW (riprap retrieval) will be done in the dry, during the lowest tides possible.
- To prevent sedimentation from entering the Guemes Channel, erosion control BMPs, such as silt fences and straw wattle (certified weed free), would be installed before any earth moving activities take place and would be maintained throughout construction.
• As this project is within a marine environment, it does not provide spawning habitat for anadromous fish species.
• There will be no impact to eelgrass beds
• The contractor shall be required to gather the fallen rock material within the WDFW approved work window (August 1 – August 31).
• Though 72 deciduous trees will be removed, they will be replaced with native coniferous species within the shoreline.
• All equipment shall be checked daily for leaks and any repairs made prior to commencement of work. Refueling operations will be conducted at least 100 feet from open water.
• A Spill Prevention Control and Countermeasures Plan would be prepared by the contractor and approved by the City prior to the initiation of construction.
• All washout water and waste materials will be fully contained, and disposed of offsite in accordance with federal, state, and local laws.

7.2 Effect Determinations for Designated Critical Habitat

7.2.1 Chinook salmon Critical Habitat

Nearshore marine critical habitat has been designated within the Guemes Channel. This area includes areas contiguous with the shoreline from the line of extreme high water out to a depth no greater than 30 meters relative to mean lower low water (NMFS 2005). However, the project will have "no effect" on Puget Sound Chinook salmon critical habitat for the following reasons:

• No in-water work will occur as part of this project. All work below the MHHW (riprap retrieval) will be done during the lowest tides possible.
• Temporarily disturbed areas will be restored by seeding. All removed trees will be replaced with native coniferous species.
• This project is for low intensity recreational purposes and will not have an impact on water quality.
Chapter 8 References

Agency Contacts and Personal Communications


Literature Cited


———. 1999. ETWP; Determination of Threatened Status for Bull Trout in the Coterminous United States; Final Rule. November 1. Federal Register 64 (2919); 58910 – 58933.

———. 2005. ETWP; Designation of Critical Habitat for the Bull Trout; Final Rule. September 26. Federal Register 70 (185) 56304


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Appendix A: USFWS Species List - Skagit Co.
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Appendix B: Noise Analysis

Noise Calculations:
The following calculations and values are based on information and guidance from Section 7: Noise Impact Assessment in the Biological Assessment Preparation Advanced Training Manual for Transportation Projects, Version 02-2013; prepared by the Washington State Department of Transportation. available online at: http://www.wsdot.wa.gov/Environment/Biology/BA/BAguidance.htm

The construction noise levels used in this assessment were obtained using Table 7-4 of the manual.

The traffic levels used in this assessment were obtained using the WSDOT Annual Traffic Report data available on-line at http://www.wsdot.wa.gov/mapsdata/travel/annualtrafficreport.htm. Speed limits were noted during the field visit. This information was then used to estimate traffic noise using Table 7-3 in the Biological Assessment Preparation Advanced Training Manual, Version 02-2013 (WSDOT 2013).

Traffic noise
The project lies primarily in a developed, residential neighborhood, 0-400 feet from a major arterial, Oakes Ave. (AKA, Hwy 20). The speed limit on this nearest road varies from 40 mph further west (approx. 2/3 project length) to 30 mph towards town (Anacortes)(1/3 total length). While traffic speed is higher further from town, the traffic volume decreases somewhat and visa versa. Thus, an average speed of 36.6 mph will be assumed. The WSDOT annual traffic report as of 2011, gives traffic volume for the main stretch of Hwy 20 (AKA Oakes Ave.) within the project area as 9,900 cars per day. Per the WSDOT BA guidebook, this gives 990 cars per hour during the day. There is a 1.2 dB drop in noise for all traffic volumes for every 5 mph reduction in speed; also a 3 dB drop as traffic volumes halves. The equation for dB per volume at 35 mph is as follows:

\[ \text{dB} = 4.3281 \times \ln(\text{traffic volume}) + 36.303. \]

This gives 66.16 dB at 35 for 990 cars/hour. Add 1.2 dB per 5 mph increase. For 1.6 mph reduction (36.6 mph – 35 mph), the result is (1.6/5) *1.2 = + 0.384 dB.

66.16 + 0.384 = 66.54 dB for traffic noise. We will use 66.5 dB, which is more conservative for further traffic noise use.

As traffic is the main source of noise is the area and there are numerous other streets nearby, 66.5 dB will be considered the background level to which construction should attenuate.

Construction noise
The proposed project will involve the use of either an excavator (81 dB) or a backhoe with grapple (87 dB) to replace rip-rap, chainsaw (84 dB) and flatbed truck (74 dBA) to clear vegetation, compactor (83 dBA) and a paver (77 dB).

Being conservative, we will use the louder backhoe volume for further calculations. The project will be conducted in two phases, prepping and paving. Using the law of decibel addition, the total volume generated, if all equipment was used simultaneously, would be during prepping at a level of 89 dB. Inland of the construction site is mostly a vegetated bluff, and it will be considered a "soft" site with an "alpha" of 25. Seaward is open water, which is a hard site at alpha = 20.

Terrestrial Noise Attenuation
Construction at the western end of the trail (preserve) will not require replacing dislodged rip-rap and should be a noticeably quieter operation. However, for simplicity and to be conservative, construction noise levels will be considered the same throughout the project’s length.

Terrestrial Noise Attenuation distance over land
Background is estimated as 65.5 dB. The equation for attenuation distance is

\[ D = D_0\times 10^{\left(\frac{\text{Construction Noise} - \text{background in dBA}/\alpha}{10}\right)} \]

where \( D_0 \) = distance original sound levels were measured (commonly 50 feet) and \( \alpha \) is 25 for "soft" site.

\[
D = D_0\times 10^{\left(\frac{\text{Construction Noise} - \text{Ambient Noise in dBA}/\alpha}{10}\right)}
\]

\[ D = 50 \times 10^{\left(\frac{89-65.5}{25}\right)} \]
\[ D = 50 \times 10^{(22.5/25)} \]
\[ D = 50 \times 10^{0.9} \]
\[ D = 50 \times 7.94 \]
\[ D = 397 \]

Therefore, at approximately 397 feet inland from the project site, peak noise from construction activities would attenuate to the ambient level.

Terrestrial Noise Attenuation distance over water
Water is considered a "hard" site as it very reflective. \( \alpha \) is 20 for "hard" site.

\[
D = D_0\times 10^{\left(\frac{\text{Construction Noise} - \text{Ambient Noise in dBA}/\alpha}{10}\right)}
\]

\[ D = 50 \times 10^{\left(\frac{89-65.5}{20}\right)} \]
\[ D = 50 \times 10^{(22.5/20)} \]
\[ D = 50 \times 10^{1.29} \]
\[ D = 50 \times 13.33 \]
\[ D = 667 \]

Therefore, at approximately 667 feet into Guemes Channel from the project site, peak noise from construction activities would attenuate to the ambient level.

Terrestrial marbled Murrelet disturbance threshold distance
The threshold for disturbance of nesting marbled murrelets is 70 dBA. As work will take place outside the nesting season, only occasional foraging activities could take place at the project site. When analyzing the effects of noise on foraging marbled murrelets outside of their nesting season or beyond noise threshold distances of nest sites within nesting season, the harassment threshold of 92 dBA is used (rather than 70 dBA) as the
disturbance threshold (WSDOT 2013). Construction noise (89 dBA) will be below the harassment threshold and as such, construction noise is not likely to adversely affect non-nesting, terrestrial marbled murrelets.

However, if we were to use the nesting disturbance threshold of 70 dB, the attenuation distance would be calculated as follows:

\[
D = D_0 \times 10^{(\text{Construction Noise} - \text{disturbance threshold})(/10)}
\]

\[
\begin{align*}
D &= 50 \times 10^{(89-70)/20} \\
D &= 50 \times 10^{19/20} \\
D &= 50 \times 10^{0.76} \\
D &= 50 \times 5.75 \\
D &= 288
\end{align*}
\]

Therefore, beyond 288 feet marbled murrelets should not be affected by construction noise.

\[
D = D_0 \times 10^{(\text{Construction Noise} - \text{disturbance threshold})(/10)}
\]

\[
\begin{align*}
D &= 50 \times 10^{(89-70)/20} \\
D &= 50 \times 10^{19/20} \\
D &= 50 \times 10^{0.95} \\
D &= 50 \times 8.91 \\
D &= 446
\end{align*}
\]

Therefore, beyond 446 feet marbled murrelets should not be affected by construction noise.

No injury thresholds will be met for any listed species.

Summary table of distances of noise transmission and disturbance thresholds.

<table>
<thead>
<tr>
<th>Distance to Threshold</th>
<th>Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attenuate to Background</td>
<td>397 feet</td>
</tr>
<tr>
<td>Behavioral Disturbance</td>
<td></td>
</tr>
<tr>
<td>Non-nesting Marbled Murrelets</td>
<td>NA(^{1, 2})</td>
</tr>
<tr>
<td>Nesting Marbled Murrelets</td>
<td>288 feet</td>
</tr>
<tr>
<td>Marine Mammals</td>
<td>NA(^2)</td>
</tr>
<tr>
<td>Harassment/Injury Threshold</td>
<td>Not met for any listed species</td>
</tr>
</tbody>
</table>

\(^{1}\) For marine foraging marbled murrelets (non-nesting), injury threshold is used for effect determinations threshold rather than disturbance threshold (WSDOT 2013).

\(^{2}\) Threshold not met.
REFERENCES

Cultural Resources Review for the Guemes Channel Trail Project, City of Anacortes, Skagit County, Washington.

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Drayton Technical Report: 0713A

July 9, 2013
TABLE OF CONTENTS
Introduction .................................................................................................................. 1
Summary ....................................................................................................................... 1
Regulatory Environment .............................................................................................. 2
Area of Potential Effects (APE) .................................................................................. 2
Background Review ...................................................................................................... 6
Environmental Context ............................................................................................... 6
Cultural Context .......................................................................................................... 6
Previous Cultural Resources Studies and Sites .......................................................... 8
Historic Property Expectations .................................................................................... 11
Field Investigation ....................................................................................................... 11
Recommendations ....................................................................................................... 18
References ................................................................................................................... 20
Appendix A: Great Northern Railroad Archaeological Site Form ................................ 23

TABLE OF FIGURES
Figure 1. The project corridor illustrated on a portion of the Guemes Island, USGS 7.5 minute
quadrangle map ........................................................................................................... 4
Figure 2. An aerial photo illustrating the proposed and completed trail segments ............... 5

TABLE OF PHOTOS
Photo 1. A view east along the railroad grade (note: La Merced in background, left) ............... 12
Photo 2. A close-in view of exposed railroad ties and vegetation overgrowth ....................... 12
Photo 3. An unusual example of the riprap, railroad grade and eroding ties (to either side of Jack,
sitting). Sam, standing, is 48" tall .............................................................................. 13
Photo 4. A southwest of a segment of the APE with a deck constructed on the grade itself ....... 14
Photo 5. An example a wash-out area along the APE (there are numerous) ......................... 14
Photo 6. Washed-out, exposed railroad ties are visible along most of the APE, the above is at the
terminus of the extant trail ............................................................................................. 15
Photo 7. An overview of the terminus of the proposed trail at Lovic Marina (white objects are
buried, eroding styrofoam block-fragments) ................................................................... 15
Photo 8. A detail of the exposed soil at the east terminus of the APE adjacent to Lovic Marina .... 16
Photo 9. Above the cutbank at the trail terminus the area is used as haul-out for boats .......... 16
Photo 10. The possible box culvert feature, flanked by modern foundation drain pipe .......... 17
Photo 11. Close-in of the feature, possible box culvert ................................................... 17
Photo 12. A view northeast of the La Merced as she sits today (note tree growth inside the hull)... 18
INTRODUCTION
Author: Garth Baldwin
Date: July 9, 2013
Location: Anacortes, Skagit County, Washington
USGS Quad: Cypress Island, WA 7.5 minute quad (1973, rev. 1994)
TRS: Sections 22&23, Township 35 North, Range 1 East, Willamette Meridian

SUMMARY
Drayton Archaeology was contracted by Widener & Associates to conduct a cultural resources review for a segment of the City of Anacortes (the City), Guemes Channel Trail Project (the Project). The reviewed segment of the city recreational trail project is part of a larger corridor of trails beginning at the Anacortes Ferry Terminal and extending east along the shoreline for approximately 1.87 miles. The initial segment of trail west of the cul-de-sac, at the time called the Ship Harbor Trail by the City, was reviewed by Koziarski and Baldwin (2010, 2010a). The present segment under review extends from a section of trail previously built that extends approximately 785m from the Ship Harbor Boulevard cul-de-sac to the private marina 1.2km east along the shoreline.

The project is being partially funded by the Federal Highways Administration (FHWA) through the Washington State Department of Transportation's Highway and Local Programs Agency. As such, federal regulatory requirements concerning historic and cultural resources must be met by the lead agency. As part of the effort to comply with section 106 of the National Historic Preservation Act of 1966, as amended, this review was conducted. The present cultural resources assessment consisted of background review, field investigation, and production of this report. Background review of previous, adjacent cultural resource management work determined the project area is in the vicinity of numerous archaeological sites along the shoreline east of the project area. However, the probability for cultural resources being encountered along the proposed trail corridor was considered low due to known historic alterations to the shoreline. Field investigation included pedestrian survey and close inspection of the hillside, terrace and cutbank sections along the shoreline of Guemes Channel. No evidence for precontact cultural resources was encountered. The corridor was at one time a portion of the Great Northern Railroad. Sections of the railroad are still present in the APE. Buried, partially exposed ties of the old line are in place along the former route. Numerous sections of the wave-cut terrace reveal buried ties and some sections area entirely missing due to natural erosion and (possibly) development.

The identified segment of Great Northern Railroad in the APE was recorded on a Department of Archaeology and Historic Preservation (DAHP) archaeological site form as part of this project. The permanent Smithsonian trinomial for the site is 45SK520. The railroad segment does not appear eligible for listing on the National Register of Historic Places (NRHP). As such, the project does not appear to have the potential to affect any historic properties and no further cultural resources oversight is warranted. It is our recommendation that FHWA assert a determination of No Historic Properties Affected to the Washington State Historic Preservation Office (SHPO) and all other interested parties.
REGULATORY ENVIRONMENT

The present assessment was conducted to assist the City in compliance efforts with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended in order to secure Federal Highway Administration (FHWA) funding for the project. The Code of Federal Regulations, 36 CFR Part 800 of the NHPA, requires that any Federal agency having direct or indirect jurisdiction over a proposed Federal or Federally assisted undertaking, or issuing licenses or permits, must consider the effect of the proposed undertaking on historic properties. Section 106 provides the process by which this must be accomplished. This review includes a recommendation of whether the proposed undertaking will adversely affect historic properties. In order for a property or site to be considered eligible for listing in the National Register of Historic Places (NRHP) it must meet certain criteria set forth in 36 CFR Part 60.4, as indicated below:

... any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

The procedures under Section 106 generally require the Federal agency involved in the undertaking to identify the APE, inventory any historic properties that may be located within the APE, and determine if the identified historic properties located within the APE may be eligible for listing on the National Register of Historic Places (NRHP). An APE is defined in 36 CFR 800.16(d), as follows:

... the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

If NRHP-eligible historic properties are identified within the APE, then potential adverse effects to the historic properties must be assessed and a resolution of adverse effects must be recommended. Under Section 106, the responsible Federal agency must, at minimum, consult with and seek comment from the State Historic Preservation Officer (SHPO) and/or the Tribal Historic Preservation Officer (THPO), as applicable, and consult with any affected or potentially affected Native American Tribe(s).

AREA OF POTENTIAL EFFECTS (APE)

The APE is a linear corridor located in Anacortes, Skagit County, Washington in Sections 22 and 23, Township 35 North, Range 1 East, Willamette Meridian (Figure 1). The present project is part of the larger Cross Island Connection Project, Guemes Channel Trail to Tommy Thompson Trail, which will eventually construct a paved non-motorized multi-use trail along an abandoned
railroad bed from the San Juan Ferry to downtown Anacortes and the existing Tommy Thompson trail. The general design of the trail structure consists of an asphalt trail 12 feet wide utilizing former railroad grade and riprap. Some ground disturbance will be necessary to rebuild sections of the grade that have washed out and an approximate maximum proposed depth of excavation to about four feet below existing, intact or overburdened grade. The aim of the work is to provide safe transportation for walkers and cyclists and ultimately provide connections to the Washington State Ferries and Washington Park.

Again, the subject segment of Guemes Channel Trail extends from the extant paved trail previously built that extends approximately 785m from the Ship Harbor Boulevard (variously called Edwards Way) cul-de-sac to the private marina 1.2km east along the shoreline.
Figure 1. The project corridor illustrated on a portion of the Guemes Island, USGS 7.5 minute quadrangle map.
Figure 2. An aerial photo illustrating the proposed and completed trail segments.
BACKGROUND REVIEW
Determining the probability for Historic Properties within the APE was based largely upon review and analysis of past environmental and cultural contexts and previous cultural resources studies and sites recorded within about one-mile of the APE. Consulted sources included reviewing local geologic data to better understand the depositional environment; archaeological, historic and ethnographic records on file on the Washington Information System for Architectural and Archaeological Records Data (WISAARD) database; and selected published local historic records.

Environmental Context
The Pleistocene epoch brought with it an intense period of glaciation in North America, and the Northwest Coast was infused with the advancing and retreating of the southwest foot of the Cordilleran Ice Sheet. The Frasier Glaciation, lasting from about 18,000 to 13,000, was the last advance of the final episode of glacial activity encompassing the Northwest Coast. This glaciation produced a sheet of glacial ice measuring approximately 5000 feet thick, which scoured the lowlands of the Puget Sound basin. The advance and retreat of the glacier created the present landforms in the area, including the San Juan Islands (Easterbrook 1969). Although it has not been studied directly, sea levels in the APE are thought to have been considerably higher just after the glacial retreat (13,000 to 11,000 years ago) and did not reach their current lower levels until approximately 6000 years ago (Wessen and Waterhouse 1987).

The Puget Sound basin, as part of the Puget Trough, is part of the Tsuga heterophylla zone which supports the growth of Western Red cedar, Western Hemlock, and Douglas fir (Franklin and Dynness 1973). The lowlands are composed of a canopy dominated by (but not limited to) alder, maple, willow trees with a very thick understory of stinging nettles, ferns, skunk cabbage, and wild rose. Portions of the project area have been considerably reworked by historic logging, canning operations and particularly the construction of the Great Northern Railroad during the late 19th - early 20th century.

The APE is located along the toe of a northern aspect slope of Guemes Channel on northwestern Fidalgo Island. Soils in the project area are classified by the Natural Resources Conservation Services (NRCS), United States Department of Agriculture (USDA) as Dystric Xerochrepts, 70 to 90% slopes. Dystric Xerochrepts are usually located on mountainsides and formed in glacial till and serpentinite derived colluvium. Generally, a typical profile consists of five strata. The first layer is approximately two inches of forest duff that lies over four inches of dark gray gravelly loam. This is followed by 12 inches of reddish brown very gravelly clay loam, which lies over 30 inches of dark grayish brown extremely gravelly loam, and is followed by bedrock and/or thick clay deposits (Klungland and McArthur 1989).

Cultural Context
There are number of Coast Salish groups that have traditional claims to the area surrounding the project area. The aboriginal inhabitants of the area were classified by Sutlles (1951:6) as Straits Salish, a group of Coast Salish people differentiated by dialectic differences and areas of occupation. It is important to note that these names were imposed upon the indigenous population by Europeans who expected them to be static groups and that these labels would
logically apply to all descendents. The Samish are recognized as the local Straits Salish group, although the Swinomish and Lummi have made claims to the area because of longtime family connections and traditional cooperative use. Distinguishing the Straits Salish is their language, Lkungen, which is different from Lushootseed, is spoken by other Salish peoples further to the south and east (Wessen 1986). The Straits Salish people also differ from other mainland Salishans by the subsistence strategies focused primarily on marine resources and reef-netting of sockeye salmon.

Native people of the Northwest coast recognized ancestry, rights to resources, resource locations, settlement areas, songs, dances, rituals and other cultural expressions as dynamic and individually restrictive, not group based as is understood by the European world view of nationalities. Prior to European contact and influence the Coast and Straits Salish People were less segmented. They were more of a fluid entity then after the divisive influences brought by Euroamericans and other non-Native influences. Traditional land use rights were determined by marriage and/or inheritance; therefore, intermarriage (for one) between groups frequently created dynamic opportunities for resource acquisition. In addition, the artificial political boundary of the US/Canada border is another artefact of European conquest that further divided the Indigenous life ways.

According to Ruby and Brown (1992) winter villages were preferentially located on Fidalgo, Samish and Guemes Islands during the precontact period. According to Suttles (1951), the north and west shores of Fidalgo Island were used exclusively by the antecedents of today's Samish Nation. Resources were taken from specific areas when it was the best time of year to do so, people would have travelled throughout the area occupying particular areas relative to what resource was available and to which they had rights to exploit. In the spring and summer they utilized the southern and eastern portions of Lopez Island and the surrounding smaller islands as part of their seasonal round to live and gather resources during the year (Suttles 1951). Wessen (1986) points out that there were no fixed boundaries and that the highly mobile people maintained extensive contact with their neighbors and shared use areas with each other.

Expansion for colonization along with trade brought Europeans into contact with the Native population of the islands. The navigable trade waters surrounding the San Juan Islands were first visited by Spanish explorers Francisco de Eliza, Juan Pantoja y Arriga, and later British explorers such as Lieutenant William Broughton, sailing under George Vancouver. Fidalgo Island was first sighted by the Spanish on July 5, 1790 by Manuel Quimper while exploring the inland waters of Washington (Blumenthal 2004). He named the island for Lieutenant Salvador Fidalgo who he had previously dispatched to explore the Alaskan coast and determine the extent of Russian migration (Blumenthal 2004).

The early European explorers would have been looking for resources to exploit such as timber, farmland, and furs. The first settlers did not arrive on Fidalgo Island until the 1850's. Its relative isolation and resource potential relegated it to a secondary concern for Euroamerican settlement (Lunsford 2009). Shortly after the arrival of permanent residents to the island the majority of the Native population relocated to nearby islands or the Swinomish Reservation. In 1879 the town of Anacortes, originally called Ship Harbor, was founded by railroad surveyor Amos Bowman. Eventually the town was renamed for his wife, Anne Curtis Bowman. The 1890's saw a boom in
population due to railroad speculations and the burgeoning fishing and lumber industries (Lunsford 2009).

In 1893, the Fidalgo Island Packing Company opened the first of several canning operations in the area. The cannery employed ~350 people including Chinese, Norwegian, and Greek euro-American immigrants, as well as a large body of Samish workers, employed for their knowledge of traditional salmon fishing/netting sites located nearby (Waterhouse 1986). The Samish lived in separate quarters (as did the Chinese) away from the larger body of employees and the remains of their living area are still observable surrounding Cannery Lake and the Ship Harbor wetlands around the Washington State Ferry Terminal (Baldwin et al. 2007; Gill 2008; Koziarski and Baldwin 2010, 2010a, 2010b; Waterhouse 1986; Wessen and Waterhouse 1987). Cannery operations continued in Ship Harbor into the 1920's when the cannery and rail were closed, abandoned and subsequently sold to the Port of Anacortes.

**Previous Cultural Resources Studies and Sites**

According to the WISAARD database (accessed July 2, 2013) there have been numerous cultural resources studies conducted and cultural resources recorded in close proximity to the present APE. There have been nine cultural resource surveys in close proximity to the APE. In addition to the surveys conducted, five archaeological deposits related to precontact occupation and cannery operations. The documentation of the general culture area also offers a context in which to consider past land use in the area.

The first regional study of indigenous society on the Northwest Coast was conducted by the Jesup North Pacific Expedition in 1897-1902 (Smith 1907). The multidiscipline group was lead by Franz Boas, and sponsored by the American Museum of Natural history. The expedition accounted for early documentation of many groups throughout Washington State and the northwest coast generally, but little else happened in way of research until after WWII.

Archaeological investigations in the general vicinity of the project area begin with the Northern Puget Sound survey conducted by Bryan in the 1950s (Bryan 1963). He and Ralph Turman recorded 45SK14, the first of several prehistoric sites in the immediate Ship Harbor area in 1953. The site was recorded west of the present APE, in the low marsh area the cannery formerly occupied. When recorded, there was significant damage to the site due to historic occupation and cannery activities. Looting, or 'artifact hunting', had also contributed to damage to the deposits. Wessen and Waterhouse (1987) suggested that there may have been remnant pockets of shell midden and the remains of a bunkerhouse associated with 45SK14 in the area with some degree of integrity remaining. In 1978, further west of 45SK14, Western Washington University professor Dr. Garland Grabert noted a deposit of shell when monitoring the installation of sewer lines at the Washington State Ferries, Anacortes terminal, on the east side of Shannon Point. The site was eventually recorded by Joan Robinson as 45SK299 immediately south of the terminal. Site materials actively erode from the shoreward cut bank. Thin layers of midden are traceable along the banks and more midden is suspected under the ferry parking lot (Griffin 1983; Trudel et. al 2005; Robinson 1996).

There has been a plethora of cultural resource investigations for other ancillary and locally contiguous development projects in the immediate area (Baldwin 2013; Baldwin et al. 2007; Gill
2008; KoziarSKI and Baldwin 2010, 2010a, 2010b; Nelson 2005; Schwarzmiller and Schalk 2004; Wilhelmsen 1993). The construction of Ship Harbor Boulevard // Edwards Way down to the shoreline was undertaken after a cultural resources survey conducted by Historical Research Associates (HRA) in 1993. A survey for the installation of sewer lines and a pumping station, east of the present survey area, was completed by Cascadia Archaeology in 2004. A large residential development surrounding the Leeward property on the south and east sides was surveyed by Cascadia Archaeology in 2005.

The construction of Edwards Way was assessed in 1993 by HRA for the City of Anacortes (Wilhelmsen 1993). The road was brought down to its present location as a cul-de-sac, where begins the easternmost extant Guemes Channel Trail segment. Extensive trenching to investigate soil profiles and locate cultural material was conducted. The pre-construction investigation by HRA did not identify any archaeological material and the road was constructed.

Work conducted by Schwarzmiller and Schalk (2004), Cascadia Archaeology for a sewer system conveyance line and pumping station was similarly sufficient and returned low densities of highly disturbed cultural material. The Cascadia survey utilized auger and shovel probes east of the Edwards Way cul-de-sac. They offered a recommendation for monitoring of the excavation; however, no report on any monitoring could be located in the DAHP database.

A survey for 108 residential units was conducted west and south of the present APE, along the upper terrace (Nelson 2005). Nelson’s survey was concerned with the eventual construction project across 25.32 acres of property and has been actively developed in the recent past. Nelson and her crew excavated 150 shovel probes and recovered only limited historic debris. No significant archaeological materials were located and the development project was recommended for approval.

The most relevant cultural resources to the present investigation are: 45WH158, 45WH174 and the remains of the 4-Masted Schooner: La Merced (45SK270) (Delgado 1988). The archaeological deposits are associated with the Ship Harbor occupation of the shoreline, originally located and recorded by researchers in May of 1983 during a rather rigorous battery of auger coring (Wessen and Waterhouse 1987).

As a result of assessment work, 45WH174 was considered compromised by historic disturbance. The site was lacking integrity, due to the highly disturbed precontact component associated with superficial historic era debris. In 1986, the Samish Tribe in association with Wessen conducted a two-phase cultural resource inventory of the sites in response to proposed development of the area (Waterhouse 1986, Wessen and Waterhouse 1987). Phase I of the project included limited excavation of the sites and a regiment of auger probes in a rough 10x10m grid. Phase II focused on a larger and longer localized excavation regiment, focused on the interpretation and possible eligibility of the sites into the National Register of Historic Places (NRHP) (neither was recommended eligible).

The multi-component site in the project area, 45WH174, was the only one of the three not given a Smithsonian trinomial site designation after the 1983 auger probe battery. The site consists of a scattering of historic surface debris and shallow fragmented shell facies. Although considered
multi-component, there is no hard evidence the shell matrix is prehistoric. Phase II of the cultural resource survey consisted of seven test units spaced an equal distance from the 20' contour and the shoreline. The site is probably associated with the occupation of Samish workers who resided there from 1890-1930. Observable features include refuse piles, old salting posts, and a possible outhouse depression. Materials recovered in subsurface testing include historic debris such as stove parts, bottles, and can lids as well as pockets of midden from the sandy substrate.

The site, 45WH158 was located during the 1983 site work, but was not tested until the phase II cultural resource survey. The site is comprised of two shell midden deposits along the 20' contour west of Edward's Way, eroding out of the railroad bed cut bank separating the upland and lowland of the project area. Wessen and Waterhouse Phase II excavated four units along the contour above the old railroad bed, covering a distance of 40 meters. Although the deposits are thin in this area, they are relatively intact, ranging from 0-30cm below the surface. Radiocarbon dates taken from the site returned an estimated age of 1000 +/- 70 years B.P.

The NRHP eligible, 1917 La Merced was listed on the national register April 17, 1990. It was constructed in 1917 as a diesel powered, 232 foot, 42.6 beam ship by James Robertson (Delgado 1988). The former 4-masted schooner is laid up as a breakwater for the Lovrić private marina adjacent to the easternmost extent of the present APE. The hull, filled with sand and laying evenly, is all that remains of the ship. It is in a radically deteriorated state, and is outside of the present APE and any proposed work.

Portions of the sites: 45SK158 and 45SK174 were relocated by Baldwin et al. (2007) during a survey for the Leeward Condominium development located down slope and west of the current project area. Each of the sites had been identified as surface scatters of prehistoric and historic debris, and only limited subsurface deposits were found in association with each. The site 45SK158 consisted of small scatters, neither of which is expected to continue into the current project area, however, positive shovel probes and surface debris associated with 45SK174, were found just to the east of the current project area, and may continue westward.

More recent work in the area by Kozierski and Baldwin (2010, 2010a, 2010b) for the City of Anacortes' proposed trail construction located site deposits associated with the Fidalgo Island Packing Company Cannery Site (45SK174). Materials were located both on the surface and in shovel probes. Artifacts considered ethnically diagnostic to the Asian workers at the cannery included rice bowl and sauce jar fragments, as well as an opium tin. Other recovered artifacts included what was described as a possible dubbing pin, various bottle fragments, whiteware, brown earthenware, bricks, nails and bolts, and food remains. Shell fragments located during the study may have been associated with the precontact shell midden, 45SK14, but it was considered destroyed by post deposition activities at the site (Kozierski and Baldwin 2010, 2010a, 2010b; Wessen and Waterhouse 1987).

The most recent work in the area was conducted by Baldwin (2013) for another upland residential development. The Channel Landing development is located south of and above the extant paved trail segment west of the APE. Trenches and pedestrian survey for the 4.34 acre, 16 single-family residential development did not encounter any isolated artifacts or deposits of cultural materials.
HISTORIC PROPERTY EXPECTATIONS

Based on a review of the previous efforts at identifying cultural resources, past historical, environmental and cultural reviews, the APE was considered to be located in an area known to have a historic-era resource, but a low precontact era probability for cultural deposits. The expectations were based upon:

- Extensive previous work at the recorded historic and precontact cultural deposits in the area illustrates their established, known boundaries and characterized deposits.
- The topographic relief of the APE and adjoining landform, preclude a likely probability for heretofore unknown cultural resources.
- The known and recorded use of the corridor by the Great Northern Railroad to service the Fidalgo Island Packing Company logically identified the potential for at least some remnant of the rail line.

Nonetheless, all types of cultural resources were considered possible, however improbable. Remnants of precontact activities related to lithic resource acquisition and testing (cobble tool scatters), fire modified rock (suggestive of lag deposits from shoreline use), temporary camps or resource processing locations that could represent a range of ephemeral fishing/hunting, sea-plant gathering and/or ceremonial activities. Historic cultural resources beyond the recognized Great Northern Railroad, were thought to possibly include trash scatters or artifacts associated with logging, cannery activities, or obviously, more likely railroad. Considering the depositional environment of the APE any potential cultural resource deposits were expected to be shallow, washed out or exposed by active tidal action.

FIELD INVESTIGATION

Field investigation was conducted by Drayton Archaeology Principal, Garth Baldwin (and sons) on July 5, 2013 in warm, clear and sunny weather at a maximum low tide. Field investigation included pedestrian survey and cutbank clearing and close inspection. Photographs and global positioning system (GPS) tracks and points were collected of the route and notable features (Table 1).

<table>
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<th>Date/Time</th>
<th>Easting</th>
<th>Northing</th>
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<tr>
<td>End paved trail</td>
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<tr>
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<tr>
<td>Box culvert</td>
<td>05-JUL-13 11:47:24AM</td>
<td>525773</td>
<td>5373006</td>
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</table>

During the pedestrian survey the entire APE corridor was walked twice. The route started at the westernmost end at the end of the extant trail and continued to the Lovie Marina. The APE was re-surveyed on the return walk. Close inspection was made of cutbanks, soil exposures, exposed cultural materials and beach cobbles and sediment.

Drayton Archaeology Report 0713A
The APE is a corridor of former railroad grade along the base of a steep north-facing terrace. The slopes backing the grade vary slightly from approximately 30-50°. Vegetation along the route is limited on shoreward by active wave action. An eelgrass survey had previously installed stakes along the route. The landward side of the APE was generally thickly vegetated with pioneer and established mixed conifer and hardwood forest species. Some areas were infested with noxious weeds like Himalayan black berry and non-native grasses (Photos 1-2).

Photo 1. A view east along the railroad grade (note: La Merced in background, left).

Photo 2. A close-in view of exposed railroad ties and vegetation overgrowth.
The undertaken pedestrian survey was simply a walk along the shore and back from the terminus of the extant trail. Locations where the railroad grade, exposed ties and washouts were given particularly close attention to ascertain whether other associated features or underlying deposits of cultural resources were present. One location in particular lacked the prevalent overgrowth of landward vegetation, with a relatively preserved grade and exposed ties at the surface are presented in Photo 3. Another example of an area where the grade looked to be stable, but ties or any other features were absent is along a short stretch where a homeowner on the above terrace constructed a shore side deck directly on the grade itself (Photo 4).

Photo 3. An unusual example of the riprap, railroad grade and eroding ties (to either side of Jack, sitting). Sam, standing, is 48" tall.
Various soil conditions across the APE were observed. Along the majority of the corridor wave action and colluvium denote impacts from natural processes following the construction of the railroad. A large deposit of fill at the eastern terminus have altered the soil profile significantly. However, in some areas of wash-out from wave action intact native soils were observed (Photo 5). Those areas were the railroad grade is no longer present would require fill, replacement and additional riprap to create (or recreate) the proposed grade that matches those sections to be salvaged. Still in other locations, railroad ties are buried and exposed or have been displaced by wash-out (Photo 6). The exposed naturally deposited soils are consistent with the expected soil descriptions of Klungland and McArthur (1989).
Photo 6. Washed-out, exposed railroad ties are visible along most of the APE, the above is at the terminus of the extant trail.

As illustrated in Photos 7-8 there has been heavy soil disturbance the eastern terminus of the APE. The soil looks like the matrices were originally native soil for the location; however, there were contributions to the soil from mixing with trash and imported rock. There are large chunks of styrofoam (probably from dock floats) and unidentified metal, plastic, line, and other trash eroding from the cutbank. The shore is littered with other marine-related trash as well. The upper area of the terminus location is being utilized for storing dry-docked vessels as well (Photo 9).

Photo 7. An overview of the terminus of the proposed trail at Lovic Marina (white objects are buried, eroding styrofoam block-fragments).
One structural feature of unknown origin or use was recorded along the APE and included in the DAHP site recording form. The wooden plank structure was located about 310 meters west of the APE east terminus. The planks measures 3" x 8" with about 3.5' protruding from what appeared to be railroad ballast (Photos 10-11). The opening in the box was approximately 8" x 6". There was no trace of active water draining from it, but the bottom was badly deteriorated. The structure is flanked by modern black foundation drainpipe and recorded during the survey.
with photographs, measurements and a GPS point, as presented in Table 1. There no overlying ties observed. The installation of the modern drainage pipes might account for the ties being removed. As a final note, along the breakwater of the marina, outside the APE is the hull of the La Merced (Photo 10). Since it was recorded by Delagado (1988) it has be subjected to erosion along the base of the riprap, weather and the internal hull is growing a large grove of red alder trees.

Photo 10. The possible box culvert feature, flanked by modern foundation drain pipe.

Photo 11. Close-in of the feature, possible box culvert.
Photo 12. A view northeast of the La Merced as she sits today (note tree growth inside the hull).

RECOMMENDATIONS
The present cultural resources assessment consisted of background review, field investigation, and production of this report. Background review determined the APE would include at least one archaeological resource. The proposed trail seeks to utilize the former Great Northern Railroad grade as a base for the pedestrian trail. As such, sections of the railroad were minimally expected. Segments of the line were recorded along the entire APE. The lack of preserved features and associated structures of the line preclude further consideration as an eligible historic property beyond recording the alignment on a DAHP archaeological site form as 45SK.520 (Appendix A). The history, previous work, natural topography and soil conditions along the APE suggest no further archaeological oversight is warranted.

Although this project is subject to section 106, it should also be recognized that Washington State law provides for the protection of archaeological resources in the state. In some cases where guidance is not provided or where there is no clear directive for the treatment of a resource Washington State Revised Codes of Washington (RCW) should be consulted for direction. Under Washington RCW Chapter 27.53, Archaeological Sites and Resources, prohibits the unauthorized removal, theft, and/or destruction of archaeological resources and sites. This statute also provides for prosecution and financial penalties covering consultation and the recovery of archaeological resources. Additional legal oversight is provided for Indian burials and grave offerings under RCW Chapter 27.44, Indian Graves and Records. RCW 27.44 states that the willful removal, mutilation, defacing, and/or destruction of Indian burials constitute a Class C felony. A recent addition to Washington legal code, RCW 68.50.645, Notification, provides a strict process for the notification of law enforcement and other interested parties in the event of the discovery of any human remains regardless of perceived patrimony. The assessment of the property has been conducted by a professional archaeologist and meets or exceeds the criteria set forth in RCW: 27.53 for professional archaeological reporting and assessment.
In the event that archaeological materials are encountered during the development of the property, an archaeologist should immediately be notified and work halted in the vicinity of the find until the materials can be inspected and assessed. At that time, the appropriate persons are to be notified of the exact nature and extent of the resource so that measures can be taken to secure them. In the event of inadvertently discovered human remains or indeterminate bones, pursuant to RCW 68.50.645, all work must stop immediately and law enforcement should be contacted. Any remains should be covered and secured against further disturbance, and communication should be immediately established with the Anacortes Police Department and the State Physical Anthropologist at DAHP for coordination with any interested Native Tribe(s).
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Gill, Matthew

Drayton Archaeology Report 0713A
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Wilhelmsen, Kris H.
APPENDIX A: GREAT NORTHERN RAILROAD ARCHAEOLOGICAL SITE FORM.
STATE OF WASHINGTON
ARCHAEOLOGICAL SITE INVENTORY FORM

Smithsonian Number: 45SK520
*County: Skagit

*Date: 7/16/13  *Compiler: Garth Baldwin

Location Information Restrictions (Yes/No/Unknown): no  Human Remains? □

SITE DESIGNATION

Site Name: Great Northern Railroad to Ship Harbor
Field/Temporary ID: DAR:0713A
*Site Type(s): Historic Railroad Property

SITE LOCATION

*USGS Quad Map Name(s): Cypress Island, WA 7.5 minute quad (1973, rev. 1994)
*Legal Description: T35 R 1E Section(s): 22&23
Quarter Section(s): NE/SW

UTM: Zone 10 Easting/Northing (Garmin, Etrex-vistahcX handheld GPS):

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<th>Easting</th>
<th>Northing</th>
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</tbody>
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WEST: Latitude: 48°30'24.09"N  Longitude: 122°39'44.32"W
EAST: Latitude: 48°30'37.85"N  Longitude: 122°38'50.02"W  Elevation (ft/m): 0.6, 0.2M

Other Maps: USGS 100K
Scale:
Drainage, Major: Salish Sea  Drainage, Minor: Guemes Channel
Aspect: North  Slope: 45+ degrees

*Location Description (General to Specific): In northwest Skagit County, on the northwestern shore of Fidalgo Island, west of the City of Anacortes core, along a steep wave-cut terrace of Guemes Channel between Ship Harbor and the Private Marina (Lovrić’s) the former RR Grade was constructed of riprap and fill to follow the shore.

*Directions (For Relocation Purposes): From Interstate 5, travel West on State Route 20 to Anacortes, continue through town on the SR20 Spur toward the WSF Ferry terminal (12th St/Oakes Ave) approx 2.7 mi to Glasgow Way Turn Right, then immediately left onto Ship Harbor Blvd. Follow to cul-de-sac, the observed RR remains run from the end of the existing section.

*Mandatory Information for Official Smithsonian Number designation.  Revised 10/2010

Drayton Archaeology Report 0713A 24
**ARCHAEOLOGICAL SITE INVENTORY FORM**

**SITE DESCRIPTION**

*Narrative Description: The 'site' is a former railroad grade for the Great Northern Railroad which serviced the Fidalgo Island Packing Company. In 1893, the Fidalgo Island Packing Company chose the location of Ship Harbor to open the first of several canning operations in the area. Located within the project area, the cannery employed ~350 people including Chinese, Norwegian, and Greek Euro-American immigrants as well as a large body of Samish workers, employed for their knowledge of traditional salmon fishing/netting sites located in the nearby waters (Waterhouse 1986). Cannery operations continued into the 1920's when the cannery and rail were closed and abandoned, and subsequently sold to the Port of Anacortes.

*Site Dimensions:

- Length: 1.4 km East // West x Width: ~4 m North // South
- Method of Horizontal Measurement: GPS, professional survey
- Depth: Surface  Method of Vertical Measurement: Visual, RR Grade

*Vegetation (On Site): Native and invasive species of coastal Washington included but may not be limited to: slingsing nettles, nootka rose, Himalayan blackberry, milk thistle, grasses, mixed ferns, as well as a canopy of cottonwood, cedar, alder, maple and Douglas fir.

Local:  
Regional: Tsuga heterophylla zone

**Landforms (On Site):**

**Local:**

**Water Resources (Type):**

**Distance:**

**Permanence:**

**CULTURAL MATERIALS AND FEATURES**

*Narrative Description: The site is an alignment of former Great Northern Railroad. Materials observed include intermittent buried to semi-exposed and eroded ties. A wooden box culvert of unknown use or age was located in the RR ROW (photos of box culvert below). The culvert (if it is one) was buried in soil, flanked by two corrugated black plastic drain pipes (of the sort used in foundation work). The materials used for constructing it were fir planks measuring 8 inches long x 3 inches wide with an opening 8x-6 inches.

*Method of Collection: Nothing collected

*Location of Artifacts (Temporary/Permanent): N/A

**SITE AGE**

*Component: Historic  
**Dates:** ca.1895-1920  
**Dating Method:** Historically Known Use

*Mandatory information for Official Smithsonian Number designation.**  
Revised 6/2010
# ARCHAEOLOGICAL SITE INVENTORY FORM

**Smithsonian Number:** 45SK520

**Page 3 of 8**

## SITE RECORDERS

- **Observed by:** Garth Baldwin
- **Address:** POB 5424, Bellingham WA 98227
- **Date Recorded:** 7/5/13
- **Recorded by (Professional Archaeologist):** Garth L. Baldwin, MA, RPA
- **Organization:** Drayton Archaeology
- **Organization Address:** POB 5424, Bellingham WA 98227
- **Organization Phone Number:** 3607393921
- **Organization E-mail:** garth@draytonarchaeology.com

## SITE HISTORY

- **Previous Archaeological Work (Done at Site):** None

## LAND OWNERSHIP

- **Owner:**
- **Address:**
- **Tax Lot/ Parcel No.:**

## RESEARCH REFERENCES

- **Items/Documents Used in Research (Specify):**
  - Waterhouse, Joseph Jr.

---

*Mandatory Information for Official Smithsonian Number designation.  
Revised 6/2010*
A 100,000 to 1 scale section of USGS map illustrating the former GN RR location.

*Mandatory information for Official Smithsonian Number designation.*

Revised 8/2010
**Photograph Description(s):**

Above: Eroded beds immediately adjacent to the existing Guemes Channel Trail terminus.

Above: A private deck constructed on the former RR Grade (and likely the ROW).

*Mandatory Information for Official Smithsonian Number designation.*
Above: An unusual example of the riprap, railroad grade and eroding ties (to either side of Jack, sitting). Sam, standing, is 4'8" tall.

Above: A possible drainage feature, flanked by modern foundation drain pipe, located along the RR Grade. No ties were observed.

*Mandatory information for Official Smithsonian Number designation. Revised 6/2010*
Above: Close-up of the feature, possible box culvert.

CONTINUATION/ADDENDUM SHEET

Label all additional pages by corresponding headings.
(e.g. Site Description, Site History, Research References)

*Mandatory Information for Official Smithsonian Number designation. Revised 8/2010
CULTURAL RESOURCES REPORT COVER SHEET

Author: Garth Baldwin

Title of Report: Cultural Resources Review for the Guemes Channel Trail Project, City of Anacortes, Skagit County, Washington.

Date of Report: July 9, 2013

County: Skagit Sections: 22&23 Township: 35 North Range: 1 East

Quad: Cypress Island, WA (1973[1994]) Acres: ~1.2

PDF of report submitted (REQUIRED) ☒ Yes

Historic Property Export Files submitted? ☐ Yes ☒ No

Archaeological Site(s)/Isolate(s) Found or Amended? ☒ Yes ☐ No

TCP(s) found? ☐ Yes ☒ No

Replace a draft? ☐ Yes ☒ No

Satisfy a DAHP Archaeological Excavation Permit requirement? ☐ Yes # ☒ No

DAHP Archaeological Site #:
Geologically Hazardous Area Assessment

Guemes Channel Trail Extension
Anacortes, Washington

for
Herrigstad Engineering, P3

May 16, 2014
INTRODUCTION AND SCOPE

This report presents the results of geotechnical engineering services for the proposed Guemes Channel Trail Extension project in Anacortes, Washington. A vicinity map showing the project location is provided in Figure 1.

We understand that the proposed trail alignment will consist of an asphalt paved path that will vary from 10 to 12 feet wide, and extend a total of approximately 3,250 lineal feet at the base of the north-facing bluff along Guemes Channel. An additional 800 lineal feet of 12-foot-wide gravel ballast surfaced temporary access road will be constructed at the east end of the site. The trail alignment is an old railroad grade. The trail will have a final elevation of approximately 13.5 feet (NavD88) to minimize cutting into the steep bluff. Low-height gravity block retaining walls, 4 feet high or less, are planned for the limited cuts (260 lineal feet of retaining wall total). The project will consist primarily of additional trail fill embankment and repairing the revetment on the waterside of the trail. A number of small landslides or sloughs from the oversteepened bluff have occurred along the trail alignment and the existing rock protection has toppled in numerous locations.

GeoEngineers performed geotechnical engineering services for the previous phase of trail construction to the west. The results of our previous study were presented in our report titled “Geotechnical Engineering Services, Proposed Guemes Channel Trail, Anacortes, Washington” dated May 8, 2008. We have also completed numerous other studies in the project vicinity. Pertinent information from our previous studies is included in this report where appropriate.

The purpose and scope of our services includes a reconnaissance-level site evaluation as a basis for providing geotechnical conclusions and recommendations to support the new trail. Our specific scope of services included two days of geologic reconnaissance with hand probes and hand-augured explorations along the trail alignment and slope above the trail, and providing geotechnical conclusions and recommendations for site preparation, preparation of subgrade soils, and providing conclusions regarding the stability of the slopes. Our specific scope of services is described in our proposal dated September 13, 2013. Our scope of services did not include detailed retaining wall design or layout, or design of the revetment repair.

DESIGNATION OF GEOLOGY HAZARD AREAS AT THE SITE

The methods of designating specific geologic hazard areas are presented in the City of Anacortes Critical Areas Ordinance (CAO), Chapter 17.54. We provide the following discussion of the general hazard in the CAO, and then identification of hazards at this site.

- Erosion Hazard. Erosion hazard areas are designated in the CAO using U.S. Department of Agriculture’s Soil Conservation Service Soil Survey Data. The site is mapped as having a severe water erosion hazard. Further discussion of this hazard and mitigation strategies are discussed in this report.

- Landslide Hazard. The CAO lists several methods of designating landslide hazard areas. Landslide hazard area designations pertinent to the site include areas that have shown movement during the Holocene epoch (from ten thousand years ago to the present) or that are underlain or covered by mass wastage debris of that epoch, any area with a slope of
Table of Contents

INTRODUCTION AND SCOPE ........................................................................... 1

DESIGNATION OF GEOLOGIC HAZARD AREAS AT THE SITE ......................... 1

SITE CONDITIONS ............................................................................................. 2

Surface Conditions.......................................................................................... 2
Geology............................................................................................................ 3
Subsurface Explorations................................................................................... 4
Subsurface Conditions...................................................................................... 4

Soil Conditions.................................................................................................. 4
Groundwater Conditions................................................................................... 4

GEOLOGICALLY HAZARDOUS AREA SITE ASSESSMENT ....................................... 5

Erosion Hazard.................................................................................................. 5
Landslide Hazard............................................................................................... 5

Shallow Slides................................................................................................... 5
Deep Seated Landslide...................................................................................... 6
Seismic Hazard.................................................................................................. 6
Tsunami Hazard.................................................................................................. 7

GEOTECHNICAL CONCLUSIONS AND RECOMMENDATIONS ................................. 7

General............................................................................................................. 7
Riprap Revetment Design and Repair................................................................. 7

General............................................................................................................. 7
Rock Size and Revetment Thickness................................................................. 7
Filter Recommendations................................................................................... 8
Construction Considerations.............................................................................. 8
Gravity Block Retaining Walls........................................................................... 9

Redi-Rock Materials and Construction Considerations..................................... 10
Trail Surfacing Considerations.......................................................................... 10
Drainage Considerations.................................................................................... 10

Earthwork.......................................................................................................... 11

Site Preparation................................................................................................. 11
Excavation and Temporary Slope Considerations............................................. 11
Permanent Slopes............................................................................................... 12
Structural Fill...................................................................................................... 13

LIMITATIONS ................................................................................................... 14
40 percent or steeper and with a vertical relief of 10 more feet, and areas potentially unstable because of undercutting by wave action. The site has several landslide hazards associated with it including shallow slough features onto the trail from the oversteepened bluff above the trail, and mass wasting of the trail itself as a response to undercutting by wave action. Further discussion of landslide hazards and mitigation strategies are discussed in this report.

- **Seismic Hazard.** Seismic hazards are designated in the CAO as areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading or surface faulting. The Devils Mountain Fault is located approximately 9 miles south of the site based on our review of the Victoria 1"x 2" Sheet from the United States Geological Survey (USGS) Quaternary Fault and Fold Database for the United States website (http://earthquake.usgs.gov/regional/qfaults/wa/vic.html). Further discussion of this hazard and mitigation strategies are discussed in this report. The site is not subject to liquefaction based on mapping, and our knowledge of the area.

- **Mine Hazard:** Mine hazard areas are designated in the CAO as areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. There are no mine hazards at or near the site based on geologic mapping and our knowledge of local geologic conditions.

- **Volcanic Hazard.** Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. The site is not located in volcanic hazard zones associated with Mount Baker and Glacier Peak based on our review of USGS Open-File Reports 95-499 and 95-498.

- **Tsunami Hazard Areas.** Tsunami hazard areas are coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events. The site is not mapped in a tsunami inundation area based on our review of “Tsunami Hazard Map of the Anacortes–Whidbey Island Area, Washington: Modeled Tsunami Inundation from a Cascadia Subduction Zone Earthquake,” Washington Division of Geology and Earth Resources Open File Report 2005-1, by Timothy Walsh and others, January 2005. The open file report indicates that the hazard modeling does not include potential tsunamis from landslides or nearby crustal faults. Further discussion of this hazard and mitigation strategies are discussed in this report.

**SITE CONDITIONS**

**Surface Conditions**

The proposed trail route and topography are shown in the Site and Exploration Plan, Figures 2A through 2C. The proposed alignment is located along a historic railroad grade along the Anacortes side of the Guemes Channel that served a nearby cannery. The rail ties are still present in some locations along the trail alignment, although the ties are generally buried by slope colluvium that has scoured from the oversteepened bluff above the railroad grade. Slope angles near the base of the slope range from about 2H:1V to about 1H:1V in places, with some steeper slopes and scarp areas.
Slopes in the upland till area and bluff area of the site are mapped as stable in the CZA. The lower portion of the bluff is mapped as unstable slope in the CZA. Groundwater seepage frequently moves laterally within the upper weathered zone and sand layers particularly within the Whidbey Formation and emerges at the bluff face, causing surficial sloughs when on the surface or undermining of overlying deposits within sand zones. The landslides are typically shallow in nature (3- to 5-foot-thick sloughs) although occasional larger events are possible.

Subsurface Explorations

Subsurface soil and groundwater conditions were evaluated by completing a site reconnaissance on September 23, 2014, and excavating four shallow hand-augered explorations and four dynamic cone penetration tests (DCPT) along the existing trail within the proposed alignment on October 24, 2013. Test pits from the previous trail project were completed within the alignment of the trail extension and were reviewed for this evaluation. The site reconnaissance and hand explorations evaluated the surficial soils at random locations along the face of the steep bluff and in some of the identified slide debris near proposed retaining wall to observe the near surface soil conditions. Because of the condition of the existing railroad embankment, access with an excavator could not be completed for the trail extension. The approximate locations of the explorations are shown in Figures 2A through 2C. Details of the field exploration program, hand-augered logs, laboratory testing, and previous test pit logs are presented in Appendix A.

Subsurface Conditions

Soil Conditions

The soil conditions encountered along the alignment were relatively uniform consisting of slide debris (colluvium) at most locations overlying a railroad fill prism, likely overlying native soils. An occasional thin layer of topsoil was encountered at some locations. The upper material interpreted to be slide debris was inferred (based on the hand-augered explorations and DCPT data) to be on the order of 3 to 12 feet thick. The slide debris consisted of loose to medium dense silty sand to sandy silt with occasional gravel and organic matter. A "clean" sand to sand with silt was encountered below the slide debris in HA-2 and previous TP-8 and TP-9 that we interpret to be the possible railroad fill prism.

Medium dense to dense fine sand with varying silt content was typically encountered underlying the railroad fill during our site explorations for the previous trail project. This material extended to the full depth explored. We interpret these soils to be part of the Whidbey Formation, which is likely present below the slide debris and/or railroad fill in the area of the trail extension.

Additional shallow excavations into the hillside along the trail alignment encountered sands that we interpret to be consistent with the Whidbey Formation.

Groundwater Conditions

No groundwater seepage was encountered during our hand-augered explorations. Groundwater seepage was encountered in previous test pit TP-9 at a depth of 6.5 feet below ground surface. Groundwater elevations will vary as a function of season, precipitation, tides and other factors.
The resulting landslides in these conditions are typically shallow and may involve 3 to 5 feet of soil along the steep slope. In some cases, larger blocks of soil will fail that can extend beyond the top of the steep slope, typically with a maximum on the order of 20 feet.

Based on our site observations and experience of slope stability in similar conditions, an estimation of the “overall” rate of bluff retreat due to weathering is in the range of 1 to 4 inches per year, although actual retreat will tend to be more episodic. Shallow caving and slough features, likely the result of surficial weathering of the steeper silty soils, have occurred along the steep slopes at the site as previously described. The observations of scarp and colluvium at the base of the slope suggest that the past slough events are consistent with our experience; we did not observe evidence of larger events.

We conclude that the threat to public safety due to landslides from the slope above the trail is low, but still typical of any beach or other environment where activity can occur at the base of an oversteepened slope. These events can occur suddenly, and typically involve considerable destruction of vegetation and root zones.

Periodic maintenance will be required to remove material that is transported to the trail from the adjacent steep slopes above. However, we conclude that these events will not adversely affect stability of the trail embankment. Some low retaining walls are included in the project to mitigate the small excavations that will occur along the base of the bluff; these excavations are expected to occur within existing colluvium (past slide debris) such that the cuts will not adversely affect slope stability. Therefore, we conclude that no additional mitigation is practically feasible for the project and not necessary for life safety purposes.

Deep-Seated Landslide

The site explorations completed for this evaluation were not sufficient to evaluate the possibility of a larger deep seated landslide. No deep seated landslides were identified based on historic mapping and observations within the area of the trail extension. The reactivation of a deep-seated “ancient slide” is located on the Leeward Parcel west of the trail extension was investigated by GeoEngineers and others. It appears that the cause is likely presence of saturated weaker and dipping silt/clay beds within the Whidbey Formation. The reactivation of the slide occurred during an extended wet period. The recent slide included a toe bulge on the order of 2 feet above surrounding grade and likely occurred gradually such that additional movement of this failure area would not represent a threat to life safety along the trail.

Although we cannot absolutely rule out potential deep-seated movements in the area of the trail extension, we conclude that the risk is low based on our site evaluation and the lack of other deep-seated activity along this bluff.

Seismic Hazard

The trail will be supported on non-saturated medium dense silty sand fill, overlying Whidbey Formation, which is not susceptible to liquefaction, lateral spreading, or surface fault rupture. It is possible that portions of the trail will be supported on beach deposits which could be subject to liquefaction. In this case, settlement and/or lateral spreading of the trail embankment could occur. This type of failure would occur only during a very large design earthquake, and not likely
If the armor rock is individually placed, C&HE recommends a median size of 750 pounds (lbs), with a maximum size of 3,000 lbs and a minimum size of 250 lbs.

It was observed that the stable areas of the existing revetment consisted of rock that was two layers deep based on the median stone size. This corresponds to a thickness of approximately 4 feet. This thickness is confirmed based on the design procedures outlined in the Design of Riprap Revetment, HEC-11 produced by the Federal Highway Administration. Therefore, we recommend that the new and repaired revetment have a minimum thickness of 4 feet.

Filter Recommendations

We recommend that a non-woven, needle punched geotextile be placed as a filter between the new armor stone and the fill placed to elevate the trail. The properties of the filter fabric, as listed in the table below, are based on the criteria provided in HEC-11 for non-critical structures and the use of sharp angular aggregate for armor rock.

<table>
<thead>
<tr>
<th>Test Method</th>
<th>Minimum Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grab Strength (ASTM D 4632)</td>
<td>180 lb (0.80 kN)</td>
</tr>
<tr>
<td>Puncture Strength (ASTM D 4833)</td>
<td>180 lb (0.80 kN)</td>
</tr>
<tr>
<td>Burst Strength (ASTM D 3786)</td>
<td>290 psi (2,000 kPa)</td>
</tr>
<tr>
<td>Trapezoidal Tear (ASTM D 4533)</td>
<td>50 lb (0.22 kN)</td>
</tr>
<tr>
<td>AES (ASTM D 4751)</td>
<td>Less than 0.6 mm (#30 US Sieve)</td>
</tr>
<tr>
<td>Permeability (ASTM D 4491)</td>
<td>Greater than 1x10^-6 cm/s</td>
</tr>
</tbody>
</table>

Based on the criteria in the table above, we recommend using Mirafi 1120N produced by TenCate Geosynthetics as the filter fabric for this product. Alternatives are acceptable, provided that they meet the criteria in the table and are approved by the geotechnical engineer.

The filter fabric should be placed in accordance with the following recommendations:

- The filter fabric should wrap around the base of the newly placed or repaired revetment and extend at least 3 feet into the core of the revetment and 3 feet beyond the crest of the revetment.
- Overlaps should be a minimum of 18 inches between adjacent geotextile sheets.
- A sufficient number of folds should be included during placement to allow for some movement of the material without stretching or tensioning the geotextile.
- The geotextile should be secured with securing pins and washers at 2- to 3-foot intervals along the midpoints of the overlaps.

Construction Considerations

As previously discussed, the individual placement of the rock is critical for the performance of the revetment during the design storm. A lighter riprap size has been recommended based on the requirement that the rocks be individually placed. Additionally, unstable areas of the existing revetment will need to be reconstructed by individually moving the existing rock within the footprint.
Redi-Rock Materials and Construction Considerations

Key construction materials and construction considerations of a stable Redi-Rock gravity wall include the following:

- The exposed subgrade surface and excavated slope should be observed and evaluated by GeoEngineers to confirm stable conditions. It is critical that the foundation soils be compacted to a firm and unyielding condition. If unsuitable soils are encountered, the wall subgrade elevation, overexcavation and replacement with imported structural fill will be required.

- The base row of the wall blocks must be founded on a horizontal compacted leveling pad, placed directly over level firm subgrade surface. The leveling pad should be a minimum of 6 inches thick. The leveling pad material should conform to Section 9.03-9(3) crushed surfacing base course (CSBC) of the WSDOT Standard Specifications, or other engineer approved crushed rock material. The leveling pad should be compacted to 95 percent of the maximum dry density as determined by ASTM D-1557 (Modified Proctor) test procedure.

- Drainage is essential for proper performance of retaining walls. The wall design assumes drained conditions and does not allow for hydrostatic pressure buildup behind the walls. The design therefore requires free-draining wall backfill.

- Wall backfill should consist of CSBC per Section 9.03-9(3) of the WSDOT Standard Specifications, or other engineer approved free draining crushed rock material.

- Wall backfill should be placed in horizontal lifts and be compacted between about 90 to 92 percent of the maximum dry density as determined by ASTM D-1557 (Modified Proctor) test procedure. Hand compacted backfill lifts should be limited to 8 to 10 inches in loose thickness, or that necessary to achieve the specified compaction. Backfill and compaction should be regularly monitored by GeoEngineers’ field representatives to verify that suitable compaction is achieved.

Trail Surfacing Considerations

It is our understanding that the proposed trail will consist of 3 inches of Class “B” asphalt per the 2014 WSDOT Standard Specifications (sections 5-04 and 9-03.8) overlying 4 inches of CSBC/crushed surfacing top course (WSDOT Standard Specifications 9-03.9(3)) overlying geotextile fabric, overlying 12 inches of Permeable Ballast per WSDOT Standard Specification 9-03.9(2). If CSBC is utilized in this section, the geotextile fabric layer between the CSBC and Permeable Ballast could be deleted from this section, in our opinion. We anticipate that a portion of the trail subgrade will consist of imported structural fill because the trail will be elevated above the existing grade. Where a cut is necessary to achieve trail subgrade, the subgrade materials should be prepared in accordance with the Earthwork section of this report.

Drainage Considerations

Where feasible, we recommend that a drainage ditch be constructed on the landward side of the trail to collect water seeping off of the bluff and culverts installed at regular intervals beneath the trail to convey the water into the channel. The trail will be elevated to drain towards the channel away from the drainage ditch. Based on our observations of the site conditions the proposed alignment will not negatively impact the slope drainage. It is our opinion that the proposed drainage system will not adversely affect the steep slope or the trail. The proposed 12-inch-thick layer of permeable ballast under the trail section will also allow seepage to flow under the trail.
excavations which are subjected to significant seepage in order to maintain the stability of the cut. Temporary slopes in wet/saturated sand will be susceptible to sloughing, raveling and "running" conditions. It should be expected that unsupported cut slopes will experience some sloughing and raveling if exposed to surface water. Berms, hay bales or other provisions should be installed along the top of the excavation to intercept surface runoff to reduce the potential for sloughing and erosion of cut slopes during wet weather.

In our opinion, the contractor will be in the best position to observe subsurface conditions continuously throughout the construction process and to respond to the soil and groundwater conditions. Construction site safety is generally the sole responsibility of the contractor, who also is solely responsible for the means, methods, and sequencing of the construction operations and choices regarding temporary excavations and shoring. We are providing this information only as a service to our client. Under no circumstances should the information provided below be interpreted to mean that GeoEngineers, Inc. is assuming responsibility for construction site safety or the contractor's activities; such responsibility is not being implied and should not be inferred.

Because of the relatively steep slope required for temporary cuts for retaining wall construction, we make the following additional recommendations:

- The retaining wall construction should be constructed in a staggered/staged construction manner with wall cuts be limited to 20 feet maximum horizontally or less if required by site conditions, until the wall construction is complete in that area.
- We recommend that cuts for retaining walls not be allowed until all construction materials (leveling pad, blocks, geotextile fabric and backfill) are onsite and immediately available for use.
- Wall construction should be completed the same day as the wall excavation. Wall excavation should not be allowed to remain open overnight. If the wall cannot be completed in one day, the area should be backfilled with available stockpiled material.
- Because seepage in the cut face would tend to destabilize the excavation, we recommend that construction of the wall only be allowed during the drier summer months, typically July through September.
- The temporary slope excavation at 0.5H:1V as required to build the walls may not be stable in the slide debris or fill soils. The contractor should be prepared to implement additional temporary stabilization measures as necessary to protect temporary slopes, personnel, the site and adjacent properties.
- All temporary slopes should be covered as appropriate to avoid erosion.

Permanent Slopes

We recommend permanent cut and fill slopes be inclined no steeper than 2H:1V. All fill placed on existing slopes should be properly keyed into the native soils. We recommend that all permanent slopes be covered with an erosion control blanket (ECB) and hydroseeded, or otherwise protected until permanent vegetation is established. A suitable ECB would be the Landlok® C2, which is a biodegradable coconut fiber product that is designed for up to three years longevity. With this product, the slope is hydroseeded or seeded by hand with some mulch before placing the ECB product. The vegetation will grow through ECB within a couple of years such that the product
LIMITATIONS

We have prepared this report for the exclusive use of Herrigstad Engineering, the City of Anacortes, and their authorized agents for the proposed Guemes Channel Trail Extension in Anacortes, Washington.

Within the limitations of scope, schedule and budget, our services have been executed in accordance with generally accepted practices in the field of geotechnical engineering in this area at the time this report was prepared. No warranty or other conditions, express or implied, should be understood.

Please refer to Appendix B, "Report Limitations and Guidelines for Use," for additional information pertaining to use of this report.
Vicinity Map

Guemes Channel Trail Extension
Anacortes, Washington

Notes:
1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.
3. It is unlawful to copy or reproduce all or any part thereof, whether for personal use or resale, without permission.

Data Sources: ESRI Data & Maps
Projection: NAD 1983 UTM Zone 10N

Figure 1
APPENDIX A
FIELD EXPLORATIONS AND LABORATORY TESTING

Field Exploration

Subsurface soil and groundwater conditions at the site were explored by excavating four hand auger explorations and advancing four dynamic cone penetration tests at the approximate locations shown on the Site and Exploration Plan, Figures 2A to 2C. The hand-augered explorations were accomplished on October 24, 2013. Two test pits logs from a previous trail project, completed March 24, 2008, were reviewed for this evaluation (Figures A-10 and A-11).

Hand-Augers

Disturbed soil samples were obtained from the auger basket. The samples were placed in plastic bags to maintain the moisture content and transported back to our laboratory for analysis and testing. The explorations were completed by a representative from our firm who examined and classified the soils encountered, obtained representative soil samples, observed groundwater conditions and prepared a detailed log of each exploration. Soils encountered were classified visually in general accordance with ASTM D-2488-90, which is described in Figure A-1. The logs of the hand-augered explorations are presented in Figures A-2 through A-5. The exploration logs are based on our interpretation of the field and laboratory data and indicate the various types of soils encountered. They also indicate the depths at which these soils or their characteristics change, although the change might actually be gradual. If the change occurred between samples in the test pits, it was interpreted.

Dynamic Cone Penetrometer (DCP)

The relative density of the underlying subgrade soil and undisturbed site soil was estimated by advancing four Trigge Wildcat dynamic cone penetrometer probes (DCP-1 through DCP-4). Each probe extended to depths in the range of about 10 to 13 feet below the ground surface. Field-measured blow counts from the dynamic cone penetration testing program were converted to approximate equivalent Standard Penetration Test (SPT) N-values based on the penetrometer manufacturer's recommended procedures.

The Wildcat dynamic cone penetrometer consists of an approximate 35-pound hammer that is manually lifted and allowed to free fall 15 inches onto a metal rod, which is fitted with an oversized cone attached to the tip of the rod. The number of blows required to penetrate approximate 4-inch intervals is recorded and used for evaluating the stiffness or relative density of the soil. We converted the field-measured blow counts from the dynamic cone testing program to approximate equivalent SPT N-values based on the manufacturers recommended procedures. The N-values provide a qualitative correlation of the relative density of on-site soils. Logs of dynamic cone penetration tests are presented in Wildcat Dynamic Cone Logs included in this appendix (Figures A-10 and A-11).

Laboratory Testing

Representative laboratory testing was completed on selected samples from the explorations. The testing consisted of moisture content tests. The results of the testing completed on disturbed samples are summarized on the exploration logs.
<table>
<thead>
<tr>
<th>Elevation (ft)</th>
<th>Depth (ft)</th>
<th>Testing Sample</th>
<th>Sample Name</th>
<th>Testing</th>
<th>Graphic Log</th>
<th>Group Classification</th>
<th>Encountered Water</th>
<th>REMARKS</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>DUFF</td>
<td>SMML</td>
<td>2</td>
<td>2-inches forest duff</td>
<td>Light brown silty fine sand to fine sandy silt with rootlets (loose to medium dense/silt, moist) (slide debris/potential railroad fill)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>SP-SM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Brown fine to medium sand with silt (medium dense, moist) (slide debris/potential railroad fill)</td>
<td>Root encountered at approximately 3 feet</td>
<td></td>
</tr>
</tbody>
</table>

Hand auger completed at approximately 3 ft.
No groundwater seepage observed
No caving observed

Log of Hand Auger HA-1 (STA 22+00)

Project: Guemes Channel Trail Extension
Project Location: Anacortes, Washington
Project Number: 0382-022-00
<table>
<thead>
<tr>
<th>Elevation (feet)</th>
<th>Depth (feet)</th>
<th>Testing Sample</th>
<th>Graphic Log</th>
<th>Group Classification</th>
<th>Encountered Water</th>
<th>Remarks</th>
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<tr>
<td>1</td>
<td></td>
<td>DUFF</td>
<td></td>
<td></td>
<td>4 to 5 inches forest duff and rootlets</td>
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</tr>
</tbody>
</table>

Hand auger refusal on wood at approximately 3.4 feet
No groundwater seepage observed
No caving observed

Log of Hand Auger HA-3 (STA 4+80)

GeoENGINEERS

Project: Guemes Channel Trail Extension
Project Location: Anacortes, Washington
Project Number: 0382-022-00

Figure A-4
Sheet 1 of 1
## WILDCAT DYNAMIC CONE LOG

**GeoEngineers**  
600 Dupont Street  
Bellingham, WA, 98225

**HOLE #:** DCPT-1  
**CREW:** AJH/WJS  
**PROJECT:** Guemes Channel Trail Extension  
**ADDRESS:** (STA 4+40)  
**LOCATION:** Anacortes, WA

**PROJECT NUMBER:** 0382-022-00  
**DATE STARTED:** 10-24-2013  
**DATE COMPLETED:** 10-24-2013  
**SURFACE ELEVATION:**  
**WATER ON COMPLETION:**  
**HAMMER WEIGHT:** 35 lbs.  
**CONE AREA:** 10 sq. cm

<table>
<thead>
<tr>
<th>DEPTH</th>
<th>BLOWS PER 10 cm</th>
<th>RESISTANCE Kg/cm²</th>
<th>GRAPH OF CONE RESISTANCE</th>
<th>N°</th>
<th>TESTED CONSISTENCY</th>
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Figure A-6
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</tr>
<tr>
<td>11 ft</td>
<td></td>
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<td>12 ft</td>
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### MATERIAL DESCRIPTION

<table>
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<tr>
<th>Elevation (ft)</th>
<th>Sample</th>
<th>Sample Number</th>
<th>Graphic Log</th>
<th>Group Symbol</th>
<th>Moisture Content %</th>
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<tr>
<td>3</td>
<td>SP</td>
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<td>SP-SM</td>
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<td>2</td>
<td></td>
<td>SP</td>
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<td>SM</td>
<td>4</td>
<td></td>
<td>SM</td>
<td>22</td>
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- 3 inches of topsoil
- Light brown fine sand with silt (medium dense, moist) (slide debris)
- Brown fine to medium sand with gravel (medium dense to dense, moist) (railroad fill)
- Gray fine sand with occasional gravel (medium dense, moist)
- Brown silty fine sand (dense, moist) (Whidbey Formation)

No groundwater seepage observed
No caving observed

### OTHER TESTS AND NOTES

Notes: See Figure A-1 for explanation of symbols.
The depths on the test pit logs are based on an average of measurements across the test pit and should be considered accurate to 0.5 foot.
<table>
<thead>
<tr>
<th>Elevation (ft)</th>
<th>Depth (ft)</th>
<th>Sample</th>
<th>Graphic</th>
<th>Group</th>
<th>Symbol</th>
<th>Moisture Content %</th>
<th>OTHER TESTS AND NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Moderate groundwater seepage observed at 6.5 feet</td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Minor caving observed from 5 to 7 feet</td>
<td></td>
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</tbody>
</table>
APPENDIX B.
REPORT LIMITATIONS AND GUIDELINES FOR USE

This appendix provides information to help you manage your risks with respect to the use of this report.

Geotechnical Services are Performed for Specific Purposes, Persons and Projects

This report has been prepared for the exclusive use of Herrigstad Engineering, the City of Anacortes, and their authorized agents. This report may be made available to other members of the design team. This report is not intended for use by others, and the information contained herein is not applicable to other sites.

GeoEngineers structures our services to meet the specific needs of our clients. For example, a geotechnical or geologic study conducted for a civil engineer or architect may not fulfill the needs of a construction contractor or even another civil engineer or architect that are involved in the same project. Because each geotechnical or geologic study is unique, each geotechnical engineering or geologic report is unique, prepared solely for the specific client and project site. Our report is prepared for the exclusive use of our Client. No other party may rely on the product of our services unless we agree in advance to such reliance in writing. This is to provide our firm with reasonable protection against open-ended liability claims by third parties with whom there would otherwise be no contractual limits to their actions. Within the limitations of scope, schedule and budget, our services have been executed in accordance with our Agreement with the Client and generally accepted geotechnical practices in this area at the time this report was prepared. This report should not be applied for any purpose or project except the one originally contemplated.

A Geotechnical Engineering or Geologic Report is Based on a Unique Set of Project-specific Factors

This report has been prepared for the proposed Guemes Channel Trail Extension project in Anacortes, Washington as described in the body of this report. GeoEngineers considered a number of unique, project-specific factors when establishing the scope of services for this project and report. Unless GeoEngineers specifically indicates otherwise, do not rely on this report if it was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

1 Developed based on material provided by ASFE, Professional Firms Practicing In the Geosciences: www.asfe.org.
A Geotechnical Engineering or Geologic Report Could be Subject to Misinterpretation

Misinterpretation of this report by other design team members can result in costly problems. You could lower that risk by having GeoEngineers confer with appropriate members of the design team after submitting the report. Also retain GeoEngineers to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering or geologic report. Reduce that risk by having GeoEngineers participate in pre-bid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Exploration Logs

Geotechnical engineers and geologists prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering or geologic report should never be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, but recognize that separating logs from the report can elevate risk.

Give Contractors a Complete Report and Guidance

Some owners and design professionals believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering or geologic report, but preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with GeoEngineers and/or to conduct additional study to obtain the specific types of information they need or prefer. A pre-bid conference can also be valuable. Be sure contractors have sufficient time to perform additional study. Only then might an owner be in a position to give contractors the best information available, while requiring them to at least share the financial responsibilities stemming from unanticipated conditions. Further, a contingency for unanticipated conditions should be included in your project budget and schedule.

Contractors are Responsible for Site Safety on Their Own Construction Projects

Our geotechnical recommendations are not intended to direct the contractor's procedures, methods, schedule or management of the work site. The contractor is solely responsible for job site safety and for managing construction operations to minimize risks to on-site personnel and to adjacent properties.

Read These Provisions Closely

Some clients, design professionals and contractors may not recognize that the geoscience practices (geotechnical engineering or geology) are far less exact than other engineering and natural science disciplines. This lack of understanding can create unrealistic expectations that could lead to disappointments, claims and disputes. GeoEngineers includes these explanatory "limitations" provisions in our reports to help reduce such risks. Please confer with GeoEngineers if you are unclear how these "Report Limitations and Guidelines for Use" apply to your project or site.
Have we delivered World Class Client Service?
Please let us know by visiting www.geoengineers.com/feedback.

GeoEngineers
**Local Agency Environmental Classification Summary**

<table>
<thead>
<tr>
<th>Federal Aid Project Number:</th>
<th>Route:</th>
<th>Date:</th>
<th>Intent of Submittal:</th>
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<tbody>
<tr>
<td>TAP-003(011)</td>
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<td>5/20/14</td>
<td>☑ Preliminary ☑ Final ☐ Re-Evaluate</td>
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<table>
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<th>Federal Program Title:</th>
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<tbody>
<tr>
<td>City of Anacortes</td>
<td>☒ 20.205 ☐ Other</td>
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<table>
<thead>
<tr>
<th>Project Title:</th>
<th>Guemes Channel Trail Phase VII</th>
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<table>
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<th>Beginning MP:</th>
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<th>Miles:</th>
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<tr>
<td></td>
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<th>Section(s):</th>
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<tbody>
<tr>
<td>35N</td>
<td>1E</td>
<td>22 &amp; 23</td>
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<table>
<thead>
<tr>
<th>County:</th>
<th>Skagit</th>
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</table>

**Part 1 - Project Description**

The project will construct a waterfront bicycle and pedestrian trail along an old railroad bed as an extension to the existing segment of trail.

**Part 2 - Environmental Classification**

<table>
<thead>
<tr>
<th>NEPA</th>
<th>SEPA</th>
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<tbody>
<tr>
<td>☑ Class I - Environmental Impact Statement (EIS)</td>
<td>☑ Categorically exempt per WAC 197-11-800</td>
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<tr>
<td>☑ Class II - Categorically Excluded (CE)</td>
<td>☑ Determination of Non-Significance (DNS)</td>
</tr>
<tr>
<td>☑ Class II - From 23 CFR 771.117 (3)</td>
<td>☑ Environmental Impact Statement (EIS)</td>
</tr>
<tr>
<td>☐ Projects Requiring Documentation (Documented CE) (LAG 24-22)</td>
<td>☐ Adoption</td>
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<tr>
<td>☐ Programmatic CE MOU</td>
<td>☐ Addendum</td>
</tr>
<tr>
<td>☐ Class III - Environmental Assessment (EA)</td>
<td>☐ Supplemental (For information purpose only)</td>
</tr>
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</table>

**NEPA Approval Signatures**

- Local Agency Approving Authority: [Signature]
  - Date: 6/6/14

- Regional Local Programs Engineer: [Signature]
  - Date: 6/9/14

- Highways and Local Programs Environmental Engineer: [Signature]
  - Date: 6/12/14

- Federal Highways Administration: [Signature]
  - Date: 6/12/14

Completed by (Print Official's Name): Ross Widener

Telephone (Include area code): 425-503-3629

E-mail address: rwidener@prodigy.net
### Part 3 - Permits, Approvals & Right of Way (ROW)

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Permit or Approval</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>☒</td>
<td></td>
<td>Corps of Engineers  ☐ Sec. 10 ☐ Sec. 404</td>
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<td></td>
<td>Water Rights Permit</td>
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<tr>
<td></td>
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<td>Nationwide Type</td>
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<td>Water Quality Certification – Section 401</td>
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<td>Individual Permit No.</td>
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<tr>
<td></td>
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<td>Coast Guard Permit</td>
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<td>Tribal Permit(s) (if any)</td>
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<td></td>
<td>Coastal Zone Management: Certification</td>
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<td>Other Permits (List)</td>
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<td>☒</td>
<td></td>
<td>Critical Areas Ordinance (CAO) Permit</td>
<td>☐</td>
<td></td>
<td>ROW acquisition required? If yes, amount needed:</td>
</tr>
<tr>
<td>☒</td>
<td></td>
<td>Forest Practices Act Permit</td>
<td>☐</td>
<td></td>
<td>Is relocation required?</td>
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<tr>
<td></td>
<td></td>
<td>Hydraulic Project Approval</td>
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<td></td>
<td>Has ROW already been acquired for this project? If</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Local Clearing and Grading Permit</td>
<td>☐</td>
<td></td>
<td>yes, attach responses to Appendix N in the ECS Guidebook.</td>
</tr>
<tr>
<td>☒</td>
<td></td>
<td>National Pollutant Discharge Elimination System (NPDES)</td>
<td>☐</td>
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<td>Has an offer been made or have negotiations begun to</td>
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<tr>
<td></td>
<td></td>
<td>Baseline General for Construction</td>
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<td></td>
<td>acquire ROW for this project? If yes, attach responses</td>
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<tr>
<td></td>
<td></td>
<td>Shoreline Permit</td>
<td>☐</td>
<td></td>
<td>to Appendix N in the ECS Guidebook.</td>
</tr>
<tr>
<td>☒</td>
<td></td>
<td>State Waste Discharge Permit</td>
<td>☐</td>
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<td>Is a detour required? If yes, please attach detour</td>
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<tr>
<td></td>
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<td>TESC Plans Completed</td>
<td>☐</td>
<td></td>
<td>information.</td>
</tr>
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</table>

### Part 4 - Environmental Considerations

Will the project involve work in or affect any of the following? Identify proposed mitigation.

Attach additional pages or supplemental information if necessary.

1. **Air Quality** - Identify any anticipated air quality issues.
   - Is the project included in the Metropolitan Transportation Plan?  ☒ Yes ☐ No
   - If yes, date Metropolitan Transportation Plan was adopted **10/15/13**
   - Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10? ☒ Yes ☐ No
   - Is the project exempt from Air Quality conformity requirements?  ☒ Yes ☐ No
   
   If yes, identify exemption – please refer to Appendix H in the ECS Guidebook for a list of exemptions.

   **Bicycle and pedestrian facilities**

2. **Critical/Sensitive Areas** – Identify any known Critical or Sensitive Areas as designated by local Growth Management Act ordinances.
   a. Is this project within: an aquifer recharge area ☐ Yes ☒ No
      a wellhead protection area ☐ Yes ☒ No
      a sole source aquifer ☐ Yes ☒ No
      
      If located within a sole source aquifer, is the project exempt from EPA approval?  
      - If Yes, please list exemption: 
      - If No, date of EPA approval: 

   b. Is this project located in a Geologically Hazardous Area?  ☒ Yes ☐ No
      If yes, please describe: There are steep slopes on the south side of the proposed trail. Most of the slopes are well vegetated although some areas have experienced shallow slides and sloughing. The trail route itself is flat but has also experienced erosion and small slides. The project will install small sections of retaining wall which will improve stability of the landward slope.

   c. Will this project impact Species/Habitat other than ESA listed species?  ☒ Yes ☐ No
      Explain your answer. The project will not involve any in-water work. Retrieval of riprap below the MHHWV will be done in the dry, during low tides. No large coniferous trees will be removed. Removed trees will be replaced with native coniferous species. The proposal is for a low-intensity use and will not result in significant amount of disturbance.
Is this project within Bald Eagle nesting territories, winter concentration areas or communal roosts? ☑ Yes ☐ No

Will blasting, pile driving, concrete saw cutting, rock drilling or rock scaling activities occur within one mile of a Bald Eagle nesting area? ☐ Yes ☑ No

### Part 4 - Environmental Considerations (continued)

#### d. Are wetlands present within the project area? ☐ Yes ☑ No If Yes, estimate the impact in acres: ________
Please attach a copy of the proposed mitigation plan.

#### 3. Cultural Resources/Historic Structures – Identify any historic, archaeological or cultural resources present within the project’s Area of Potential Effects.

Does the project fit into any of the exempt types of projects listed in Appendix C of the ECS Guidebook? ☐ Yes ☑ No If Yes, note exemptions below.

If No: Date of DAHP concurrence: **4/17/14**

Date of Tribal consultation(s) (if applicable):

Adverse effects on cultural/historic resources? ☐ Yes ☑ No If Yes, date of approved Section 106 MOA:

#### 4. Floodplains and Floodways

Is the project located in a 100-year floodplain? ☑ Yes ☐ No

If Yes, is the project located within a 100-year floodway? ☑ Yes ☐ No

Will the project impact a 100-year floodplain? ☐ Yes ☑ No If Yes, describe impacts.

#### 5. Hazardous and Problem Waste – Identify potential sources and type(s).

Does the project require excavation below the existing ground surface? ☑ Yes ☐ No

Is this site located in an undeveloped area (i.e. no buildings, parking or storage areas or agriculture (other than grazing) based on historic research? ☑ Yes ☐ No

Is the project located within a one-mile radius of a site on a Confirmed or Suspected Contaminated Sites List (CSCSL) maintained by the Department of Ecology? ☑ Yes ☐ No

Is this project located within a ½-mile radius of a site or sites listed on any of the following Department of Ecology databases? ☑ Yes ☐ No If Yes, check the appropriate boxes below.

- ☑ Voluntary Cleanup Program (VCP)
- ☑ Underground Storage Tank (UST)
- ☑ Leaking Underground Storage Tank (LUST)

Has site reconnaissance (windshield survey) been performed? ☑ Yes ☐ No

If so identify any properties not identified in the database search that may affect the project (name, address and property use).

No properties were identified that are not in the database.

Based on the information above and project specific activities, is there a potential for the project to generate contaminated soils or groundwater? ☑ Yes ☐ No

Please explain:

The project area is located on the coastline which has been primarily undeveloped other than the abandoned railway that the trail will be built on. The project will not involve significant ground disturbance as it will only be making small cuts through slide debris in order to make a level surface. Though the attached facility/site map from Ecology’s database shows a site adjacent to the project area, it can be assumed that the plotting of the point is in accurate. No sites were located during site visits. The recorded address was checked and determined to actually be about 0.22 miles away from the project corridor.

If you responded Yes to any of the above questions, contact your Region LPE for assistance before continuing with this form.
6. Noise

Does the project involve constructing a new roadway? ☐ Yes ☒ No

Is there a change in the vertical or horizontal alignment of the existing roadway? ☐ Yes ☒ No

Does the project increase the number of through traffic lanes on an existing roadway? ☐ Yes ☒ No

Is there a change in the topography? ☐ Yes ☒ No

Are there auxiliary lanes extending 1-1/2 miles or longer being constructed as part of this project? ☐ Yes ☒ No

If you answered Yes to any of the preceding questions, identify and describe any potential noise receptors within the project area and subsequent impacts to those noise receptors. Please attach a copy of the noise analysis if required.

If impacts are identified, describe proposed mitigation measures.

7. Parks, Recreation Areas, Wildlife Refuges, Historic Properties, Wild and Scenic Rivers, Scenic Byways and 4(f)/6(f) resources

a. Please identify any 4(f) properties within the project limits and the areas of impacts.

The existing segment of the Guemes Channel Trail is at the western limits of the proposed project. If any part of the existing trail is damaged during construction of the new segment, it will be repaired to its original state.

b. Please identify any 6(f) properties within the project limits and areas of impacts.

None

c. Please list any Wild and Scenic Rivers and Scenic Byways within the project limits.

None

8. Resource Lands — Identify any of the following resource lands within 300 feet of the project limits and those otherwise impacted by the project.

a. Agricultural lands ☐ Yes ☒ No If Yes, please describe all impacts.

If present, is the resource considered to be unique and prime farmland? ☐ Yes ☐ No

If Yes, date of project review by Natural Resource Conservation Service (NRCS): ________________________

b. Forest/Timber ☐ Yes ☒ No If Yes, please describe all impacts.

c. Mineral ☐ Yes ☒ No If Yes, please describe all impacts.
### Part 4: Environmental Considerations (continued)

**9. Rivers, Streams (continuous or intermittent) or Tidal Waters**
   a. Identify all waterbodies within 300 feet of the project limits or that will otherwise be impacted.
   - Fisheries WA Stream No.: _____________________
   - Ecology 303d Report No.: **None**
   - (if known) Reason for 303d Listing: _____________________
   - Date of Report: _____________________
   - Waterbody common name: **Guemes Channel**
   - Waterbody stream class: _____________________
   - Waterbody name: _____________________

   b. Identify stream crossing structures by type.
   - N/A

   c. Water Resource Inventory Area (WRIA) No. and name: **WRIA 3: Lower Skagit-Samish**

**10. Tribal Lands** — Identify whether the project will impact any Tribal lands, including reservation, trust and fee lands.

   - None.

**11. Visual Quality**

   Will the project impact roadside classification or visual aspects such as aesthetics, light, glare or night sky?
   - Yes ☒ No ☐ If Yes, please describe all impacts.

**12. Water Quality/Stormwater**

   Has the NPDES municipal general permit been issued for this WRIA? ☒ Yes ☐ No

   Amount of existing impervious surface within the project limits: **0 acres**

   Net new impervious surface to be created as a result of this project: **1.1 acres**

   Will this project’s proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT’s HRM, DOE’s western Washington stormwater manual or a local agency equivalent manual? ☒ Yes ☐ No

   If No, explain proposed water quality/quantity treatment for the new and any existing impervious surface associated with the proposed project.
13. Commitments
   a. Environmental Commitments
      • Describe existing environmental commitments that may affect or be affected by the project – if any.
        None

   b. Long-Term Maintenance Commitments
      • Identify the agency and/or department responsible for implementing maintenance commitments associated
        with this project.
        The City of Anacortes will maintain the trail.

14. Environmental Justice
   Does the project meet any of the exemptions noted in Appendix F of the ECS Guidebook? ☒ Yes ☐ No
   If Yes, please note the exemption and appropriate justification in the space below. Findings should be confirmed
   using at least two information sources. Please refer to the ECS Guidebook for more information.

   Installation of bicycle and pedestrian lanes, paths and facilities within existing right-of-way limits.
   If No, are minority or low-income populations located within the limits of the project’s potential impacts?
   ☐ Yes ☐ No If No, attach appropriate data to support findings. If Yes, describe impacts and attach
   appropriate supporting documentation.

---

Part 5 - Biological Assessments and EFH Evaluations

1. Do any listed species potentially occur in the project's action area and/or is any designated critical habitat present
   within the project's action area? ☒ Yes ☐ No Please attach species listings.

<table>
<thead>
<tr>
<th>Affected ESA Listed Species</th>
<th>2. Will any construction work occur within 0.5 mile of any of the following?</th>
<th>3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spotted Owl management areas, designated critical habitat or suitable habitat?</td>
<td>☒ Yes ☐ No</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?</td>
<td>☒ Yes ☐ No</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Western Snowy Plover designated critical habitat?</td>
<td>☒ Yes ☐ No</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Is the project within 0.5 mile of marine waters? If Yes explain potential effects on Killer Whales and Steller's Sea Lion, and on Marbled Murrelet foraging areas.</td>
<td>☒ Yes ☐ No</td>
<td>☒ Yes ☐ No</td>
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<tr>
<td>Killer Whale designated critical habitat?</td>
<td>☒ Yes ☐ No</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Grizzly Bear suitable habitat?</td>
<td>☒ Yes ☐ No</td>
<td>☒ Yes ☐ No</td>
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<tr>
<td>Gray Wolf potentially suitable habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Canada Lynx habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Columbia White-tailed Deer suitable habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Woodland Caribou habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Streaked Horned Lark proposed critical habitat or suitable habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Taylor’s Checkerspot proposed critical habitat or suitable habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Mazama Pocket Gopher potentially suitable habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
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<tr>
<td>Eulachon proposed critical habitat or suitable habitat?</td>
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<td>□ Yes □ No</td>
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<tr>
<td>Rockfish proposed critical habitat or suitable habitat?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>A mature coniferous or mixed forest stand?</td>
<td>□ Yes □ No</td>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

4. Will the project involve any in-water work? □ Yes □ No □ Yes □ No
5. Will any construction work occur within 300 feet of any perennial or intermittent waterbody that either supports or drains to waterbody supporting listed fish? □ Yes □ No
6. Will any construction work occur within 300 feet of any wetland, pond or lake that is connected to any permanent or intermittent waterbody? □ Yes □ No
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)? □ Yes □ No
8. Will the project discharge treated or untreated stormwater runoff or utilize water from a waterbody that supports or drains into a listed-fish supporting waterbody? □ Yes □ No
9. Will construction occur outside the existing pavement? if Yes go to 9a. □ Yes □ No □ Yes □ No
9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting? □ Yes □ No
10. Are there any Federally listed Threatened or Endangered plant species located within the project limits? If Yes, please attach a list of these plant species within the action area. □ Yes □ No
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site? □ Yes □ No

### Effect Determinations for ESA and EFH

If each of the questions in the preceding section resulted in a “No” response or if any of the questions were checked “Yes,” but adequate justification can be provided to support a “no effect” determination, then check “No Effect” below. If this checklist cannot be used for Section 7 compliance (i.e., adequate justification cannot be provided or a “may effect” determination is anticipated), a separate biological assessment document is required.

- □ No Effect
- □ NLTAA - Date of Concurrence
- □ LTAA – Date BO Issued
- □ RRMP 4(d)

<table>
<thead>
<tr>
<th>NMFS</th>
<th>USFWS</th>
<th>EFH Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>□ No Adverse Effect</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ Adverse Effect – Date of NMFS’s concurrence</td>
</tr>
</tbody>
</table>

DOT Form 140-100EF
Revised 3/2014
Page 7 of 9
Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Please attach additional sheets if needed.

See attached No Effect letter.

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Analysis for RRMP ESA 4(d) determination for NMFS

- **Maintenance Category** (check all that apply)
  - 1. Roadway Surface
  - 4. Open Drainage Systems
  - 7. Gravel Shoulders
  - 10. Snow and Ice Control
  - 13. Sewer Systems
  - 2. Enclosed Drainage Systems
  - 5. Watercourses and Streams
  - 8. Street Surface Cleaning
  - 11. Emergency Slide/Washout Repair
  - 14. Water Systems
  - 3. Cleaning Enclosed Drainage Systems
  - 6. Stream Crossings
  - 9. Bridge Maintenance
  - 12. Concrete
  - 15. Vegetation

- **Describe how the project fits in the RRMP 4(d) Program:**
Biological Assessment – No Effect Determination

**Guemes Channel Trail Phase VII**
City of Anacortes, Skagit County

**Introduction**

The City of Anacortes proposes to construct a non-motorized trail along an approximate 0.75 mile long segment of an abandoned railroad corridor. As this project has received funding from the Federal Highway Administration (FHWA), it has a federal nexus to the Endangered Species Act. Therefore, we have prepared this assessment to address federally listed species under the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS).

**Project Setting and Existing Conditions**

The project is located along the northern coast of the City of Anacortes, within Sections 13, 22, and 23 of Range 1E, Township 35N. It has a central latitude of 48.508639 N and longitude of -122.489814 W, within WRIA 3, Lower Skagit-Samish. Dominant land use in the surrounding areas is classified as commercial marine, light manufacturing, and residential low density. The proposed trail will begin at the eastern terminus of an existing segment of trail and continue approximately 0.75 miles eastward to the Lovric Marina property. The existing segment of trail originates at the cul-de-sac off of Edwards Way. The proposed trail will therefore be accessed from that point as well. A gravel construction access path will be developed from the eastern terminus of the proposed trail to the existing gravel paths adjacent to the Lovric Marina.

The trail corridor is situated on the seaward side of a vegetated bluff, adjacent to the beach. Since the trail route is along an abandoned railroad bed, it is relatively flat. There is an existing revetment along the corridor which has been damaged in certain spots due to wave action and erosion. There have been small landslides and sloughing which has caused pieces of riprap to fall down to the beach. Vegetation along the proposed path is comprised mainly of successional species, common to areas that have been disturbed. This includes young deciduous trees (mainly alders), willows, Himalayan blackberry, shrubs, and grasses. There are a few scattered coniferous trees. The small and shallow landslides extend up the slope, resulting in patches that are clear of vegetation. There are no dense forests or forest canopies. On the waterward side of the trail route, patches of eelgrass have been identified within the intertidal zone. Eelgrass has been staked and the contractor will be instructed to not intrude on the beds.
Project Description

The abandoned railroad corridor will be cleared and grubbed of vegetation and any remnant railway materials. Drainage issues will also concurrently be addressed. Approximately 72 deciduous trees (between 6 and 24 inches in diameter) will be removed from the proposed route. In certain areas, the trail has been narrowed to reduce the amount of tree removal necessary. The existing revetment will be repaired by retrieving the riprap that has been washed out onto the beach and replacing it into the structure. The revetment will be repaired comparable to its original state and will not be expanded upon. This work will occur during the lowest tides possible, allowing all work to be done in the dry. All work below MHHW will be completed during the approved window between August 1 and August 31.

Clean imported fill material will be added to the pathway to repair slide areas and create a relatively level grade for paving. In areas where landslides have occurred, small cuts will be required to access the pathway and short retaining walls will be installed. This will help improve stability of the bluff.

The trail will be graded such that all stormwater runoff is directed down to the Guemes Channel. This project will result in the creation of approximately 1.1 acres of impervious surfaces, all of which are non-pollution generating. Work is expected to begin in June 2014 and be completed by October 2015.

Conservation & Mitigation Measures

Prior to any earth moving activities, the appropriate temporary erosion and sediment control BMPs will be installed. They will be monitored and repaired as necessary throughout construction. These measures will include, but are not limited to: installation of silt fence at the base of the slope on the waterward side of the path, and stabilized construction entrances. A temporary erosion and sediment control (TESC) plan and a spill prevention control and countermeasures (SPCC) plan will be prepared and implemented prior to construction. Impacts are not expected to exceed the water quality standards set forth by the Washington State Department of Ecology. Other conservation and restoration measures to be implemented during and post construction will include:

- Checking equipment daily for leaks and any necessary repairs made prior to commencement of work
- All refueling will be conducted at least 100 feet from any open water bodies
- Ensuring eelgrass beds are not impacted during work below the MHHW. No machinery will operate in eelgrass beds.
- All washout water and waste materials will be fully contained and disposed of offsite in accordance with federal, state, and local laws.
- Removed trees will be replaced at a 1:1 ratio with native coniferous species (Douglas fir, western hemlock, among others)
- Disturbed areas will be reseeded and mulched

Federally Listed Species and Designated Critical Habitat

The USFWS and NMFS have listed species that are potentially present within Skagit County and/or in the Guemes Channel (Table 1). The most current lists, revised September 3, 2013 and October 31, 2012 respectively, were referenced for this assessment (USFWS 2013, NMFS 2012).
<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
<th>Federal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bull Trout Coastal/Puget Sound DPS</td>
<td>Salvelinus confluentus</td>
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<tr>
<td>Bull Trout Coastal/Puget Sound DPS Critical Habitat</td>
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</tr>
<tr>
<td>Canada Lynx</td>
<td>Lynx Canadensis</td>
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</tr>
<tr>
<td>Gray Wolf</td>
<td>Canis lupus</td>
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</tr>
<tr>
<td>Grizzly Bear</td>
<td>Ursus arctos</td>
<td>Threatened</td>
</tr>
<tr>
<td>Marbled Murrelet</td>
<td>Brachyramphus marmoratus</td>
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</tr>
<tr>
<td>Marbled Murrelet Critical Habitat</td>
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</tr>
<tr>
<td>Northern Spotted Owl</td>
<td>Stix occidentalis caurina</td>
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</tr>
<tr>
<td>Northern Spotted Owl Critical Habitat</td>
<td></td>
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</tr>
<tr>
<td>Chinook Salmon Puget Sound ESU</td>
<td>Oncorhynchus tschawytscha</td>
<td>Threatened</td>
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<td>Chinook Salmon Puget Sound Critical Habitat</td>
<td></td>
<td>Designated</td>
</tr>
<tr>
<td>Steelhead Trout Puget Sound DPS</td>
<td>Oncorhynchus mykiss</td>
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<tr>
<td>Humpback Whale</td>
<td>Megaptera novaeangliae</td>
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<tr>
<td>Leatherback Sea Turtle</td>
<td>Dermochelys coriacea</td>
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</tr>
<tr>
<td>Killer (Orca) Whale Southern Resident DPS</td>
<td>Orcinus Orca</td>
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<td>Canary Rockfish Puget Sound DPS</td>
<td>Sebastes pinniger</td>
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<tr>
<td>Yelloweye Rockfish Puget Sound DPS</td>
<td>Sebastes ruberrimus</td>
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<tr>
<td>Bocaccio Puget Sound DPS</td>
<td>Sebastes paucispinis</td>
<td>Endangered</td>
</tr>
<tr>
<td>Eulachon (Pacific Smelt) Southern DPS</td>
<td>Thaleichthys pacificus</td>
<td>Threatened</td>
</tr>
</tbody>
</table>

The possible presence of listed species more specifically within the project area was further evaluated by reviewing the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) data (WDFW 2014). There are either no suitable habitats for, or recent documented occurrences of: Canada lynx, gray wolf, grizzly bear, or northern spotted owl in the action area of the project. As the project will only occur on land and in the dry, there is no suitable habitat for Humpback whales or Killer whales. These species will not be discussed further in this document.

Critical habitat for the Puget Sound ESU of Chinook salmon has been designated within the project area (NMFS 2005). Critical habitat for the Southern Resident Killer whale has also been designated within the Guemes Channel; however, the project will not affect any areas that have water greater than 20 feet in depth, relative to the extreme high water. Killer whale critical habitat is therefore not within the action area (NMFS 2006). There is also no designated critical habitat for bull trout, northern spotted owl, or marbled murrelet within the action area of the project (USFWS 1996, 2010, 2012, 2014). These critical habitats will no longer be discussed.
Project Action Area

The action area includes all areas that could potentially be affected by the proposed project and is not limited to the actual construction area. Construction noise will create the farthest reaching effect and therefore, the action area was determined to encompass the land within 400 feet from the project area. Over water, this distance would be 670 feet. This is the distance at which the sound pressure level created from construction activities would attenuate to ambient noise levels of 66.5 dBa. This area was calculated in accordance with WSDOT’s Biological Assessment Training Manual for Transportation Projects (WSDOT 2013).

The project does not require any in-water work. Work below the MHHW will be conducted during low tide, in the dry. The area needed to gather riprap from the beach are the farthest reaching effects below MHHW and therefore determines the aquatic portion of the action area.

Effects Analysis

**Marbled Murrelet**

While marbled murrelet could possibly forage in the area, as surf smelt are known to use the beach west of the action area for spawning, the proposed project will have "no effect" for the following reasons:

- Sound pressure levels from construction noise will not be above the injury threshold.
- The project area is unlikely to be used for foraging due to existing disturbance. The Guemes Island ferry makes approximately 50 trips daily. The Anacortes/San Juan Ferry also has approximately 17 daily departures.
- No large coniferous trees will be removed as there are none in the area.
- No nesting habitat is present within the action area.
- All removed trees will be replaced with native coniferous species.
- There will be no impacts to eelgrass beds.
- All work below MHHW will be done within the approved work window of August 1 – August 31.

**Leatherback Sea Turtle**

Though there is potential for the leatherback sea turtle to be present in Puget Sound, the project will have "no effect" for the following reasons:

- Leatherbacks are known to forage in pelagic waters; the project area is within a confined channel and all work will be done in the dry.
- There is no nesting habitat in the project area as they only nest at tropical or sub-tropical latitudes.

**Other Fish Species (Bull Trout, Chinook salmon, Steelhead trout, Rockfish species)**

While these species have the potential to be present within the action area during high tide, the proposed project will have "no effect" on them for the following reasons:

- No in-water work will occur as part of this project. All work below the MHHW (riprap retrieval) will be done in the dry, during the lowest tides possible.
• To prevent sedimentation from entering the Guemes Channel, erosion control BMPs, such as silt fences and straw wattle (certified weed free), would be installed before any earth moving activities take place and would be maintained throughout construction.
• As this project is within a marine environment, it does not provide spawning habitat for anadromous fish species.
• There will be no impact to eelgrass beds
• The contractor shall be required to gather the fallen rock material within the WDFW approved work window (August 1 – August 31).
• Though 72 deciduous trees will be removed, they will be replaced with native coniferous species within the shoreline.
• All equipment shall be checked daily for leaks and any repairs made prior to commencement of work.
• Refueling operations will be conducted at least 100 feet from open water.
• A Spill Prevention Control and Countermeasures Plan would be prepared by the contractor and approved by the City prior to the initiation of construction.
• All washout water and waste materials will be fully contained, and disposed of offsite in accordance with federal, state, and local laws.

Chinook salmon Critical Habitat

Nearshore marine critical habitat has been designated within the Guemes Channel. This area includes areas contiguous with the shoreline from the line of extreme high water out to a depth no greater than 30 meters relative to mean lower low water (NMFS 2005). However, the project will have “no effect” on Puget Sound Chinook salmon critical habitat for the following reasons:

• No in-water work will occur as part of this project. All work below the MHHW (riprap retrieval) will be done during the lowest tides possible.
• Temporarily disturbed areas will be restored by seeding. All removed trees will be replaced with native coniferous species.
• This project is for low intensity recreational purposes and will not have an impact on water quality.

Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) includes a mandate that NMFS must identify Essential Fish Habitat (EFH) for federally managed marine fish, and federal agencies must consult on all activities, or proposed activities, authorized, funded, or undertaken by the agency that may adversely affect EFH (NMFS 1996; PFMC 1999).

The Pacific salmon management unit includes Puget Sound Chinook, coho (Oncorhynchus kisutch), and pink salmon (O. gorbuscha). All of these species have the potential to be within the Guemes Channel. Therefore, EFH for the Pacific salmon fishery is present.

The Coastal Pelagic species fisheries management unit includes the northern anchovy (Engraulis mordax), Pacific sardine (Sardinops sagax caerulea), Pacific (chub) mackerel (Scomber japonicus), jack mackerel (Trachurus symmetricus) and market squid (Pacific loligo). While all fish have access to the aquatic portion of the action area it is unlikely either the Pacific sardine or market squid would be within Guemes Channel Trail Phase VII
City of Anacortes
the area as they prefer the ocean and are rarely found in estuaries or bays. The Pacific mackerel, jack mackerel and the northern anchovy are all potentially present within the project vicinity.

The Pacific Groundfish fisheries management unit includes 90+ species including 3 species of skate, 3 species of shark, 64 species of rockfish, 6 species of roundfish, and 12 species of flatfish. It is unlikely that any of these species will be present in the action area as they live on or near the bottom of the ocean.

The proposed project will not adversely affect EFH of the Pacific Coast Salmon Fishery, the Pacific Coast Groundfish Fishery, or the Coastal Pelagic Species Fishery for the following reasons:

- No in-water work will occur as part of this project. All work below MHHW (riprap retrieval) will be done during the approved work window of August 1 – August 31.
- Temporarily disturbed areas will be seeded and planted with native vegetation, as appropriate.
- This project is for low intensity recreational purposes and will not have an impact on water quality.

Conclusion

It is our understanding that this satisfies our responsibilities under Section 7 (c) of the Endangered Species Act at this time, and we are sending you this copy of our assessment for your files. We will continue to remain aware of any change in status of these species and will be prepared to re-evaluate potential project impacts if necessary. Should you have any questions about this assessment or require additional information, please contact Ross Widener at (425) 503-3629 or rwidener@prodigy.net.

Sincerely,

Ross Widener
Widener & Associates
References:


Guemes Channel Trail Phase VII
City of Anacortes 7

July 15th, 2015

Mr. Don Measamer
Interim Director
Anacortes Planning Department
P.O. Box 547
Anacortes, WA 98221

Reference: Guemes Channel Trail, Phase VII

Dear Mr. Measamer:

We at the Skagit River System Cooperative (SRSC), on behalf of the Swinomish Indian Tribal Community (SITC) and the Sauk-Suiattle Indian Tribe (SSIT), are writing to express our concerns with Phase VII of the Guemes Channel Trail. While we understand the public benefit of extending and completing the trail, we do not believe the trail design is consistent with ecologically sound shoreline management principles. We would like to suggest some design modifications that would better protect the shoreline environment, and initiate a collaborative approach to achieving the public benefits of a trail without jeopardizing the habitat for fish—the fish on which the tribes have always depended.

Our understanding is that Phase VII of the Guemes Trail will be much like Phase I, in that a single-lane paved trail will be constructed along approximately 4,000 lineal feet of undeveloped waterfront. The trail will be 10 feet wide and will be constructed on a terrace along a former rail line. Large pieces of riprap that have tumbled from the railroad grade over the past several decades will be re-stacked on the terrace to augment the existing bench. Clean fill will be imported to the site as necessary to fill the corridor to the desired grade level. Retaining walls will be constructed on the upslope side of the trail in slide prone areas. Stormwater pipes will be added to convey runoff from upslope properties.

First of all, we at SRSC were dismayed at the size and scope of the marine bulkhead and riparian clearing in Phase I of the Guemes Trail, and we want to prevent similar impacts from occurring during Phase VII. Our understanding in Phase I was that the trail corridor would be kept to a minimum, that the marine bulkhead would not grow appreciably in size, and that riparian vegetation would continue to shade the intertidal area much as it had done before the trail construction. The higher, steeper riprap terrace along the improved trail, and the amount of tree removal in the riparian zone, came as a shock. The current permit application for Phase VII suggests the same level of impacts as Phase I, which we consider to be both avoidable and unacceptable.

Of the many potential impacts of the new trail, our primary concern is the impact to the marine riparian zone. Along the Phase I trail a swath of riparian zone was cleared and paved, resulting in most of the upper intertidal area now being exposed to full sun during the hottest parts of summer days. Forage fish,
particularly surf smelt, fare poorly on modified beaches, primarily because their eggs overheat and desiccate where the riparian zone does not provide adequate shade.\(^1\) Along the Phase VII reach the combination of ample shade, north aspect, suitable substrate, and moderate fetch favor use by spawning surf smelt, and survival of the eggs.\(^2\) Much of the shade in the Phase VII section of trail is provided by the alders and other trees growing in or leaning across the trail footprint, so trail construction will eliminate this important swath of vegetation. Reducing the trail width from 10 feet to 8 feet, and minimizing the impact of the upslope retaining walls, will reduce this impact by at least 20 percent. Moving the trail slightly inland will allow overhanging trees to remain, and others to become established on the edge of the shoreline. It is the vegetation in the first several feet closest to the water that will provide the most benefits in terms of shade, leaf litter, insects, large wood cover, and other riparian functions.\(^3\) Unfortunately in several spots along Phase VII (and Phase I) the larger trees on the upper slopes have been cleared to accommodate residential views, so the alders along the trail are sometimes the only riparian shade remaining. Stricter shoreline regulations and better enforcement would have alleviated some of this impact, but now it is too late and what remains must be protected.

The riprap bank along the Phase I shoreline segment is notably taller and steeper than current conditions at the Phase VII segment. The best available science on shoreline modification notes that taller and steeper bulkheads have a tendency to reflect wave energy back onto the beach, resulting in a coarser substrate, diminished forage fish habitat, less aquatic vegetation, and a shift in aquatic fauna.\(^4\) The existing condition, with a lower-angle bank and large rocks on the beach at the toe of the slope, may well be better at dissipating wave energy than the proposed condition (in which the stray riprap is re-stacked on the trail terrace). Adding riprap to raise the trail elevation likewise increases the wave reflection, and must be considered a significant impact.

Several design changes could be employed to minimize disturbance to the shoreline environment. Leaving the stray riprap on the beach, or adding it in a way that does not steepen the bank slope, and keeping the existing bulkhead at the same height and slope would both alleviate the tendency for wave reflection and beach coarsening. Making the trail narrower would reduce the trail footprint and minimize riparian clearing. Likewise, the excavation and rock backfill for the retaining walls upslope of the trail will entail a substantial riparian impact that will be nearly impossible to mitigate. Moving the trail upslope and further from the water would allow for riparian trees between the trail and the beach, which would significantly increase shade, litterfall, and other riparian benefits to the beach. Improving shoreline regulation and enforcement to eliminate tree clearing for residential views might provide partial mitigation for the inevitable riparian impacts that will result from trail construction and operation. Beyond

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*Fisheries and Environmental Services for the Sauk-Sulattle and Swinomish Indian Tribes*
that, we may have concerns with the drainage infrastructure planned for the site, as well as other issues that come to light as we examine this project more closely.

In view of the significant project changes listed above, SRSC stands ready to work with the City of Anacortes to find a suitable means to provide the public benefits of a trail without causing undue harm to the shoreline environment. We at SRSC, and the tribes we represent, appreciate our past working relationship with the City of Anacortes and we look forward to continuing that collaboration on these matters. If you have any questions about our comments, or if there is anything that we can provide, please don’t hesitate to call me at (360) 466-7308 or email at thyatt@skagitcoop.org

Sincerely,

Tim Hyatt
Skagit River System Cooperative

cc: Larry Wasserman  SITC
    Jason Joseph     SSIT
    Bob Fritzen     WDOE
    Tom Sibley      NMFS
    Randel Perry    ACOE
    Doug Thompson  WDFW
July 2, 2014

Don Measamer, Interim Director
City of Anacortes
Planning, Community, and Economic Development Department
P.O. Box 547
Anacortes, WA 98221

Dear Mr. Measamer:

RE:  Ecology SEPA Comments for Guemes Channel Trail Phase VII
     Project File Numbers: SDP-2014-0003

Thank you for sending a copy of the SEPA environmental checklist for the proposed
Guemes Channel Trail Phase VII project to the Washington State Department of Ecology
(Ecology) for our review and comment. I am the Ecology Wetland Specialist responsible
for Skagit County and wish to have the following comments entered into the record.

The shoreline substantial development permit application is for constructing a pedestrian
trail along 3,250 lineal feet of abandoned railroad bed that parallels Guemes Channel. The
project site is located between Edwards Way cul-de-sac and Lovric’s Marina. This trail
segment is part of a seven phase construction project that will eventually connect with
Tommy Thompson trail.

While Ecology supports reconstructing portions of the revetment that have slumped below
the ordinary high water mark (OHWM) of marine waters, that work will require state and
federal authorization. The retrieval of riprap eroded from the revetment will require work
below the OHWM but the environmental checklist only describes in-water work below the
MHHW. The environmental checklist also makes no mention of the need for Ecology
Section 401 approval. The OHWM boundary will need to be field-verified by Ecology or
the U.S. Army Corps of Engineers (Corps) before ground disturbing activities begin.

If you have any questions or would like to discuss my comments, please give me a call at
(425) 649-7199 or send an email to Doug.Gresham@ecy.wa.gov
Sincerely,

Doug Gresham, PWS
Wetland Specialist
Shorelands and Environmental Assistance Program

DEG:mrw

E-cc: Erin Legge, U.S. Army Corps of Engineers
June 26, 2014

Libby Grage
City of Anacortes Planning Dept.
PO Box 547
Anacortes, WA 98221

RE: LA File# SDP-2014-0003
    DOE file# 201403078 / 201403077
    Applicant City of Anacortes; Robert Hoxie

Dear Ms. Grage:

Thank you for the opportunity to provide comments on the above referenced Determination. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this Determination we offer the following comments:

Stormwater runoff can have a significant impact on water quality, introducing sediment and other pollutants into waters of the state. Such pollutants can impair or eliminate aquatic habitat and prevent such waters from having multiple beneficial uses (e.g., fishing, swimming, drinking, etc).

From the SEPA register, it appears that this project may be subject to one of Ecology's National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges.

NPDES Construction Stormwater General Permit

Information regarding the NPDES Construction Stormwater General Permit can be found at:

http://www.ecy.wa.gov/programs/wq/stormwater/construction/

NPDES Industrial Stormwater General Permit

Permit Coverage is necessary if the industrial activity at the proposed facility meets the following criteria:

- Industrial activities that:
1. Are listed in 40 CFR Subpart 122.26(b) (14)
2. Discharge stormwater from the site into state surface waters or into storm drainage systems which discharge to state surface waters. (Surface waters may include wetlands, ditches, rivers, unnamed creeks, lakes, estuaries, marine waters).

Information regarding the NPDES Industrial Stormwater General Permit can be found at:


If you have questions about determining the need for NPDES coverage or you need information regarding applying for and implementing an NPDES please contact us.

Thank you for considering these comments from the Department of Ecology. If you have questions please call Kurt Baumgarten at 715-5210 or Stephanie Barney at 715-3233.

Sincerely,

Kurt Baumgarten, Water Quality Specialist

Stephanie Barney, Stormwater Inspector

cc: City of Anacortes; Robert Hoxie
BFO SEPA File
From: Grage, Libby [mailto:Libby@cityofanacortes.org]
Sent: Monday, June 16, 2014 8:18 AM
To: Grage, Libby
Subject: Notice of App./Optional DNS - Guemes Channel Trail Phase VII shoreline sub. dev. permit

Good morning,

Please find attached documents for your review for the following project proposal:

Project Name: Guemes Channel Trail Phase VII
City File #: SDP-2014-0003
Applicant: City of Anacortes

Please provide your written comments by the date listed on the attached notice.

Please let me know if you have any questions.

Best regards,

Libby Grage
Planning, Community & Economic Development Department
City of Anacortes
P.O. Box 547 / 904 6th St.
Anacortes, WA 98221
360-299-1986
Libby:

Attached, please find a couple of photos with the marked OHWM for Phase VII of the Guemes Channel Trail. The primary indicators that I saw during this morning’s site visit were a topographic break and a change in vegetation (upland plants landward of OHWM). These photos were taken about 0730. Unfortunately, I wasn’t able to get too far down the beach due to the high tide. I believe I was able to get as far east as Washout No. 1. Someone more familiar with the site could verify that.

I don’t know the elevation of the toe of the bank in the attached photos, but I would imagine that it is around 10 feet.

Please let me know if you need any additional help with this project.

Paul

Paul S. Anderson, PWS
Wetlands/401 Unit Supervisor
Washington State Department of Ecology
3190 - 160th Ave. SE
Bellevue, WA 98008
Phone: (425) 649-7148
Cell: (425) 765-4691
Fax: (425) 549-7098
Email: Paul.S.Anderson@ecy.wa.gov

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Hi Paul,

Thanks for the phone call today. When you have a chance, please send the photos you referenced and your thoughts on the OHWM location for this project.

Best regards,

Libby Grage
Planning, Community & Economic Development Department
City of Anacortes
P.O. Box 547 / 904 6th St.
Anacortes, WA 98221
360-299-1986
Wash-out No. 1 (~2+25.00). OHWM at toe of bank.

West of Wash-out No. 1 (~2+25.00). OHWM at toe of bank.
To date, no public comments have been received regarding Phase VII of the Guemes Channel Trail.
April 17, 2014

Mr. Trent de Boer
WSDOT, Highways & Local Programs
PO Box 47390
Olympia, WA 98504-7390

In future correspondence please refer to:
Log: 041713-08-FHWA
Property: Guemes Channel Trail Extension, Fed Aid TBA
Re: Not Eligible, No Historic Properties

Dear Mr. de Boer:

Thank you for contacting our office and providing a copy of the cultural resources survey report completed by Drayton Archaeology. I concur with their professional recommendation that the fragment of the Great Northern Railroad identified within the area of potential effect for the project is not eligible for listing in the National Register of Historic Places. I also concur with your finding of no historic properties affected for the project.

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area secured, and this office and the concerned tribes notified.

Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,

Matthew Sterner, M.A.
Transportation Archaeologist
(360) 586-3062
matthew.sterner@dahp.wa.gov
Don / Libby as per your request regarding the rights the city has acquired related to the Guemes channel trail. I have reviewed the construction documents dated April 2014 titled COA PW #13-016-TRN. I have determined the city of Anacortes has sufficient ownership and or permissions to authorize the construction and permitting of the trail facility from Station 0+00 to Station 32+63.31 on the referenced drawings. Our ownership / permissions stem from both deed ownership and from easements granted by the PORT of Anacortes.

Fred Buckenmeyer
Public Works Director
City of Anacortes
360-293-1919

Essential Services for Our Community

CONFIDENTIALITY STATEMENT

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Please consider the environment before deciding to print this e-mail.
PHASE VII, GUEMES CHANNEL TRAIL

SITE PHOTOS:

Looking east at the Lovric property. The proposed trail would be to the right above the riprap.

Looking at existing terminus. The completed trail (from previous phase of trail construction) is located toward the left.
Looking toward the east. New section /phase of the proposed trail would be to the right above existing riprap.
GENERAL NOTES:

1. All work shall be done in strict accordance with the plans and specifications as found in the City of Anchorage Engineering Department.

2. The contractor shall be responsible for the development and maintenance of a construction washout system and washout pond. The washout system must be designed and constructed to keep all storm runoff from the project site out of the adjacent waterways. The washout system shall be drained and washed out at the conclusion of the project.

3. The contractor shall be responsible for the removal of all debris and construction materials at the conclusion of the project. All concrete shall be properly disposed of in accordance with City of Anchorage regulations.

4. All work shall be done in strict accordance with the plans and specifications as found in the City of Anchorage Engineering Department.

5. All work shall be done in strict accordance with the plans and specifications as found in the City of Anchorage Engineering Department.

EROSION CONTROL NOTES:

1. All work shall be done in strict accordance with the plans and specifications as found in the City of Anchorage Engineering Department.

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CONSTRUCTION NOTES:

1. The project was designed to meet the requirements of the current standard construction practices and specifications of the City of Anchorage. All work shall be done in strict accordance with the plans and specifications as found in the City of Anchorage Engineering Department.

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SEEDING MAINTENANCE STANDARDS:

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MULCHING:

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