



## Island County Planning and Community Development

*Mary Engle, Director*

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### Notice of Application - Optional DNS Process

**Date of issuance:** July 19<sup>th</sup>, 2023

Island County has received a permit application for the following project.

**Date of notice of application:** July 7, 2023 **Comment due date:** August 11<sup>th</sup>, 2023

**Staff Contact:** Austin Hoofnagle **email:** [a.hoofnagle@islandcountywa.gov](mailto:a.hoofnagle@islandcountywa.gov) **phone:** (360) 678-7814

**File Number:** 149/23 **Applicant:** Keesling Family Trust; Mark Wilbert & Carol Thomas, Dave Garlow & C.A. Wen

**Location:** 4911 north up to but not including 4951 Surfcrest Dr, Oak Harbor, WA 98277 (R13434-149-4050; R13434-159-4040; R13434-169-4020; R13434-179-4010; R13434-190-4000)

**Proposal** – Applicants propose to install approx. 480 linear ft. of untreated wood pile retaining wall and 20 linear ft of natural shoreline protection above OHWM across the span of five adjacent parcels that are experiencing dune erosion and retreat.

Island County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process established by WAC 197-11-355 is being used. The determination is based on the following findings and conclusions outlined in the provided Biological Site Assessment (BSA) conducted by Larry Dominguez, MES of EcoAssets Environmental, LLC on December 12<sup>th</sup> of 2022:

BSA: "Since the baseline conditions are a natural condition (affected by off-site functions) the project will result in no adverse effect on floodplain functions and ESA listed salmon and southern resident killer whale and their critical habitat will likely not be adversely affected" (pg. 16).

"BMPs will be followed to avoid transport of disturbed soils or removed damaged material from transporting into the marine environment. Equipment will be maintained at the highest elevation as possible on the beach and rarely need to approach MHHW except to avoid natural drift logs. The proposed project will have no net-loss of ecological functions and values of the marine shoreline as per Island County Shoreline Master Program (ICC 17.05A.090.C.3). The project will result in no adverse effect on floodplain functions and ESA listed salmon and southern resident killer whale and their critical habitat will not likely be adversely affected" (pg. 14).

"Sediment disturbance and noise are the temporal impacts to fish and wildlife resources. Effects can be minimized with applying construction BMPs listed below. The long-term effect of retaining wall presence on the highest part of the upper beach is wave refraction during storm events that may disrupt sediment regime at the base of the retaining wall. This will be mitigated by sediment placement. Wildlife access from beach to upland may be hindered for the section of retaining wall. Foraging wildlife should be able to establish new access points at the structure ends. Long-term effects in a typical development may include water quality, water quantity, upland habitats function, and geomorphologic influences from structures. The final footprint is 2 x 475 ft. This repair is not expected to create long term effects for any physical habitats of species discussed" (pg. 14)

Island County regulations under ICC 17.02B (Critical Areas), Title XI (Land Development Standards) & other applicable regulations are used to review and condition development to protect critical areas affected by this proposal. The proposal may include mitigation & the project review process may incorporate or require mitigation measures regardless of whether an EIS is required.

**Public, Agency, and Tribal Comments:** Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Public comments must be received by 4:30 pm on **August 4<sup>th</sup>, 2023** mail to Island County Planning Department 1 NE 7<sup>th</sup> St., Coupeville, WA 98239; deliver to 1 NE 6<sup>th</sup> St, Coupeville, WA 98239; or 121 N. East Camano Drive, Camano Island; or Fax (360) 679-7306. This may be the only opportunity to comment on the environmental impacts of the proposal.

To request notice of hearings, to receive a copy of the decision, or for information on appeals, contact us at the above address.

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal:

The following Best Management Practices will be used as needed to prevent siltation in the marine environment:

- 1) Highest portion of upper beach and parcel access of all equipment and materials
- 2) Spill kits will be carried by heavy equipment.
- 3) Potted native plants or nearby transplant sources for planting in case of incidental soil disturbance
- 4) Use of designated minimally impacted areas for staging and removing equipment and materials.
- 5) Off-site disposal of unnatural material encountered.
- 6) A forage fish spawning survey will be conducted prior to construction of the retaining wall to determine the presence or absence of sand lance eggs.
- 7) Actions at or above the OHWM will be conducted during periods when the tidal elevation allows for work to be conducted in the dry. The retaining wall will be installed when work can be completed in the dry using a sequence of days of lower than average low tides and the action area (access and construction) would not have been underwater.

**Required Permits: Shoreline Conditional Use Permit**

**Required Studies: Biological Site Assessment (BSA), Geo-Coastal Report, SEPA Checklist**