



Island County Planning and Community Development

Mary Engle, Director

1 NE 7th St., Coupeville, WA 98239

Ph: Whidbey 360-679-7339 | Camano 360-387-3443 | Fax: 360-679-7306

Email: PlanningDept@islandcountywa.gov | <https://www.islandcountywa.gov/Planning/Pages/Home.aspx>

Notice of Application - Optional DNS Process

Date of issuance: May 29, 2024

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

Date of notice of application: May 20, 2021

Comment due date: June 28, 2024

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

File Number: 162/24 SDP-II **Applicant:** Daniel Pickering - Dalton, Olmsted & Fuglevand, Inc.

Location: Tidelands adjacent to 1379 SHOREVIEW DR. FREELAND, WA 98249 (S7085-00-00014-0; S8290-00-00R01-0)

Proposal – Conduct 150 CY of maintenance dredging followed by up to 25 CY of annual dredging for a maximum of ten (10) years to allow for continued functionality of the existing boat ramp.

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 from the Applicants SEPA Checklist and Biological Site Assessment prepared by GRETTE ASSOCIATES LLC in March of 2024:

The BSA concluded that all species of interest and designated critical habitats were given either a *no effect* or *may affect, but is not likely to adversely affect* determination. Compensatory mitigation has been proposed via the removal of creosote treated pile (29) located on DNR land is part of the lease requirement. Removal of at least 33 creosote treated breakwater pile not located on DNR land in association with maintenance dredging project at NBBB boat launch in Freeland, WA. There are up to an additional 63 creosote treated piles that that may be removed as part of this project.

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 **June 28, 2024**, mail to Island County Planning Department 1 NE 7th St., Coupeville, WA 98239; deliver to 1 NE 6th 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:

REGULATORY CONSIDERATIONS/RECOMMENDATIONS

- Timing restrictions specifying that construction must occur when juvenile salmonids are absent or present in very low numbers in the adjacent waterbody would be strictly observed. Additional timing restrictions are established for the protection of forage fish. All timing restrictions that may be established by WDFW, the Corps, NMFS, or USFWS would be strictly observed (Corps permit and HPA).
- All Project construction will occur in the dry, during the lowest tide possible within daylight hours.
- Water quality standards and procedures that limit the impact of turbidity to a defined mixing zone would be observed (401 Water Quality Certification).
- Project construction will be completed in compliance with WAC 173-201A (401 Water Quality Certification).
- Any discharge of oil, fuel or chemicals into state waters is prohibited (401 Water Quality Certification).
- Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. Proper security shall also be maintained to prevent vandalism (401 Water Quality Certification).
- Corrective actions will be taken in the event of any discharge of oil, fuel, or chemicals into the water (401 Water Quality Certification), including: o In the event of a spill, containment and cleanup efforts will begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup will include proper disposal of any spilled material and used cleanup material. o The cause of the spill shall be assessed and appropriate action will be taken to prevent further incidents or environmental damage.
- Spills and/or conditions resulting in distressed or dying fish shall be reported immediately to DOE's Northwest Regional Spill Response Office at (206) 649-7000 (a 24-hour phone number) (401 Water Quality Certification)

IMPACT AVOIDANCE AND MINIMIZATION (BMPs)

- The contractor will comply with water quality restrictions imposed by DOE and implement corrective measures if temporary water quality standards are exceeded.
- The contractor will have a spill containment kit, including oil-absorbent materials, on site to be used in the event of a spill or if any oil product is observed in the water.
- The contractor is responsible for the preparation of a SPCC plan to be used for the duration of the Project.
- The SPCC plan will: 1) identify construction planning elements and recognize potential spill sources in the Action Areas, 2) outline the response actions in the event of a spill or release and identify notification and reporting procedures, 3) outline contractor management elements such as personal responsibilities, site security and inspections, and training, and 4) outline what measures shall be taken by the contractor to prevent the release or spread of hazardous materials, either found on-site and encountered during construction but not identified in contract documents, or any hazardous materials that the contractor stores, uses, or generates on the construction site during construction activities. Hazardous materials include but are not limited to gasoline, oils, and chemicals, and are further defined in RCW 70.105.010.

Required Permits: SPD, CGP

Required Studies: BSA