



## Island County Planning and Community Development

*Mary Engle, Director*

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### Notice of Application - Optional DNS Process

**Date of issuance:** February 14, 2024

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

**Date of notice of application:** February 5, 2024      **Comment due date:** March 14, 2024

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

**File Number:** 042/23 SDP-II      **Applicant:** Port of South Whidbey

**Location:** 64 S FERRY DOCK RD, CLINTON WA 98236 (R42930-401-0820)

**Proposal** – Clinton Dock Replacement of an existing gangway/concrete float with a new reoriented 6 ft. wide 120 ft. long pervious gangway and 25 ft. wide by 100 ft. long grated float to restore full functionality/forward compatibility with future passenger-only ferry (POF) service.

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 Biological Site Assessment provided by Confluence Environmental Company in December of 2023:

**BSA Conclusion:** *This BSA describes FWHCAs and critical saltwater habitat within 100 feet of the Project area, including ESA-listed protected species, WDFW-listed protected habitats, and native eelgrass beds, and assesses potential impacts to these resources consistent with the requirements and standards described in SMP 17.05A.090.C.13. Unavoidable impacts to aquatic habitat from the proposed Clinton dock replacement Project include displaced benthic substrate during pile installation and increased overwater shading from additional floating structures.*

*Mitigation and habitat management planning has been conducted per requirements in SMP 17.05A.130.d and SMP 17.05A.090.C.8. Proposed compensatory mitigation and habitat management for these impacts includes removal of creosote pilings at the nearby South Whidbey Harbor, in an area with a similar marine intertidal habitat to the Project site, to provide critical habitat functions for the same local species that could be impacted by the dock replacement Project. This off-site mitigation provides equal or better biological functions and values to FWHCAs and critical saltwater habitat than any other options, and habitats values are expected to be replaced at a level greater than the impacts of the Project on affected habitats and species. In accordance with ICC 17.02B.500.E, the mitigation project will be completed concurrent within 1 year following the dock replacement Project.*

*Proposed impacts and offsets for the dock replacement Project and off-site, in-kind mitigation under a watershed approach include the following actions:*

*Clinton Dock project site:*

- *Install new floating dock, gangway, and gangway landing totaling 3,291 SF of effective overwater cover and 6 associated pilings in the deeper shore zone.*

- Remove 1,790 SF of existing overwater structures and 4 pilings from the deeper shore zone.

*South Whidbey Harbor mitigation site:*

- Remove 57, 16-inch diameter creosote pilings, resulting in elimination of 26 tons of chemical creosote contamination and restoration of 53 SF of displaced benthic fill in the upper and lower shore zone.
- Remove incidental overwater shading in lower shore zone.

*The proposed compensatory mitigation has been demonstrated to be sufficient for the proposed Project using the conservation calculator. Additionally, degraded habitat functions at the mitigation site will be improved by the reduction in creosote and benthic fill displacement. In summary, the proposed mitigation will have a net improvement on habitat functions under a watershed approach, and ultimately manage FWHCA habitat and critical saltwater habitat in Island County by supporting habitat function of aquatic resources within the local ecosystem. The proposed replacement dock will be utilized for a water-dependent operation necessitating use of the area waterward of the ordinary high-water mark. Proposed development is designed and located in such a way as to prevent adversely impacting the functions and values of FWHCA and critical saltwater habitat areas and incorporates avoidance and minimization measures and BMPs to the fullest extent possible to minimize ecological impacts.*

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 **MARCH 14, 2024**, 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:

**Mitigation and Habitat Management Plan:**

- Remove 57, 16-inch diameter creosote pilings, resulting in elimination of 26 tons of chemical creosote contamination and restoration of 53 SF of displaced benthic fill in the upper and lower shore zone.
- Remove incidental overwater shading in lower shore zone.

**Best Management Practices:**

BMPs will be implemented to minimize potential temporary impacts from construction. Though specific implementation means and methods will be determined by construction contractors, the following BMPs are proposed for the project:

- The project will be constructed in compliance with the project permits, which will be obtained prior to commencing in-water and overwater work.
- In-water work will occur within the approved in-water work window for both salmon and bull trout (July 16 to February 15) to avoid impacts to migrating juvenile salmonids.
- Construction staging will be established in a way that avoids debris or other construction materials from entering Possession Sound.

- A floating boom with absorbent pad will be deployed around the work area prior to and during all in-water work.
- Tugs, barges, and other vessels will be operated in a way that minimizes propeller-wash.
- Pile driving will be done using a vibratory hammer only.
- The existing piles removed as part of the project will be fully removed using a vibratory hammer and will be disposed of upland in an appropriate permitted disposal facility. Removed piling will not be allowed to enter the waterway after extraction.
- Prior to overwater work, a containment system will be installed beneath the work area to prevent debris from falling into the water.
- Following overwater work, any debris on the water or sediment surface will be retrieved for disposal at a permitted off-site disposal facility. The Contractor will have a boat available and on-site during in-water and overwater activities for floating debris retrieval.
- A Spill Prevention, Control, and Countermeasures (SPCC) Plan will be prepared and implemented during construction to outline responsive actions and notifications that will occur in the event of a spill or release, and appropriate spill response equipment will be maintained at the job site.
- Temporary stockpiling of materials will occur in areas with appropriate erosion controls to eliminate or contain stormwater runoff.
- All construction equipment will be in good repair and free of accumulated grease, oil, or mud prior to arriving on-site. Equipment will be inspected daily for leaks and accumulation of grease, oil, or mud and repaired immediately.
- Any equipment working in- or overwater will utilize environmentally acceptable lubricants where practicable.
- Fueling and servicing of all equipment will be done in accordance with specific fueling BMPs and spill containment systems as defined in the SPCC.
- An emergency spill kit will be available on-site during construction whenever work is being performed in or near the water. Additional booms and spill cleanup materials will be stored to facilitate immediate deployment.
- A Water Quality Monitoring and Protection Plan (WQMPP) will be prepared for the project. Visual turbidity, oil sheen, and fish distress monitoring will be conducted while in-water and overwater work elements are occurring. Additional contingent water quality monitoring may be conducted during construction, as required by the Section 401 Water Quality Certification.
- A Marine Mammal Monitoring Plan will be implemented to minimize the potential of marine mammal exposure to injury-level effects from temporary construction noise.

**Required Permits:** Shoreline Substantial Development Permit (SDP-II)

**Required Studies:** Biological Site Assessment, SEPA Checklist