

## Section 1

### Planning & Development Services Fact Sheet

PL#: 09-0484

Community Development Division

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SKAGIT COUNTY  
PDS

- ☐ Administrative Decision
- ☐ Agricultural Variance
- ☐ Binding Site Plan
- ☐ Boundary Line Adjustment
- ☐ Final Plat
- ☐ Long CaRD
- ☒ Lot Certification
- ☐ Modification
- ☐ Open Space
- ☒ Pre-application Review

- ☐ Preliminary Plat
- ☐ Shoreline Exemption
- ☒ Shoreline Substantial Use Permit
- ☐ Short CaRD
- ☐ Short Plat
- ☐ Special Use Permit Level I
- ☒ Special Use Permit Level II
- ☐ Variance Level I
- ☐ Variance Level II
- ☐ Other \_\_\_\_\_

Brief Project Description: See attachment A

Other Related Permits or Approvals: 401,404,SEPA,Shoreline Substantial Dev, HPA,FHEP,Critical Areas

Applicant Name: The Nature Conservancy

Parcel ID#: Att. A Assessor Tax #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Parcel ID#: \_\_\_\_\_ Assessor Tax #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Section 29 Township 33N Range 04E Comprehensive Plan/Zoning Designation: Ag-NRL

Site Address: Pioneer Hwy (Old SR-530) at Fisher Slough Bridge Crossing, 1.4 miles S of Conway,WA

Recorded Lot of Record: ☒ Yes ☐ No PL# 09-0206

Urban Growth Area: ☐ Yes ☒ No If yes, City: \_\_\_\_\_

Comp Plan/Zoning within 200 feet: Ag-NRL Mineral Resource Overlay within 1/4 mile: ☐ Yes ☒ No

Critical Area/Shoreline within 200 feet: ☒ Yes ☐ No

Pre-application meeting required? ☒ Yes ☐ No Meeting verification form enclosed? ☒ Yes ☐ No

Acreage or Lot Dimensions: 155 acres

Flood Zone: A2 FIRM Map Panel #: 5301510425C Map Date: 1985

Road access: ☐ Private ☒ County – Permit #: TBD ☐ State – Permit #: \_\_\_\_\_

Water Source: ☒ Drilled well - Permit #: Att. A ☐ Community Well ☐ Public: \_\_\_PUD #1 \_\_\_Anacortes

Sewage Disposal: ☐ Septic - Permit #: N/A ☐ Public Sewer: N/A

Legal Description: Attachment A

(Attach additional sheet if necessary.)

## **Section 2**

### **Applicant**

The Nature Conservancy

Name

410 N. 4th Street, Mount Vernon, WA 98273

Address

360-419-7022

360-419-0817

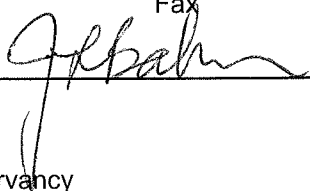
jbaker@tnc.org

Phone

Fax

e-mail address

Signature



### **Owner**

The Nature Conservancy

Name

410 N. 4th Street, Mount Vernon, WA 98273

Address

360-419-7022

360-419-0817

jbaker@tnc.org

Phone

Fax

e-mail address

### **Contact**

David Munro, Tetra Tech

Name

1020 SW Taylor Street Suite 530, Portland, OR 97205

Address

503-233-5388

503-228-8631

david.munro@tetrattech.com

Phone

Fax

e-mail address

### **Contractor (When applicable. If owner, write owner-builder)**

Name

Address

Phone

Fax

e-mail address

Contractors License #

Expiration Date

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# Attachment A: Special Use Application

## Expanded Answers to Section 1

**Project Name:** Fisher Slough - Tidal Marsh Restoration, Levee Setback, and Big Ditch Realignment, Skagit County, Washington

**Brief Project Description:** The purpose of the Fisher Slough – Tidal Marsh Restoration project is to reconnect natural freshwater tidal marsh hydrology to approximately 50 acres of currently diked floodplain, restore historical tidal marsh vegetation communities, and remove fish passage barriers, and provide critical juvenile Chinook rearing habitat areas. In addition to restoring rearing areas for juvenile Chinook, the project will provide improved fish passage to 15 – 17 miles of tributary spawning areas and increase watershed connectivity for coho, chum and other native fish species, and improve flood and sediment storage conditions for the tributary levee system.

200-0473

Parcel No.	Assessor Tax #	Within Footprint or Adjacent Property	Owner
P17436	330429-0-005-0009	Footprint	The Nature Conservancy
P17519	330430-0-030-0005	Footprint	The Nature Conservancy
P17508	330430-0-022-0005	Footprint	The Nature Conservancy
P17450	330429-2-005-0005	Footprint	Earl Hanson
P17518	330430-0-029-0008	Footprint	Harvey L. Moyer
P17433	330429-0-002-0002	Footprint	Harvey L. Moyer
P17467	330429-3-003-0005	Footprint	Harvey L. Moyer
P17466	330429-3-002-0006	Footprint	Harvey L. Moyer
P16854	330419-0-020-0002	Footprint	Roger Jungquist
P17453 P17449	330429-2-005-0302	Adjacent	Maplewood Farms
P17486	330430-0-001-0000	Footprint	Maplewood Farms
P17523	330430-1-001-0008	Footprint	Maplewood Farms
P17468	330429-3-004-0004	Adjacent	Sersland
P17455	330429-2-008-0010	Adjacent	Palmer
P17510 P17497 P17526	330430-0-024-0003	Adjacent	S&B Properties
P17524 P17454 P17457	330430-1-002-0007	Footprint	Skagit County Diking District #3
P17509	330430-0-023-0004	Footprint	Skagit County Diking District #3
P17434	330429-0-003-0001	Footprint	Skagit County Diking District #3



TETRA TECH

Right-of-way		Footprint	Burlington Northern Santa Fe (BNSF) Railroad
P17507	330430-0-021-0006	Footprint	Skagit County Drainage District #17
P17509	330430-0-023-0004	Footprint	Skagit County
Right-of-way		Footprint	*Skagit County

**Meeting Verification:** The pre-application meeting was held on 7 May 2009 (PL# 09-0206). See Attachment B for meeting notes.

**Well Source:** Well Log ID - 77466, NOI Number - W009684

**Legal Description:**

BEGINNING AT THE NORTHEAST CORNER OF SECTION 30, TOWNSHIP 33 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, SKAGIT COUNTY, WASHINGTON SAID CORNER ALSO BEING THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 33 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN SKAGIT COUNTY WASHINGTON:

THENCE SOUTH 01°08'39" WEST ALONG THE EAST LINE OF SAID SECTION 30 (WEST LINE SAID SECTION 29 A DISTANCE OF 1297.97 FEET; THENCE SOUTH 31°42'08" WEST A DISTANCE OF 198.78 FEET; THENCE SOUTH 55°32'31" EAST A DISTANCE OF 476.20 TO A POINT ON THE WEST LINE OF SKAGIT COUNTY ASSESSOR PARCEL NO. P17454; THENCE SOUTH 00°00'00" WEST ALONG THE WEST LINE OF SAID PARCEL NO. P17454 A DISTANCE OF 86.04 FEET; THENCE SOUTH 90°00'00" EAST ALONG THE SOUTH LINE OF SAID PARCEL NO. P17454 A DISTANCE OF 46.30 FEET; THENCE NORTH 00°00'00" EAST ALONG THE EAST LINE OF SAID PARCEL NO. P17454 A DISTANCE OF 54.27 FEET; THENCE SOUTH 55°32'31" EAST A DISTANCE OF 29.41 FEET; THENCE SOUTH 44°14'01" EAST A DISTANCE OF 69.66 FEET; THENCE SOUTH 27°07'27" EAST A DISTANCE OF 59.16 FEET; THENCE SOUTH 01°39'33" WEST A DISTANCE OF 157.15 FEET TO THE NORTHERLY MOST CORNER OF SKAGIT COUNTY ASSESSOR PARCEL NO. 17434; THENCE SOUTH 41°20'21" EAST ALONG THE EASTERLY LINE OF SAID PARCEL NO. 17434 A DISTANCE OF 583.65 FEET; THENCE NORTH 87°48'22" WEST ALONG THE SOUTH LINE OF SAID PARCEL NO. 17434 A DISTANCE OF 268.44 FEET; THENCE SOUTH 19°35'04" EAST A DISTANCE OF 80.55 FEET; THENCE SOUTH 15°44'50" EAST A DISTANCE OF 103.49 FEET; THENCE SOUTH 11°04'59" WEST A DISTANCE OF 51.29 FEET; THENCE SOUTH 14°45'59" WEST A DISTANCE OF 25.56 FEET; THENCE SOUTH 27°43'02" WEST A DISTANCE OF 42.88 FEET; THENCE S 39°33'44" WEST A DISTANCE OF 29.40 FEET; THENCE SOUTH 45°01'50" WEST A DISTANCE OF 65.86 FEET; THENCE SOUTH 43°48'50" WEST A DISTANCE OF 59.36 FEET; THENCE SOUTH 38°31'31" WEST A DISTANCE OF 19.88 FEET; THENCE SOUTH 41°43'29" W A DISTANCE OF 16.82 FEET; THENCE SOUTH 24°52'48" WEST A DISTANCE OF 39.73 FEET; THENCE SOUTH 30°57'55" WEST A DISTANCE OF 10.13 FEET; THENCE SOUTH 24°44'09" WEST A DISTANCE OF 47.21 FEET; THENCE SOUTH 20°07'08" WEST A DISTANCE OF 35.92 FEET; THENCE SOUTH 16°35'41" WEST A DISTANCE OF 12.50 FEET; THENCE SOUTH 01°45'52" WEST A DISTANCE OF 8.17 FEET; THENCE SOUTH 01°50'01" EAST A DISTANCE OF 19.05 FEET; THENCE SOUTH 10°39'35" EAST A DISTANCE OF 29.50 FEET; THENCE SOUTH 16°54'48" EAST A DISTANCE OF 27.88 FEET; THENCE SOUTH 18°40'57" EAST A DISTANCE OF 19.98 FEET; THENCE SOUTH 24°05'06" EAST A DISTANCE OF 16.08 FEET; THENCE SOUTH 26°00'03" EAST A DISTANCE OF 27.71 FEET; THENCE SOUTH 21°41'34" EAST A DISTANCE OF 14.77

FEET; THENCE SOUTH 17°59'54" EAST A DISTANCE OF 12.95 FEET; THENCE SOUTH 16°16'19" EAST A DISTANCE OF 31.88 FEET; THENCE SOUTH 13°56'05" EAST A DISTANCE OF 17.54 FEET; THENCE SOUTH 09°06'48" EAST A DISTANCE OF 23.45 FEET; THENCE SOUTH 00°41'26" EAST A DISTANCE OF 24.81 FEET; THENCE SOUTH 00°41'26" EAST A DISTANCE OF 21.17 FEET; THENCE SOUTH 06°02'11" EAST A DISTANCE OF 21.39 FEET; THENCE SOUTH 06°07'09" EAST A DISTANCE OF 20.40 FEET; THENCE SOUTH 11°27'42" EAST A DISTANCE OF 19.53 FEET; THENCE SOUTH 17°53'17" EAST A DISTANCE OF 41.73 FEET; THENCE SOUTH 21°28'37" EAST A DISTANCE OF 7.63 FEET; THENCE SOUTH 30°22'22" EAST A DISTANCE OF 53.34 FEET; THENCE SOUTH 38°28'11" EAST A DISTANCE OF 116.84 FEET; THENCE SOUTH 89°04'35" EAST A DISTANCE OF 665.52 FEET; THENCE SOUTH 01°35'10" WEST A DISTANCE OF 31.10 FEET; THENCE NORTH 88°55'31" WEST A DISTANCE OF 666.64 FEET; THENCE NORTH 88°08'39" WEST A DISTANCE OF 115.19 FEET; THENCE NORTH 55°19'37" WEST A DISTANCE OF 77.40 FEET; THENCE NORTH 82°57'33" WEST A DISTANCE OF 46.66 FEET; THENCE NORTH 36°32'27" WEST A DISTANCE OF 17.04 FEET; THENCE NORTH 24°00'14" WEST A DISTANCE OF 28.53 FEET; THENCE NORTH 01°11'30" WEST A DISTANCE OF 36.77 FEET; THENCE NORTH 17°49'45" WEST A DISTANCE OF 19.36 FEET; THENCE NORTH 50°30'37" WEST A DISTANCE OF 32.63 FEET; THENCE NORTH 45°34'03" WEST A DISTANCE OF 44.91 FEET; THENCE NORTH 16°01'19" WEST A DISTANCE OF 43.48 FEET; THENCE NORTH 13°54'21" WEST A DISTANCE OF 35.82 FEET; THENCE NORTH 00°32'02" WEST A DISTANCE OF 42.00 FEET; THENCE NORTH 39°15'57" WEST A DISTANCE OF 27.72 FEET; THENCE NORTH 33°34'37" WEST A DISTANCE OF 99.55 FEET; THENCE NORTH 35°09'47" WEST A DISTANCE OF 66.68 FEET; THENCE NORTH 44°00'44" WEST A DISTANCE OF 54.35 FEET; THENCE NORTH 82°49'03" WEST A DISTANCE OF 40.55 FEET TO A POINT ON THE EASTERLY LINE OF SKAGIT COUNTY ASSESSOR'S PARCEL NO. P17436; THENCE SOUTH 26°08'14" WEST ALONG SAID EASTERLY LINE A DISTANCE OF 211.84 FEET TO THE SOUTHEAST CORNER OF SKAGIT COUNTY ASSESSOR'S PARCEL NO. P17519; THENCE NORTH 88°42'17" WEST ALONG THE SOUTH LINE OF SAID SKAGIT COUNTY ASSESSOR'S PARCEL NO. P17519 A DISTANCE OF 604.40 FEET; THENCE ALONG A 401.62 NON-TANGENT CURVE TO THE RIGHT THE CENTER OF WHICH BEARS NORTH 55°41'14" WEST THROUGH A CENTRAL ANGLE OF 11°42'51" FOR AN ARC LENGTH OF 82.11 FEET; THENCE SOUTH 13°14'14" WEST A DISTANCE OF 131.76 FEET; THENCE ALONG A 271.18 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT THE CENTER OF WHICH BEARS SOUTH 74°51'33" EAST THROUGH A CENTRAL ANGLE OF 22°41'15" FOR AN ARC LENGTH OF 107.38 FEET; THENCE SOUTH 04°10'22" EAST A DISTANCE OF 169.97 FEET; THENCE ALONG A 461.59 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL OF 13°57'20" FOR AN ARC LENGTH OF 112.43 FEET; THENCE SOUTH 08°41'12" WEST A DISTANCE OF 256.04 FEET; THENCE ALONG A 890.23 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT THE CENTER OF WHICH BEARS SOUTH 82°29'08" EAST THROUGH A CENTRAL ANGLE OF 7°39'48" FOR AN ARC LENGTH OF 119.07 FEET; THENCE ALONG A 52.02 FOOT RADIUS NON-TANGENT REVERSE CURVE TO THE RIGHT THE CENTER OF WHICH BEARS NORTH 88°00'07" WEST THROUGH A CENTRAL ANGLE OF 83°23'03" FOR AN ARC LENGTH OF 75.71 FEET; THENCE NORTH 89°30'30" WEST A DISTANCE OF 1604.48 FEET; THENCE NORTH 14°33'51" EAST A DISTANCE OF 41.24 FEET; THENCE SOUTH 89°30'30" EAST A DISTANCE OF 1592.04 FEET; THENCE ALONG A 12.02 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT THE CENTER OF WHICH BEARS NORTH 10°08'53" WEST THROUGH A CENTRAL ANGLE OF 75°34'06" FOR AN ARC LENGTH OF 15.85 FEET; THENCE ALONG A 930.23 FOOT RADIUS NON-TANGENT REVERSE CURVE TO THE RIGHT THE CENTER OF WHICH BEARS NORTH 89°54'50" EAST THROUGH A CENTRAL ANGLE OF 7°37'34" FOR AN ARC LENGTH OF 123.81 FEET; THENCE NORTH 08°41'12" EAST A DISTANCE OF 256.84 FEET; THENCE ALONG A 421.59 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT THE CENTER OF WHICH BEARS NORTH 80°09'59" WEST THROUGH A CENTRAL ANGLE OF 14°00'23" FOR AN ARC LENGTH OF 103.06 FEET;

THENCE NORTH 04°10'22" WEST A DISTANCE OF 168.84 FEET; THENCE ALONG A 311.18 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT THE CENTER OF WHICH BEARS NORTH 82°40'40" EAST THROUGH A CENTRAL ANGLE OF 22°20'12" FOR AN ARC LENGTH OF 121.31 FEET; THENCE NORTH 13°14'14" EAST A DISTANCE OF 129.35 FEET; THENCE NORTH 37°14'18" EAST A DISTANCE OF 70.74 FEET TO THE SOUTHWEST CORNER OF SAID SKAGIT COUNTY ASSESSOR'S PARCEL NO. P17519; THENCE NORTH 03°30'06" EAST ALONG THE WEST LINE OF SAID SKAGIT COUNTY ASSESSOR'S PARCEL NO. P17519 A DISTANCE OF 1316.37 FEET TO THE NORTHWEST CORNER OF SAID SKAGIT ASSESSOR'S PARCEL NO. P17519 SAID POINT ALSO BEING ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE NORTH 88°37'38" WEST ALONG SAID NORTH LINE AND THE WESTERLY EXTENSION THEREOF A DISTANCE OF 1250.41 FEET; THENCE SOUTH 80°11'39" WEST A DISTANCE OF 33.48 FEET; THENCE SOUTH 78°21'48" WEST A DISTANCE OF 16.51 FEET; THENCE SOUTH 73°12'04" WEST A DISTANCE OF 16.50 FEET; THENCE SOUTH 68°03'01" WEST A DISTANCE OF 16.51 FEET; THENCE SOUTH 62°54'26" WEST A DISTANCE OF 16.51 FEET; THENCE SOUTH 52°53'16" WEST A DISTANCE OF 50.13 FEET; THENCE SOUTH 39°52'25" WEST A DISTANCE OF 33.47 FEET; THENCE SOUTH 32°04'40" WEST A DISTANCE OF 16.76 FEET; THENCE SOUTH 26°48'35" WEST A DISTANCE OF 16.76 FEET; THENCE SOUTH 19°02'08" WEST A DISTANCE OF 33.48 FEET; THENCE SOUTH 14°48'50" WEST A DISTANCE OF 30.74 FEET; THENCE SOUTH 02°50'05" WEST A DISTANCE OF 3.92 FEET; THENCE NORTH 87°09'55" WEST A DISTANCE OF 107.53 FEET; THENCE NORTH 07°39'58" EAST A DISTANCE OF 257.56 FEET; THENCE NORTH 04°47'17" EAST A DISTANCE OF 678.03 FEET; THENCE NORTH 86°11'43" WEST A DISTANCE OF 105.35 FEET; THENCE NORTH 04°49'58" EAST A DISTANCE OF 244.38 FEET; THENCE SOUTH 86°11'43" EAST A DISTANCE OF 100.97 FEET; THENCE NORTH 04°31'57" EAST A DISTANCE OF 1004.11 FEET; THENCE SOUTH 88°39'19" EAST A DISTANCE OF 1814.25 FEET; THENCE NORTH 67°04'30" EAST A DISTANCE OF 82.47 FEET; THENCE NORTH 44°07'07" EAST A DISTANCE OF 75.95 FEET; THENCE NORTH 18°23'22" EAST A DISTANCE OF 78.75 FEET; THENCE SOUTH 89°53'33" EAST A DISTANCE OF 93.73 FEET; THENCE SOUTH 02°53'42" WEST A DISTANCE OF 222.04 FEET; THENCE NORTH 87°06'34" WEST A DISTANCE OF 39.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 138.6 ACRES MORE OR LESS.

THE ABOVE REFERENCED LEGAL DESCRIPTION WAS DERIVED FROM A VARIETY OF SOURCES INCLUDING SURVEYED POSITION OF CORNERS, RECORDED SURVEYS, SKAGIT COUNTY ASSESSOR PARCEL MAPPING, AND PROJECT BOUNDARY LINE LOCATIONS PROVIDED BY OTHERS REPRESENTING THE BEST AVAILABLE SOURCE OF INFORMATION AT THE TIME.

# OWNERSHIP CERTIFICATION

I, Jenny Baker, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing applications for a Shoreline Substantial Development and Conditional Use Variance Permit, Special Use Permit and Fill & Grade Permit and that the statements, answers and information submitted presents the argument on behalf of this application and are in all respects true and correct to the best of my knowledge and belief. For those portions of the subject property where the Nature Conservancy is not the owner, the Nature Conservancy certifies that it is submitting these applications with the consent of the owners of the tax parcels listed below.

Street Address: 410 N Fourth Street  
City, State, Zip: Mt. Vernon, WA 98273  
Phone: (360) 419-7022

TNC-owned parcels:

17508	THE NATURE CONSERVANCY
17519	THE NATURE CONSERVANCY
17436	THE NATURE CONSERVANCY

Non-TNC-owned parcels and owners:

PARCEL ID	OWNER
No_ID	Burlington Northern Santa Fe
No_ID	Drainage Dist. 17
17507	Drainage Dist. 17
No_ID	Dike District 3
17524	Dike District 3
17434	Dike District 3
17457	Dike District 3
17509	Dike District 3
17450	EARL HANSON
16854	ROGERJUNGQUIST
17486	MAPLEWOOD FARM INC.
17523	MAPLEWOOD FARM INC.
17433	HARVEY MOYER
17466	HARVEY MOYER
17467	HARVEY MOYER
17518	HARVEY MOYER
17511	S&B Properties
17510	S&B Properties
No_ID #1	SKAGIT COUNTY
No_ID #2	SKAGIT COUNTY
No_ID #3	SKAGIT COUNTY
17507	SKAGIT COUNTY





Signature(s):

J. Baker



for:

The Native Conservancy  
(corporation or company name, if applicable)

STATE OF WASHINGTON )

) ss.

COUNTY OF SKAGIT )

On this day personally appeared before me Jenny L Baker, known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned.

Given under my hand and official seal this 22<sup>nd</sup> day of November, 2009.

Notary's Signature

Dick A. Manion

Notary Public in and for the State of Washington residing at

Sedro Woolley

My Commission Expires

1/31/12



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# Attachment C: Special Use Application Expanded Answers to Sections A and B

SKAGIT COUNTY  
PERMIT CNTR.

NOV 25 2009

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Project Name: Fisher Slough - Tidal Marsh Restoration, Levee Setback, and Big Ditch Realignment,  
Skagit County, Washington

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1. **Describe your proposal/business:** The purpose of the Fisher project is a 2-year construction project to restore tidal marsh habitat, improve fish passage and increase the amount of available flood storage. The project will reconnect natural freshwater tidal marsh hydrology to approximately 50 acres of currently diked floodplain, restore historical tidal marsh vegetation communities, remove fish passage barriers, and provide critical juvenile Chinook rearing habitat areas. In addition to restoring rearing areas for juvenile Chinook, the project will provide improved fish passage to 15 – 17 miles of tributary spawning areas and increase watershed connectivity for coho, chum and other native fish species. The project will also improve flood and sediment storage conditions for the tributary levee system and adjacent farmland.
2. **What days and hours will your operation be open?** During construction, employees will be onsite during normal business hours (Mon - Fri 7:00 AM to 7:00 PM) and occasional weekends and off hours to work during low tide conditions and accommodate in-water fish work windows.
3. **How many employees will you have?** Maximum of 50 people (construction contractors, consultants, TNC staff) on construction site at any given time.
4. **State their working hours.** See #2 above
5. **Will the employees be working on site?** Yes
6. **Will there be signs indicating the operation? If so, where will they be placed and how big will they be?** Yes; a sign indicating construction in the vicinity will be posted at the entrance to Smith A (see JARPA Sheet 2: Site Plan) off Pioneer Road as needed.
7. **Businesses need to be concealed from public view. How do you intend to do this? Will you use plants, shrubs or fences as a buffer?** N/A; project site will remain as Ag-NRL.
8. **Describe the parking area (You will need to ensure that you don't encroach on neighbors or into the road right-of-way):** No permanent parking is proposed. Temporary parking will be provided at the designated staging areas (see JARPA Sheet 2: General Site Plans).

**Please state your schedule for the development of this business/operation. If development is phased please describe timelines.**

Schedule for development:

Phase	Start Date	End Date	Activity Description
1	8/01/09	Completed 11/31/09	Fisher Slough floodgate replacement
2	6/01/10	10/15/10	Big Ditch Realignment & Levee Setback Pre-loading and Tributary and Tidal Marsh Channel Pre-Excavation
3	6/01/11	10/15/11	Levee Setback Final Loading, Levee Removal, Marsh and Riparian Plantings, Tributary & Tidal Marsh Channel Connections

9. **Describe the traffic impact of your operation on the County or State road system (such as the use of large trucks or constant vehicle traffic):** The project may include up to 8,000 vehicle trips to the site to haul import materials, equipment, project staff vehicles, and dispose of materials from the site. This number will be refined by the construction contractor during the bidding process, and is likely to be reduced. During the (2) 5-month working periods of June through October 2010 and 2011, trucks and other vehicles would be entering the highway every 14 to 15-minutes on average. A temporary crossing of Fisher Slough at the current Big Ditch crossing has been proposed as part of the project to reduce an additional 4,500 inter-site trips for moving material to different project areas north and south of the slough.
10. **Will your operation have an internal road system?** No permanent paved roads will be constructed; however, temporary access roads will be constructed within the project footprint (see JARPA Sheet 2: General Site Plan). All roads will be bare earth except for those that lead from Pioneer Highway to the staging areas, which will be graveled. Temporary roads will be located along the margins of the project footprint to allow for moving of equipment and hauling of material. All roads will have erosion control features as part of the Temporary Erosion and Sediment Control (TESC) Plan and contractor developed Stormwater Pollution Prevention Plan (SWPPP).
11. **How is your property accessed? By private, country or state road?** Property is accessed from a Skagit County Road (Pioneer Hwy/Old SR 530) at each of the Jungquist North, Jungquist South, Smith A and Smith B access points as shown on the site plans (see JARPA Sheet 2: General Site Plan). An optional access is shown off of Franklin Road on the east side of the project.
12. **Will the operation generate heat from machinery or equipment?** No permanent heat emissions will be emitted. Minor emissions from machinery or equipment will be generated on a short-term and localized basis during construction.
13. **Will the operation generate noise or odors?** No permanent noise will be generated. Minor noise will be generated on a short-term basis during construction, similar to existing agricultural machinery currently used in the project vicinity. Odors may be generated when anaerobic soils are excavated; however, this will be temporary. Once construction is complete, noise and odors will be decreased relative to existing agricultural uses.

- 14. Will steam, smoke, or dust be generated by the operation?** No permanent smoke or dust will be generated. Minor smoke and dust may be generated on a short-term basis during construction. Provisions for dust management/abatement (e.g., water truck) will be provided in the TESC and construction contractor Stormwater Water Pollution Prevention Plan (SWPPP) as required by Washington Department of Ecology General Construction stormwater permit.
- 15. Is heavy equipment or machinery being used? Will there be vibrations that may be felt by adjoining properties?** Yes, heavy equipment will be used on a temporary basis and includes: scrapers, grader, excavators, backhoes, loaders, water truck, pile driver (hammer not vibratory), dump trucks, and pick-up trucks. The applicant has coordinated with Skagit County Public Works to ensure vibrations will not affect the bridge, and has specified the use of non-vibratory sheet pile protective shoring installations to protect the bridge. Structures on adjoining properties will not be affected.
- 16. Will chemicals, waste oils, solvents, fuel, etc. be stored at the operation? If so, please state what kinds, how much and how they will be stored. How will they be disposed of?** No fuels, oils, solvents, lubricants, or hydraulic fluids will be stored at the project site on a permanent basis; however, these details are identified in the SWPPP, as required by the Ecology General Construction stormwater permit, which will be developed by the construction contractor spring 2010. Small quantities of fuel, hydraulic fluids, and other materials may be temporarily stored in secured staging areas during construction and will be properly disposed off-site as identified in the SWPPP. Proper handling, spill prevention and cleanup best management practices (BMPs) will be identified in the SWPPP.
- 17. Will visitors, customers or employees have access to adjoining property? Please describe your plans for preventing trespassing.** There will be no change to existing access. During construction, temporary fencing will be constructed to secure portions of the staging and equipment areas as needed. The construction limits and property lines will be clearly delineated and marked to prevent accidental or intentional incursions into neighboring properties. As mentioned in #6, signage will be posted as necessary to prevent access to site.
- 18. If your operation will be using a building, please describe the size, height and construction type. This building must be shown on the site plan. Describe the sewage disposal plan for employees and the public.** No permanent buildings or sewage disposal will be constructed. Up to 5 temporary trailers and a number of portable toilets will be placed on-site during construction. These structures will be confined to the staging areas (see JARPA Sheet 2: General Site Plan) which are less than 1 acre (each) in accordance with SCC 14.16.400(6)(b).
- 19. Describe the water supply for employees and the public.** No permanent water supply will be constructed. Potable water for employees will be provided (e.g. bottled water) during construction.
- 20. Is water served by PUD, community water or drilled well?** The source of local water is a drilled well; however, this is not applicable to the project as no water source is necessary for the project. Some watering of roads and plantings will be performed by a watering truck.

- 21. Address any fire flow issues.** N/A. Fire prevention will be addressed in contractor Health and Safety Plan.

## **Section B**

**1. Describe how the proposed use is compatible with the neighboring properties.**

The site is currently zoned in the Skagit County Comprehensive Plan as Agricultural –Natural Resource Lands (Ag-NRL). The proposed project will not change or diminish this designation. The neighboring properties surrounding the project site are primarily agricultural, open space, and open water. The proposed restoration project will be compatible with and enhance these current uses by enhancing flood control, sediment storage and water quality. It is expected that these things will contribute to aesthetic, ecological and long term economical value of the neighboring properties.

It is the project proponent's understanding that there are specific concerns related to the levee setback and tidal marsh restoration, and the Board of County Commissioners is requesting review of the Special Use permit process by the Hearing Examiner.

Many of the concerns for restoration projects in Ag-NRL zoned areas are related to flooding and drainage. The project was developed with multiple goals, including both habitat restoration and flood storage improvements. These goals were developed by Diking District#3, Drainage District#17, Skagit County, Washington Department of Fish and Wildlife, and The Nature Conservancy, among others.

Hydrologic and hydraulic modeling flood studies show significant improvements in flood storage that result in decreases in flood elevations, especially for tributary flooding of Hill Ditch, Big Fisher and Little Fisher Creeks.

In addition, a number of studies were performed to identify and address potential seepage and drainage issues. These studies include groundwater mounding analysis (both empirical, steady and unsteady state mounding analyses) that address the concerns of the drainage districts and local landowners for drainage concerns. The primary drainage concern was late spring and early summer elevated groundwater tables due to late Skagit River seasonal runoff and floods. The engineering investigations concluded that no adverse effects will occur, as increases in localized groundwater table conditions were minimal for the transient spring runoff condition, and are addressed as drainage design and seepage protective features and elements within the levee design.

The design of the project has been coordinated through The Nature Conservancy project partnering and Technical Advisory Committee. Project partners include Dike District #3, Drainage District #17 and Skagit County. The Technical Advisory Committee has included Skagit County, NRCS, WDFW, NOAA, USEPA, USACE, SRSC and SCD as well as independent technical design review by local engineering professionals working in Skagit County. This process incorporates the best available science and engineering in developing a project plan with various technical review and input from all project stakeholders, technical reviewers and project partners. In short, we have worked closely with agricultural community partners and will be replacing antiquated drainage and flood control infrastructure with better designed and better constructed infrastructure.

- 2. How does the proposed use comply with the Skagit County Code?** The proposed project is not prohibited by the Skagit County Code (SCC) and will be in compliance with the Code. Specific elements of the project are either permitted uses (SCC 14.16.400(2)(p))<sup>1</sup> or allowed as a Special Use (SCC 14.16.400(4)(c))<sup>2</sup>.

This project will balance multiple land and resource designations within county programs (i.e. Shoreline Master Program and Comprehensive Plan and see Figure 1: Fisher Slough Comprehensive Plan, Shoreline and Stream Type Zoning map. Additionally, objectives of this project are consistent with goals and policies outlined in the Comprehensive Plan Policy (CPP) and the Shoreline Master Plan, including:

- Habitat restoration projects are a permitted use on agricultural lands (CPP 4A.4.6)
- Fishery resources shall be protected and enhanced for continued productivity (CPP 8.7).
- Fisher Slough completes fixes to Big Ditch crossing structure needing fish passage per the agreements for maintenance, fish protection, and habitat restoration outlined in the Skagit Drainage and Fish Initiative Memorandum of Understanding (MOU) (CPP 4A-5.5).
- The project will improve and mitigate flooding and drainage impacts on agricultural lands (CPP 4A-5.6) by increasing downstream flood storage on the Fisher Creeks and Hill Ditch system.
- The Fisher Slough project will restore and conserve shorelines of the state that are among the most valuable and fragile of our natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation (SCC 14.26.010(1.02)).
- The project meets the code intent to preserve, protect, and restore the natural resources of Skagit County's shorelines in the public interest and for future generations. These natural resources include but are not necessarily limited to fish, wildlife, vegetation, and natural features found in shoreline regions. Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment (SCC 14.26.010(4.02)).
- Fisher Slough will reduce flood peak elevations and provide an additional 311 ac-ft of storage. SCC states that projects which do not increase the 100-year, 24-hour storm peak discharge from within the boundaries of the project more than 0.5 cfs shall be exempt from the provisions of SCC 14.32.080(3), (as cited in SCC 14.32.40(4)(d)).

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<sup>1</sup> SCC 14.16.400 Agricultural –Natural Resource Lands

(2) Permitted Uses

(p) Water diversion structures and impoundments related to resource management

<sup>2</sup> (4) Hearing Examiner Special Uses

(c) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.

Additionally, the Fisher Slough Restoration Project has been identified as a priority in a number of planning studies including the following:

- Skagit Chinook Recovery Plan, 2005
- Skagit Delta Tidegates and Fish Initiative Implementation Agreement, 2007
- Skagit Drainage and Fish Initiative, Drainage District 17 Drainage Maintenance Agreement
- Skagit River Flood Control Project: Environmental Restoration and Mitigation Planning, Environmental Study Areas, 2001.
- Fisher Slough Preferred Final Restoration Plan, 2007.
- Carpenter Creek and Fisher Slough Tributary Watersheds, Flooding and Sedimentation Investigations, 2007.

- 3. How will the proposed use create noise, odor, heat, vibration, and air or water pollution?** No permanent noise, odor, heat, vibration, air or water pollution effects. Minor temporary effects may occur during the construction period (see Section A; items 12-16). It is anticipated that post-construction conditions will be improved over existing baseline conditions because the area will no longer be used for agricultural production, such that noise, odor, heat, vibration, and air and water pollution will decrease. Farm equipment will no longer operate on the 50 acre restoration site, reducing potential for generation of noise, odor, heat, vibration, air or water pollution effects. Some minor maintenance activities will still occur at the site with tractor mowing of the levees and vegetation maintenance equipment.
- 4. How will the operation impact dwellings and property in the immediate area?** No impacts to dwellings and property will occur in the immediate area. Engineering studies have been performed to document reductions in flood peak elevations, improved sediment storage. Concerns were raised regarding farm drainage during wet spring seasons and possible water well contamination. Engineering documentation has been developed to show that drainage conditions and water wells will not be adversely affected from changes occurring at the site.
- 5. How will the proposed use intrude on the privacy of the surrounding areas?** There will be no effects on privacy in the surrounding area. Limited residences exist in the area. No businesses, residences or public access facilities are being constructed as part of the project.
- 6. What potential effects could your proposal have to the general public health, safety and general welfare?** The project will have beneficial effects on public health, safety, and welfare. The new Big Ditch will be constructed to reduced existing problems to hydrologic functions and sediment transport, as well as have safety features for continued operation of the structure. The new levee is designed to withstand larger floods, longer periods of inundation and saturation, and has an upgraded spillway as compared with the existing structure. During construction, the contractor will comply with all site construction and road safety requirements per industry safety standards (OSHA). Traffic will temporarily increase along Pioneer



Hwy as construction trucks, and work crew personal vehicles enter and exit the project sites. A traffic control and safety plan will be submitted by the construction contractor to Skagit County, upon request, by the construction contractor. Design elements include a temporary crossing structure of Fisher Slough at the existing Big Ditch crossing to limit the amount of trips on Pioneer Highway.

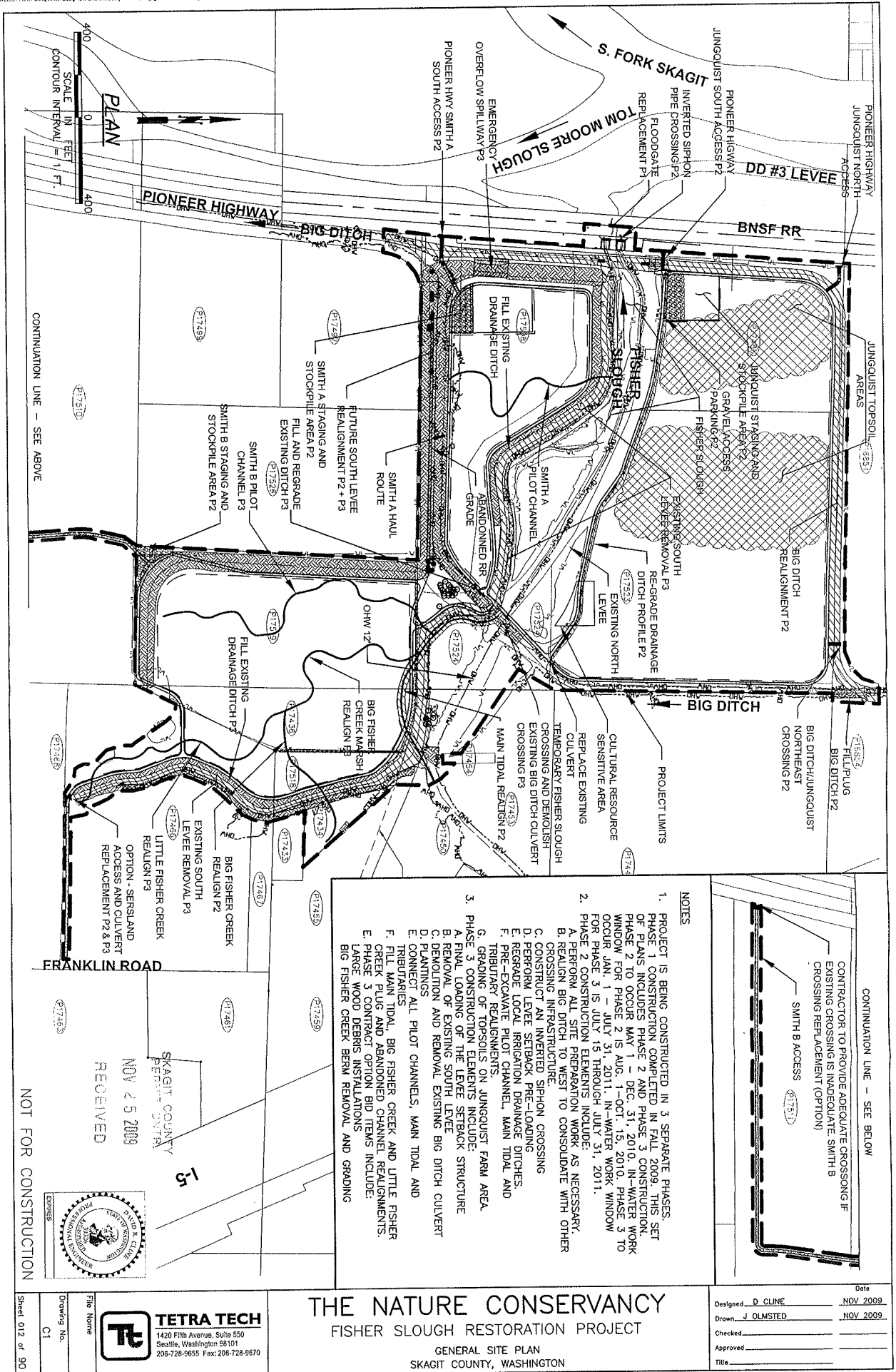
Another potential health concern is posed by the presence of a water well adjacent to the project area. This well currently resides within the 100-year floodplain and is susceptible to floodwater intrusion, and potential fouling and bacterial contamination during flood events. The proposed project will decrease the amount of flooding occurring on the tributaries, and provide a minor incremental improvement in flood conditions for the larger Skagit River. Therefore, the project actually reduces the potential risk for fouling and contamination of the water well. Also, frequent freshwater tidal inundation will contribute moderately to recharging the underlying aquifer source for the well.

Lastly, Fisher Slough is listed on the 303(d) list for high water temperatures. This project is predicted to decrease water temperatures and improve water quality. In addition, wetlands are known to sequester nutrients also improving water quality. The improvements will incrementally contribute to reductions in nutrient loading that can lead to cyanobacterial blooms that are harmful to human health.

**\*For Agricultural – Natural Resource Lands**

- 1. How will the impacts on long-term natural resource management and production be minimized?** This project will not change current zoning. It will restore prior converted farmed wetlands that were sold to The Nature Conservancy and in coordination with the Diking and Drainage Districts. Reductions in farming will occur on the 50 acres of land that once supported cucumber, potato, and other crops. The primary concerns for agricultural lands are flooding and drainage. The project will improve flooding and conveyance conditions, thereby providing incremental improvements in drainage conditions for surrounding farms. The project will benefit adjacent and upstream agricultural and other property owners by improving flood and sediment storage and facilitating drainage. The project will also improve fish passage, which is a mandate for the drainage districts as part of their ongoing Drainage and Fish agreements with WDFW. The drainage structure improvements also provide benefits including the ability to manage the groundwater table for crop production upstream of the project site using newly installed slide gates on the inverted siphon, which were also designed to meet fish passage requirements, unlike the existing structures.
- 2. Describe how the proposed use complies with the health and safety of the community.** The project will benefit health and safety for the community by improving flood and sediment storage. Flood control structures have been designed to current U.S. Army Corps design standards and guidelines and are significant improvements over existing conditions for flood protection and safety for operations and maintenance activities. This includes operational features that ensure safety during operation of project features such as manual controls of flood control structures, site access control and designated emergency spillway for the levee.

3. **Will the proposed use be supported by adequate public facilities and services?**  
The project area will not require public facilities or services not otherwise currently provided by Diking District # 3 and Drainage District 17.
4. N/A
5. N/A



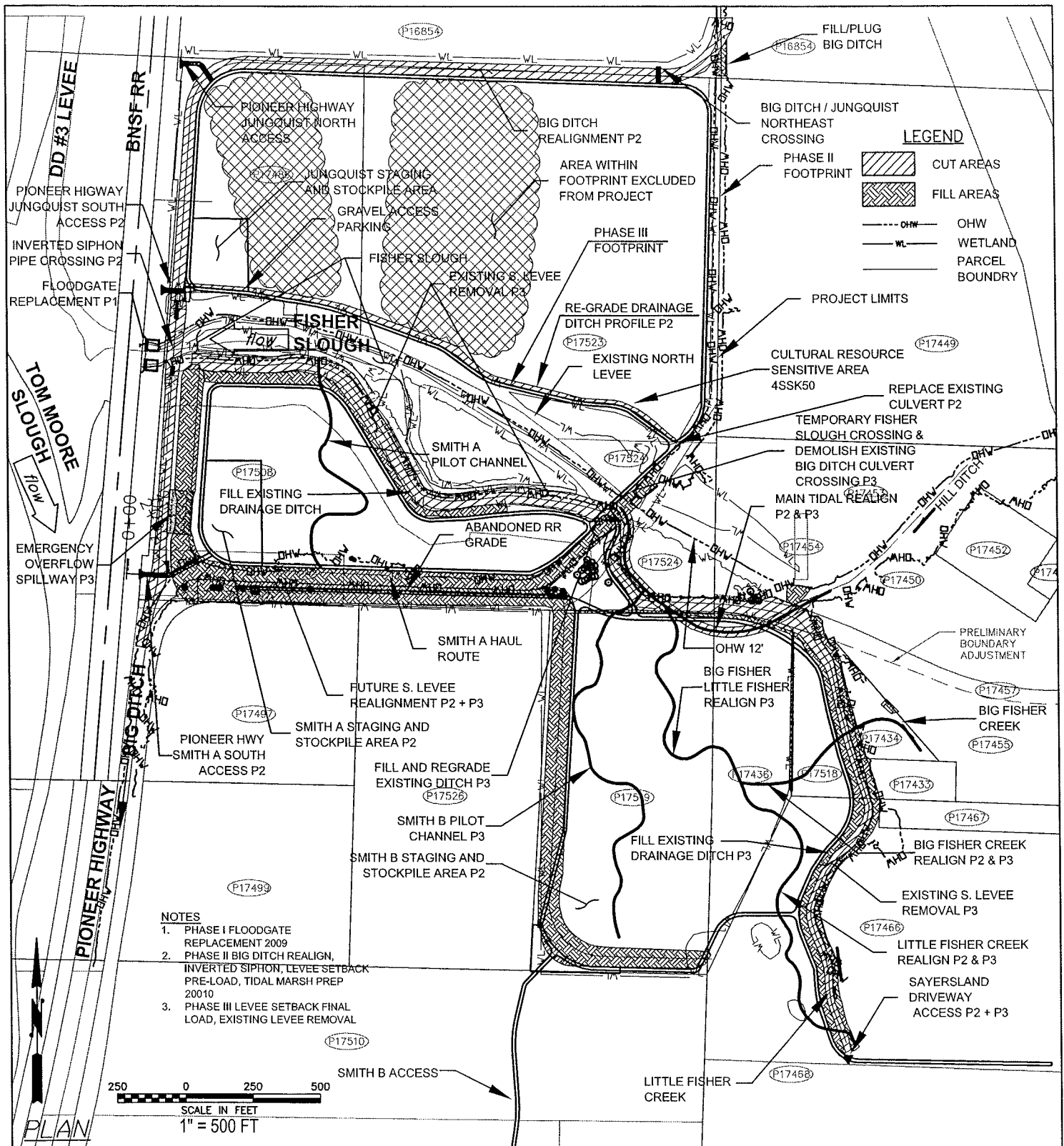
**THE NATURE CONSERVANCY**  
FISHER SLOUGH RESTORATION PROJECT  
GENERAL SITE PLAN  
SKAGIT COUNTY, WASHINGTON

Date: NOV 2009  
Designed: D CLINE  
Drawn: J OLMSTED  
Checked:  
Approved:  
Title:



**TETRA TECH**  
1420 Fifth Avenue, Suite 550  
Seattle, Washington 98101  
206-728-9655 Fax: 206-728-9670

File Name:  
Drawing No.: C1  
Sheet 012 of 90



**PURPOSE:** To restore fish and wildlife habitat by reconnecting tidal hydrology

SECTIONS 19, 20, 29 & 30, T33N, R04E WM  
LAT 48° 19' 25", LONG 122° 20' 38"  
DATUM: NAVD88 (FT)

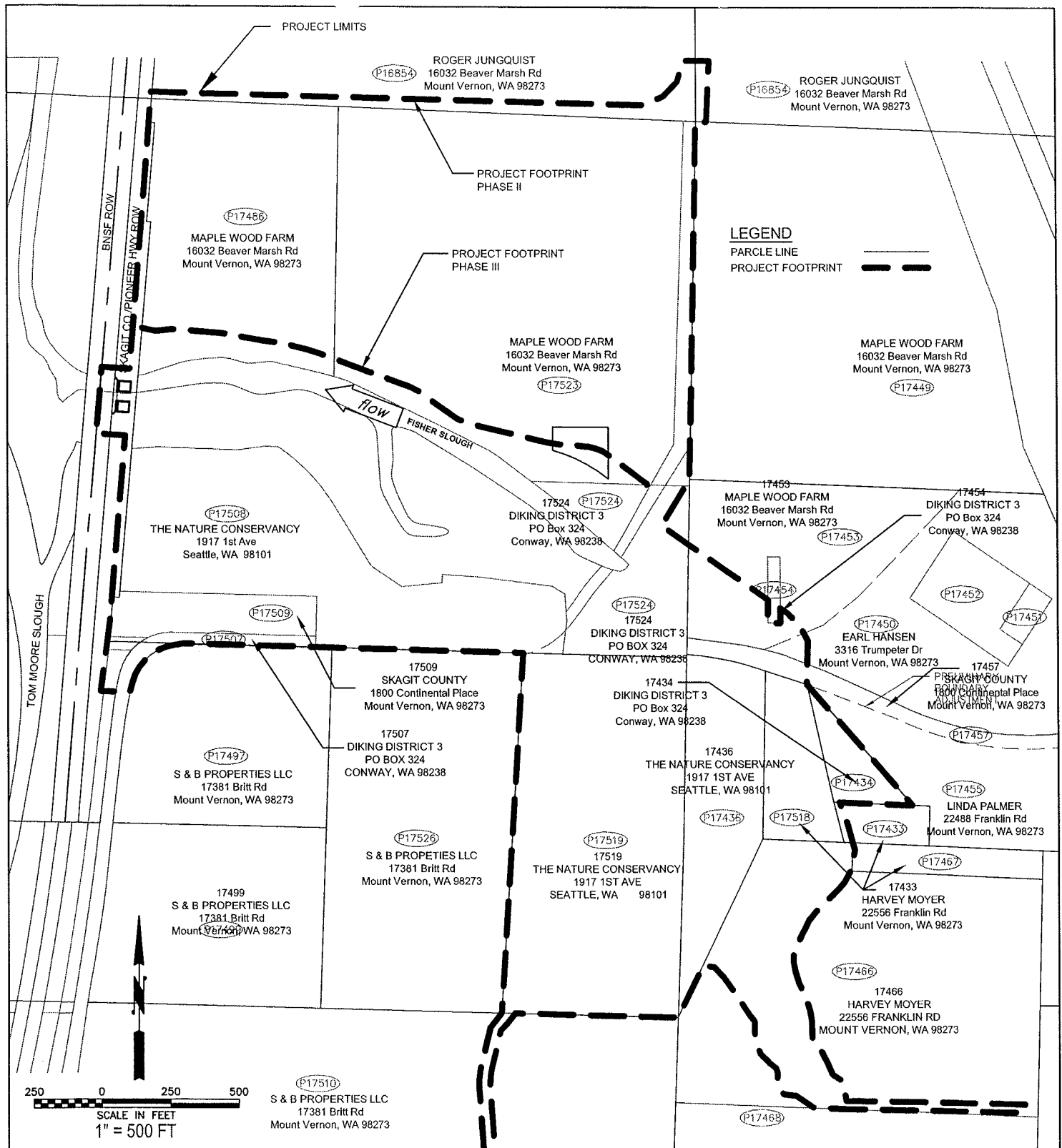
**APPLICANT:** THE NATURE CONSERVANCY

**SITE LOCATION ADDRESS:**  
PIONEER HIGHWAY AND FISHER SLOUGH  
BRIDGE

**General Site Plan**

**PROPOSED:** Phase 1 Replacement of floodgate structure. Phase 2 Big Ditch realignment, inverted Siphon installation and Levee setback pre-loading including excavation and placement of fill, pre-construct pilot and tributary channels. Phase 3 Levee setback final loading, Levee removal and Tidal Marsh restoration including Fisher Creeks and Pilot Channel connections.  
AT / NEAR: Mt. Vernon COUNTY: Skagit  
STATE: WA  
DATE: Nov, 23 2009

**SHEET 2 OF 20**



**PURPOSE:** To restore fish and wildlife habitat by reconnecting tidal hydrology

**SECTIONS 19, 20, 29 & 30, T33N, R04E WM**  
**LAT 48° 19' 25", LONG 122° 20' 38"**  
**DATUM: NAVD88 (FT)**

**APPLICANT: THE NATURE CONSERVANCY**

**SITE LOCATION ADDRESS:**  
**PIONEER HIGHWAY AND FISHER SLOUGH**  
**BRIDGE**

**Real Estate Plan**

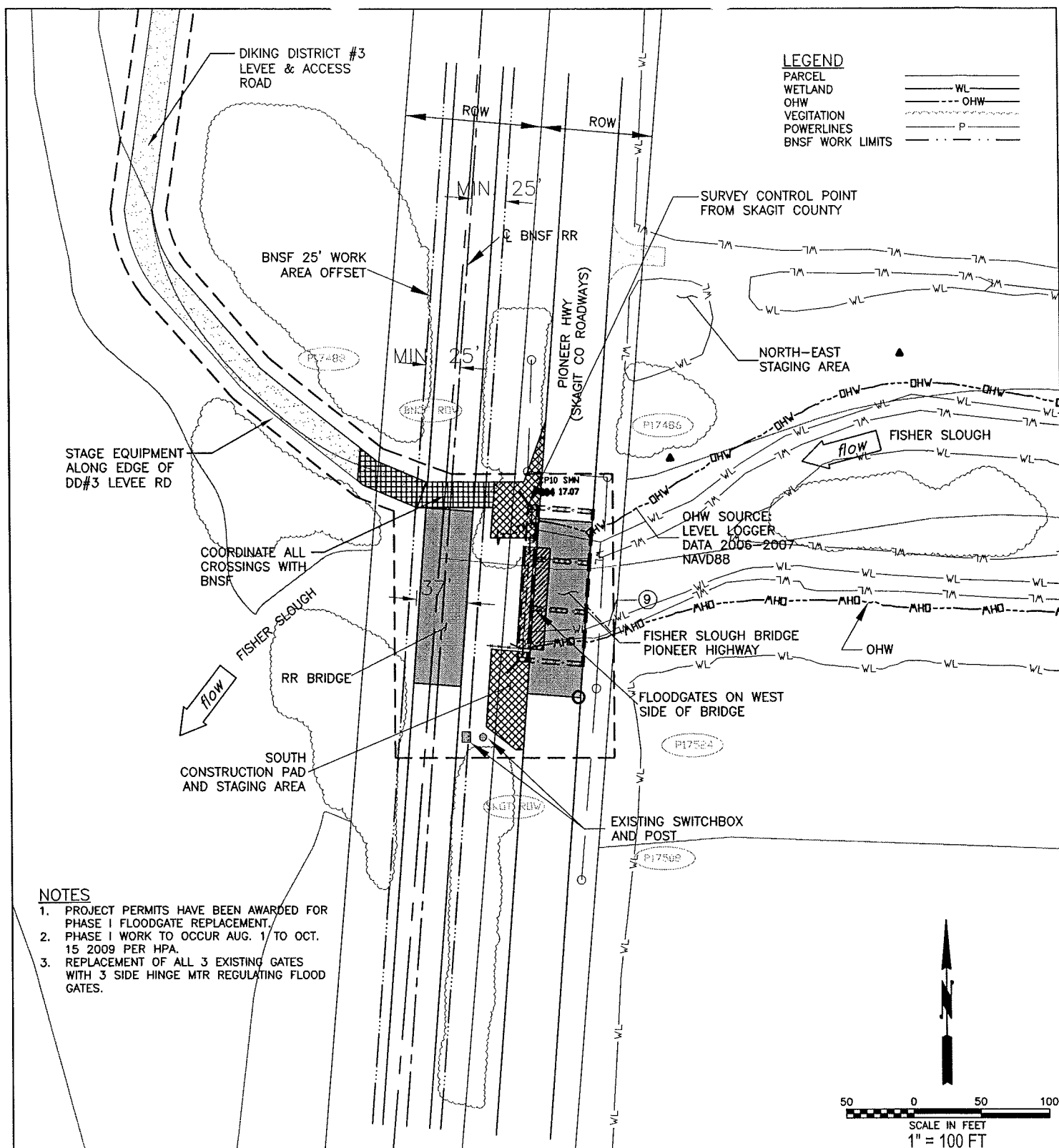
**PROPOSED:** Phase 1 Replacement of floodgate structure. Phase 2 Big Ditch realignment, inverted Siphon installation and Levee setback pre-loading including excavation and placement of fill, pre-construct pilot and tributary channels. Phase 3 Levee setback final loading, Levee removal and Tidal Marsh restoration including Fisher Creeks and Pilot Channel connections.

**AT / NEAR:** Mt. Vernon **COUNTY:** Skagit

**STATE:** WA

**DATE:** Nov, 23 2009

**SHEET 3 OF 20**



**PURPOSE:** To restore fish and wildlife habitat by reconnecting tidal hydrology

SECTIONS 19, 20, 29 & 30, T33N, R04E WM  
LAT 48° 19' 25", LONG 122° 20' 38"  
DATUM: NAVD88 (FT)

**APPLICANT:** THE NATURE CONSERVANCY

**SITE LOCATION ADDRESS:**  
PIONEER HIGHWAY AND FISHER SLOUGH  
BRIDGE

**Phase 1**  
**Floodgate Replacement Plan**

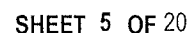
**PROPOSED:** Phase 1 Replacement of floodgate structure. Phase 2 Big Ditch realignment, inverted Siphon installation and Levee setback pre-loading including excavation and placement of fill, pre-construct pilot and tributary channels. Phase 3 Levee setback final loading, Levee removal and Tidal Marsh restoration including Fisher Creeks and Pilot Channel connections.

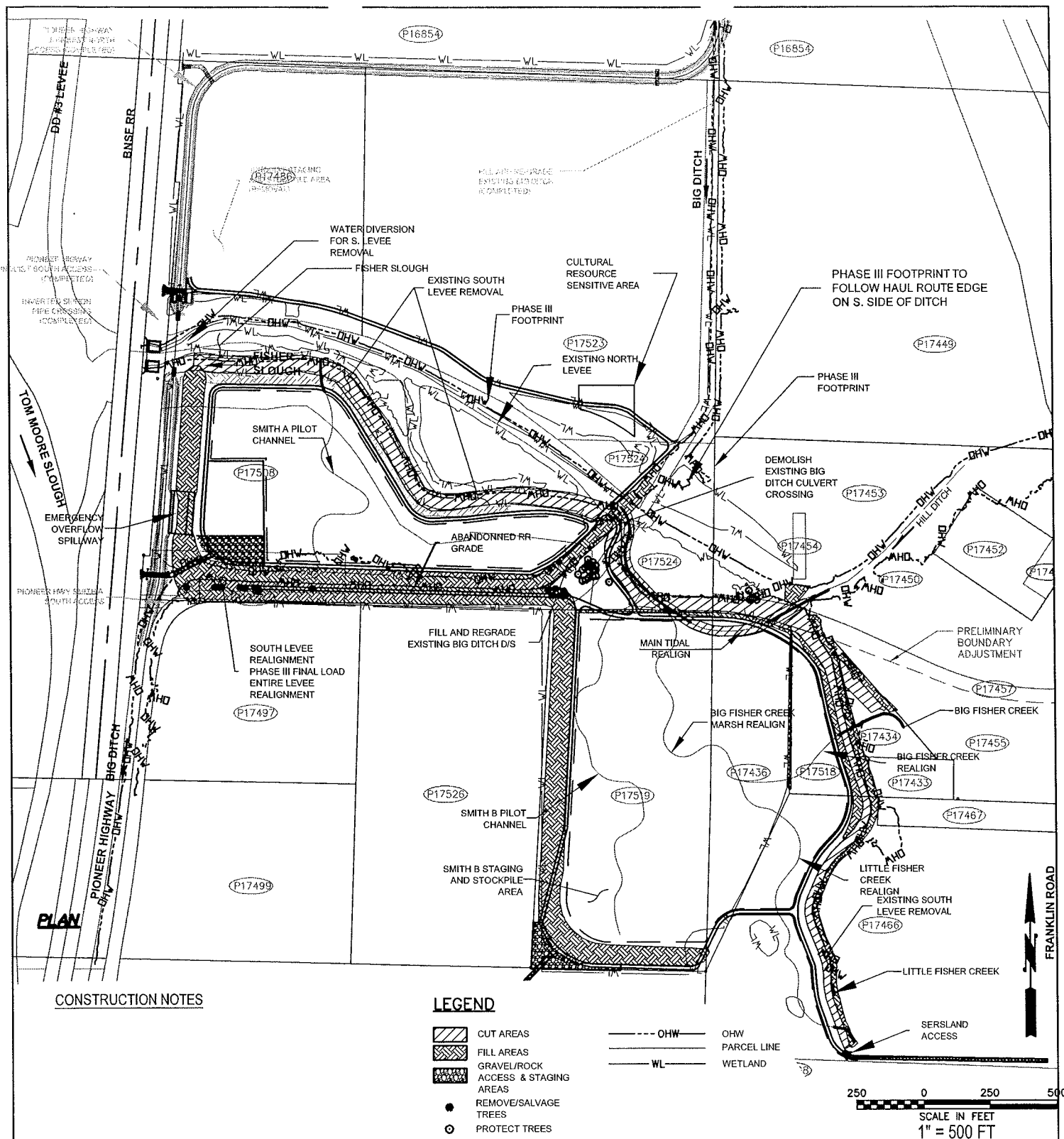
AT / NEAR: Mt. Vernon COUNTY: Skagit

STATE: WA

DATE: Nov, 23 2009

**SHEET 4 OF 20**





**PURPOSE:** To restore fish and wildlife habitat by reconnecting tidal hydrology

SECTIONS 19, 20, 29 & 30, T33N, R04E WM  
LAT 48° 19' 25", LONG 122° 20' 38"  
DATUM: NAVD88 (FT)

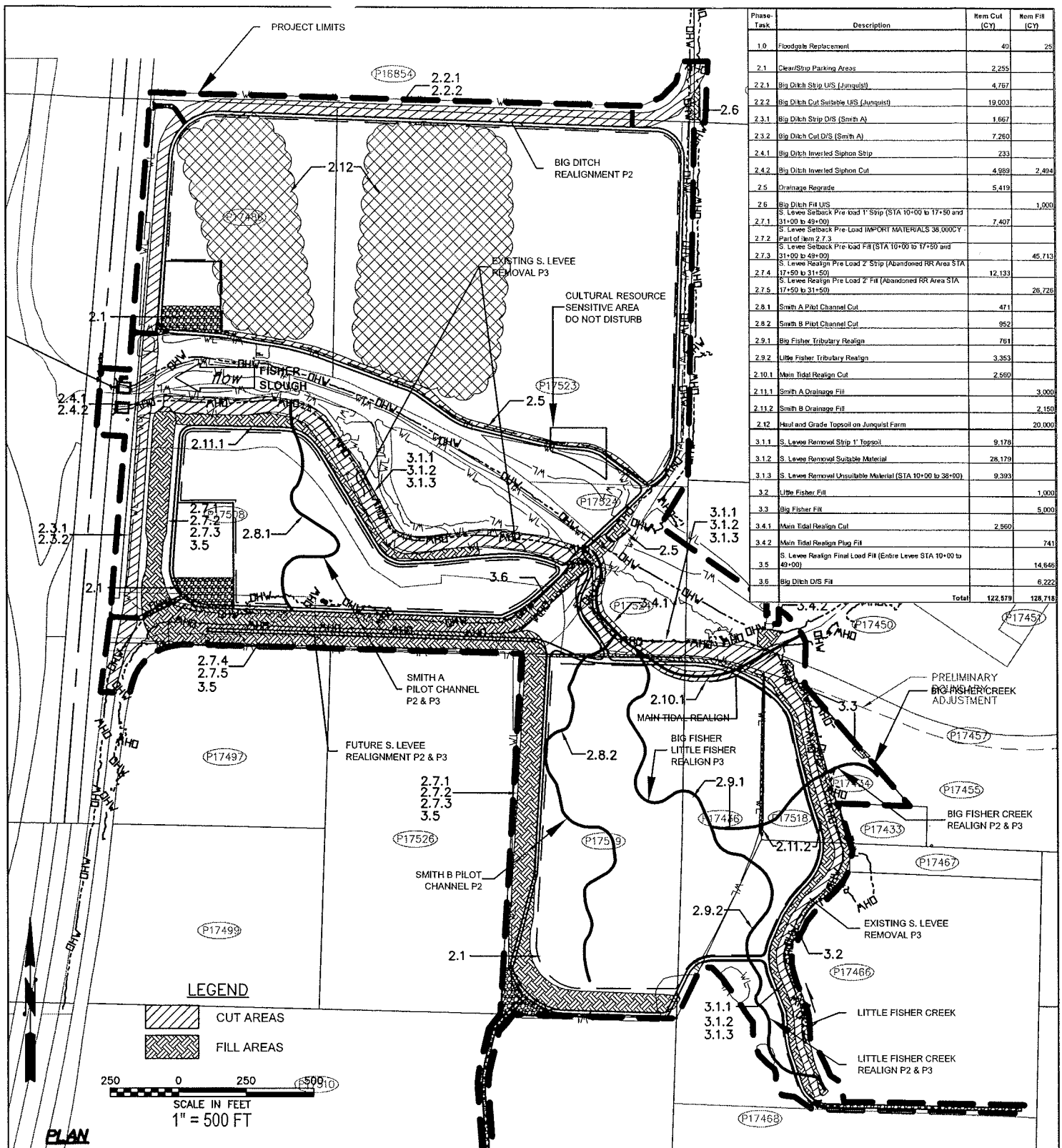
**APPLICANT:** THE NATURE CONSERVANCY

**SITE LOCATION ADDRESS:**  
PIONEER HIGHWAY AND FISHER SLOUGH  
BRIDGE

**Phase 3**  
**Final Load Setback, Tidal Marsh Restoration**  
**S. Levee Removal & Tributary Connections**

**PROPOSED:** Phase 1 Replacement of floodgate structure. Phase 2 Big Ditch realignment, inverted Siphon installation and Levee setback pre-loading including excavation and placement of fill, pre-construct pilot and tributary channels. Phase 3 Levee setback final loading, Levee removal and Tidal Marsh restoration including Fisher Creeks and Pilot Channel connections.  
AT / NEAR: Mt. Vernon COUNTY: Skagit  
STATE: WA  
DATE: Nov, 23 2009  
**SHEET 6 OF 20**





Phase-Task	Description	Item Cut (CY)	Item Fill (CY)
1.0	Floodgate Replacement	40	25
2.1	Clear/Strip Parking Areas	2,255	
2.2.1	Big Ditch Strip U/S (Junquist)	4,767	
2.2.2	Big Ditch Cut Suitable U/S (Junquist)	19,003	
2.3.1	Big Ditch Strip O/S (Smith A)	1,667	
2.3.2	Big Ditch Cut O/S (Smith A)	7,260	
2.4.1	Big Ditch Inverted Siphon Strip	233	
2.4.2	Big Ditch Inverted Siphon Cut	4,989	2,494
2.5	Drainage Regrade	5,419	
2.6	Big Ditch Fill U/S		1,000
2.7.1	S. Levee Setback Pre-load 1" Strip (STA 10+00 to 17+50 and 31+00 to 49+00)	7,407	
2.7.2	S. Levee Setback Pre-load IMPORT MATERIALS 38,000 CY Part of Item 2.7.3		
2.7.3	S. Levee Setback Pre-load Fill (STA 10+00 to 17+50 and 31+00 to 49+00)		45,713
2.7.4	S. Levee Realign Pre-load 2" Strip (Abandoned RR Area STA 17+50 to 31+50)	12,133	
2.7.5	S. Levee Realign Pre-load 2" Fill (Abandoned RR Area STA 17+50 to 31+50)		26,726
2.8.1	Smith A Pilot Channel Cut	471	
2.8.2	Smith B Pilot Channel Cut	952	
2.9.1	Big Fisher Tributary Realign	761	
2.9.2	Little Fisher Tributary Realign	3,353	
2.10.1	Main Tidal Realign Cut	2,560	
2.11.1	Smith A Drainage Fill		3,000
2.11.2	Smith B Drainage Fill		2,150
2.12	Haul and Grade Topsoil on Junquist Farm		20,000
3.1.1	S. Levee Removal Strip 1" Topsoil	9,178	
3.1.2	S. Levee Removal Suitable Material	28,179	
3.1.3	S. Levee Removal Unsuitable Material (STA 10+00 to 38+00)	9,393	
3.2	Little Fisher Fill		1,000
3.3	Big Fisher Fill		5,000
3.4.1	Main Tidal Realign Cut	2,560	
3.4.2	Main Tidal Realign Plug Fill		741
3.5	S. Levee Realign Final Load Fill (Entire Levee STA 10+00 to 49+00)		14,646
3.6	Big Ditch O/S Fill		6,222
Total		122,879	128,718

PURPOSE: To restore fish and wildlife habitat by reconnecting tidal hydrology

SECTIONS 19, 20, 29 & 30, T33N, R04E WM  
LAT 48° 19' 25", LONG 122° 20' 38"  
DATUM: NAVD88 (FT)

APPLICANT: THE NATURE CONSERVANCY

SITE LOCATION ADDRESS:  
PIONEER HIGHWAY AND FISHER SLOUGH  
BRIDGE

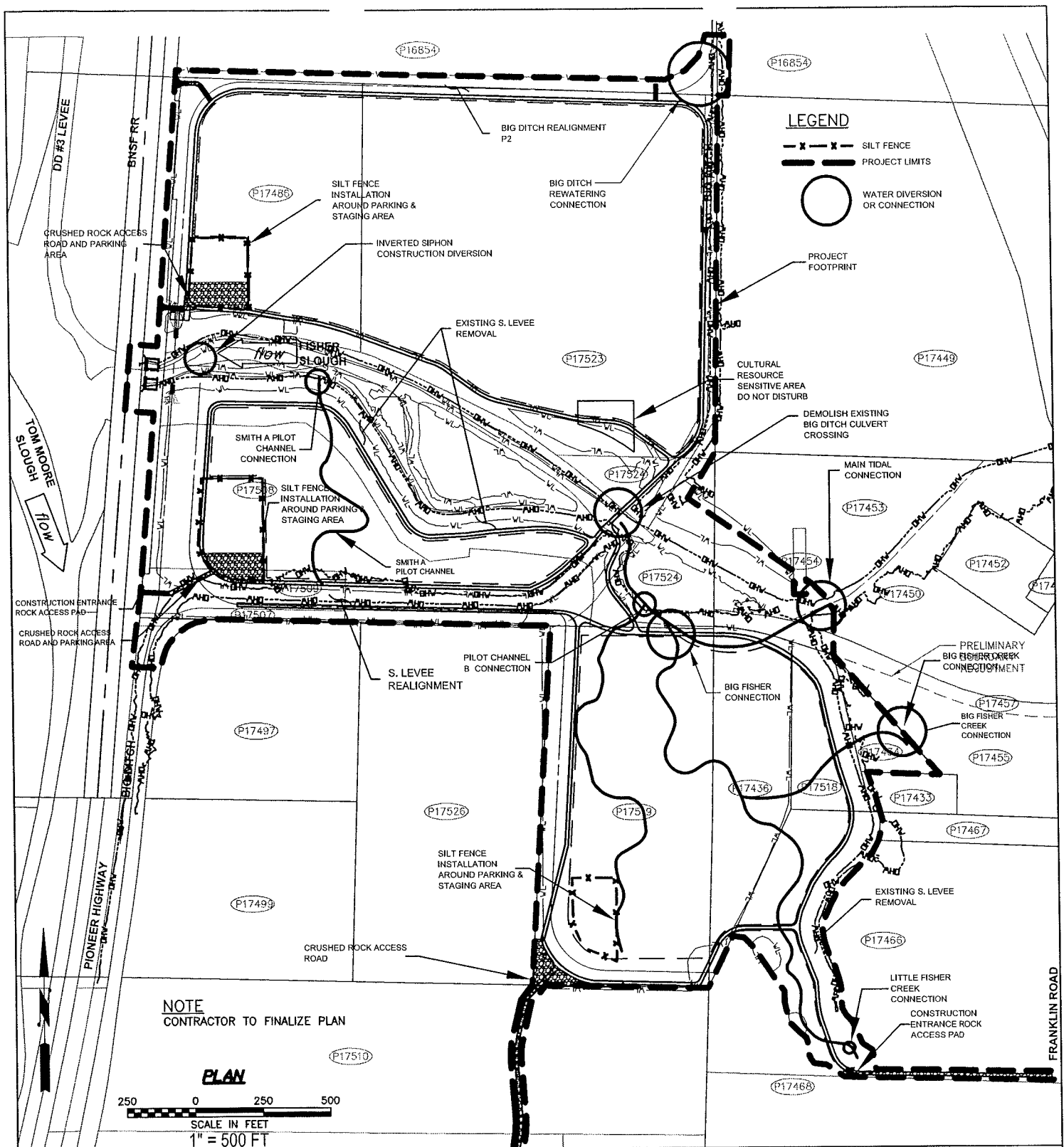
Grading Plan

PROPOSED: Phase 1 Replacement of floodgate structure. Phase 2 Big Ditch realignment, inverted Siphon installation and Levee setback pre-loading including excavation and placement of fill, pre-construct pilot and tributary channels. Phase 3 Levee setback final loading, Levee removal and Tidal Marsh restoration including Fisher Creeks and Pilot Channel connections.

AT / NEAR: Mt. Vernon COUNTY: Skagit  
STATE: WA

DATE: Nov, 23 2009

SHEET 7 OF 20



PURPOSE: To restore fish and wildlife habitat by reconnecting tidal hydrology

SECTIONS 19, 20, 29 & 30, T33N, R04E WM  
LAT 48° 19' 25", LONG 122° 20' 38"  
DATUM: NAVD88 (FT)

APPLICANT: THE NATURE CONSERVANCY

SITE LOCATION ADDRESS:  
PIONEER HIGHWAY AND FISHER SLOUGH  
BRIDGE

PRELIMINARY  
TESC & Water Control Plan

PROPOSED: Phase 1 Replacement of floodgate structure. Phase 2 Big Ditch realignment, inverted Siphon installation and Levee setback pre-loading including excavation and placement of fill, pre-construct pilot and tributary channels. Phase 3 Levee setback final loading, Levee removal and Tidal Marsh restoration including Fisher Creeks and Pilot Channel connections.

AT / NEAR: Mt. Vernon COUNTY: Skagit  
STATE: WA

DATE: Nov, 23 2009

SHEET 8 OF 20

