

TITLE VI ACCOMPLISHMENTS & GOALS REPORT

This outline is for LPA and other governmental entities to report Title VI activities that occurred over the past year and report Title VI goals for the upcoming year. Reports must be returned on or before due date to meet eligibility requirements for federal funding. Send to TitleVI@WSDOT.wa.gov

DUE DATES: November 1, 2021

Contact Information

County Administrative Head (signature on Standard Assurances): Trisha Logue, Skagit County Administrator

Mailing Address: 1800 Continental Place

City: Mount Vernon, WA Zip Code: 98273

County: Skagit

Phone #: 360-416-1400

email address: trishal@co.skagit.wa.us

County Engineer: Paul A. Randall-Grutter, P.E

Mailing Address: 1800 Continental Place

City: Mount Vernon, WA Zip Code: 98273

County: Skagit

Phone #: 360-416-1400

email address: paulrg@co.skagit.wa.us

Title VI coordinator*: Grace Kane, P.E., Engineering Division Manager

Mailing Address: 1800 Continental Place

City: Mount Vernon, WA Zip Code: 98273

County: Skagit

Phone #: 360-416-1400

email address: gracek@co.skagit.wa.us

*When the Title VI coordinator changes, notify TitleVI@WSDOT.wa.gov within 30 days.

To comply with Title VI requirements, each annual report submission must include signed Standard Assurances (USDOT1050.2A).

- See Appendix "H" for current signed DOT Assurances form #USDOT1050.2A.

Accomplishments:

1. Have there been any changes to the approved Title VI Plan that have not been reported to OEO? If yes, please submit an update to the Title VI Plan with a new signature.
 - An updated Title VI Plan was submitted on September 7, 2021 and approved by WSDOT OEO on October 7, 2021. This updated and approved Plan has been posted to the Skagit County Website (www.skagitcounty.net).
2. Organization, Staffing, Structure – Describe the Title VI Program reporting structure including the Title VI Coordinator, Administrative Head, and transportation-related staff. The list should include name, race, color, and national origin of each individual.

- **County Administrator** – The County Administrator is authorized to ensure compliance with provisions of the County’s policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The County’s grants compliance function and Title VI coordination shall be performed under the authority of the County Administrator.
- **Title VI Coordinator** – Skagit County Public Works has assigned Engineering Division Manager within Public Works to act as the Title VI Coordinator and ensure implementation of the County’s Title VI Federally Funded Transportation Program. Although the Engineering Division Manager has other duties and responsibilities in addition to Title VI, and reports to the County Engineer, their direct supervisor, this position shall have an indirect reporting relationship and access to the County Administrator and/or the Public Works Director. An appointment of Title VI Coordinator was revised in 2020, which was submitted in the update plan. Title VI Coordinator plans to attend training when training it becomes available.
- **Title VI Specialists** – Skagit County Public Works has designated Title VI Specialist. The Specialist shall work with the Title VI Coordinator to compile data for annual reporting, and share information with other departments regarding the Title VI plan and reporting period goals. Collaborates with the Title VI Coordinator to implement Skagit County Public Works Title VI annual goals and assist with the preparation of the annual report.
- **Title VI Liaisons** - Additionally, Skagit County Public Works has designated Title VI Liaisons in departmental special emphasis program areas. These key programs or departmental areas are subject to receiving federal assistance through grants or other types of transportation related funding, or are responsible for implementing County directives and policies to ensure civil rights compliance and equal opportunity. The liaisons are responsible for enduring compliance, program monitoring, reporting and training within the respective programs.
- **Reporting Structure Staffing Table:**

Name	Title	Race	Color	National Origin
Trisha Logue	County Administrator	Caucasian	White	USA
Grace Kane, P.E.	Engineering Division Manager / Title VI Coordinator	Asian	Olive	Asia
Brenda Olson	Administrative Assistant, Contracts & Grants/ Title VI Specialist	Caucasian	White	USA
Bonnie Haley	Human Resources Manager / Title VI Liaison	Caucasian	White	USA
Forrest Jones	Transportation Section Manager / Title VI Liaison	Caucasian	White	USA
Michael See	Natural Resources Division Manager / Title VI Liaison	Caucasian	White	USA
Cheryl Dawson	Administrative Supervisor / Title VI Liaison	Caucasian	White	USA

3. Community Demographics – Using a map of the LPA’s boundaries, describe the demographics of the LPA’s service area (e.g., race, color, national origin, low-income). List, by individual languages, the percent of the population(s) that is limited English proficient.
 - Skagit County Public Works utilizes data from a number of sources including Census.gov, Statisticalatlas.com, and Skagit Council of Governments (SCOG) to track current demographics within the County. See attached Appendix “A” for maps and census data regarding race, ethnicity, and income maps of Skagit County. Appendix “B” shows the most recently tracked data for the limited English proficient population within Skagit County (sourced from SCOG Demographic Profile 2020).
4. Complaints – Provide a copy of the LPA’s Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).
 - Skagit County Public Works will respond to Title VI complaints in accordance with the County’s approved Title VI Plan. No complaints were received during this reporting period. See Skagit County’s 2021 Complaint Log attached as Appendix “C”.
5. Planning – Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.
 - The County Transportation/Programs Section Manager has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to County citizens. The County Transportation/Programs Section Manager annually updates and coordinates Skagit County’s six-year plan for transportation improvement programs and projects. The update also informs other Skagit County jurisdictions of the current planning direction for transportation needs.

Public Meetings are held to encourage community awareness and involvement in upcoming plans and projects. Public Hearings are advertised on the County webpage as well as in the local newspaper. When in-person attendance was not an option, attendance was possible via phone, Zoom, or Gotomeeting.com.

In addition to public Hearings, project related public meetings are sometimes held to share upcoming information within the community. Skagit County utilizes the County Webpage, Facebook, Twitter, Nextdoor and sometimes paper mailings to advertise these upcoming project events to encourage participation from all members of the community.

A list of Public Hearings and Project Meetings, including legal notices and social media advertisements is attached as Appendix “D”.

To continue to improve Skagit County Public Work’s Title VI program staff will be notified/reminded that we have a Title VI public meeting form that should be available at all public meetings when meeting resume after COVID.

6. Right-of-way actions – Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owners(s)/tenant(s).

- Skagit County conducted right of way transactions with 9 property owners during this reporting period. There were no relocations during this reporting period. Demographic information is as follows:

ROW	Project	Race	Color	National Origin
5	Francis Road Reconstruction Section 1	Caucasian	White	USA
1	Francis Road Reconstruction Section 1	Hispanic	Brown	USA
2	Josh Wilson/Farm to Market Intersection Improvements	Caucasian	White	USA
1	Josh Wilson/Farm to Market Intersection Improvements	Unknown	Unknown	Unknown

7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.

- Skagit County worked with RES Group NW, LLC for ROW appraisal and acquisition.

Name	Race	Color	National Origin
RES Group NW, LLC Sonja Davis	Asian	Olive	USA

8. Studies and Plans – Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.

- Studies Conducted Which Provide Data Relative to Minority Persons, Neighborhoods, Income Levels, Physical Environments, and Travel Habits – Skagit County Public Works will continue to review all proposed projects for their potential to have a disproportionate impact on low-income and minority populations that are subject to additional consideration in accordance with applicable Title VI and Environmental Justice provisions. No EJ reports were completed for this reporting period.

Environmental Review – Skagit County Public Works strives to ensure that the promotion of environmental integrity in the design, construction, and maintenance of transportation systems that serve the needs of the Skagit County's various communities. Skagit County Public Works responds to the requirements of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to ensure that all projects meet these provisions, as required by Washington State and the Federal Government.

During this reporting period, Skagit County Public Works conducted (5) NEPA and (2) SEPA

environmental reviews. The completed environmental reviews did not identify impacts to minority or economically disadvantaged communities.

See Appendix “E” for the list of names for each project that was subject to an environmental review during this reporting period. A copy of the SEPA exemption determination and determination of non-significance is included for each project.

9. Project Location and Design – Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects’ benefits/burdens to affected populations.
 - Construction Project beginning during this reporting period:



1. 2020 HMA Overlay Project - McLean Road #ESHMA20-1
2. Colony Mountain Drive Culvert Replacement Project #ES24100-2
3. Martin Ranch Road Culvert Replacement Project #ES08680-2
4. 2021 Haul Out and Maintenance for the Vehicle and Passenger Ferry M/V Guemes Project #FEH021-1
5. John Wilson Road - Phase I Project #ES33000-9
6. Bow Hill Reconstruction Project #ES21200-6
7. Guemes Ferry Terminal (Girder Replacement) Project #FEMP-8
8. 2021 HMA Overlay Project #ESHMA21-1
9. Farm to Market/Josh Wilson Intersection Improvements Project #ES31010-4

Project Name	Location	Project Benefits	Burden to Population
1. 2020 HMA Overlay Project – McLean Road #ESHMA20-1	McLean Road #44000 from Best Road to Beaver Marsh Road	This project preserves the roadway and underlying road structure.	Additional traffic/delays due to single lane road closures over the 10 working days of the project.

2. Colony Mountain Drive Culvert Replacement Project #ES24100-2	Colony Mountain Drive over Harrison Creek	Replace culvert with appropriate sized crossing, repair road to pre-existing condition and re-establish two lane, two-way traffic.	Detour due to 20 day road closure.
3. Martin Ranch Road Culvert Replacement Project #ES08680-2	Section 32, Township 35 North, Range 10 East near mile post 0.4 of Martin Ranch Road.	Replace culvert to meet standards as required by WDFW and State RCW's. Design and construct a new road crossing structure to meet all current fish passage requirements	Additional traffic/delays due to single lane road closures over the 10 working days of the project.
4. 2021 Haul Out and Maintenance for the Vehicle and Passenger Ferry M/V Guemes Project #FEHO21-1	Anacortes, WA & Coupeville, WA	In accordance with the Ferry Preventative Maintenance Program, Public Works schedules regular haul outs and required USCG inspections to keep the vessel in good working and safe operating conditions.	Residents and visitors to Guemes Island must rely on a passenger only ferry for trips to and from the Island during the Haul Out project.
5. Josh Wilson Road – Phase I Project #ES33000-9	Josh Wilson Road, from approximately Jensen Lane, easterly to Avon-Allen Road	This section of roadway was designed and built to meet current design standards and stabilize the road base.	Additional commute time due to road closure for approximately 30 days during construction. Closing the road resulted in significantly shorter construction time.
6. Bow Hill Reconstruction Project #ES21200-6	Bow Hill Road 0.60 miles from Old Hwy 99 North to Darrk Lane.	Reconstruction to improve the stability and safety of the road conditions.	Additional commute time due to road closure for approximately 10 months during construction.
7. Guemes Ferry Terminal (Girder Replacement) Project #FEMP-8	500 I Avenue Anacortes, WA 98221	This project provides the necessary replacement of 3 damaged girders at the Anacortes Ferry Terminal.	This project has no anticipated interruptions to Guemes Ferry service.
8. 2021 HMA Overlay Project #ESHMA21-1	Old Highway 99 North (#50510) from MP 2.790 to MP 5.256	This project preserves the roadway and underlying road structure	Additional traffic/delays due to single lane road closures over the 12 working days of the project.
9. Farm to Market/Josh Wilson Intersection Improvements Project #ES31010-4	Farm to Market road at the Josh Wilson intersection	Improve mobility, efficiency and service level, while making the road safer by reducing fatal and serious injury crashes	Additional commute time due to road closure for approximately 75 days during construction.

10. Other Public Meetings – List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

- Skagit County Public Works held one public meeting to provide information to the community regarding upcoming road improvements and seven hearings open to public comment on various topics were held during this reporting period. Skagit County Public Works continues to work toward consistent use of the Washington State Department of Transportation (WSDOT) form for collecting data on public hearing and public meeting attendees for Title VI reporting requirements, per Title 23, Code of Federal Regulations, Part 200.9(b)(4). See public Meeting list, Legal Notices and voluntary community involvement forms received in Appendix “D”.
- Identify members of the LPA’s transportation planning groups by race, color, and national origin.

Transportation Programs Staff	Race	Color	National Origin
Forrest Jones	Caucasian	White	USA
Given Kutz	Caucasian	White	USA
Torey Nelson	Caucasian	White	USA
Steven Pietig	Caucasian	White	USA
Darron Browning	Caucasian	White	USA
Design Team Staff	Race	Color	National Origin
Joel Shroyer	Caucasian	White	USA
Rachael Simms	Caucasian	White	USA

- Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.
 - Skagit County Public Works utilizes the WSDOT Voluntary Public Involvement Form to track data from Public Hearings and meetings. Completed forms are submitted to the Title VI Specialist for record keeping and reporting purposes. To continue to improve Skagit County Public Work’s Title VI program staff will be notified/reminded that we have a Title VI public meeting form that should be available at all public meetings when meeting resume after COVID.

- List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.
 - No language services were requested during this reporting period.

11. Transportation-related Construction and Consultant Contracts (if applicable) – Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiated contracts (e.g., consultants).

- Construction Contracts – Locally funded projects are procured according to the Skagit County Purchasing Policy (see attached Appendix “F”). State or Federally funded projects are procured by following the procedures listed in the Skagit County Purchasing Policy and Chapter 46 of the WSDOT LAG Manual. This process includes, but is not limited to, executing a Resolution to Call for Bids, public advertisement of the Legal Notice in the local newspaper, public posting of the Resolution/Legal Notice, Plans, Specifications, and Estimate on the Skagit County Website, public Bid Openings broadcast via Skagit 21, and posting of bid results to the Skagit County Website.

- Consultant Contracts:

Design activities are performed by the Skagit County Public Works Engineering Technician Design Team. When workloads increase to a level beyond levels that can be completed by internal staff alone, Skagit County follows the procedures laid out in LAG Chapter 31 to solicit contracts with consulting firms to assist with the design of upcoming projects.

Procurement Information System – Skagit County Public Works requests Letters of Interest, Statement of Qualifications and Proposals from all firms qualified and interested in providing professional services for contracts awarded by Skagit County Public Works. Skagit County posts information on current Requests for Proposals on its Internet Website. Proposals identify the types of sub consulting opportunities that may be available on the project for informational purposes.

Advertisement in Local Papers and Agency Procurement Website – Skagit County Public Works advertises Requests for Proposals for consulting services in local papers and on its Procurement Website. The scope, size and duration of these contracts vary in size to promote diversity in the number and size of firms competing for these awards. Some contracts are for complete design services on a single project. Others may be for environmental reviews, traffic analysis, mediators or a wide range of professional services. Skagit County Public Works solicits some small A&E contracts from Consultants using the MRSC Roster.

Negotiation Process with Consultants – Skagit County notifies the consultant of their selection in writing, and corresponds via phone or email with the consultant to reach a complete and mutual understanding of the scope of services, and begin negotiations on the terms of the agreement and fees. Fees are submitted by the consultant and reviewed by the Project Manager. Upon approval of the scope, fee and contract terms, the contract is assembled and routed for signatures and execution.

12. Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g. what Title VI language was included in contracts and agreements; were

contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

- Skagit County Public Works agrees to continue to insert the following notification in all solicitations for bids or work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements. The bid documents (plus any applicable addendums) become the binding Contract between the County and the Contractor upon signing.

Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Efforts Made to Utilize Minority and Female Consultants and Sub-consultants in Federally-Assisted Contracts – It is the policy of Skagit County to comply with Title 49 of the Code of Federal Regulations, Part 26, to ensure that Disadvantaged Businesses, including minorities and women, have an equal opportunity to receive and participate in federally-assisted contracts. Skagit County does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. Efforts made to use minority and female consultants during the reporting period include the following outreach activities:

Disadvantaged Business Enterprise (DBE) Goals – As part of Skagit County Public Works outreach efforts to use minority and female consultants, when appropriate, proposals include a Disadvantaged Business Enterprise (DBE) goal as assigned by the WSDOT LPE. When a DBE goal is not assigned by the LPE, a voluntary goal is indicated in accordance with the current Standard Specifications for Roads, Bridges, and Municipal Construction Manual. Certified DBE firms can encompass small, minority and women-owned firms.

Consultants Selection Procedures – Consultants are selected according to the procedures outlined in the RCW, and *Local Agency Guidelines* procedures for federally-assisted projects. Skagit County Public Works encourages all consultant firms that are registered in Washington State to conduct business and who possess the requisite professional license(s) to present their qualifications for highway design projects.

For non-Federally funded projects Skagit County Public Works utilizes the Municipal Research and Services Center (MRSC) Architecture and Engineering, Professional Services, and the Construction Small Works Rosters in accordance with RCW 39.80 and MRSC practices. Skagit County places advertisements in various minority newspapers (Skagit Valley Herald and Daily Journal of Commerce) that have existing contracts with the Agency.

13. List construction, right-of-way, and consultant contracts with your LPA entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).

- For reporting purposes, contracts which have been amended are considered contracts awarded. The accompanying tables summarize the contracts awarded, including amendments, and the total contract dollar value or dollar value changed by amendment.

Contract #	Contractor/Consultant Name	P=Prime C=Consultant	Dollar Value	Funding Source	DBE Status
C20210401	Colacurcio Brothers, Inc	P	\$1,235,177	LA Fund	N/A
C20210040	Coffman Engineers, Inc.	C	\$76,455.38	LA/FED Fund	N/A
A20210125	GeoTest Services, Inc.	C	\$7,435	LA Fund	N/A
C20210353	Lakeside Industries, Inc.	P	\$518,680	LA Fund	N/A
C20210354	Massana Construction, Inc.	P	\$142,267.37	LA Fund	N/A
C20210343	Puget Sound Energy	P	\$155,139.49	LA Fund	N/A
A20210120	KBA, Inc.	C	No Change	LA/RAP Fund	N/A
C20210313	IMCO General Construction, Inc.	P	\$463,934	LA Fund	N/A
C20210256	Granite Construction Company	P	\$4,612,574.5	LA/FED/RAP	N/A
C20210164	Ice Floe, LLC dba Nichols Brothers	P	\$742,713	LA Fund	N/A
C20210165	Interwest Construction, Inc.	P	\$3,879,000	LA/FED/RAP	N/A
A20210057	Glosten	C	\$508,875.08	LA Fund	N/A
A20210028	Combined Construction, Inc.	P	\$12,031.10	LA Road Fund	N/A
C20210047	KBA, Inc.	C	\$642,097	LA/RAP Fund	N/A
C20210027	GeoTest Services, Inc.	C	\$7,900	LA Funds	N/A
A20210012	Reichhardt & Ebe Engineering, Inc.	C	No Change	LA/FED Fund	N/A
C20200691	Carlson Construction, Inc.	P	\$5,000	LA Fund	N/A
C20200371	Konnerup Construction, Inc.	P	\$275,634	LA Fund	N/A
A20200151	PowerTek Surveying	C	No Change	LA Fund	N/A
A20200149	Glosten	C	No Change	LA Fund	N/A
C20200328	Lakeside Industries, Inc.	P	\$524,977.50	LA Fund	N/A
A20210029	TranTech Engineering, LLC	C	\$150,000	LA Fund	DBE-D2W0025137
C20200621	Robinson & Noble, Inc.	C	\$50,000	LA Fund	N/A
C20200603	Materials Testing & Consulting, Inc.	C	\$50,000	LA Fund	N/A
A20200169	Harmsen, LLC	C	\$50,000	LA Fund	N/A
A20200132	GeoTest Services, Inc.	C	No Change	LA Fund	N/A
C20210217	AtWork Commercial Enterprise, LLC	P	\$26,145	LA Fund	N/A
C20200405	Williamson Construction, LLC	P	\$158,854.50	LA Fund	N/A
A20210143	Natural Systems Design, Inc.	C	\$92,006.65	LA Fund	N/A
A20200275	Reichhardt & Ebe Engineering, Inc.	C	\$332,186	LA/FED Fund	N/A
A20200216	Natural Systems Design, Inc.	C	-\$2,314.69	LA Fund	N/A
C20200514	KPFF Consulting Engineers	C	\$602,209.34	LA/FED Fund	N/A
A20200173	MacLeod Reckord, PLLC	C	\$14,526.47	LA/FED Fund	N/A
A20200149	Glosten	C	No Change	LA Fund	N/A

14. Education & Training – Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

- List Title VI training/webinars your Title VI Coordinator attended this reporting period. Include dates and entity that conducted the training.
 - The Title VI Coordinator and Specialist completed the WSDOT Webinar training for Phase I Title VI training, and both received their certificates of completion. Certificates of Completion are attached in Appendix “G”.

- When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.
 - Internal training was planned but not executed during this reporting period due to staff changes. Planning to execute internal training as a goal for the next reporting period.

Title VI Goals for Upcoming Year

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

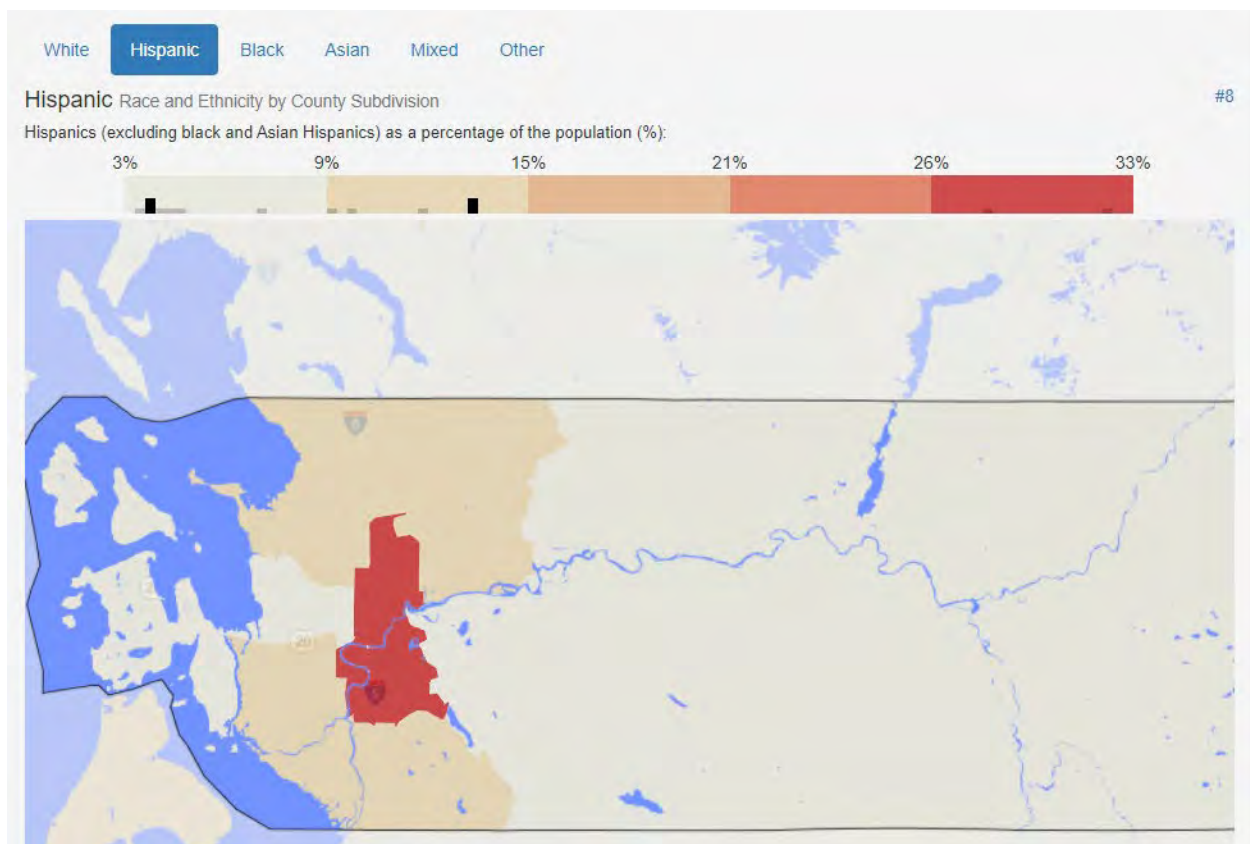
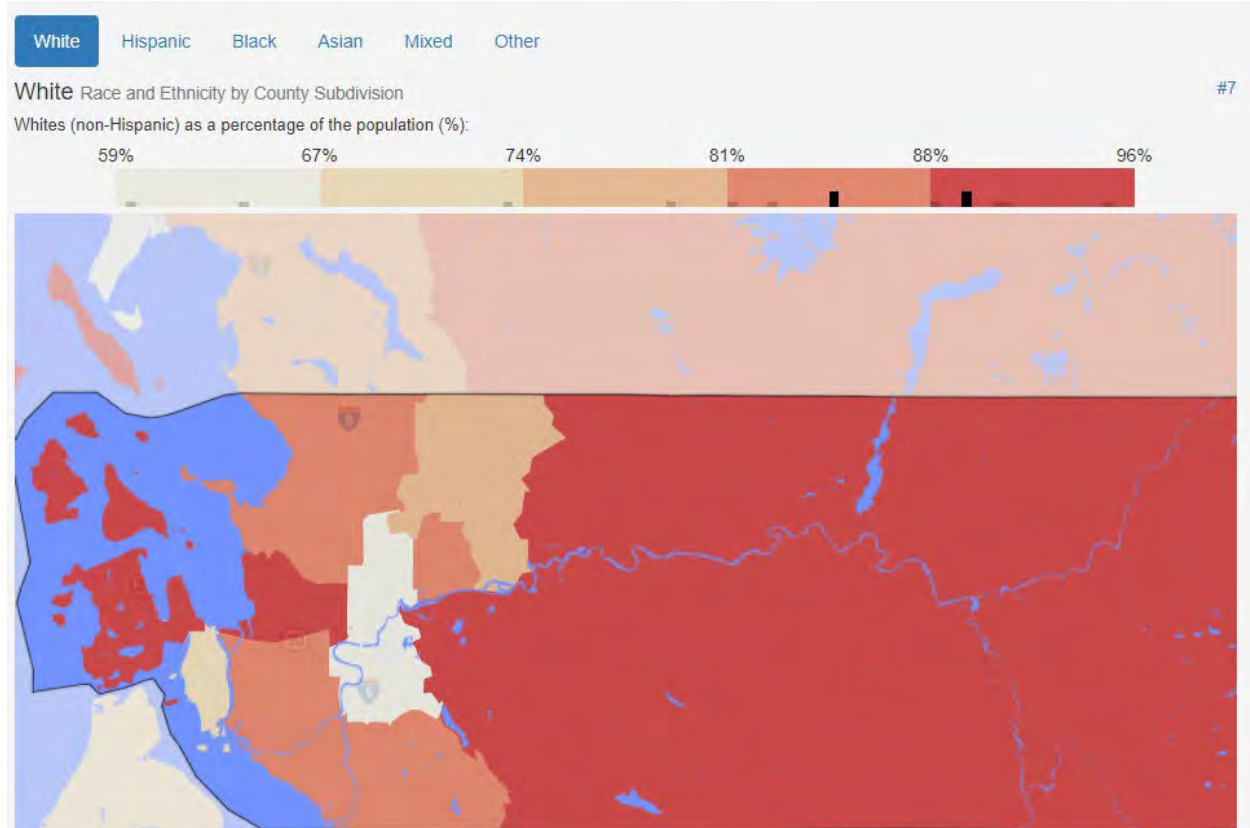
1. Complete at least 1 internal Title VI training led by the Title VI Coordinator. Obtain Title VI Phase I training certificates for at least 3 additional members of staff.
2. Skagit County Public Work's Title VI program staff will continue to be trained on the use of the Title VI public meeting form that should be available at all in person public meetings.
3. Create and implement the use of a Title VI Tracking form for annual reporting purposes. This form can be used to track the race, color, and national origin of ROW consultants, Skagit County Public Works Staff (as applicable), and persons affected by ROW transactions.
4. Add statement in both English and Spanish stating that translation services are available upon request for Public Meetings.

Appendix "A"

Map and Census Data

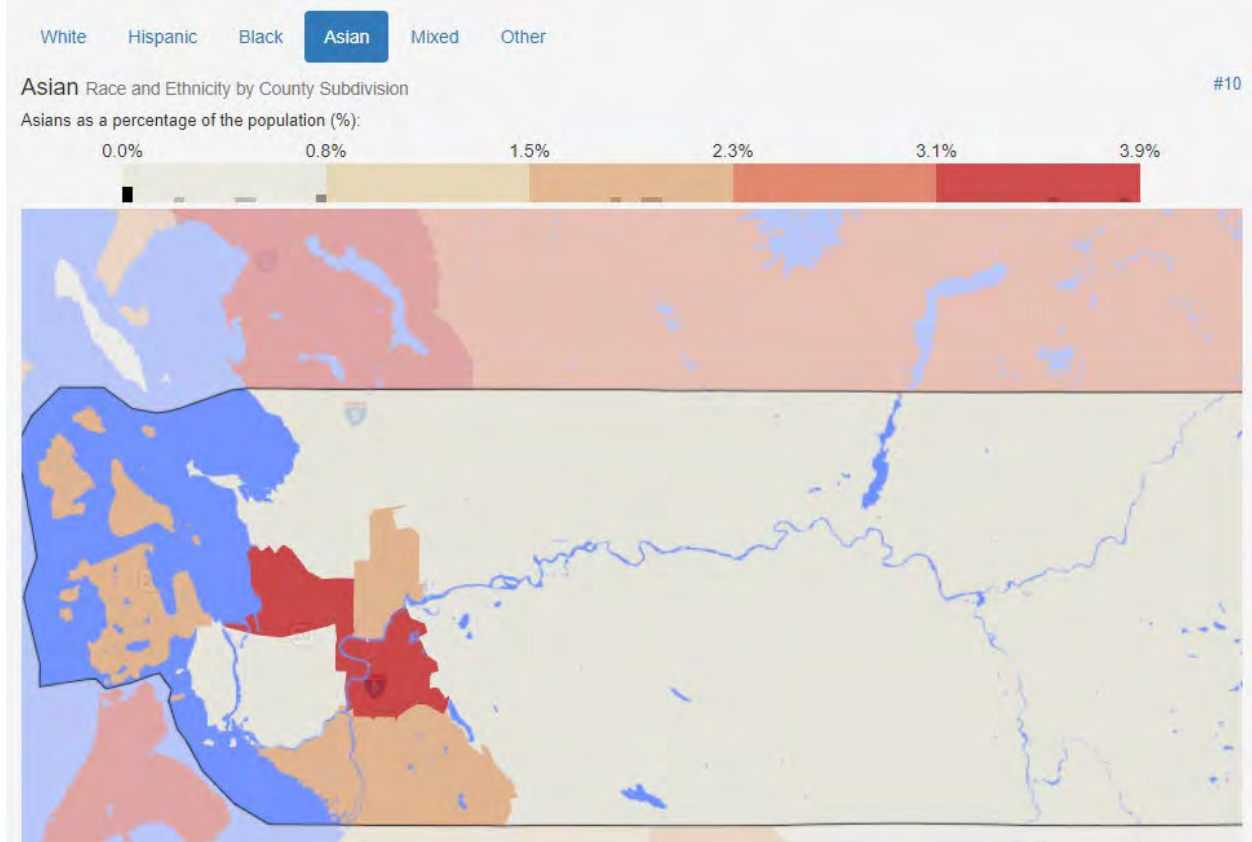
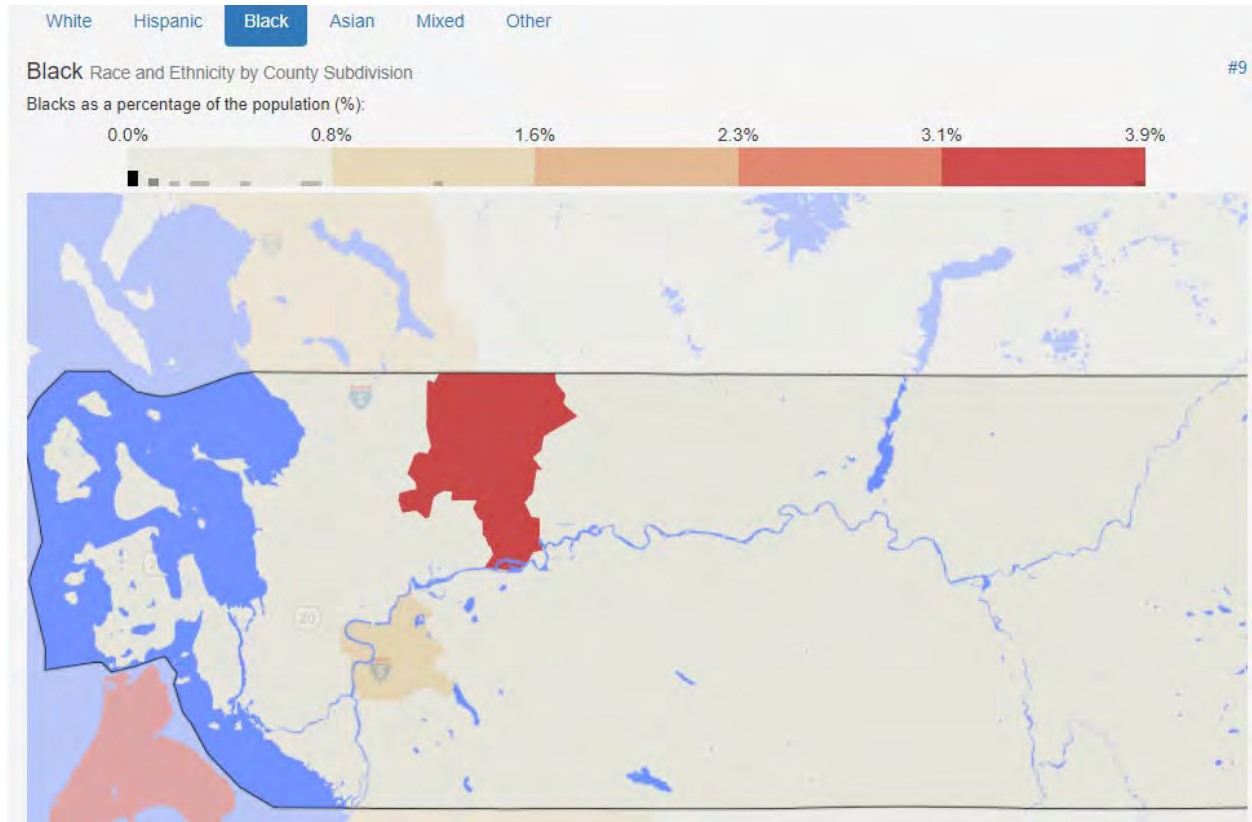
Race, Ethnicity and Income

Demographic & Income Maps
Source: Statisticalatlas.com



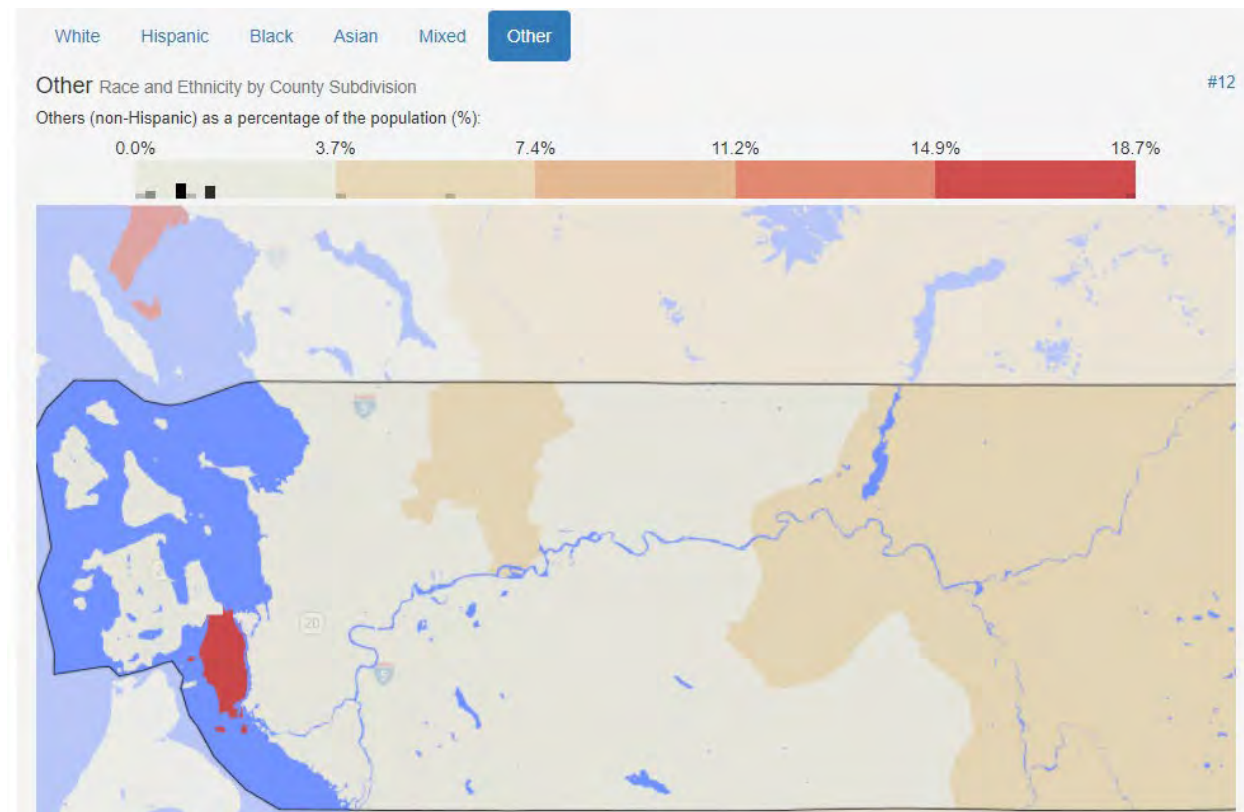
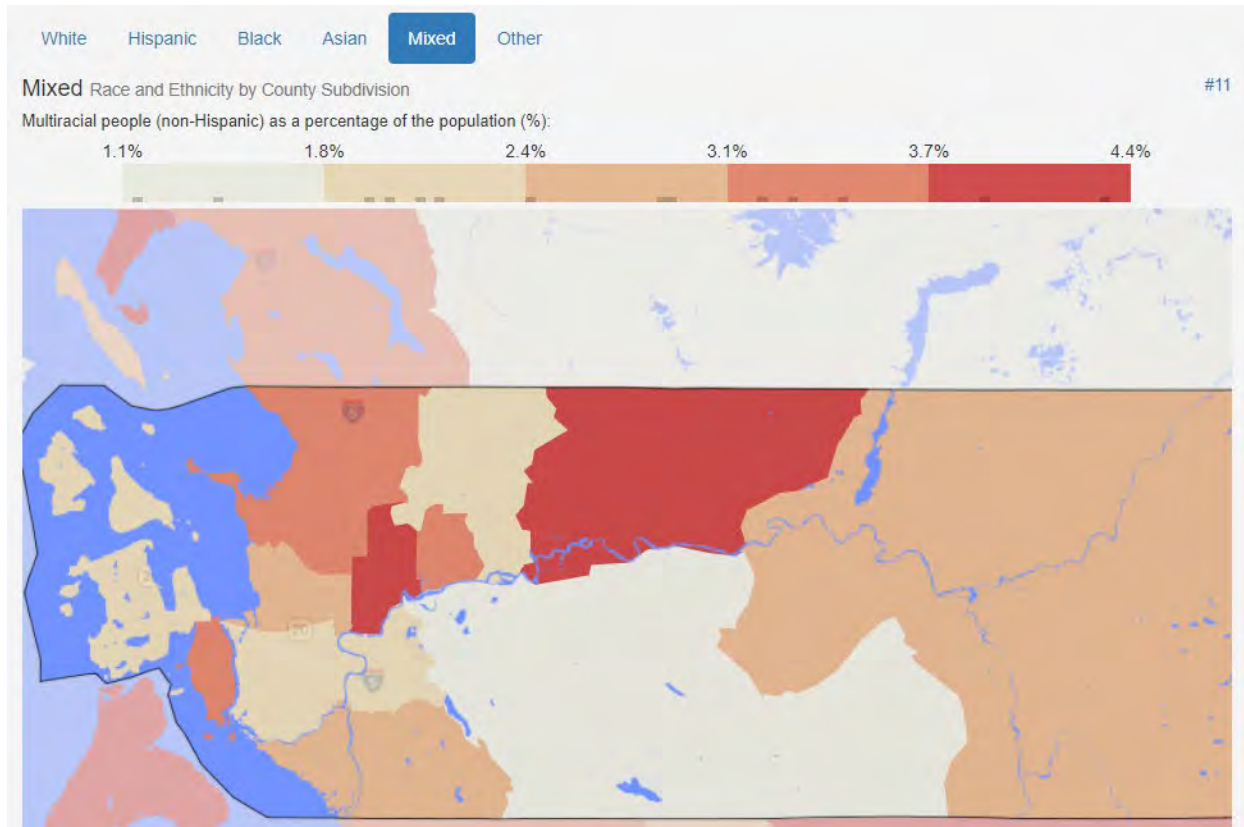
Demographic & Income Maps

Source: Statisticalatlas.com



Demographic & Income Maps

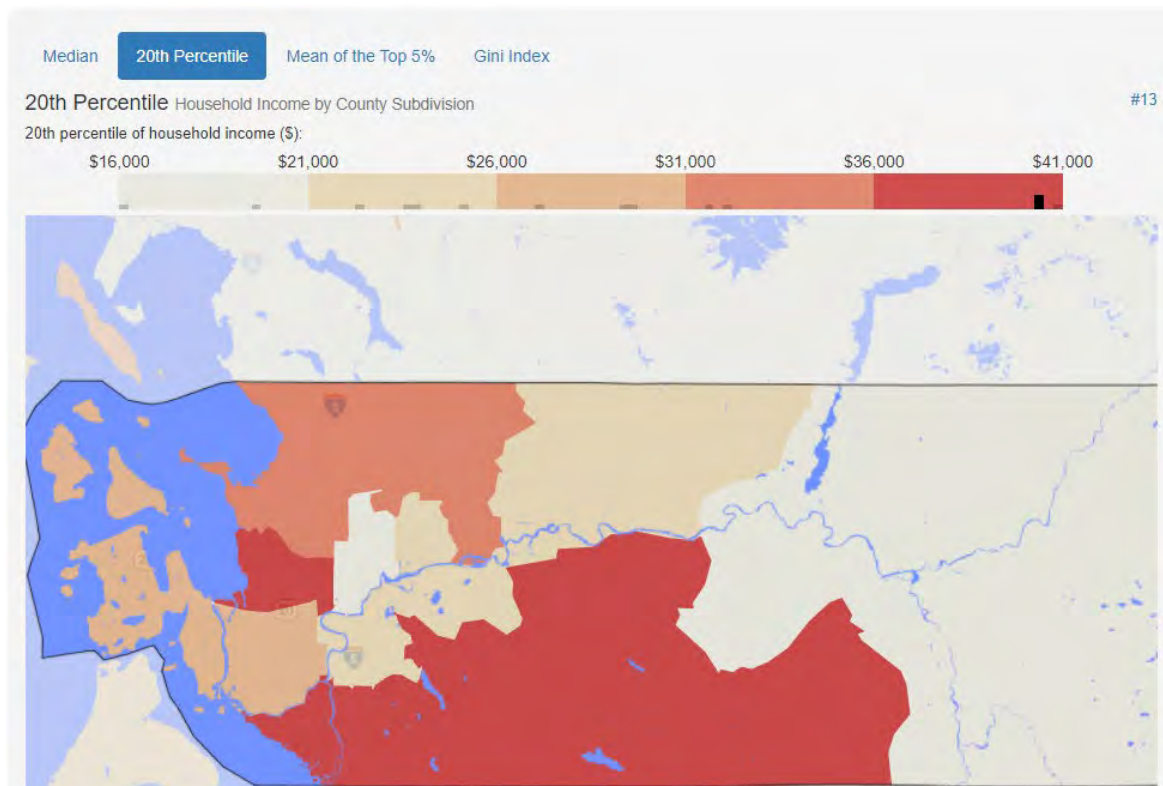
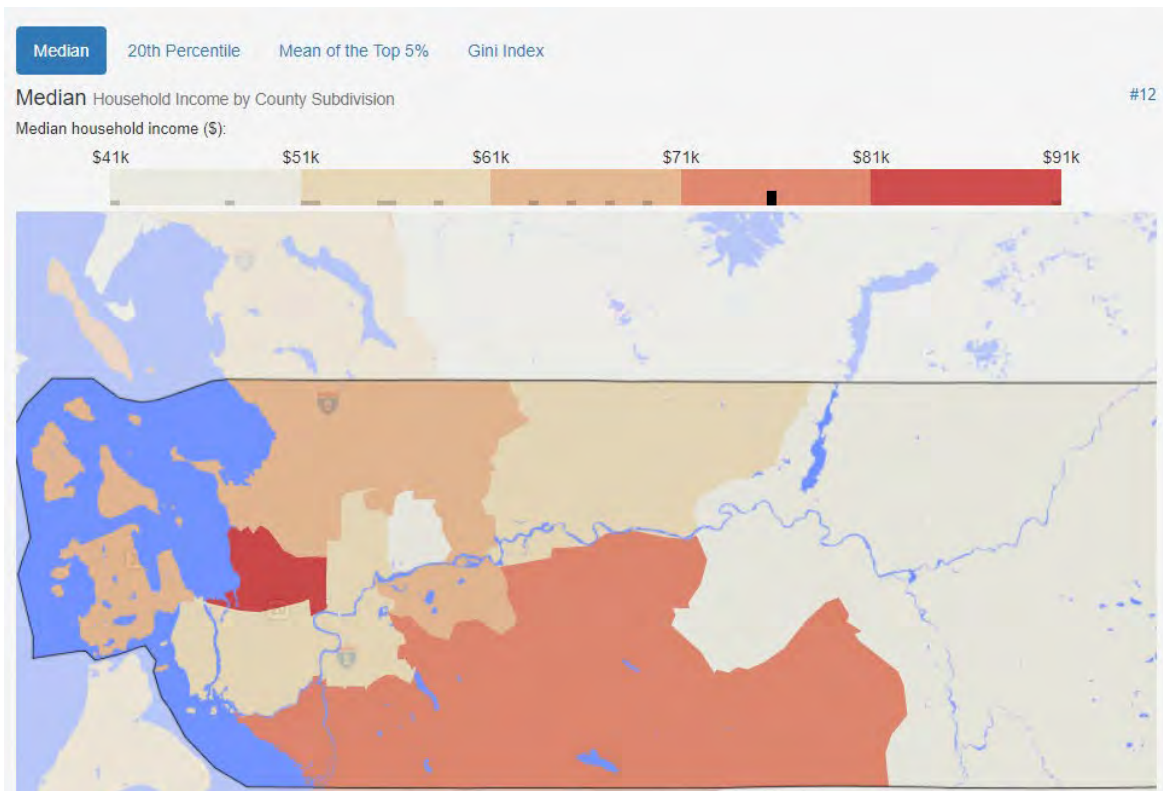
Source: Statisticalatlas.com



Demographic & Income Maps

Source: Statisticalatlas.com

Income Maps:




QuickFacts

Skagit County, Washington

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

All Topics ▼	Skagit County, Washington
Population estimates, July 1, 2019, (V2019)	129,205
 PEOPLE	
Population	
Population estimates, July 1, 2019, (V2019)	129,205
Population estimates base, April 1, 2010, (V2019)	116,892
Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	10.5%
Population, Census, April 1, 2020	129,523
Population, Census, April 1, 2010	116,901
Age and Sex	
Persons under 5 years, percent	▲ 5.8%
Persons under 18 years, percent	▲ 21.5%
Persons 65 years and over, percent	▲ 21.5%
Female persons, percent	▲ 50.5%
Race and Hispanic Origin	
White alone, percent	▲ 90.3%
Black or African American alone, percent (a)	▲ 1.1%
American Indian and Alaska Native alone, percent (a)	▲ 2.7%
Asian alone, percent (a)	▲ 2.3%
Native Hawaiian and Other Pacific Islander alone, percent (a)	▲ 0.4%
Two or More Races, percent	▲ 3.2%
Hispanic or Latino, percent (b)	▲ 18.6%
White alone, not Hispanic or Latino, percent	▲ 74.1%
Population Characteristics	
Veterans, 2015-2019	10,877
Foreign born persons, percent, 2015-2019	10.3%
Housing	
Housing units, July 1, 2019, (V2019)	54,914
Owner-occupied housing unit rate, 2015-2019	68.6%
Median value of owner-occupied housing units, 2015-2019	\$306,000
Median selected monthly owner costs -with a mortgage, 2015-2019	\$1,703
Median selected monthly owner costs -without a mortgage, 2015-2019	\$566
Median gross rent, 2015-2019	\$1,102
Building permits, 2020	561
Families & Living Arrangements	
Households, 2015-2019	48,493
Persons per household, 2015-2019	2.55
Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	84.4%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	17.1%
Computer and Internet Use	
Households with a computer, percent, 2015-2019	92.5%
Households with a broadband Internet subscription, percent, 2015-2019	87.9%
Education	
High school graduate or higher, percent of persons age 25 years+, 2015-2019	90.2%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	26.2%
Health	
With a disability, under age 65 years, percent, 2015-2019	9.7%
Persons without health insurance, under age 65 years, percent	▲ 9.7%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2015-2019	59.0%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	53.3%
Total accommodation and food services sales, 2012 (\$1,000)	291,510
	700,349

Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)

Total manufacturers shipments, 2012 (\$1,000) (c)	11,529,427
---	------------

Total retail sales, 2012 (\$1,000) (c)	1,999,168
--	-----------

Total retail sales per capita, 2012 (c)	\$16,910
---	----------

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2015-2019	26.0
--	------

Income & Poverty

Median household income (in 2019 dollars), 2015-2019	\$67,028
--	----------

Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$33,168
--	----------

Persons in poverty, percent	▲ 11.2%
-----------------------------	---------



BUSINESSES

Businesses

Total employer establishments, 2019	3,613
-------------------------------------	-------

Total employment, 2019	44,580
------------------------	--------

Total annual payroll, 2019 (\$1,000)	2,185,281
--------------------------------------	-----------

Total employment, percent change, 2018-2019	2.0%
---	------

Total nonemployer establishments, 2018	8,065
--	-------

All firms, 2012	9,505
-----------------	-------

Men-owned firms, 2012	4,460
-----------------------	-------

Women-owned firms, 2012	2,889
-------------------------	-------

Minority-owned firms, 2012	1,028
----------------------------	-------

Nonminority-owned firms, 2012	8,059
-------------------------------	-------

Veteran-owned firms, 2012	845
---------------------------	-----

Nonveteran-owned firms, 2012	7,902
------------------------------	-------



GEOGRAPHY


Geography


Population per square mile, 2010	67.5
----------------------------------	------

Land area in square miles, 2010	1,731.20
---------------------------------	----------

FIPS Code	53057
-----------	-------

Value Notes

 Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info  icon to the row in TABLE view to learn about sampling error.

The vintage year (e.g., V2019) refers to the final year of the series (2010 thru 2019). *Different vintage years of estimates are not comparable.*

Fact Notes

- (a) Includes persons reporting only one race
- (c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
- (b) Hispanics may be of any race, so also are included in applicable race categories

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper in open ended distribution.
- F Fewer than 25 firms
- D Suppressed to avoid disclosure of confidential information
- N Data for this geographic area cannot be displayed because the number of sample cases is too small.
- FN Footnote on this item in place of data
- X Not applicable
- S Suppressed; does not meet publication standards
- NA Not available
- Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Expenses Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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QuickFacts

Skagit County, Washington

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Map

TIGERweb

Persons in poverty, percent





☐ 2.7% - 9.7% ☐ 9.7% - 12.3% ☐ 12.3% - 15% ☐ 15% - 19.2% ☐ 19.2% - 64.5% ☐ NA ☐ X

Populations below 5,000 are not in QuickFacts and therefore Not Selectable

☐ Selectable ☐ Not Selectable

Value Notes

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Map

TIGERweb

Population estimates, July 1, 2019, (V2019)





☐ 2,566 - 7,333 ☐ 7,338 - 11,081 ☐ 11,089 - 19,155 ☐ 19,174 - 40,884 ☐ 40,885 - 8,336,817 ☐ X

Populations below 5,000 are not in QuickFacts and therefore Not Selectable

☐ Selectable ☐ Not Selectable

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QuickFacts

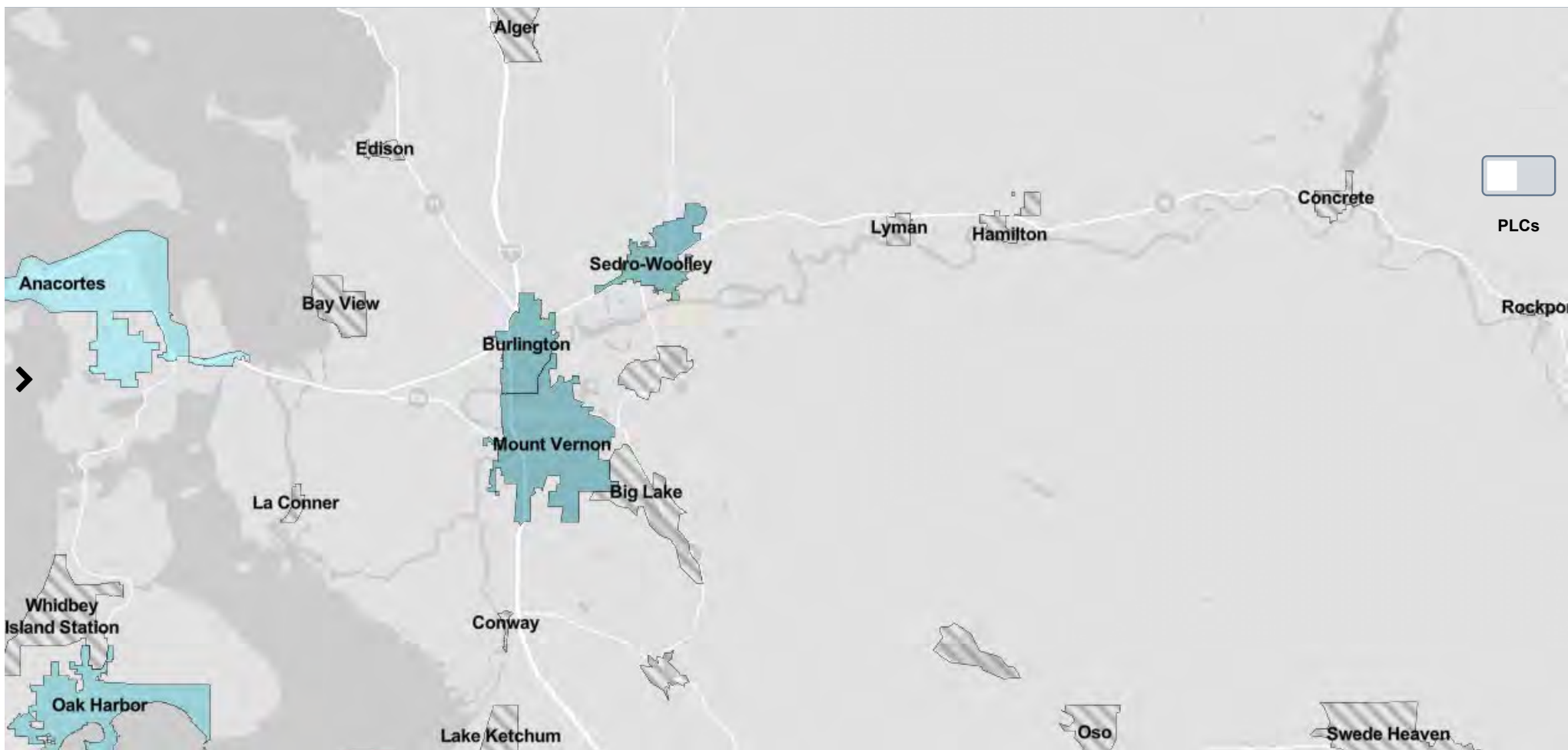
Skagit County, Washington

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Map

TIGERweb

Persons in poverty, percent



☐ 0% - 5.4% ☐ 5.4% - 9% ☐ 9% - 13.5% ☐ 13.5% - 19.8% ☐ 19.8% - 73.6% ☐ X

Populations below 5,000 are not in QuickFacts and therefore Not Selectable





Selectable



Not Selectable

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QuickFacts

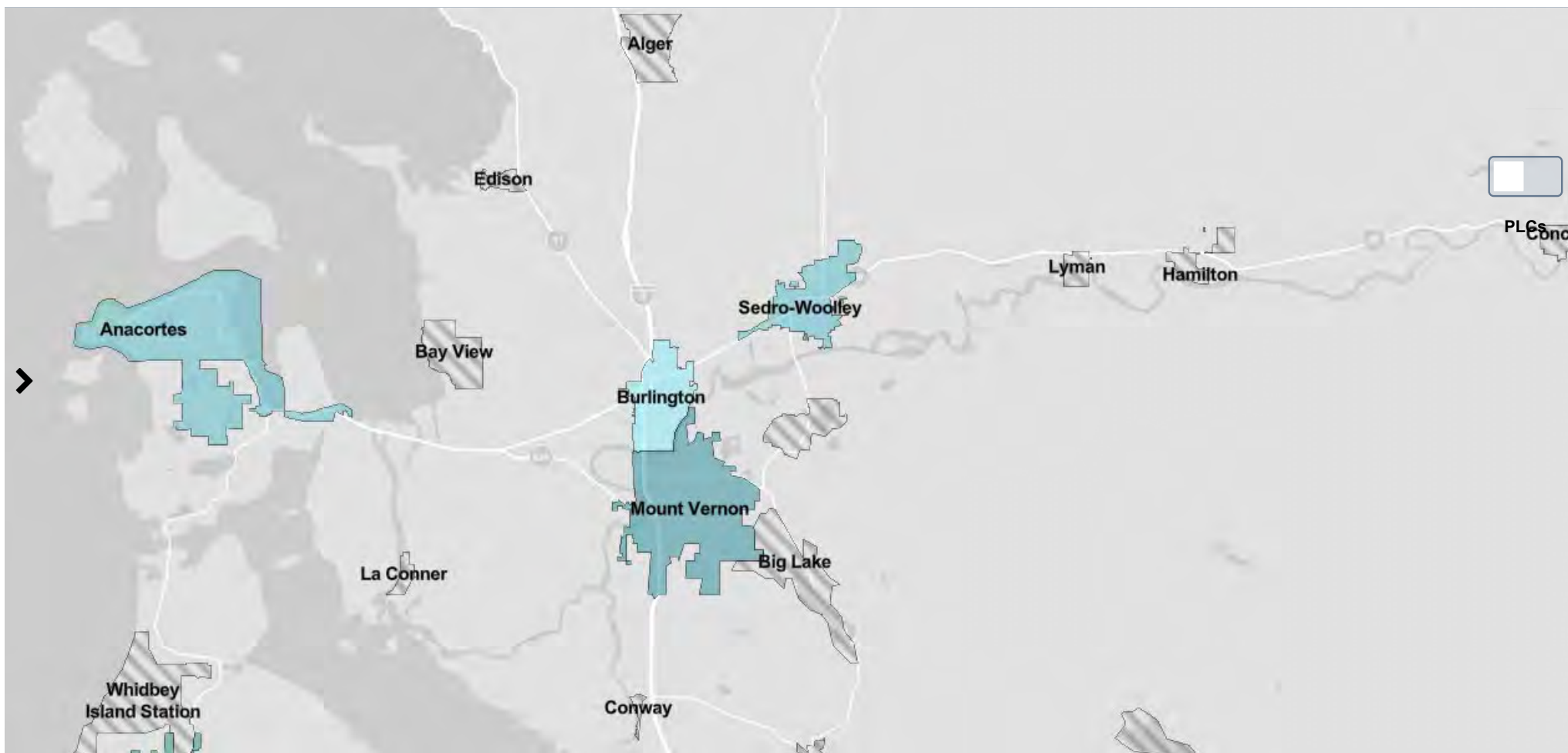
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Populations: Language

Table 10. Persons with Limited English Proficiency: 2018

Limited English Proficiency											
Total Population Age 5 and Over		Persons with Limited English Proficiency		Language Spoken At Home Other Than English							
				Spanish		Other Indo-European Languages		Asian and Pacific Island Languages		Other Languages	
Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)	Estimate	Margin of Error (+/-)
120,397	297	7,742	2,066	6,165	1,693	881	1,091	697	360	22	291

Source: 2018 American Community Survey 1-year Estimates, Table C16004

Notes: Estimates highlighted in red indicate unreliable data. Coefficients of variation for these data were above the rate of 15%. 2014-2018 5-year Estimates, which likely would have produced more reliable data, were not available for Table C16004.

In 2018, there were an estimated 7,742 persons with limited English proficiency in Skagit County, of the total population age 5 and over. This estimate is over 6% of the population of Skagit County. Among individuals who spoke English less than "very well," the most prevalent language spoken was Spanish or Spanish Creole. Other notable languages spoken around Skagit County include other Indo-European Languages such as Russian, Polish, and other Slavic Languages, and Asian and Pacific Island Languages such as Tagalog and Korean.

Table 11. Language Spoken at Home by Ability to Speak English, Persons Age 5 Years and Over: 2014-2018

Language Spoken at Home		Estimate	Margin of Error (+/-)	Percentage of Total Population
Speaks English Less than "Very Well"	Spanish or Spanish Creole	6,665	736	5.7%
	Other and Unspecified Languages	553	119	0.5%
	Russian, Polish, and other Slavic Languages	429	262	0.4%
	Tagalog	281	201	0.2%
	Korean	185	139	0.2%
	All other Languages	424	123	0.4%
	All Languages	8,537	836	7.3%
Speaks English "Very Well" or "Speaks Only English"		107,798	1,186	92.7%
Total Population		116,335	N/A	100.0%

Source: 2014-2018 American Community Survey 5-year Estimates, Table C16001

Notes: Table B16001 was not available for the 2014-2018 period.

Populations: Language

Table 12. Common Languages Other than English Spoken in Skagit County: 2018

Rank	Language(s)	Estimate	Margin of Error (+/-)
1	Spanish or Spanish Creole	17,497	1,473
2	Slavic languages	1,516	1,138
3	Chinese	906	431
4	Other Indo-European languages	665	380
5	Tagalog	548	207
6	Other Asian and Pacific Island languages	511	319
7	Korean	248	196
8	French (including Patois, Creole, Cajun)	141	129
9	German or other West Germanic languages	129	83
10	Other and unspecified languages	118	105
11	Arabic	64	86
12	Vietnamese	60	96

Source: 2018 American Community Survey 1-year Estimates, Table C16001

Notes: The Coefficients of variation are above 15% for all language estimates other than Spanish or Spanish Creole, and are not considered reliable by the U.S. Census Bureau. These values are highlighted in red.

Of the languages spoken in Skagit County in 2018 other than English, only Spanish or Spanish Creole had a reliable estimate - ranking number one among all non-English languages spoken. Compared with 2015 estimates, the number of Spanish or Spanish Creole speakers increased by 2,584 speakers. Compared with 2015, the Arabic language has been added as an estimate in 2018, although it is an unreliable estimate.

Compared to 2015, the “Other and unspecified languages” estimate has sharply declined, from 1,131 speakers to 118 speakers. This category encompasses all languages not included in other categories, and may include indigenous and native languages such as Lushootseed, Mixtec, and Triqui languages.

The following figures 23 and 24 illustrate the distribution of limited English proficiency populations across Skagit County, along with the highest rates of limited English proficiency households by Census tract. An average of 2.8% of households across Skagit County were identified as having limited English proficiency; this average was used as a threshold to map these geographies.

Populations: Language

Figure 23. Households with Limited English, Skagit County: 2014-2018

Cartographer: Katie Bunge

Date: 1/29/2020

Data Sources: U.S. Census Bureau, Washington State Office of Financial Management, Skagit Council of Governments, Skagit County GIS, ESRI, Here, Garmin, (c) OpenStreetMap contributors, and the GIS user community

% HH with Limited English Proficiency

0% to 1.3%

1.4% to 2.7%

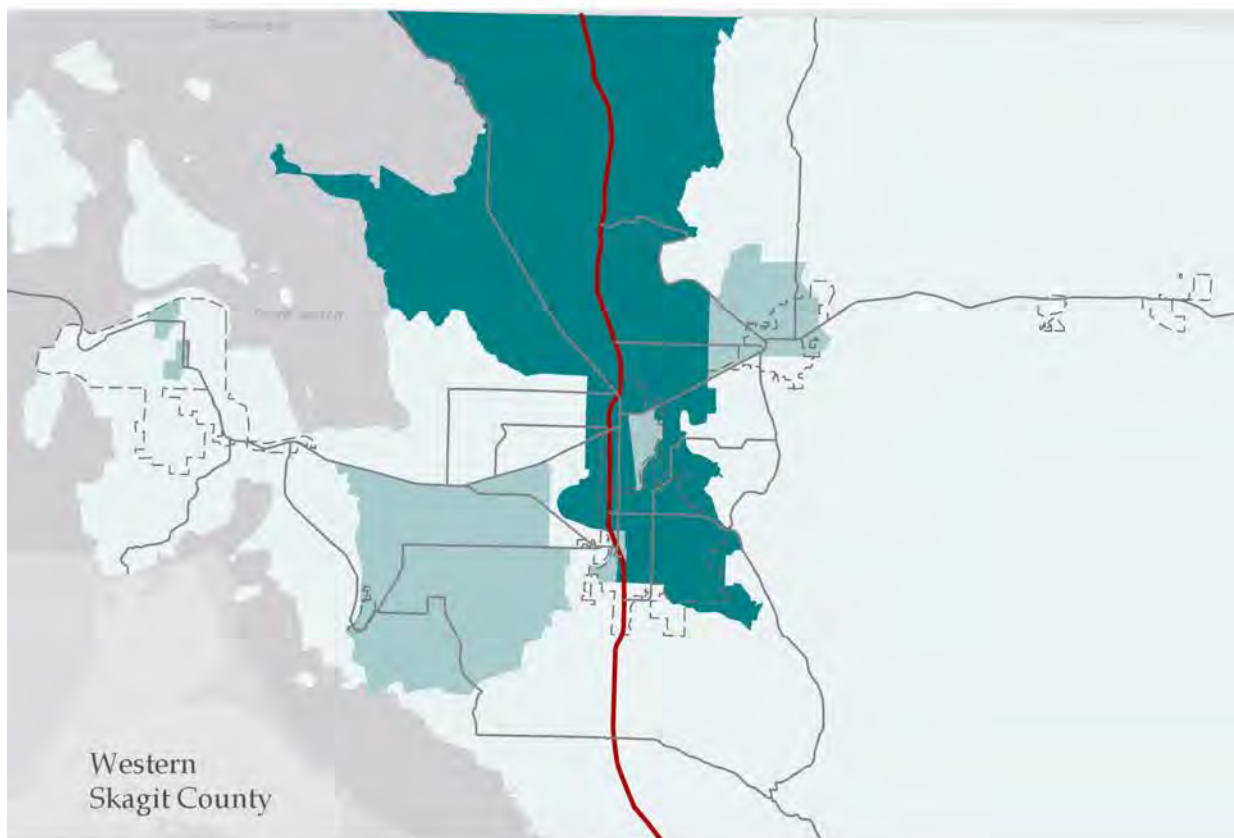
2.8% to 3.5%

3.6% and over

— Incorporated Areas

— Regional Transportation Network

— I-5



Source: 2014-2018 American Community Survey Five-Year Estimates, Table S1602

Populations: Language

Figure 24. Households with Limited English, Skagit County: 2014-2018

Cartographer: Katie Bunge

Date: 1/29/2020

Data Sources: U.S. Census Bureau, Washington State Office of Financial Management, Skagit Council of Governments, Skagit County GIS, ESRI, Here, Garmin, (c) OpenStreetMap contributors, and the GIS user community

HH with Limited English Proficiency

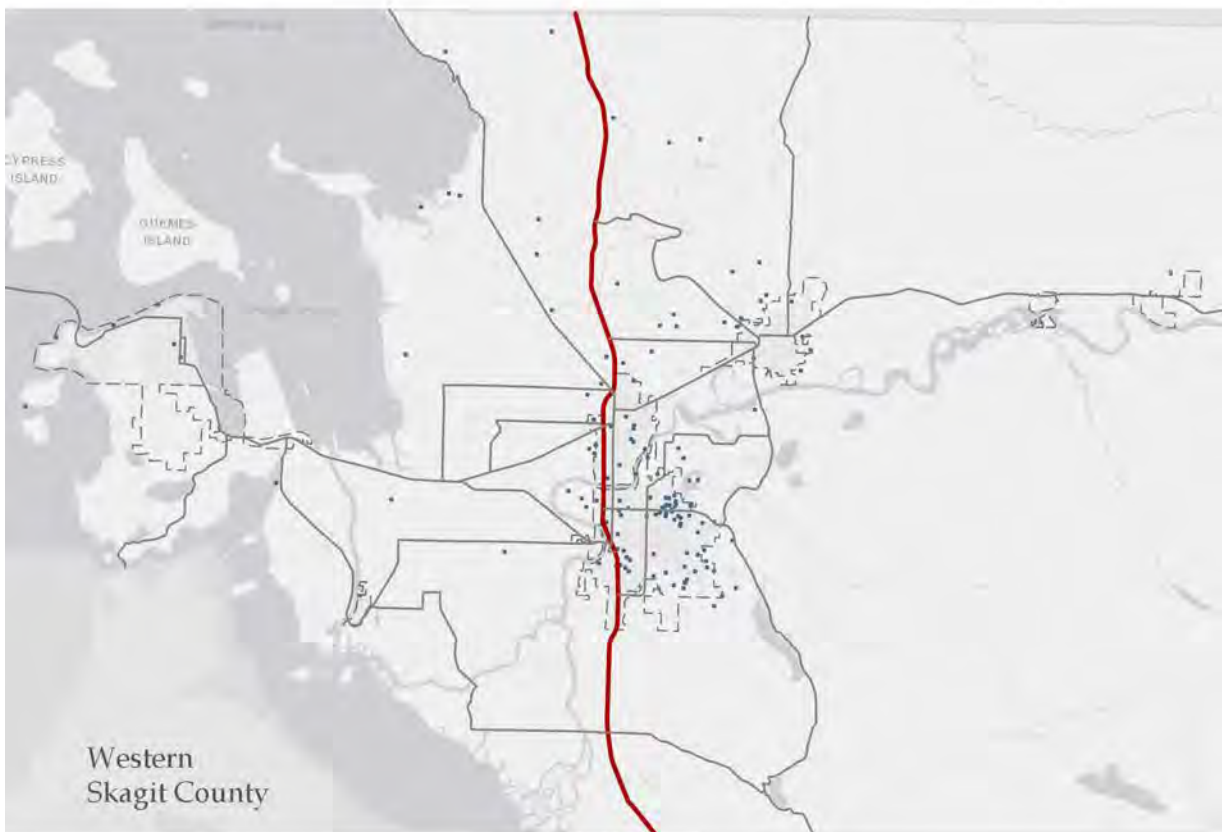
1 dot = 10 households

• household

▭ Incorporated Areas

— Regional Transportation Network

— I-5



Note: Dot density mapping randomly assigns points within geographies. The data geography used for this map is Census tract.

Source: 2014-2018 American Community Survey Five-Year Estimates, Table S1602

[illegible]



Title VI Complaint Log

Page 1 of 1

Appendix "D"

Community Outreach

Date/Time	Resolution Number	Subject	Location
Tuesday, October 19, 2021 @ 8:30 a.m.	R20210184	Public Hearing to consider testimony regarding an application of a non-exclusive Telecommunications Franchise Agreement with the City of Burlington.	Skagit County Commissioners Hearing Room / Phone / Zoom Link
Tuesday, September 7, 2021 @ 10:30 a.m.	R20210150	Public Hearing to consider testimony regarding a Petition to Vacate a portion of County right-of-way known as Brookings Road, County Road #64810.	Skagit County Commissioners Hearing Room / Phone / Zoom Link
Tuesday, August 24, 2021 @ 10:00 a.m.	R20210137	Public Hearing to consider testimony regarding the sale or disposal of county surplus property consisting of vehicles and equipment.	Skagit County Commissioners Hearing Room / Phone / Zoom Link
Tuesday, March 2, 2021 @ 9:00 a.m.	R20210032	Public Hearing to consider testimony regarding the 2021 – 2026 Six-Year Transportation Improvement Program (TIP) Revision No. 1.	Skagit County Commissioners Hearing Room / Phone / GoToMeeting Link
Tuesday, November 24, 2020 @ 8:30 a.m.	R20200192	Public Hearing regarding the 2021 – 2026 Six-Year Transportation Improvement Program.	Skagit County Commissioners Hearing Room / Phone / GoToMeeting Link
Tuesday, September 8, 2020 @ 10:00 a.m.	R20200143	Public Hearing regarding the disposal of Skagit County surplus property, including vehicles and equipment.	Skagit County Commissioners Hearing Room
Tuesday, July 14, 2020 @ 8:30 a.m.	R20200109	Public Hearing to consider a Franchise Agreement with Del Mar Community Services, Inc. to authorize the installation, construction, operation, repair, relocation, maintenance, and removal of facilities for purposes of a water utility system in the public right-of-way.	Skagit County Commissioners Hearing Room
Friday, August 20, 2021 @ 5:30 p.m.	N/A	Open House Meeting to provide an update to the community and receive community feedback on the alternative project proposals for North Shore Drive.	Lake Cavanaugh Community Center, 35022 South Shore Drive, Mount Vernon, WA 98273

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Skagit County Commissioners will hold a Public Hearing in the Commissioners Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, WA, on **Tuesday, October 19, 2021, at 8:30 a.m.**, or as soon as possible thereafter, regarding a non-exclusive Franchise Agreement with the City of Burlington, a Washington municipal corporation, for right of entry, use, and occupation of the public rights-of-way to construct, operate, and maintain its facilities for purposes of offering and providing Network Services, including Telecommunications Service, in the defined Franchise Area, described as:

Any, every and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved within the boundaries described as:

Township 35 North, Range 03 East, Sections 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36

Township 35 North, Range 04 East, Section 26, 27, 28, 29, 30, 31, 32 and 33


Township 34 North, Range 03 East, Sections 01, 02, 03, 04, 05, 08, 09, 10, 11, and 12

Situate in the County of Skagit, State of Washington

This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against this matter are invited either by attendance, representation, or letter. Attendance will be remote by computer, tablet or smart phone: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUGkxZ3NkQkhYSnhBMEo2RTQrdz09> or by telephone: 1 253 215 8782; Meeting ID: 871 8000 1980 Passcode: 143573. Please contact Torey Nelson, 360-416-1400, with any questions. For citizens with special needs, the Commissioners Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners Office at 360-416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Coordinator, Grace Kane, at (360) 416-1400.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this 27 day of September, 2021.



Clerk of the Board

Published in the Skagit Valley Herald on October 7th and October 14th, 2021

NOTICE OF PUBLIC HEARING
For the Consideration of
Vacating a Portion of County Right-of-Way known as Brookings Road #64810

NOTICE IS HEREBY GIVEN that the Board of Skagit County Commissioners will hold a Public Hearing on **Tuesday, September 7, 2021, at 10:30 a.m.**, or as soon thereafter as possible, in the Commissioners' Hearing Room, Skagit County Administration Building, 1800 Continental Place Mount Vernon, Washington, for the purpose of receiving oral and written testimony regarding the vacation of County right-of-way, from Milepost 0.73 to Milepost 0.82 (end of County road), described as follows:

A strip of land twenty feet (20') wide situated in the Northwest Quarter (NW 1/4) of Section 36, Township 36 North, Range 4 East, W.M. being more particularly described as follows:

Beginning at the West Quarter (W 1/4) corner of said Section 36; Thence North 88°45'40" East along the East West centerline of said Section 36, a distance of 1327.01 feet to the **True Point of Beginning**; Thence North 03°50'22" West, a distance of 132.79 feet to the P.C. of a curve to the left, said curve having central angle 79°04'57", radius 190.00 feet, chord bearing North 42°52'50" West, and chord distance 239.36 feet; Thence Northwesterly along the said curve for an arc distance of 258.93 feet to the P.T. of said curve; Thence North 81°55'19" West, a distance of 59.33 feet; Thence North 08°04'41" East, a distance of 20.00 feet; Thence South 81°55'19" East, a distance of 59.33 feet to the P.C. of a curve to the right, said curve having central angle 78°04'57", radius 210.000 feet, chord bearing South 42°52'50" East and chord distance 264.55 feet; Thence Southeasterly along said curve for an arc distance of 286.19 feet to the P.T. of said curve; Thence South 03°50'22" East, a distance of 133.70 feet to a point on the East West centerline of said Section 36; Thence South 88°45'40" West, a distance of 20.02 feet to the **True Point of Beginning**.

Conveying 0.21 acres more or less.

Situate in the County of Skagit, State of Washington.

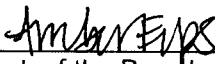
This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against this matter are invited either by attendance, representation, or letter. Please contact Torey Nelson, 360-416-1400, with any questions. For citizens with special needs, the Commissioners' Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at 360-416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County, in accordance with Title VI of the Civil Rights act of 1964, 78 Stat. 252,42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, handicap/disabled, age in consideration for an award.

For questions regarding Skagit County's Title VI Program, you may contact the Public Works

Department's Title VI Coordinator, Grace Kane, P.E., at (360) 416-1400.

Notice given by order of the Board of Skagit County Commissioners this 16th day of August, 2021.



Clerk of the Board

To be published in the Skagit Valley Herald on August 19th and August 26th, 2021.

NOTICE OF PUBLIC HEARING

REGARDING THE SALE OF COUNTY SURPLUS PROPERTY

NOTICE IS HEREBY GIVEN that the Skagit County Board of Commissioners will hold a Public Hearing on August 24th 2021 at 10:00 A.M. or as soon thereafter as possible, in the Commissioners' Hearing Room, Skagit County Administration Building, 1800 Continental Place, Mount Vernon, Washington, for the purpose of declaring their intention to dispose of county-owned surplus property, in accordance with R.C.W. 36.34, as follows:

Participation in the public hearing will be in-person or remote access via Zoom. To participate in the public hearing remotely, call 1 (253) 215-8782 Meeting ID: 871 8000 1980 or join from your computer, tablet or smartphone at: <https://us06web.zoom.us/j/87180001980?pwd=eEVGUkxZ3NkQkhYSnhBMlEo2RTQrdz09>.

Citizens who plan to participate in a public hearing and have special needs or disabilities are also asked to call the Board of County Commissioners office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodation.

PASSENGER VEHICLES, PICKUP TRUCKS, AND EQUIPMENT INCLUDING: (1) 2008 Ford E150 Econovan, (1) 2005 Ford Ranger, (1) 2002 Ford Ranger, (2) 2011 Ford F350, (1) 2009 Ford F350 4x2, (1) 2004 Ford F250, (1) 2009 Ford F250 4x4, (2) 2013 Ford F250, (1) 2004 Ford Focus, (1) 2006 Ford Escape, (2) 2013 Ford Police Interceptor Utility, (3) 2014 Ford Police Interceptor Utility, (2) 2015 Ford Police Interceptor Utility, (1) 1998 Chevy K Pickup 4x4, (1) 2006 Chevy C3500, (1) 2004 Chevy S10 Blazer, (2) 2008 Chevy 1500 Pickups, (1) 2000 Chevy Impala, (1) 2012 Chevy Tahoe, (1) 2013 Dodge 1500, (2) 2012 John Deere 6330 Brush Cutters, (1) 2006 Komatsu PC138, (1) 2000 International Rail Truck, (1) 2006 Econoline Ambulance, (1) 1995 Evergreen Office Trailer, (1) 2000 Chevy 1500 4x4, (1) 2001 Chrysler Van, (1) 2009 International Oil Distributor, (1) 1987 Advance Tanker Trailer, (1) 2008 Chevy Colorado, (1) 2011 Ford Escape, (1) 2008 Chevy Tahoe, Misc. Items including, Truck Tool Boxes, Truck Beds, (2) Basketball Hoops, Road Grader Implements, Tail gates, Aluminum Wheels, (1) 15HP Evinrude Boat Motor, (1) Electric Water Pump Motor, (8) John Deere 3 Point Implements, (1) Sullair Air Compressor, (2) Small Truck Canopies

This proposal may be approved, modified, and approved, or rejected by the Board of Skagit County Commissioners.

Your views, for or against the sale of this property, are invited by attendance, representative, or letter.

NAME OF CONTACT PERSON: Rick Owens, Telephone: (360) 416-1494.

NOTICE GIVEN BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS THIS 24 day of July 2021.


Clerk of the Board

PUBLISHED IN THE SKAGIT VALLEY HERALD ON August 5th and 12th, 2021.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing on Tuesday, March 02, 2021, at 9:00 a.m., or as soon thereafter as possible, for the purpose of considering Revision No. 1 to the adopted comprehensive 2021-2026 Six-Year Transportation Improvement Program. Participation in the public hearing, pursuant to Proclamations currently in place, shall be through remote access via GoToMeeting <https://global.gotomeeting.com/join/632327501> You can also dial in using your phone: 1 (408) 650-3123 Access Code: 632-327-501. Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/632327501>

Items to be revised or added on the TIP are: Bow Hill Road Project, Guemes Ferry Terminal (Girder Replacement), Francis Road Section 3, and Josh Wilson Road Phase 2. Other additions may emerge before the Public Hearing and be considered at that time. For additional information about the proposed changes to the Six-Year Transportation Improvement Program, contact Forrest Jones at the Public Works Department, 1800 Continental Place, Mount Vernon, WA 98273, or (360) 416-1422.

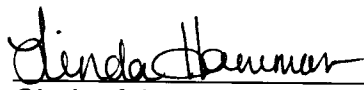
This proposed revision to the Transportation Improvement Program may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against Revision No. 1 to the 2021-2026 Six-Year Transportation Improvement Program are invited by attendance, representation, or if sent written letter, must be received by March 01, 2021.

Skagit County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from the federally assisted programs and activities. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Liaison, Bobbi Fisher, P.E. at (360) 416-1400.

For citizens with special needs, the Commissioners' Hearing Room (or Public Hearing Room) is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Additional information can be obtained through Forrest Jones, Works Department, 1800 Continental Place, Mount Vernon, WA 98273, (360) 416-1422.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS this 16 day of February, 2021.


Clerk of the Board

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, WA, on Tuesday, November 24, 2020 at 8:30 a.m., or as soon thereafter as possible, for the purpose of considering public comment on the comprehensive 2021-2026 Six-Year Transportation Improvement Program.

This Public Hearing is to allow the public an opportunity to give public comment in front of the Board of County Commissioners. Your views for or against the adoption of this 2021-2026 Six-Year Transportation Improvement Program are invited by attendance, representation, or letter.

Participation in the public hearing, pursuant to pursuant to Proclamations currently in place, shall be through remote access via GoToMeeting. To participate in the public hearing, call 1 (872) 240-3412, Access Code: 811-808-573 or join from your computer, tablet or smartphone: <https://global.gotomeeting.com/join/811808573>.

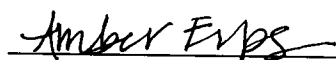
Citizens who would like to sign up to provide public testimony must call the clerk of the Board at (360) 416-1300 before the meeting is scheduled to start. The Clerk will need each citizen's name and the town or city where they reside. Once the public hearing is opened, those who signed up will be called on one-at-a-time to provide public testimony for up to 3 minutes.

For citizens with special needs, the Commissioners' Hearing Room is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations.

Skagit County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from the federally assisted programs and activities. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Liaison, Bobbi Fisher, P.E., at (360) 416-1400.

Additional information can be obtained through Forrest Jones, Public Works Department, 1800 Continental Place, Mount Vernon, WA 98273, (360) 416-1400.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS
this 9th day of November, 2020.



Clerk of the Board

Skagit County Board of Commissioners

NOTICE OF PUBLIC HEARING
REGARDING THE SALE OF COUNTY SURPLUS PROPERTY

NOTICE IS HEREBY GIVEN that the Skagit County Board of Commissioners will hold a Public Hearing on September 8, 2020 at 10:00 A.M., or as soon thereafter as possible, in the Commissioners' Hearing Room, Skagit County Administration Building, 1800 Continental Place, Mount Vernon, Washington, for the purpose of declaring their intention to dispose of county-owned surplus property, in accordance with R.C.W. 36.34, as follows:

Participation in the public hearing, pursuant to Proclamations currently in place, shall be through remote access via GoToMeeting. To participate in the public hearing, call 1(786) 535-3211 (Access Code: 860 404 549#) or join from your computer, tablet or smartphone at: <https://global.gotomeeting.com/join/860404549>

Citizens who would like to sign up to provide public testimony must call the Clerk of the Board at (360) 416-1300 before the meeting is scheduled to start. The Clerk will need each citizen's name and the town or city where they reside. Once the public hearing is opened, those who signed up will be called on one-at-a-time to provide public testimony for up to 3 minutes.

In the event in-person participation is authorized by the date of the public hearing, in addition to participating remotely, citizens may also participate through in-person attendance at the Skagit County Commissioners Hearing Room, located at 1800 Continental Place, Suite 100, Mount Vernon, WA 98273.

Citizens who plan to participate in a public hearing and have special needs or disabilities are also asked to call the Board of County Commissioners office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodation.


PASSENGER VEHICLES, PICKUP TRUCKS, AND EQUIPMENT INCLUDING: (1) 2006 Chevrolet C3500 Service Truck, (1) 1999 Ford F450 Boom Truck, (1) 2009 Ford 1ton Dump Body, (1) 2006 New Holland Brush Cutter TS115, (1) 2012 John Deere 6330 Brush Cutter, (1) 2009 International 7600 Mauldin Oil Distributor, (1) 2009 Broce RJ350 Broom, (1) 1996 Sturdyweld Pup Trailer, (1) 2012 John Deere 997 Mower, (1) 2000 International Rail Truck, (1) 2007 Ford Taurus, (1) 2000 GMC Sonoma, (1) 2008 Chevy 1500 Truck, (1) 2007 Chevy 1500 Truck, (2) 2007 Ford F250, (1) 2009 Chevy Colorado, (1) 2009 Ford F250 4x4, (1) 2010 Ford F250 Service Body, (1) 2010 Chevy 1500, (1) 2010 Ford F250 4x4, (1) 2011 Ford F250 Service Body, (1) 2012 Ford F250 Service Body, (1) 2008 Ford Escape, (1) 2014 Ford Escape, (1) 2004 Ford Crown Victoria, (1) 2006 Ford Crown Victoria, (1) 2007 Ford Crown Victoria, (5) 2008 Ford Crown Victoria, (5) 2013 Ford Police Interceptor Utility, (1) 2014 Ford Police Interceptor Utility, (1) 2004 Chevy S10 Blazer 4x4, (1) 1998 Ford Expedition, (1) 2003 Chevy Malibu, (1) Perking Generator 430V, (4) Quads (multiple manufactures), and a variety of small equipment.

This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners.

Your views, for or against the sale of this property, are invited by attendance, representative, or letter.

NAME OF CONTACT PERSON: Rick Owens, Telephone: (360) 416-1494.

NOTICE GIVEN BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS THIS 10th day of August, 2020.


Clerk of the Board

PUBLISHED IN THE SKAGIT VALLEY HERALD ON August 13th and 20th, 2020.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Skagit County Commissioners will hold a Public Hearing in the Commissioners' Hearing Room, County Administration Building, 1800 Continental Place, Mount Vernon, WA, on **Tuesday, July 14, 2020, at 8:30 a.m.**, or as soon as possible thereafter, for the purpose of considering a Franchise Agreement with Del Mar Community Services, Inc., a Washington Non-profit Corporation, authorizing the grantee to install, construct, operate, repair, relocate, maintain, and remove Facilities for purposes of a water utility system in, upon, under, along, and across certain roads and rights-of-way in the defined Franchise Area, described as:

Any, every, and all of the County highways, roads, streets, avenues, alleys, rights-of-way, and County public ways as now and hereafter laid out, platted, dedicated, established, or improved within the boundaries of the Del Mar Community Services, Inc. described as follows: Being in a portion of Sections 2, 10, 11, and 15, Township 34 North, Range 1 East W.M., and a portion of Sections 34, and 35, Township 35 North, Range 1 East W.M. Said boundaries are more particularly described in the Rancho San Juan Del Mar Subdivision Nos 1 through 12, as recorded under Auditors File Nos. 385571, 389140, 417708, 468940, 511312, 533421, 625298, 649122, 686967, 732553, and 198112230021, and as said boundaries may be subsequently amended. Situate in Skagit County, State of Washington.

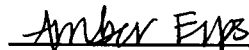
This proposal may be approved, modified and approved, or rejected by the Board of Skagit County Commissioners. Your views for or against the approval of this Franchise Agreement with Del Mar Community Services, Inc. are invited by attendance, representation, or letter.

Should in-person attendance at public meetings/hearings continue to be temporarily prohibited by the Governor, you may attend the Public Hearing online or by phone. If you would like to attend, please contact the Commissioner's office prior to the date of the Public Hearing to find out how. Property owners and/or other interested persons need not be present to comment. Public comments can be provided by sending an email to commissioners@co.skagit.wa.us or by calling the Commissioner's office at (360) 416-1300 or by sending written comments to the Clerk of the Board of Skagit County Commissioners at 1800 Continental Place, Suite 100, Mount Vernon, WA 98273.

Skagit County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from the federally assisted programs and activities. For questions regarding Skagit County's Title VI Program, you may contact the Public Works Department's Title VI Liaison, Bobbi Fisher, at (360) 416-1439.

For citizens with special needs, the Commissioners' Hearing Room (or Public Hearing Room) is accessible. Persons with special needs or disabilities are asked to call the Commissioners' Office at (360) 416-1300 at least 96 hours before the hearing to discuss and arrange for any needed accommodations. Additional information can be obtained through Torey Nelson, Transportation Programs Section, Public Works Department, 1800 Continental Place, Mount Vernon, WA 98273, (360) 416-1425.

NOTICE GIVEN BY ORDER OF THE BOARD OF SKAGIT COUNTY COMMISSIONERS
this 22 day of June, 2020.



Clerk of the Board

Published in the Skagit Valley Herald on June 25th, and July 2nd, 2020.

Nextdoor App Posting North Shore Drive Open House Meeting



Skagit County ✓

Skagit County Communications Director Laura Han • 17 Aug



Meeting Notice: Open House on North Shore Drive. Hello all-

This Friday, August 20, Public Works staff and Commissioner Browning will be hosting an open house to give an update and get your comments/feedback on the alternative project proposals for North Shore Drive.

Here are the details:

Location: **Lake Cavanaugh** Community Center, 35022 South Shore Drive, Mount Vernon, WA 98273**

Date: Friday, August 20

Time: 5:30 p.m. -6:30 p.m.

Public Works staff will give a 15–20-minute presentation on the road and potential design alternatives, and then take questions.

** This meeting will take place outside on the tennis courts as a COVID-19 precaution (transmission of the virus is much less likely outdoors). Masks are encouraged.

If you have any questions about the event, please email Laurah@co.skagit.wa.us (or send me a message on Nextdoor)!

Thanks!

Laura

Posted to **Subscribers of Skagit County** in 2 neighborhoods



Like



Comment



Share

9 Impressions

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires Skagit County to gather statistical data on participants and beneficiaries of the agency's federal aid highway programs and activities. Skagit County collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

Skagit County wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file in Skagit County Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at **360-416-1400** or email at **PublicWorks@co.skagit.wa.us**.

Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print)	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
General ethnic identification categories (check one): <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color	National Origin

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

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Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
General ethnic identification categories (check one): <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color	National Origin

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Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

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Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color White	National Origin American

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

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Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color WHITE	National Origin CANADIAN

After you complete this form, please fold it and place it inside the designated box on the registration table.

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Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

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Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color WHITE	National Origin AMERICAN

After you complete this form, please fold it and place it inside the designated box on the registration table.

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Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

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- The completed forms will be held on file in Skagit County Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at **360-416-1400** or email at **PublicWorks@co.skagit.wa.us**.

Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color white	National Origin American

After you complete this form, please fold it and place it inside the designated box on the registration table.

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Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

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Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color	National Origin USA

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires Skagit County to gather statistical data on participants and beneficiaries of the agency's federal aid highway programs and activities. Skagit County collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

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Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

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General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color WHITE	National Origin SCOTTISH CANADIAN

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires Skagit County to gather statistical data on participants and beneficiaries of the agency's federal aid highway programs and activities. Skagit County collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

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The completed forms will be held on file in Skagit County Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at **360-416-1400** or email at **PublicWorks@co.skagit.wa.us**.

Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color _____	National Origin _____

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Thank you for your cooperation!

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

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The completed forms will be held on file in Skagit County Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at **360-416-1400** or email at **PublicWorks@co.skagit.wa.us**.

Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) <div style="background-color: black; width: 100%; height: 1.2em; margin-top: 5px;"></div>	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color <div style="border-bottom: 1px solid black; width: 100%; height: 1.2em; margin-top: 5px;"></div>	National Origin <div style="border-bottom: 1px solid black; width: 100%; height: 1.2em; margin-top: 5px;"></div>

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires Skagit County to gather statistical data on participants and beneficiaries of the agency's federal aid highway programs and activities. Skagit County collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

- Skagit County wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.
- The completed forms will be held on file in Skagit County Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at **360-416-1400** or email at **PublicWorks@co.skagit.wa.us**.

Please respond to the following questions:

Project Name North Shore Drive (Lake Cavanaugh Vic.) #ES1000-1	Date 8/20/21
Meeting Location Lake Cavanaugh Community Center	

Name (please print) <div style="background-color: black; width: 100%; height: 20px;"></div>	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color	National Origin

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Meeting Location Lake Cavanaugh Community Center	

Name (please print) [REDACTED]	Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
General ethnic identification categories (check one): <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> African American <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Other _____	
Color	National Origin U.S.

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Color	National Origin USA

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

I will E-mail comments

Appendix E SEPA / NEPA

Project 6/1/2020 - 9/30/2021	Sepa	NEPA
2020 Guardrail Install w/reflectors	exempt	Yes
Bow Hill Reconstruction	Yes	No
Francis Road Section 1	No	CE
Illuminate Channelized intersection	No	CE Yes
Josh Wilson Phase 1	No	CE Yes
Prairie Rd Guidance Improvements	No	CE Yees



Federal Aid Project Number HSIP-000S(578)	NEPA Start Date June 10, 2021	Intent of Submittal <input checked="" type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency Skagit County	Project Title Install/Upgrade Guardrail with Reflectors	
County Skagit		
Beginning terminus: <u>11.66 / 17.21 / 1.21 / 4.39</u>	Township(s): <u>35 / 35 / 35 / 35</u>	
Ending terminus: <u>12.13 / 17.56 / 1.66 / 4.50</u>	Range(s): <u>06 / 08 / 08 / 07</u>	
Miles: <u>1.38</u>	Section(s): <u>22 / 23-24 / 15-16 / 21-22</u>	

Part 1 - Project Description (Attach Vicinity Map)

Installation/Upgrade Guardrail with reflectors at various locations.



This project consists of remove sub-standard guardrail on South Skagit Highway, install new guardrail with reflectors. Also new guardrail with reflectors will be installed on Concrete Sauk Valley Road.

The goals of this project is to remove the substandard safety barrier and installation of new barrier with reflectors that adhere to current WSDOT design Manual standards. This will improve the performance by reducing run off of the road crashes and the overall severity of the crash.

Part 2 - Categorical Exclusion & STIP

- Identify one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project **C#22**
- Per 23 CFR Part 452(I) identify the subsequent project phase identified on the STIP? ☐ ROW ☒ Construction
- Attach a copy of the STIP page to the CE documentation form.

NEPA Approval Signatures

	<u>6.9.21</u>		
Local Agency Approving Authority	Date	Local Programs Environmental Engineer	Date
	Digitally signed by Mehrdad Moini, PE Date: 2021.06.15 11:05:28 -07'00'	CE per PA	6/17/21
Regional Local Programs Engineer	Date	Federal Highway Administration	Date

Completed By (Print Official's Name) Bobbi Fisher	Telephone (include area code) 360-416-1439	E-mail Address bfisher@co.skagit.wa.us
--	---	---

Part 3 - Permits, Approvals & Right of Way (ROW)

Yes	No	Permit or Approval	Yes	No	Permit or Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input type="checkbox"/> Nationwide Type _____ <input type="checkbox"/> Individual Permit No. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Quality Certification - Section 401 Issued By _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Coastal Zone Management Certification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tribal Permit(s) (if any) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Permits (List) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Forest Practices Act Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is permanent ROW acquisition needed? If yes, amount needed: _____ (acres/sq. ft.).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hydraulic Project Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any temporary ROW needed?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Building or Site Development Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is relocation required?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Clearing and Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Has ROW (property and/or property interests) been acquired <u>for this project</u> prior to the NEPA start date? If yes, documentation demonstrating compliance with 23 CFR 710.501 may be required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is a detour required? If yes, please attach detour information.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreline Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Waste Discharge Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Rights Permit			

U.S. Coast Guard Permitting

- a. Does the project propose any new or modify any existing bridges or culverts crossing a waterway? ☐ Yes ☒ No
- b. If Yes, attach a copy of the jurisdictional determination email or letter from the U.S. Coast Guard.

Other Federal Agencies - Does the project involve any federal properties, approvals or funding from other/additional federal agencies? ☐ Yes ☒ No If Yes, please describe.

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 exempt from Air Quality conformity requirements? ☒ Yes ☐ No

- a. If Yes, identify exemption - please refer to Appendix G in the CE Guidebook for a list of exemptions.

Guardrails, median barriers, crash attenuators

- b. Is the project included in the Metropolitan Transportation Plan? ☐ Yes ☒ No

If Yes, date Metropolitan Transportation Plan was adopted _____

- c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10 or PM 2.5? ☐ Yes ☒ No

2. Critical and Sensitive Areas

- a. Is this project within 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. Will this project impact Species/Habitat other than ESA listed species? ☐ Yes ☒ No Explain your answer.

- c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?

☒ Yes ☐ No If Yes, the local agency must go to the US Fish & Website (<http://www.fws.gov/pacific/eagle/>) and work through the Do I Need a Permit? section. See attachment for letter that no permit is needed. This project will have little to no impact as the only construction activities will be for the brief installation of the guardrail.

- d. Are wetland 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 J of the CE Guidebook?

☒ Yes ☐ No If Yes, note exemptions below.

A-2 OK per TD-6/10/21-MV

If No: Date of DAHP concurrence: _____

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

- a. Is the project located in a 100-year floodplain? ☐ Yes ☒ No
- b. If Yes, is the project located within a 100-year floodway? ☐ Yes ☒ No
- c. 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).

- a. Does the project require excavation below the existing ground surface? ☐ Yes ☒ No
- b. Will groundwater be encountered? ☐ Yes ☒ No
- c. Will any properties be acquired as part of this project? ☐ Yes ☒ No
- d. Is this site located in an undeveloped area (i.e. no buildings, parking, storage areas or agriculture)? ☐ Yes ☒ No
- e. Is the project located within a one-mile radius of a known Superfund Site? ☐ Yes ☒ No
- f. 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), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)
- ☐ Underground Storage Tank (UST)
- ☐ Leaking Underground Storage Tank (LUST)
- ☐ Confirmed and Suspected Contaminated Sites List (CSCSL)
- g. Has site reconnaissance (windshield survey) been performed? ☒ Yes ☐ No (Please identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).
- h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? ☐ Yes ☒ No

Please explain:

All guardrail posts will be driven unless in conflict with an existing utility, than excavation will be performed.

If you responded Yes to any of these questions above (5A - 5F or 5H), contact your Region LPE for assistance as a "Right-Sized" HazMat Analysis Report/Memorandum most likely will be required.

6. Noise

- a. Does the project involve constructing a new roadway? ☐ Yes ☒ No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway? ☐ Yes ☒ No
- c. Does the project increase the number of through traffic lanes on an existing roadway? ☐ Yes ☒ No
- d. Is there a change in the topography? ☐ Yes ☒ No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project? ☐ Yes ☒ No
- f. 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. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

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

None Identified

- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.

None Identified

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

None Identified

8. Agricultural Lands -

- a. Are there agricultural lands within 300 feet of the project limits? ☐ Yes ☒ No If Yes, describe impacts:

- b. Are impacted lands considered to be unique and prime farmland? ☐ Yes ☒ No

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

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.

no water bodies will be impacted.

- b. Identify stream crossing structures by type.

There are no streams along these stretches. There are some culverts that we will plan around.

10. Tribal Lands - Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do not list usual and accustomed area.

There will be no impact to tribal lands from this project

11. Water Quality/Stormwater

- a. Will this project's proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual?

☒ Yes ☐ No there will be no new impervious surface created for this project. During the project construction appropriate BMP's will be used to ensure that water quality is not affected.

If No, explain proposed water quality/quantity treatment for the new and any existing pollution generating impervious surface associated with the proposed project.

- b. Amount of existing pollution generating impervious surface within the project limits: 160,301 square feet
- c. Net new pollution generating impervious surface to be created as a result of this project: None
- d. Amount of proposed post-project untreated pollution generating impervious surface: None

12. Previous Environmental Commitments

Describe previous environmental commitments that may affect or be affected by the project - if any.

There are no known previous commitments

13. Environmental Justice - Does the project meet any of the exemptions noted in Appendix L of the CE Documentation Guidebook?

If Yes, please note the exemption and appropriate justification in the space below.

3) - we are replacing guardrails along the roads and will not require a detour.

If No, attach Appendix M and supporting documentation as required per the decision matrix. This will include at least two demographic information sources and possibly a description of anticipated project impacts.

Please refer to the CE Guidebook for more information.

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 Attach species listings.

Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

4. Will the project involve any in-water work?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Will construction occur outside the existing pavement? If Yes go to 9a.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.

There are terrestrial habitat nearby, the project will have little to no impact as the only construction activities will be for the brief installation of the guardrail.

Work will take place outside of the paved roadway, but within the right of way, disturbance of the existing shoulder will be in the form of driven or hand and vacuum excavated post.

No new PGIS or in-water work - MV

Analysis for RRMP ESA 4(d) determination for NMFS – A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

Maintenance Category (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface | <input type="checkbox"/> 6. Stream Crossings | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems | <input type="checkbox"/> 7. Gravel Shoulders | <input type="checkbox"/> 12. Concrete |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems |
| <input type="checkbox"/> 4. Open Drainage Systems | <input type="checkbox"/> 9. Bridge Maintenance | <input type="checkbox"/> 14. Water Systems |
| <input type="checkbox"/> 5. Watercourses and Streams | <input type="checkbox"/> 10. Snow and Ice Control | <input type="checkbox"/> 15. Vegetation |

Describe how the project fits in the RRMP 4(d) Program:

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.

	NMFS	OK per HP	USFWS	EFH Determination
<input checked="" type="checkbox"/> No Effect	<u>6/10/21</u>		<u>6/10/21</u>	<input checked="" type="checkbox"/> No Adverse Effect
<input type="checkbox"/> NLTAA - Date of Concurrence	_____		_____	<input type="checkbox"/> Adverse Effect - Date of NMFS concurrence _____
<input type="checkbox"/> LTAA - Date BO Issued	_____		_____	
<input type="checkbox"/> RRMP 4(d)	_____		_____	<input type="checkbox"/> Not Applicable

Part 6 - FHWA Comments

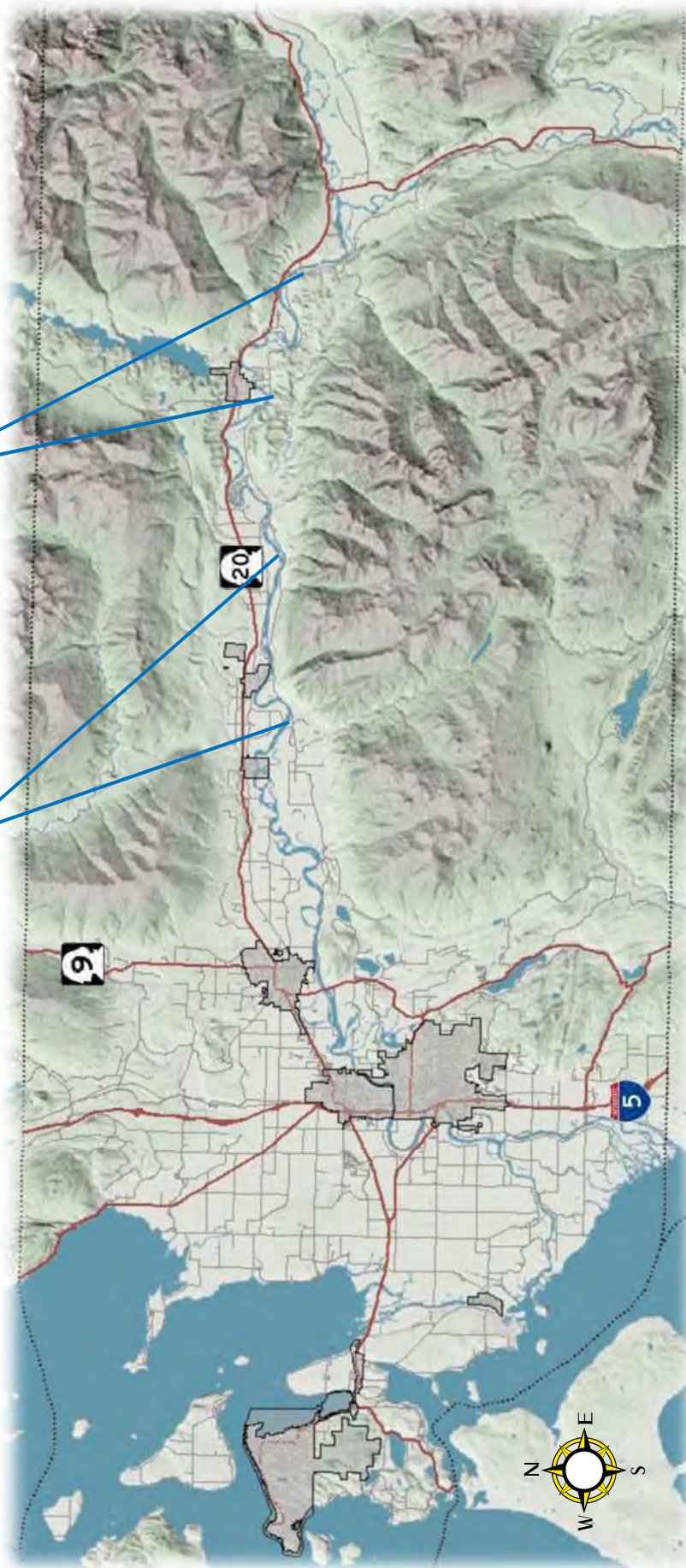
HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

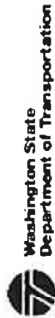
2019 COUNTY SAFETY PROGRAM PRIORITY PROJECT VICINITY MAP



Concrete Sauk Valley Road
Mile Post 1.21 – 1.66
Mile Post 4.39 – 4.50

South Skagit Highway
Mile Post 11.66 – 12.13
Mile Post 17.21 – 17.56





Six Year Transportation Improvement Program From 2020 to 2025

Agency: Skagit Co.
County: Skagit
MPORTPO: SMPO

Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07		INSTALL/UPGRADE GUARDRAIL WITH REFLECTORS 07000 / 08000 VARIES TO VARIES Remove and replace existing sub-standard guardrail at locations on South Skagit Hwy (07000) and Concrete Sauk Valley Road (08000). - S. Skagit Mileposts 11.66 to 12.13 and Mileposts 17.21 to 17.56 - Concrete Sauk Valley Road Mileposts 1.21 to 1.66 and Milepost 4.39 to 4.50	WA-12347					21		1,380	CE	No

Funding		Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
Status	P	PE	2020	HSIP	72,300		0	9,100	81,400
	P	CN	2021	HSIP	534,300		0	0	534,300
				Totals	606,600		0	9,100	615,700

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	PE	81,400	0	0	0	0
	CN	0	615,700	0	0	0
Totals		81,400	615,700	0	0	0

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CRITICAL
HABITAT; CANDIDATE SPECIES; AND SPECIES OF CONCERN
IN SKAGIT COUNTY
AS PREPARED BY
THE U.S. FISH AND WILDLIFE SERVICE
WESTERN WASHINGTON FISH AND WILDLIFE OFFICE**

(Revised November 1, 2007)

LISTED

Bull trout (*Salvelinus confluentus*)

Canada lynx (*Lynx canadensis*)

Gray wolf (*Canis lupus*)

Grizzly bear (*Ursus arctos* = *U. a. horribilis*)

Marbled murrelet (*Brachyramphus marmoratus*)

Northern spotted owl (*Strix occidentalis caurina*)

Major concerns that should be addressed in your Biological Assessment of project impacts to listed species include:

1. Level of use of the project area by listed species.
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project.
3. Impacts from project activities and implementation (e.g., increased noise levels, increased human activity and/or access, loss or degradation of habitat) that may result in disturbance to listed species and/or their avoidance of the project area.

DESIGNATED

Critical habitat for bull trout

Critical habitat for the marbled murrelet

Critical habitat for the northern spotted owl

PROPOSED

Dolly Varden (*Salvelinus malma*) due to similarity of appearance

CANDIDATE

Oregon spotted frog (*Rana pretiosa*)

SPECIES OF CONCERN

Bald eagle (*Haliaeetus leucocephalus*)
California wolverine (*Gulo gulo luteus*)
Cascades frog (*Rana cascadae*)
Long-eared myotis (*Myotis evotis*)
Long-legged myotis (*Myotis volans*)
Northern goshawk (*Accipiter gentilis*)
Olive-sided flycatcher (*Contopus cooperi*)
Pacific lamprey (*Lampetra tridentata*)
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)
Peregrine falcon (*Falco peregrinus*)
River lamprey (*Lampetra ayresi*)
Tailed frog (*Ascaphus truei*)
Western toad (*Bufo boreas*)
Meconella oregana (white meconella)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
MBSP-MBHP

Dear User,

Thank you for using the U.S. Fish and Wildlife Service - Region 1(Service) Eagle Permit Recommendation Tool (EPRT) to determine risk to eagles. Based on the answers to your questions, we have determined that your project or activity, is consistent with the Service's **recommendations for avoiding disturbance of eagles** in the Pacific Region (ID, OR, and WA) and is unlikely to take eagles in violation of federal laws.

Below is a record of the questions, and your responses to them, that led us to that determination.

Activity Type: Construction Maintenance and General Activities

1.) Will the activity or resulting human presence occur within one mile of an eagle nest or roost?

Response: Yes

2.) Are you concerned about impacts to golden eagles, bald eagles, or both from your activity?

Response: Bald Eagles

3.) Will the activity or resulting human presence occur within 660 feet of the nearest bald eagle nest or roost?

Response: No

Please print, sign, and date this certificate, and keep in your records for five (5) years after your project or activity is completed. By printing this document, and signing and dating it for your records, you agree that the above responses are true, and that you commit to implement your project as **described above. You also agree to revisit the Service's EPRT to determine whether or not technical assistance, or a permit, may be necessary should any details of the project or activity change substantially.**

User Signature: Bobbi Fisher

Date: 5-13-2021

Name (Print): Bobbi Fisher

Title: Project Manager

Physical Address / Location of Project: South Skagit Highway mile post 11.66-12.13 and 17.21-17.56
Concrete Sauk Valley Road mile post 1.21-1.66 and 4.39-4.5
(Guardrail Installation and upgrade various locations.)

Following the Service's recommendations and implementing your project or activity as described above will substantively reduce the likelihood of take; however, take may occur even if all avoidance and minimization measures above are followed. Though it is not possible to absolve individuals and entities from liability under the Eagle Act if take (defined to include pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) should occur, the Service prioritizes its enforcement efforts on those individuals or entities who take eagles without implementing appropriate measures recommended by the Service, such as the Bald Eagle Management Guidelines.

You are responsible for determining if additional authorization from federal, state, local, or tribal governments is needed.



SKAGIT COUNTY PUBLIC WORKS EPARTMENT

1800 Continental Place, Mount Vernon, WA 98273-5625
(360) 416-1400 FAX (360) 416-1405

MEMORANDUM

DATE: May 25, 2021

TO: Mike Davis, WSDOT Local Programs NW Region

FROM: Bobbi Fisher, Skagit County Project Manager

SUBJECT: Area of Potential Effect (APE)
Installation/Upgrade Guardrail with Reflectors
(South Skagit Highway and Concrete Sauk Valley Road)
Project #ES7000-12
HSIP-000S(578)

Skagit County Public Works is submitting this APE package for review of the Installation/Upgrade Guardrail with Reflectors at South Skagit Highway and Concrete Sauk Valley Road under 36 CFR 800.16(d). The following information is being provided for comment at your earliest convenience.

PROJECT DESCRIPTION

This project consists of installing guardrails in four locations, South Skagit Highway (M.P. 11.66 to 12.13 and 17.21 to 17.56), and Concrete Sauk Valley Road (M.P. 1.21 to 1.66 and 4.39 to 4.50).

The goals of this project is to reduce the percentage of run off the road type crashes. The current guardrail are sub-standard and the combination of surface treatment, shoulder maintenance and snow sanding/plowing have raised the elevation of the road and shoulder areas. Therefor the current guardrails don't meet current safety standards. All sites abuts up to forest or rural land on one side and the Skagit River on the other.

Objectives:

1. Reduce fatal and disabling accidents, property damage, and societal cost along with the overall severity of any collisions that do occur.
2. Put in place countermeasures to eliminate and reduce run off the road crashes.
3. Protect the motoring public from run off the road hazards.
4. Address the local community's concerns for safety of the roadway.

SITE LOCATION

South Skagit Highway M.P. 11.66-12.13 is classified at Secondary and Industrial Forest- Natural Resource Land and Rural Reserve, traversing along a wooded hill slope on the south side of the road and the Skagit River on the north side, in rural Sedro Woolley. The improvements for this project will occur within Section 22 of Township 35 North, Range 06 East, of the Willamette Meridian, in Central Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

South Skagit Highway M.P. 17.21-17.56 is classified at Secondary and Industrial Forest- Natural Resource Land and Rural Resource – Natural Resource Land, traversing along a wooded hill slope on the south side of the road and the Skagit River on the north side, in rural Sedro Woolley. The improvements for this project will occur within Section 21 & 22 of Township 35 North, Range 07 East, of the Willamette Meridian, in Central Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

Concrete Sauk Valley Road M.P. 1.21 – 1.66 is classified at Secondary and Industrial Forest- Natural Resource Land and Rural Reserve, traversing along a wooded hill slope on the southwest side of the road and the Skagit River on the northeast side, in rural Concrete. The improvements for this project will occur within Section 15 & 16 of Township 35 North, Range 08 East, of the Willamette Meridian, in Central Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

Concrete Sauk Valley Road M.P. 4.39 – 4.50 is classified at Secondary and Industrial Forest- Natural Resource Land, traversing along a wooded hill slope on the southwest side of the road and the Skagit River on the northeast side, in rural Concrete. The improvements for this project will occur within Section 23 & 24 of Township 35 North, Range 08 East, of the Willamette Meridian, in Central Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

CROSS-SECTION

South Skagit Highway M.P. 11.66-12.13 has 11 foot Bituminous Surface Treatment (chip sealed) lanes for both east and west bound with 2-4 foot gravel shoulders on both sides. This project will not affect the existing roadway.

South Skagit Highway M.P. 17.21-17.56 has 11 foot Bituminous Surface Treatment (chip sealed) lanes for both east and west bound with 2-4 foot gravel shoulders on both sides. This project will not affect the existing roadway.

Concrete Sauk Valley Road M.P. 1.21 – 1.66 has 11 foot Bituminous Surface Treatment (chip sealed) lanes for both east and west bound with 5 foot gravel shoulders on both sides. This project will not affect the existing roadway.

Concrete Sauk Valley Road M.P. 4.39 – 4.50 has 11 foot Bituminous Surface Treatment (chip sealed) lanes for both east and west bound with 5 foot gravel shoulders on both sides. This project will not affect the existing roadway.

GROUND DISTURBING ACTIVITIES

Ground disturbing activities will take place in the form of driven guardrail post (4' to 10' deep). Installation of the barrier system will not include excavation to install the guardrail post unless there is a possible utility conflict. If there is a utility conflict; the excavation for the guardrail post will be performed by hand or vacuum excavation.

RIGHT OF WAY

The existing Right of Way, through all project sites, is typically 60' wide. There are no known easements within the current project limits. There are easements for properties nearby, however these easements will not affect the project because the construction area is on the other side of the road from these properties. Impacts to the adjacent land owners will be minimal over the entire length of the project. Additional Right of Way will not be required as all guardrails will be constructed within the existing Right of Way. Temporary construction and/or slope easements will not need to be acquired for the project.

South Skagit Highway MP
11.6-12.13

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Skagit County, Washington



Local office

Washington Fish And Wildlife Office

☎ (360) 753-9440

📠 (360) 753-9405

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263

<http://www.fws.gov/wafwo/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Gray Wolf *Canis lupus*

Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4467	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6633	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened
Dolly Varden <i>Salvelinus malma</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1008	PSAT

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
------	------

Bull Trout *Salvelinus confluentus*

Final

<https://ecos.fws.gov/ecp/species/8212#crithab>

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS INDICATED
FOR A BIRD ON YOUR LIST, THE
BIRD MAY BREED IN YOUR
PROJECT AREA SOMETIME WITHIN

THE TIMEFRAME SPECIFIED,
WHICH IS A VERY LIBERAL
ESTIMATE OF THE DATES INSIDE
WHICH THE BIRD BREEDS
ACROSS ITS ENTIRE RANGE.
"BREEDS ELSEWHERE" INDICATES
THAT THE BIRD DOES NOT LIKELY
BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Jan 1 to Sep 30

Black Swift *Cypseloides niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8878>

Breeds Jun 15 to Sep 10

Golden Eagle *Aquila chrysaetos*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/1680>

Breeds Jan 1 to Aug 31

Great Blue Heron *Ardea herodias fannini*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds Mar 15 to Aug 15

Lesser Yellowlegs *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

Olive-sided Flycatcher *Contopus cooperi*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3914>

Breeds May 20 to Aug 31

Rufous Hummingbird *Selasphorus rufus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Breeds Apr 15 to Jul 15

Semipalmated Sandpiper *Calidris pusilla*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Whimbrel *Numenius phaeopus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

Willow Flycatcher *Empidonax traillii*

Breeds May 20 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/3482>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

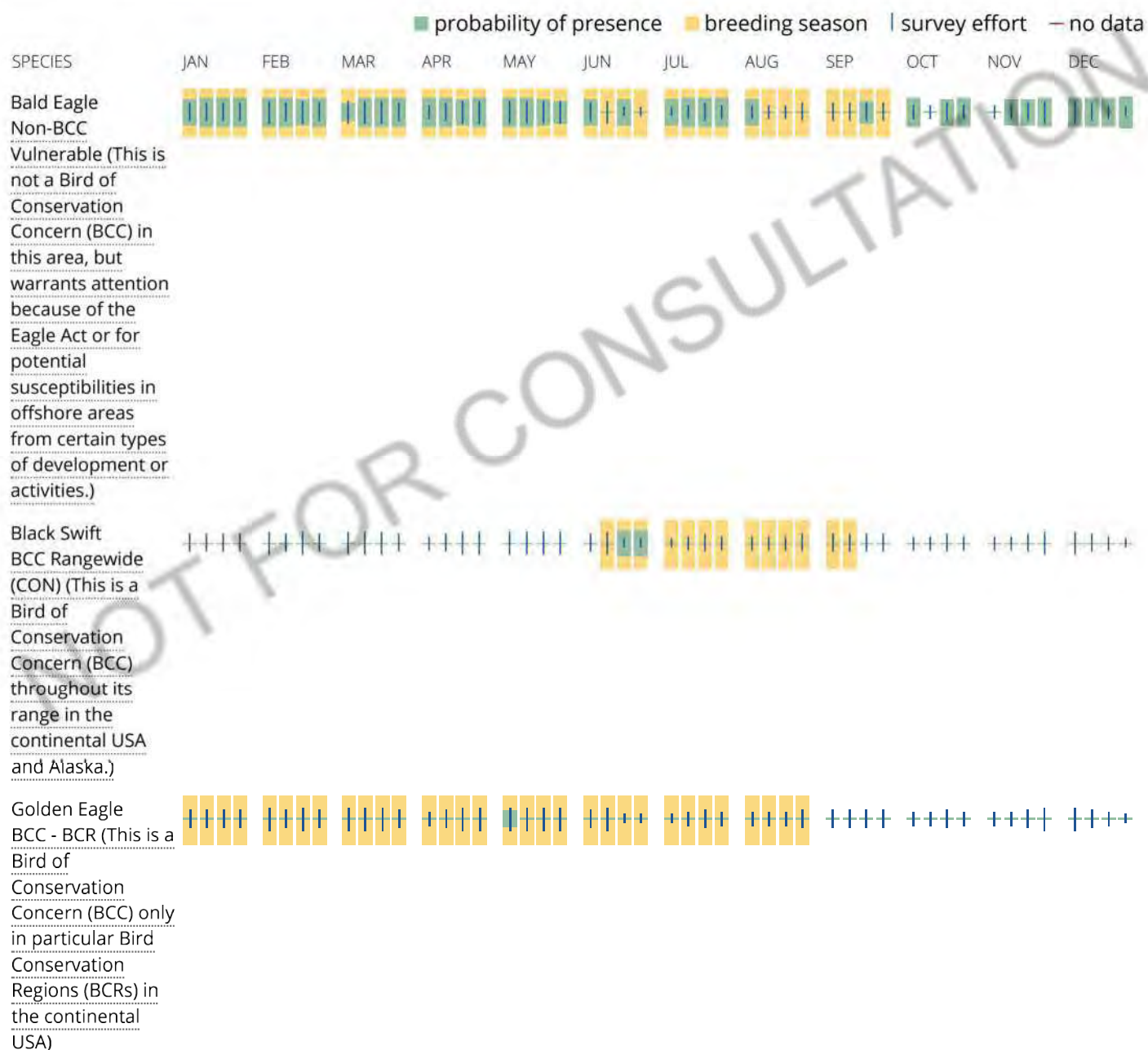
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

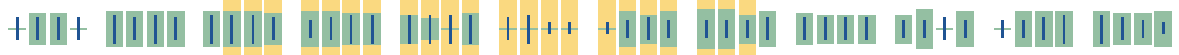
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Great Blue Heron
BCC - BCR (This is a
Bird of
Conservation
Concern (BCC) only
in particular Bird
Conservation
Regions (BCRs) in
the continental
USA)



Lesser Yellowlegs
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



Olive-sided
Flycatcher
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



Rufous
Hummingbird
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



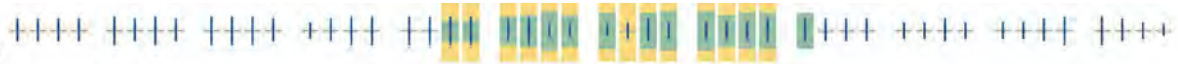
Semipalmated
Sandpiper
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



Whimbrel
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



Willow Flycatcher
BCC - BCR (This is a
Bird of
Conservation
Concern (BCC) only
in particular Bird
Conservation
Regions (BCRs) in
the continental
USA)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting

point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1C](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PFOA](#)

[PSSC](#)

RIVERINE

[R3UBH](#)[R5UBH](#)[R4SBC](#)[R3USC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

South Skagit Highway MP
17.21-17.56

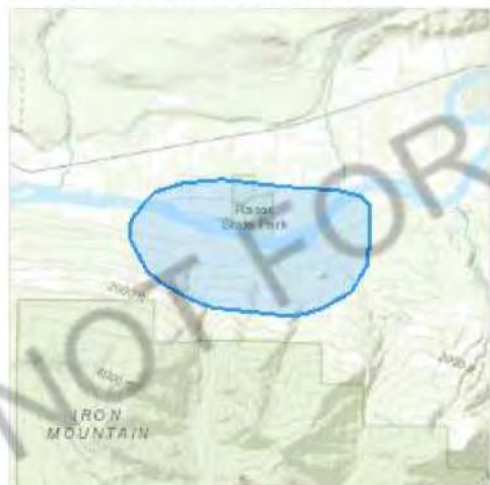
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Skagit County, Washington



Local office

Washington Fish And Wildlife Office

☎ (360) 753-9440

📠 (360) 753-9405

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263

<http://www.fws.gov/wafwo/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Gray Wolf *Canis lupus*

Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4467	Threatened
Northern Spotted Owl <i>Strix occidentalis caurina</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/1123	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6633	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened
Dolly Varden <i>Salvelinus malma</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1008	PSAT

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Bull Trout <i>Salvelinus confluentus</i> https://ecos.fws.gov/ecp/species/8212#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Dec 1 to Aug 31

Black Swift *Cypseloides niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8878>

Breeds Jun 15 to Sep 10

Golden Eagle *Aquila chrysaetos*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/1680>

Breeds Dec 1 to Aug 31

Lesser Yellowlegs *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

Olive-sided Flycatcher *Contopus cooperi*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3914>

Breeds May 20 to Aug 31

Willow Flycatcher *Empidonax traillii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/3482>

Breeds May 20 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

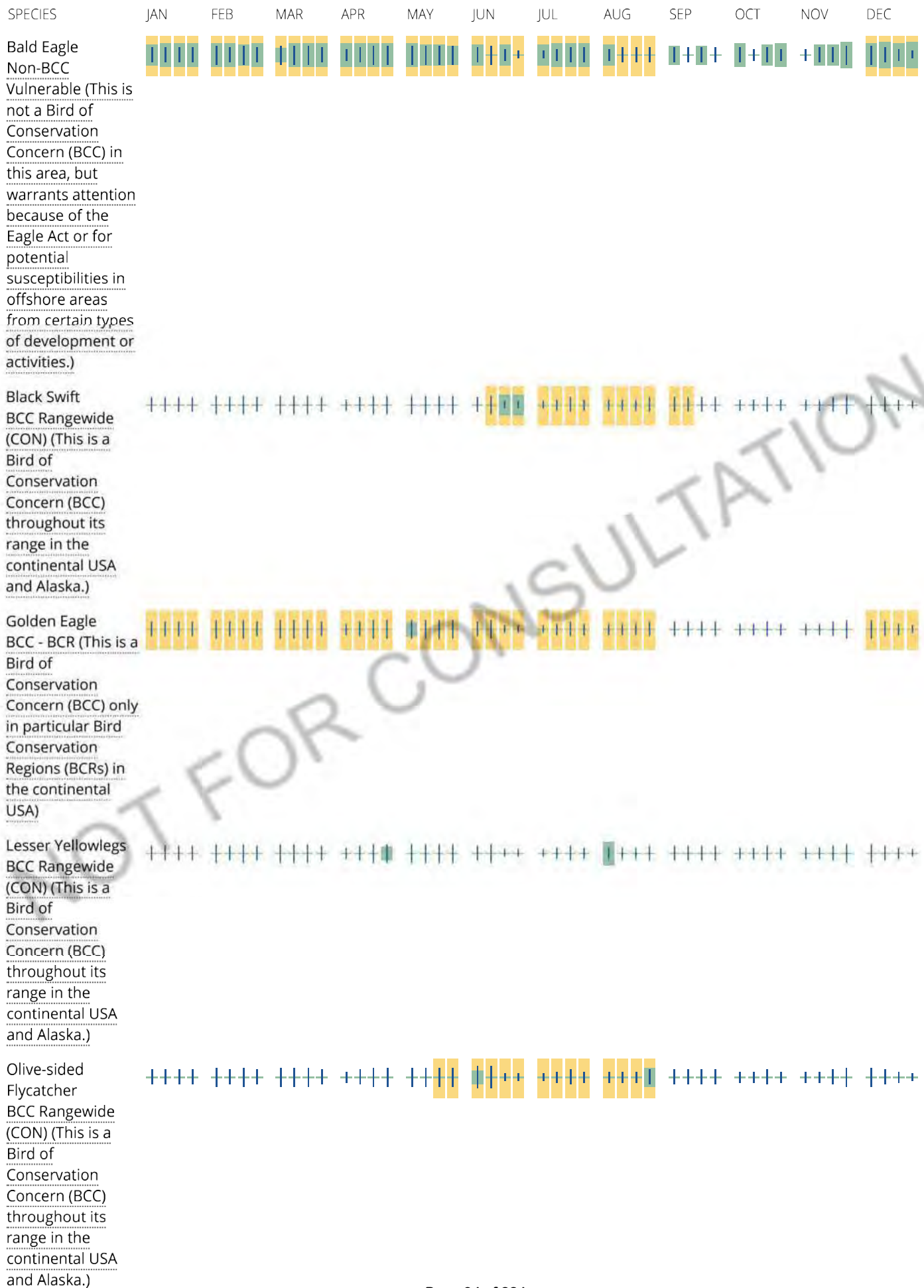
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

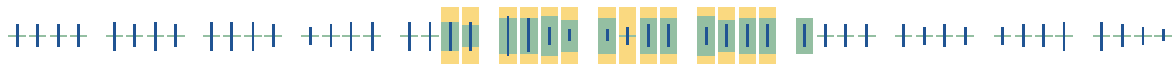
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Willow Flycatcher
 BCC - BCR (This is a
 Bird of
 Conservation
 Concern (BCC) only
 in particular Bird
 Conservation
 Regions (BCRs) in
 the continental
 USA)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1A](#)

[PEM1C](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PSSA](#)

[PSSC](#)

RIVERINE

[R3UBH](#)

[R5UBH](#)

[R3USC](#)

[R4SBC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Skagit County, Washington



Local office

Washington Fish And Wildlife Office

☎ (360) 753-9440

📅 (360) 753-9405

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263

<http://www.fws.gov/wafwo/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

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For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Gray Wolf *Canis lupus*

Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4467	Threatened
Northern Spotted Owl <i>Strix occidentalis caurina</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/1123	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6633	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened
Dolly Varden <i>Salvelinus malma</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1008	PSAT

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Bull Trout <i>Salvelinus confluentus</i> https://ecos.fws.gov/ecp/species/8212#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Dec 1 to Aug 31

Black Swift *Cypseloides niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8878>

Breeds Jun 15 to Sep 10

Olive-sided Flycatcher *Contopus cooperi*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3914>

Breeds May 20 to Aug 31

Willow Flycatcher *Empidonax traillii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/3482>

Breeds May 20 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be

used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (🟡)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Bald Eagle
Non-BCC
Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Black Swift
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Olive-sided Flycatcher
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Willow Flycatcher
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

RIVERINE

[R3UBH](#)

[R5UBH](#)

[R3USC](#)

[R4SBC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, **state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions** that may affect such activities.

NOT FOR CONSULTATION

Concrete Sauk Valley MP
4.39-4.50

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Skagit County, Washington



Local office

Washington Fish And Wildlife Office

☎ (360) 753-9440

📠 (360) 753-9405

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263

<http://www.fws.gov/wafwo/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Gray Wolf *Canis lupus*

Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4467	Threatened
Northern Spotted Owl <i>Strix occidentalis caurina</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/1123	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6633	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened
Dolly Varden <i>Salvelinus malma</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1008	PSAT

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Bull Trout <i>Salvelinus confluentus</i> https://ecos.fws.gov/ecp/species/8212#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Dec 1 to Aug 31

Black Swift *Cypseloides niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8878>

Breeds Jun 15 to Sep 10

Olive-sided Flycatcher *Contopus cooperi*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3914>

Breeds May 20 to Aug 31

Willow Flycatcher *Empidonax traillii*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/3482>

Breeds May 20 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be

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3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (🟡)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

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No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Bald Eagle
Non-BCC
Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



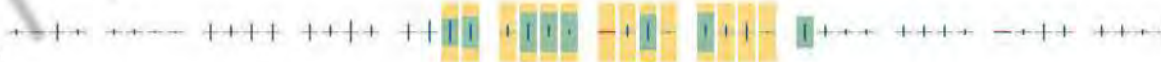
Black Swift
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Olive-sided Flycatcher
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Willow Flycatcher
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

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What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1C](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PFOA](#)

RIVERINE

[R3UBH](#)

[R5UBH](#)

[R3USC](#)

[R4SBC](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters.

Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

Data limitations

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**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
And NOTICE OF DECISION
For
Skagit County Public Works
File # PL20-0250**

PROJECT DESCRIPTION: Notice is hereby given that on July 14, 2020 Skagit County Planning and Development Services approved independent State Environmental Policy Act (SEPA) checklist review #PL20-0250 submitted by David Walde, on behalf of Skagit County Public Works, for the Bow Hill Road Reconstruction Project. The project proposal provides for the improvement of approximately 0.6 miles of Bow Hill Road from Darrk Lane (M.P. 0.610) to Old Highway 99 North (M.P. 0.000). The work will include, but is not limited to: installation of soil nail walls north of the road; installation of soldier pile wall south of the road; roadway and structure excavation; removal of existing soldier pile wall and concrete barriers; removal of existing guardrail; cooperative work with utilities and transfer existing services to a joint utility trench; installation of new guardrail and concrete barriers; clearing and grubbing; removal of a portion of the existing storm sewer pipes and catch basins; installation of new storm sewer pipes and catch basins; placing HMA; installing fencing; striping; erosion control, and other work as needed to repair Bow Hill Road. The project will generate approximately 7,400 cubic yards of unsuitable soils, and will import approximately 8,750 cubic yards of sand, gravel and rock for incorporation into the project. The proposed project is located within the Rural Reserve (RRv) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 5, 2016 and as thereafter amended.

PROPONENT: Skagit County Public Works, c/o David Walde, 1800 Continental Place, Mount Vernon, WA 98273.

PROJECT LOCATION: The project is located approximately 4.6 miles north of Burlington, Washington. The work will take place on Bow Hill Road between Darrk Lane (48° 55' 656" -122° 34' 380") and Old Highway 99 North Road (48° 55' 860" -122° 33' 243") Bow and Burlington, within a portion of Section 6, Township 35N, Range 4E W.M., and portion of Section 31, Township 36N, Range 4E W.M., situated within Skagit County, Washington. (Adjacent to P123324, P123310, P118026, P118034, P113488 P50417 and P35872).

LEAD AGENCY: Skagit County Planning and Development Services.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. 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. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater Management Ordinance. Said measures shall remain in place until completion of the project.
2. The applicant shall comply with Northwest Clean Air Agency requirements.
3. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
4. The applicant shall comply with Fire Code Standards.

5. An engineered soils compaction report shall be required for all structures placed on fill material.
6. The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).
7. This project may be subject to one of Ecology's National Pollutant Discharge Elimination Systems (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715- 5200.
8. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured of adequate size to protect it from further disturbance until the State provides a notice to proceed. Within 24 hours, of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. The discovery of any human skeletal remains must be reported to law enforcement immediately. If following consultation with the above parties it is determined that further archaeological and cultural resource assessments are required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

The Lead Agency previously issued a comment period for this proposal under the Optional DNS process outlined under WAC 197-11-355.

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the threshold determination.

Appeals must be submitted no later than: **July 30, 2020**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Brandon Black, Senior Planner – Team Supervisor

MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273.

PHONE: (360) 416-1320

Date: 7-14-20

Signature



On behalf of Hal Hart

Planning and Development Services Director

cc: WDOE, Public Works, NW Clean Air Agency, Fire Marshal, WSDF&W, Skagit River Systems Coop, DAHP, Army Corps., Upper Skagit Indian Tribe, Samish Indian Nation, Critical Areas and Stormwater review staff, WSDOT, PUD Cascade Natural Gas, Puget Sound Energy, Applicant

Please Publish: 7-16-20

SOCIAL & COMMUNITY IMPACTS DECISION MATRIX

The following decision matrix is an approach that uses a series of questions with Yes/No answers to provide direction on when additional analysis and documentation is appropriate for a proposed project. If additional documentation is necessary, consider all potential sources of impacts to protected populations in the analysis.

- 1) Are any protected populations present within the proposed limits of the project's impacts?

No – Document findings on CE documentation form and include demographic data; findings should be confirmed by using at least two information sources. No further analysis is required.

☒ Yes – Proceed to question 2.

- 2) Does the project require permanent right-of-way acquisition?

No – Document findings on CE documentation form and include demographic data; findings should be confirmed by using at least two information sources. No further analysis is required.

☒ Yes – Proceed to question 3.

- 3) Does the proposed project require any relocation of real and/or personal property?

☒ No – Document findings on CE documentation form and include demographic data; findings should be confirmed by using at least two information sources. Proceed to question 4.

Yes – An EJ memo is likely required. If so, the local agency must describe the project impacts and analyze their severity. Proceed to question 5.

- 4) Does the permanent right of way acquisition require more than 10 percent of any parcel?

☒ No – Document findings on CE documentation form and include demographic data; findings should be confirmed by using at least two information sources. No further analysis is required.

Yes – Proceed to question 5.

- 5) Does the proposed project require displacement of more than 10 residences or businesses?

No – An EJ memo is required. The local agency must describe and analyze the proposed project's potential impacts in the form of an EJ Memo.

Yes – This project will require a discipline report and public outreach to make an environmental justice determination.

Location: User-specified polygonal location
Ring (buffer): 0.5-miles radius
Description: Francis Road Reconstruction Section 1

Summary	Census 2010
Population	381
Population Density (per sq. mile)	269
Minority Population	50
% Minority	13%
Households	144
Housing Units	159
Land Area (sq. miles)	1.42
% Land Area	92%
Water Area (sq. miles)	0.12
% Water Area	8%

Population by Race	Number	Percent
Total	381	
Population Reporting One Race	360	94%
White	336	88%
Black	3	1%
American Indian	4	1%
Asian	1	0%
Pacific Islander	0	0%
Some Other Race	15	4%
Population Reporting Two or More Races	21	6%
Total Hispanic Population	28	7%
Total Non-Hispanic Population	353	93%
White Alone	331	87%
Black Alone	3	1%
American Indian Alone	3	1%
Non-Hispanic Asian Alone	1	0%
Pacific Islander Alone	0	0%
Other Race Alone	0	0%
Two or More Races Alone	14	4%

Population by Sex	Number	Percent
Male	193	51%
Female	188	49%

Population by Age	Number	Percent
Age 0-4	17	5%
Age 0-17	72	19%
Age 18+	309	81%
Age 65+	55	15%

Households by Tenure	Number	Percent
Total	144	
Owner Occupied	102	71%
Renter Occupied	42	29%

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

Source: U.S. Census Bureau, Census 2010 Summary File 1.

Location: User-specified polygonal location

Ring (buffer): 0.5-miles radius

Description: Francis Road Reconstruction Section 1

Summary of ACS Estimates		2013 - 2017		
Population		351		
Population Density (per sq. mile)		248		
Minority Population		10		
% Minority		3%		
Households		142		
Housing Units		156		
Housing Units Built Before 1950		65		
Per Capita Income		30,825		
Land Area (sq. miles) (Source: SF1)		1.42		
% Land Area		92%		
Water Area (sq. miles) (Source: SF1)		0.12		
% Water Area		8%		
		2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Race				
Total		351	100%	175
Population Reporting One Race		345	98%	285
White		343	98%	178
Black		0	0%	12
American Indian		0	0%	12
Asian		0	0%	12
Pacific Islander		0	0%	12
Some Other Race		2	1%	59
Population Reporting Two or More Races		6	2%	19
Total Hispanic Population		4	1%	61
Total Non-Hispanic Population		347		
White Alone		341	97%	181
Black Alone		0	0%	12
American Indian Alone		0	0%	12
Non-Hispanic Asian Alone		0	0%	12
Pacific Islander Alone		0	0%	12
Other Race Alone		0	0%	12
Two or More Races Alone		6	2%	19
Population by Sex				
Male		171	49%	85
Female		180	51%	113
Population by Age				
Age 0-4		28	8%	68
Age 0-17		73	21%	81
Age 18+		278	79%	139
Age 65+		55	16%	64

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017

Location: User-specified polygonal location

Ring (buffer): 0.5-miles radius

Description: Francis Road Reconstruction Section 1

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	256	100%	110
Less than 9th Grade	0	0%	12
9th - 12th Grade, No Diploma	16	6%	35
High School Graduate	83	32%	85
Some College, No Degree	130	51%	80
Associate Degree	31	12%	47
Bachelor's Degree or more	27	11%	48
Population Age 5+ Years by Ability to Speak English			
Total	323	100%	138
Speak only English	311	96%	137
Non-English at Home ¹⁺²⁺³⁺⁴	12	4%	71
¹ Speak English "very well"	10	3%	59
² Speak English "well"	1	0%	27
³ Speak English "not well"	0	0%	14
⁴ Speak English "not at all"	0	0%	12
³⁺⁴ Speak English "less than well"	0	0%	14
²⁺³⁺⁴ Speak English "less than very well"	2	0%	28
Linguistically Isolated Households*			
Total	0	100%	13
Speak Spanish	0	0%	12
Speak Other Indo-European Languages	0	100%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
Households by Household Income			
Household Income Base	142	100%	58
< \$15,000	16	11%	38
\$15,000 - \$25,000	21	15%	36
\$25,000 - \$50,000	22	16%	50
\$50,000 - \$75,000	21	15%	38
\$75,000 +	61	43%	58
Occupied Housing Units by Tenure			
Total	142	100%	58
Owner Occupied	102	72%	59
Renter Occupied	40	28%	56
Employed Population Age 16+ Years			
Total	287	100%	129
In Labor Force	178	62%	132
Civilian Unemployed in Labor Force	9	3%	41
Not In Labor Force	110	38%	94

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified polygonal location

Ring (buffer): 0.5-miles radius

Description: Francis Road Reconstruction Section 1

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	N/A	N/A	N/A
English	N/A	N/A	N/A
Spanish	N/A	N/A	N/A
French	N/A	N/A	N/A
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	N/A	N/A	N/A
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	N/A	N/A	N/A
Chinese	N/A	N/A	N/A
Japanese	N/A	N/A	N/A
Korean	N/A	N/A	N/A
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	N/A	N/A	N/A
Other Asian	N/A	N/A	N/A
Tagalog	N/A	N/A	N/A
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	N/A	N/A	N/A
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	N/A	N/A	N/A
Total Non-English	N/A	N/A	N/A

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017.

*Population by Language Spoken at Home is available at the census tract summary level and up.



Washington State Summary

Clear Lake Elementary School



23631 Lake Street
Clear Lake, WA 98235-0000



360.855.3530

Enrollment

(2019-20 School Year)

286



10%

English
Learners

45%

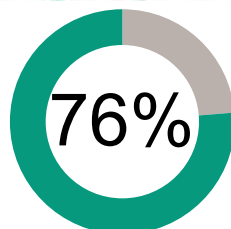
Low
Income

Student Performance

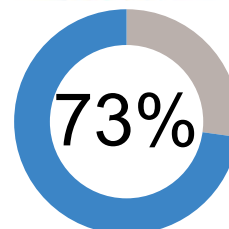
How are we doing getting students to their learning goals?



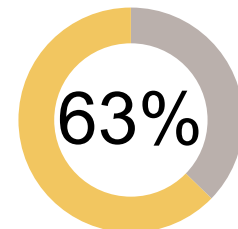
English
Language Arts



Math



Science



Met grade level standards on state administered tests

How engaged are our students?

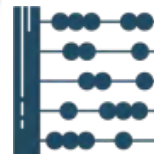


Have Regular
Attendance



26%

Have High English
Language Arts Growth



38%

Have High Math
Growth

About Our Teachers and Classrooms



22

Number of
Teachers

45.5%

Have Master's
Degree or Higher

8.9

Average Years
Experience

13.5

Number of Students per
Teacher



Finances

How much money do we
spend on each student?

\$14,101

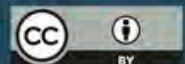
Staff Salary &
Benefits

\$2,034



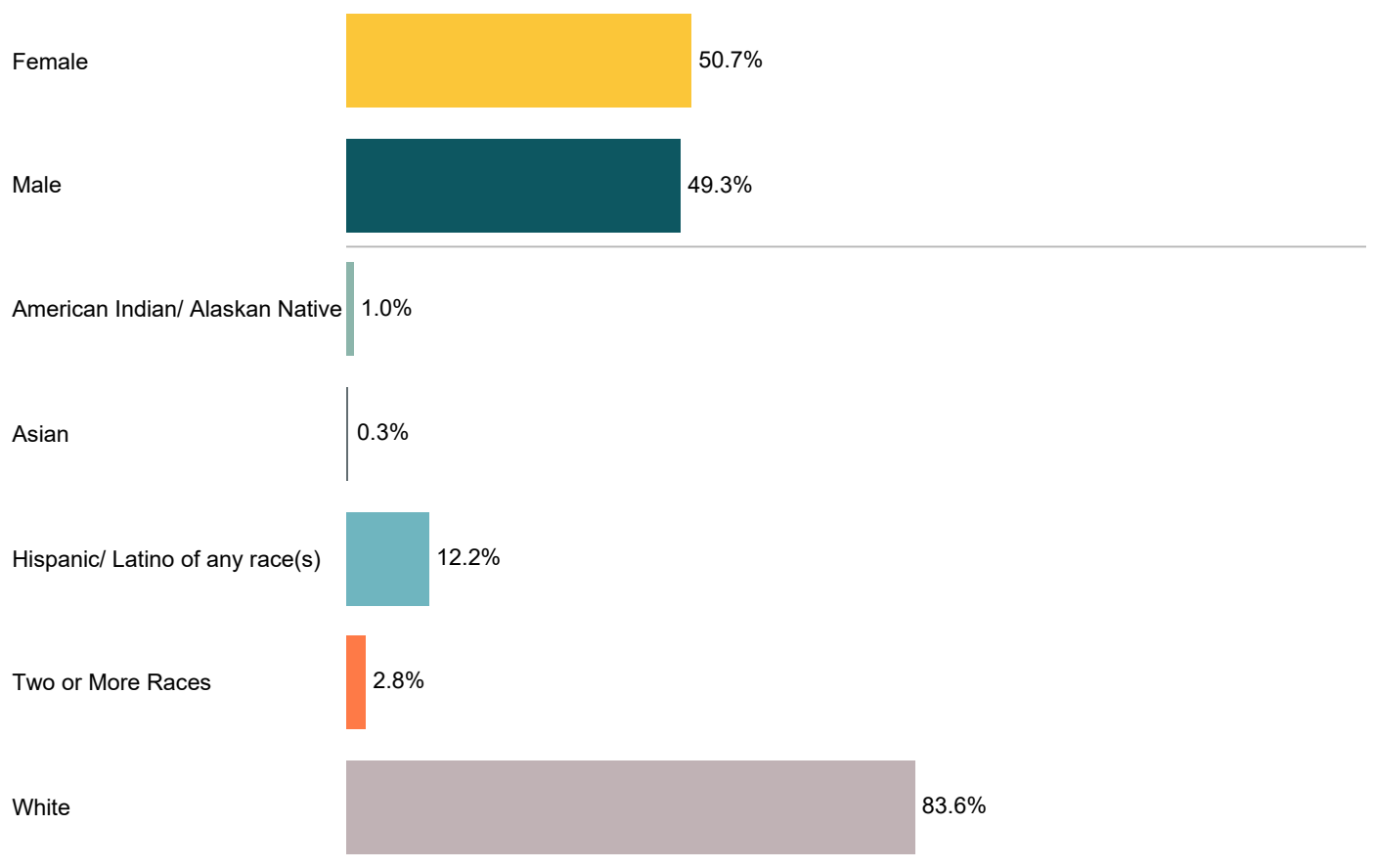
Non-Personnel Costs

All information is for the 2018-19 school year, unless otherwise noted. To see more from the Washington State Report Card, visit WashingtonStateReportCard.OSPI.k12.wa.us/ReportCard/ViewSchoolOrDistrict/102384. If you have questions or comments, contact ReportCardRedesign@k12.wa.us



Clear Lake Elementary School

2019-20





Federal Aid Project Number HSIP-000s(579)	NEPA Start Date June 11, 2021	Intent of Submittal <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency Skagit County	Project Title Illuminate Channelized Intersections	
County Skagit		
Beginning terminus: <u>Varies</u>	Township(s): <u>34 / 34 / 35</u>	
Ending terminus: <u>Varies</u>	Range(s): <u>01 / 03 / 08</u>	
Miles: _____	Section(s): <u>02 / NE 32 / 15-16</u>	

Part 1 - Project Description (Attach Vicinity Map)

The project involves the installation of new street lights at three intersection in Skagit County; Havekost Road and Marine Drive, Best Road and Chilberg Road and South Skagit Highway and Concrete Sauk Valley Road.


At every location the new lights will be installed upon new wood poles. All materials comprised of steel or iron will be manufactured and processed in the United States meeting the requirements of "Buy America".

These intersections have been identified as having a high percentage of nighttime crashes. This project will install new lighting to allow for increased visibility at these intersections, as well as non-motorized use of the roadway. Additionally, the new lights will be low energy LED to reduce the amount of energy consumption.

Part 2 - Categorical Exclusion & STIP

- Identify one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project **C#27**
- Per 23 CFR Part 452(l) identify the subsequent project phase identified on the STIP? ☐ ROW ☒ Construction
- Attach a copy of the STIP page to the CE documentation form.

NEPA Approval Signatures

<u>Paul G. Dordella</u>	<u>6.22.21</u>	_____	_____
Local Agency Approving Authority	Date	Local Programs Environmental Engineer	Date
	Digitally signed by Mehrdad Moini, PE Date: 2021.06.28 13:19:07 -07'00'	CE per PA	7/13/21
Regional Local Programs Engineer	Date	Federal Highway Administration	Date

Completed By (Print Official's Name) Bobbi Fisher	Telephone (include area code) 360-416-1439	E-mail Address bfisher@co.skagit.wa.us
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Part 3 - Permits, Approvals & Right of Way (ROW)

Yes	No	Permit or Approval	Yes	No	Permit or Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input type="checkbox"/> Nationwide Type _____ <input type="checkbox"/> Individual Permit No. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Quality Certification - Section 401 Issued By _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Coastal Zone Management Certification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tribal Permit(s) (if any) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Permits (List) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Forest Practices Act Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is permanent ROW acquisition needed? If yes, amount needed: _____ (acres/sq. ft.).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hydraulic Project Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any temporary ROW needed?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Building or Site Development Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is relocation required?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Clearing and Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Has ROW (property and/or property interests) been acquired <u>for this project</u> prior to the NEPA start date? If yes, documentation demonstrating compliance with 23 CFR 710.501 may be required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is a detour required? If yes, please attach detour information.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreline Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Waste Discharge Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Rights Permit			

U.S. Coast Guard Permitting

- a. Does the project propose any new or modify any existing bridges or culverts crossing a waterway? ☐ Yes ☒ No
- b. If Yes, attach a copy of the jurisdictional determination email or letter from the U.S. Coast Guard.

Other Federal Agencies - Does the project involve any federal properties, approvals or funding from other/additional federal agencies? ☐ Yes ☒ No If Yes, please describe.

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 exempt from Air Quality conformity requirements? ☒ Yes ☐ No

- a. If Yes, identify exemption - please refer to Appendix G in the CE Guidebook for a list of exemptions.

Saftey, lighting Improvements

- b. Is the project included in the Metropolitan Transportation Plan? ☐ Yes ☒ No

If Yes, date Metropolitan Transportation Plan was adopted _____

- c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10 or PM 2.5? ☐ Yes ☒ No

2. Critical and Sensitive Areas

- a. Is this project within 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. Will this project impact Species/Habitat other than ESA listed species? ☐ Yes ☒ No Explain your answer.

- c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?

☒ Yes ☐ No If Yes, the local agency must go to the US Fish & Website (<http://www.fws.gov/pacific/eagle/>) and work through the Do I Need a Permit? section. See attachment for letter that no permit is needed. This project will have little to no impact as the only construction activities will be for the brief installation of the guardrail.

- d. Are wetland 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 J of the CE Guidebook?

☒ Yes ☐ No If Yes, note exemptions below.

OK per TD-6/18/21-MV

A-2 - Installation of safety appurtenances and traffic control devices including lighting.

If No: Date of DAHP concurrence: _____

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

- a. Is the project located in a 100-year floodplain? ☐ Yes ☒ No
- b. If Yes, is the project located within a 100-year floodway? ☐ Yes ☒ No
- c. 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).

- a. Does the project require excavation below the existing ground surface? ☒ Yes ☐ No
- b. Will groundwater be encountered? ☐ Yes ☒ No
- c. Will any properties be acquired as part of this project? ☐ Yes ☒ No
- d. Is this site located in an undeveloped area (i.e. no buildings, parking, storage areas or agriculture)? ☐ Yes ☒ No
- e. Is the project located within a one-mile radius of a known Superfund Site? ☐ Yes ☒ No
- f. 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), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)
- ☐ Underground Storage Tank (UST)
- ☐ Leaking Underground Storage Tank (LUST)
- ☐ Confirmed and Suspected Contaminated Sites List (CSCSL)
- g. Has site reconnaissance (windshield survey) been performed? ☒ Yes ☐ No (Please identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).
- h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? ☐ Yes ☒ No

Please explain:

There are no sites within a half mile that can contaminate the soil. There are also no superfund sites located within one mile of the sites.

If you responded Yes to any of these questions above (5A - 5F or 5H), contact your Region LPE for assistance as a "Right-Sized" HazMat Analysis Report/Memorandum most likely will be required.

6. Noise

- a. Does the project involve constructing a new roadway? ☐ Yes ☒ No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway? ☐ Yes ☒ No
- c. Does the project increase the number of through traffic lanes on an existing roadway? ☐ Yes ☒ No
- d. Is there a change in the topography? ☐ Yes ☒ No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project? ☐ Yes ☒ No
- f. 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. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

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

None Identified

- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.

None Identified

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

None Identified

8. Agricultural Lands -

- a. Are there agricultural lands within 300 feet of the project limits? ☒ Yes ☐ No If Yes, describe impacts:

There will be no impact to the agricultural land as we are illuminating the intersections.

- b. Are impacted lands considered to be unique and prime farmland? ☐ Yes ☒ No

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

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.

no water bodies will be impacted.

- b. Identify stream crossing structures by type.

N/A

10. Tribal Lands - Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do no list usual and accustomed area.

There will be no impact to tribal lands from this project

11. Water Quality/Stormwater

- a. Will this project's proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual?

☒ Yes ☐ No The project will be constructed outside of the existing impervious surfaces and will not create any new impervious surface as it is only for the installation of street lighting.

If No, explain proposed water quality/quantity treatment for the new and any existing pollution generating impervious surface associated with the proposed project.

- b. Amount of existing pollution generating impervious surface within the project limits: 35,342 square feet
- c. Net new pollution generating impervious surface to be created as a result of this project: None
- d. Amount of proposed post-project untreated pollution generating impervious surface: None

12. Previous Environmental Commitments

Describe previous environmental commitments that may affect or be affected by the project - if any.

There are no known previous commitments

13. Environmental Justice - Does the project meet any of the exemptions noted in Appendix L of the CE Documentation Guidebook?

If Yes, please note the exemption and appropriate justification in the space below.

2) - new installation, replacement or repair of lighting within existing right-of-way limits.

If No, attach Appendix M and supporting documentation as required per the decision matrix. This will include at least two demographic information sources and possibly a description of anticipated project impacts.

Please refer to the CE Guidebook for more information.

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 Attach species listings.

Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Will the project involve any in-water work?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Will construction occur outside the existing pavement? If Yes go to 9a.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.		
<p>Work outside of the existing pavement will entail the installation of new street light pole bases and the associated trench work to provide buried power to said lights. The area where work will take place is currently gravel with light weeds.</p>		

Analysis for RRMP ESA 4(d) determination for NMFS – A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

Maintenance Category (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface | <input type="checkbox"/> 6. Stream Crossings | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems | <input type="checkbox"/> 7. Gravel Shoulders | <input type="checkbox"/> 12. Concrete |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems |
| <input type="checkbox"/> 4. Open Drainage Systems | <input type="checkbox"/> 9. Bridge Maintenance | <input type="checkbox"/> 14. Water Systems |
| <input type="checkbox"/> 5. Watercourses and Streams | <input type="checkbox"/> 10. Snow and Ice Control | <input type="checkbox"/> 15. Vegetation |

Describe how the project fits in the RRMP 4(d) Program:

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.

	NMFS	NE OK per HP	USFWS	EFH Determination
<input checked="" type="checkbox"/> No Effect	6/18/21		6/18/21	<input checked="" type="checkbox"/> No Adverse Effect
<input type="checkbox"/> NLTA - Date of Concurrence	_____		_____	<input type="checkbox"/> Adverse Effect - Date of NMFS concurrence _____
<input type="checkbox"/> LTAA - Date BO Issued	_____		_____	
<input type="checkbox"/> RRMP 4(d)	_____			<input checked="" type="checkbox"/> Not Applicable

Part 6 - FHWA Comments



HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

2019 COUNTY SAFETY PROGRAM PRIORITY PROJECT VICINITY MAP

INTERSECTION:
ILLUMINATION:
HAVEKOST / MARINE



INTERSECTION:
ILLUMINATION:
BEST / CHILBERG

INTERSECTION:
ILLUMINATION:
S SKAGIT /
CONCRETE-SAUK VALLEY



United States Department of the Interior



FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
MBSP-MBHP

Dear User,

Thank you for using the U.S. Fish and Wildlife Service - Region 1(Service) Eagle Permit Recommendation Tool (EPRT) to determine risk to eagles. Based on the answers to your questions, we have determined that your project or activity, is consistent with the Service's recommendations for avoiding disturbance of eagles in the Pacific Region (ID, OR, and WA) and is unlikely to take eagles in violation of federal laws.

Below is a record of the questions, and your responses to them, that led us to that determination.

Activity Type: Construction Maintenance and General Activities

1.) Will the activity or resulting human presence occur within one mile of an eagle nest or roost?

Response: Yes

2.) Are you concerned about impacts to golden eagles, bald eagles, or both from your activity?

Response: Bald Eagles

3.) Will the activity or resulting human presence occur within 660 feet of the nearest bald eagle nest or roost?

Response: No

Please print, sign, and date this certificate, and keep in your records for five (5) years after your project or activity is completed. By printing this document, and signing and dating it for your records, you agree that the above responses are true, and that you commit to implement your project as described above. You also agree to revisit the Service's EPRT to determine whether or not technical assistance, or a permit, may be necessary should any details of the project or activity change substantially.

User Signature: _____

Date: _____

Name (Print): _____

Title: _____

Physical Address / Location of Project:

Following the Service's recommendations and implementing your project or activity as described above will substantively reduce the likelihood of take; however, take may occur even if all avoidance and minimization measures above are followed. Though it is not possible to absolve individuals and entities from liability under the Eagle Act if take (defined to include pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) should occur, the Service prioritizes its enforcement efforts on those individuals or entities who take eagles without implementing appropriate measures recommended by the Service, such as the Bald Eagle Management Guidelines.

You are responsible for determining if additional authorization from federal, state, local, or tribal governments is needed.



SKAGIT COUNTY PUBLIC WORKS EPARTMENT

1800 Continental Place, Mount Vernon, WA 98273-5625
(360) 416-1400 FAX (360) 416-1405

MEMORANDUM

DATE: June 11, 2021

TO: Mike Davis, WSDOT Local Programs NW Region

FROM: Bobbi Fisher, Skagit County Project Manager

SUBJECT: Area of Potential Effect (APE)
Illuminate Channelized Intersections
Project #ES10910-3
HSIP-000S(579)

Skagit County Public Works is submitting this APE package for review of the Illuminate Channelized Intersection project under 36 CFR 800.16(d). The project is Categorically Exempt as it will take place within existing pre-disturbed right-of-way and does not adversely affect any listed or threatened species. The following information is being provided for comment at your earliest convenience.

PROJECT DESCRIPTION

This project is intended to improve safety at three intersections within Skagit County. Work will be performed at the intersections of Havekost Road and Marine Drive, Best Road and Chilberg Road, & South Skagit Highway and Concrete Sauk Valley Road to provide street lighting. This will include the installation of new poles with arms and lights and the installation of new overhead and underground power to supply the lights. All lights will be long life low wattage LED's.

SITE LOCATION

The intersection at Havekost Road and Marine Drive is classified as Rural Intermediate, traversing on fairly flat terrain near the water in a rural area south of Anacortes, Washington. The improvements for this project will occur within Section 2 of Township 34 North, Range 01 East, of the Willamette Meridian, in Western Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

The intersection at Best Road and Chilberg Road is classified as Agricultural- Natural Resource Land, traversing on fairly flat agricultural terrain in a rural area east of LaConner, Washington. The improvements for this project will occur within the North East corner of Section 32 of Township 34 North, Range 03 East, of the Willamette Meridian, in Western Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

The intersection at South Skagit Highway and Concrete Sauk Valley Road is classified as Secondary Forest- Natural Resource Land, traversing on near the Skagit River in a rural area South East of Concrete, Washington. The improvements for this project will occur within Section 16 of Township 35 North, Range 08 East, of the Willamette Meridian, in Central Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

CROSS-SECTION

The existing roadways at each intersection cross section has 11 foot paved lanes with 2-4 foot shoulders. This project will not affect the existing roadway.

GROUND DISTURBING ACTIVITIES

Minor ground disturbing activities will take place in the form of shallow excavation (3' to 6' deep). Installation of the street lighting system will include excavation to install light pole base tubes and power conduit to each new pole base. All excavation will take place within the existing Right of Way in an area that has been previously disturbed.

RIGHT OF WAY

The existing Right of Way, through all project sites, is typically 60' wide, Chilberg Road Right of Way is 50'. There are no known easements within the current project limits. There are easements for properties nearby, however these easements will not affect the project because the construction area is on the other side of the road from these properties. Impacts to the adjacent land owners will be minimal over the entire length of the project. It is not anticipated that we will need additional Right of Way as all of the lighting equipment will be constructed within the existing Right of Way. We do not anticipate that temporary construction and/or slope easements will need to be acquired for this project for the installation of street lighting appurtenances.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Skagit County, Washington



Local office

Washington Fish And Wildlife Office

☎ (360) 753-9440

📠 (360) 753-9405

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263

<http://www.fws.gov/wafwo/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Gray Wolf *Canis lupus*

Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4467	Threatened
Streaked Horned Lark <i>Eremophila alpestris strigata</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7268	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6633	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/8212	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS INDICATED
FOR A BIRD ON YOUR LIST, THE
BIRD MAY BREED IN YOUR
PROJECT AREA SOMETIME WITHIN
THE TIMEFRAME SPECIFIED,
WHICH IS A VERY LIBERAL
ESTIMATE OF THE DATES INSIDE
WHICH THE BIRD BREEDS
ACROSS ITS ENTIRE RANGE.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Skagit County, Washington



Local office

Washington Fish And Wildlife Office

☎ (360) 753-9440

📠 (360) 753-9405

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263

<http://www.fws.gov/wafwo/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Gray Wolf *Canis lupus*

Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4467	Threatened
Streaked Horned Lark <i>Eremophila alpestris strigata</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7268	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/8212	Threatened
Dolly Varden <i>Salvelinus malma</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1008	PSAT

Flowering Plants

NAME	STATUS
Golden Paintbrush <i>Castilleja levisecta</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7706	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

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For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS INDICATED
FOR A BIRD ON YOUR LIST, THE

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Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
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Northern Spotted Owl <i>Strix occidentalis caurina</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/1123	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6633	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened
Dolly Varden <i>Salvelinus malma</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1008	PSAT

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Bull Trout <i>Salvelinus confluentus</i> https://ecos.fws.gov/ecp/species/8212#crithab	Final

Migratory birds

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Federal Aid Project Number: STPR-7318(001)	NEPA Start Date: 11-26-19	Intent of Submittal: <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency: Skagit County	Project Title: Josh Wilson Road Phase 1	
County: Skagit County		
Beginning terminus: <u>MP 1.80</u>	Township(s): <u>35N</u>	
Ending terminus: <u>MP 2.90</u>	Range(s): <u>3E</u>	
Miles: <u>1.10</u>	Section(s): <u>25, 26, 27, 34, 35, 36</u>	

Part 1 - Project Description (Attach Vicinity Map)

Skagit County is proposing to reconstruct and widen an approximate 1.10-mile section of Josh Wilson Road. The proposed beginning terminus for the project begins near milepost (MP) 2.90 and continues east along Josh Wilson Road to end near MP 1.80.

Project activities will include clearing, grubbing, regrading, and paving. The current roadway section includes two 11-foot wide travel lanes with substandard shoulders varying in width from 5 to 8 feet. The proposed roadway section will include two 12-foot wide travel lanes with 8-foot shoulders. Work at the west end of the project will include replacing a failing 9-foot diameter culvert and tapering the new road into the existing road. Culverts along the north side of the roadway will be extended to allow for roadway widening to the north.

The purpose of the proposed project is to stabilize and reconstruct the failing road base and will include improvements to the roadway and replacement of a large culvert. Additionally, existing roadside water hydrants and valves will be relocated to the north side of the newly-widened roadway and culverts under the roadway will be extended northward.

Part 2 - Categorical Exclusion & STIP

- Identify one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project **23 CFR 771.117(d)(13) C(23)**
- Per 23 CFR Part 452(l) identify the subsequent project phase identified on the STIP? ☐ ROW ☒ Construction
- Attach a copy of the STIP page to the CE documentation form.

NEPA Approval Signatures

Paul A. Rodella
Local Agency Approving Authority

2.4.2020
Date

[Signature]
Local Programs Environmental Engineer

3/6/2020
Date

[Signature]
Regional Local Programs Engineer

4-Mar-2020
Date

CE for P&D
Federal Highway Administration

3/6/2020
Date

Completed by (Print Official's Name): Ross Widener	Telephone (include area code): 425-332-3961	E-mail address: rwidener@prodigy.net
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RECEIVED

Part 3 - Permits, Approvals & Right of Way (ROW)			
Yes	No	Permit or Approval	Permit or Approval
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input checked="" type="checkbox"/> Nationwide Type <u>NWP 14</u> <input type="checkbox"/> Individual Permit No. _____	<input checked="" type="checkbox"/> <input type="checkbox"/> Water Quality Certification – Section 401 Issued by <u>Ecology</u> <input type="checkbox"/> <input checked="" type="checkbox"/> Tribal Permit(s) (if any) _____ <input type="checkbox"/> <input checked="" type="checkbox"/> Other Permits (List) _____ <input checked="" type="checkbox"/> <input type="checkbox"/> Is permanent ROW acquisition needed? If yes, amount needed: <u>0.844 acres ROW acquisition; 0.516 acres</u> <u>Perm. easement</u> _____ (acres/sq. ft.). <input checked="" type="checkbox"/> <input type="checkbox"/> Is any temporary ROW needed? <input type="checkbox"/> <input checked="" type="checkbox"/> Is relocation required? <input type="checkbox"/> <input checked="" type="checkbox"/> Has ROW (property and/or property interests) been acquired <u>for this project</u> prior to the NEPA start date? If yes, documentation demonstrating compliance with 23 CFR 710.501 may be required. <input checked="" type="checkbox"/> <input type="checkbox"/> Is a detour required? If yes, please attach detour information.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Coastal Zone Management Certification	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Forest Practices Act Permit	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydraulic Project Approval	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Building or Site Development Permits	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Clearing and Grading Permit	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreline Permit	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Waste Discharge Permit	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Rights Permit	
U.S. Coast Guard Permitting			
a. Does the project propose any new or modify <u>any</u> existing bridges or culverts crossing a waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
b. If Yes, attach a copy of the jurisdictional determination email or letter from the U.S. Coast Guard. Letter Attached			
Other Federal Agencies - Does the project involve any federal properties, approvals or funding from other/additional federal agencies? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please describe.			
Funding from Surface Transportation Program (FHWA), permit from USACE			

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 exempt from Air Quality conformity requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No a. If Yes, identify exemption – please refer to Appendix G in the CE Guidebook for a list of exemptions. Safety – Widening narrow pavements or reconstructing bridges (no additional travel lanes) b. Is the project included in the Metropolitan Transportation Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, date Metropolitan Transportation Plan was adopted <u>March 16, 2016</u> c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10 or PM 2.5? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Critical and Sensitive Areas a. Is this project within a sole source aquifer <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. Will this project impact Species/Habitat other than ESA listed species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Explain your answer. This project has the potential to impact aquatic species potentially found within the drainage ditches being impacted by culvert replacement and extensions. Fish exclusion protocols will be implemented to reduce any impacts to these species. Please refer to attached Project Waterways Map for labelled features. c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?	

☐ Yes ☒ No If Yes, the local agency must go to the US Fish & Website (<http://www.fws.gov/pacific/eagle/>) and work through the *Do I Need a Permit?* section.

- 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 J of the CE Guidebook?

☐ Yes ☒ No If Yes, note exemptions below.

If No: Date of DAHP concurrence: April 9, 2019

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

- a. Is the project located in a 100-year floodplain? ☒ Yes ☐ No
b. If Yes, is the project located within a 100-year floodway? ☐ Yes ☒ No
c. Will the project impact a 100-year floodplain? ☒ Yes ☐ No If Yes, describe impacts.

The project lies within the mapped 100-year floodplain as shown on FEMA maps 5301510250C (effective 1/3/1985) and 5301510235D (effective 9/29/1989). The project occurs in zone A8. The project area is shown on Skagit County's Major Dike Failures map (1996) as being within the 100-year floodplain in the event of a dike failure. Impacts will include increasing impervious surface areas, replacing failing culverts, and widening the roadway by regrading and filling areas on the northern roadway edge. This project is designed to have the least impacts to the floodplain while providing necessary safety improvements to the current existing roadway. The project does not include significant encroachment within the base floodplain as defined by 23 CFR 650.113.

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

- a. Does the project require excavation below the existing ground surface? ☒ Yes ☐ No
b. Will groundwater be encountered? ☐ Yes ☒ No
c. Will any properties be acquired as part of this project? ☒ Yes ☐ No
d. Is this site located in an undeveloped area (i.e. no buildings, parking, storage areas or agriculture)? ☐ Yes ☒ No
e. Is the project located within a one-mile radius of a known Superfund Site? ☐ Yes ☒ No
f. 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), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)

☐ Underground Storage Tank (UST)

☐ Leaking Underground Storage Tank (LUST)

☐ Confirmed and Suspected Contaminated Sites List (CSCSL)

- g. Has site reconnaissance (windshield survey) been performed? ☒ Yes ☐ No (Please identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).

- h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? ☒ Yes ☐ No

Please explain:

The project has the potential to encounter or generate contaminated surface waters as long drainage ditches are present in the project area. The project is located in a rural agricultural area, therefore not meeting the definition of "undeveloped" per question d. BMPs will be implemented to ensure proper spill prevention and erosion control. Properties acquired will consist generally of long, narrow areas for right-of-way. Excavation to a maximum depth of 20 feet below the existing grade is necessary to replace existing culverts and reach a stable soil base.

If you responded **Yes** to any of these questions above (5A – 5F or 5H), contact your Region LPE for assistance as a "Right-Sized" HazMat Analysis Report/Memorandum most likely will be required.

Part 4 - Environmental Considerations (continued)

6. Noise

- a. Does the project involve constructing a new roadway? ☐ Yes ☒ No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway? ☐ Yes ☒ No
- c. Does the project increase the number of through traffic lanes on an existing roadway? ☐ Yes ☒ No
- d. Is there a change in the topography? ☐ Yes ☒ No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project?
☐ Yes ☒ No
- f. 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.

N/A

If impacts are identified, describe proposed mitigation measures.

N/A

7. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

- a. Please identify any 4(f) properties within the project limits and the areas of impacts.
None present
- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.
None present
- c. Please list any Wild and Scenic Rivers and Scenic Byways within the project limits.
None present

8. Agricultural Lands –

- a. Are there agricultural lands within 300 feet of the project limits? ☒ Yes ☐ No If Yes, describe impacts:
There are several agricultural parcels within 300 feet of the project. The project will acquire approximately 1.36 acres of these parcels combined for right of way acquisition and permanent easements.
- b. Are impacted lands considered to be unique and prime farmland? ☒ Yes ☐ No
If Yes, date of project review by Natural Resource Conservation Service (NRCS): 1/21/2020

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.
There are several ditches crossing under the roadway and within 300 feet of the project limits. Refer to attached Project Waterbodies Map. The ditches are identified in the wetland/jurisdictional waters investigation memo (Widener & Associates 2019) as ditches J,K,L,M, and N. The smaller ditches outlet into the largest ditch, running parallel to and south of Josh Wilson road (Ditch J, also named South Spur Ditch in the Bay View Watershed Stormwater Management Plan 2007). The waters eventually reach Joe Leary Slough, outletting into Padilla Bay.
- b. Identify stream crossing structures by type.
Ditch J crosses northwestward under Josh Wilson Road via a 9ft CMP culvert and a 20inch iron pipe culvert
Ditch J also crosses westward under Michael Place and Avon Allen Road via two 12ft CMP culverts
Ditch M crosses southward under Josh Wilson Road via an 18inch concrete culvert
Ditch L crosses southward under Josh Wilson Road via an 18inch concrete culvert
Ditch K is conveyed into Ditch J via a 24inch CMP culvert

Part 4 - Environmental Considerations (continued)

- 10. Tribal Lands** – Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do not list usual and accustomed area.

The project will not occur within any tribal lands.

11. Water Quality/Stormwater

- a. Will this project's proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual? ☒ Yes ☐ No
If No, explain proposed water quality/quantity treatment for the new and any existing pollution generating impervious surface associated with the proposed project.
- b. Amount of existing pollution generating impervious surface within the project limits: 216,589 sf
- c. Net new pollution generating impervious surface to be created as a result of this project: 48,294 sf
- d. Amount of proposed post-project untreated pollution generating impervious surface: 63,000 sf

12. Previous Environmental Commitments

Describe previous environmental commitments that may affect or be affected by the project – if any.

None

- 13. Environmental Justice** - Does the project meet any of the exemptions noted in Appendix L of the CE Documentation Guidebook? ☐ Yes ☒ No

If Yes, please note the exemption and appropriate justification in the space below.

If No, are minority or low-income populations located within a 0.50-mile of the project?

☒ Yes ☐ No If No, attach appropriate data to support findings. If Yes, describe impacts and attach appropriate supporting documentation. Findings should be confirmed using at least two information sources. Please refer to the CE Guidebook for more information.

No long-term adverse impacts are expected for any populations surrounding the project area. Short term impacts will include increased noise for the duration of construction as well as a temporary detour during the large culvert replacement near Jensen Lane. Once finished, the project will benefit all populations equally by improving safety along the road corridor. Additional information and decision matrix is attached. *Matrix Q 4 - JW*

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 Attach species listings.

Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

- | | |
|--|---|
| 4. Will the project involve any in-water work? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 9. Will construction occur outside the existing pavement? If Yes go to 9a. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 11. Does a mature coniferous or mixed forest stand occur within 200' of the project site? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.

In-water work will occur as culvert replacement. The water is within drainage ditches which eventually lead to Padilla Bay and the Puget Sound. No native coldwater or listed fish species are expected to be present in these ditches due to tidegates and backwater prevention structures located downstream.

Wetlands occur outside of the project area, but are mapped by the National Wetlands Inventory (USFS) as occurring within 300 feet of the project's area of potential effect. The wetlands will not be impacted as they are located on the other side of the large ditch (Ditch J/South Spur Ditch) running south of the road. This large ditch will not be impacted by the roadway project except near Jensen Place, where a culvert will be replaced.

Mature coniferous and mixed forest occurs approximately 600 feet northwest of the project's westernmost limits. The forest is located away from the roadway on private property. The forest does not provide adequate amounts of contiguous, mature habitat to support listed species such as the Spotted Owl, Yellow-billed Cuckoo, or Marbled Murrelet as it has residential and other uses interspersed throughout. More mature forest stands occur within the Bayview UGA located west of the project area. These are located within a mile radius of the project. The forests are interrupted by interspersed residences, commercial businesses, and the Skagit County airport.

Grubbing and grading will occur along the north side of the road to widen the roadway in the form of right of way acquisition. Weedy, roadside vegetation will be impacted. No shrubs or trees will be removed. Any areas of temporary impacts will be revegetated.

Additional analysis is provided in an attached No Effect letter.

Analysis for RRMP ESA 4(d) determination for NMFS – A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

Maintenance Category (check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> 1. Roadway Surface | <input checked="" type="checkbox"/> 6. Stream Crossings | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems | <input type="checkbox"/> 7. Gravel Shoulders | <input type="checkbox"/> 12. Concrete |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems |
| <input checked="" type="checkbox"/> 4. Open Drainage Systems | <input type="checkbox"/> 9. Bridge Maintenance | <input type="checkbox"/> 14. Water Systems |
| <input type="checkbox"/> 5. Watercourses and Streams | <input type="checkbox"/> 10. Snow and Ice Control | <input type="checkbox"/> 15. Vegetation |

Describe how the project fits in the RRMP 4(d) Program:

The project fits in the RRMP 4(d) program as the project fits the following requirements:

1. The project will be carried out by an approved participating local agency under the Regional Road Maintenance ESA 4(d) Program (Skagit County).
2. The identified NMFS species and Essential Fish Habitat (EFH) potentially occurring in the action area (Puget Sound Chinook and Puget Sound Steelhead) were addressed in previous consultations with NMFS under the ESA 4(d) program. Puget Sound Chinook and their critical habitat were addressed in a consultation letter dated August 30, 2011 and Puget Sound Steelhead and its EFH were addressed in a letter dated March 21, 2018.
3. The project actions are consistent with the definition of "maintenance" as described within the Regional Road Maintenance Program (RRMP).
4. The project applies the procedures of the RRMP Guidelines including implementation of BMPs to achieve environmental outcomes.

The project meets the definition of maintenance in the categories of Roadway Surface, Open Drainage Systems, and Stream Crossings.

The project will repair and replace the existing roadway, a culvert, and existing water lines. This falls under WSDOT's BMP field guide's definition of maintenance category #1. **Roadway Surface** as the project will include removing and repairing the roadway base, repaving, adding ROW surfaces, extending pavement edge, paving gravel shoulders, and pavement marking in order to widen the roadway to current engineering standards without adding capacity.

The project will involve activities meeting the description of maintenance category #4: **Open Drainage Systems** as it will replace and install culverts within drainage systems created entirely by artificial means, such as roadside ditches not meeting the definition of watercourses or streams under maintenance category #5, as it excludes "irrigation ditches", "canals", "or other entirely artificial watercourses."

The project falls under maintenance category #6. **Stream Crossings** as it will involve the installation and replacement/upgrade of structures deemed as stream crossing facilities such as pipes and a box culvert. Specifically, culverts transporting jurisdictional waters that eventually connect to fish habitat areas will be extended northward to the new roadway edge, and a failing 9-foot culvert will be replaced with a fish-passable box culvert under Josh Wilson Road near its intersection with Jensen Lane.

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.

	NMFS	USFWS	EFH Determination
<input checked="" type="checkbox"/> No Effect	_____	<u>1/31/20</u> <u>3/6/2020</u>	<input checked="" type="checkbox"/> No Adverse Effect
<input type="checkbox"/> NLTA - Date of Concurrence	_____	_____	<input checked="" type="checkbox"/> Adverse Effect - Date of NMFS
<input type="checkbox"/> LTAA - Date BO Issued	_____	_____	concurrency <u>RRMP 4(d)</u>
<input checked="" type="checkbox"/> RRMP 4(d)	<u>3/10/2020</u> <u>1/23/20</u>	_____	<input type="checkbox"/> Not Applicable

Part 6 - FHWA Comments



Federal Aid Project Number HSIP-T292(002)	NEPA Start Date July 15, 2021	Intent of Submittal <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency Skagit County	Project Title Prairie Road Guidance Improvements	
County Skagit		
Beginning terminus: 0.00	Township(s): 36N / 35N	
Ending terminus: 7.79	Range(s): 4E	
Miles: 7.79	Section(s): 32,33,28,27,26,25 / 4	

Part 1 - Project Description (Attach Vicinity Map)

Install Signing and Roadway Guidance Improvements.

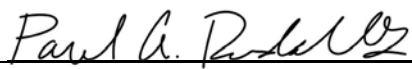
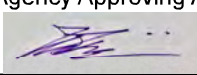
This project consists of improving the safety along Prairie Road. Small chevron signs will be replace with updated larger chevron signs at corners. Carsonite posts will also be installed at corners.

The goals of this project is to improve safety along the road to meet current standards.

Part 2 - Categorical Exclusion & STIP

- Identify one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project C#8
- Per 23 CFR Part 452(l) identify the subsequent project phase identified on the STIP? ☐ ROW ☒ Construction
- Attach a copy of the STIP page to the CE documentation form.

NEPA Approval Signatures

	8.31.21		
Local Agency Approving Authority	Date	Local Programs Environmental Engineer	Date
	Digitally signed by Mehrdad Moini, PE Date: 2021.09.01 09:40:34 -07'00'	CE per PA	9/1/21
Regional Local Programs Engineer	Date	Federal Highway Administration	Date

Completed By (Print Official's Name) David Walde	Telephone (include area code) 360-416-1439	E-mail Address davidw@co.skagit.wa.us
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Part 3 - Permits, Approvals & Right of Way (ROW)

Yes	No	Permit or Approval	Yes	No	Permit or Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input type="checkbox"/> Nationwide Type _____ <input type="checkbox"/> Individual Permit No. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Quality Certification - Section 401 Issued By _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Coastal Zone Management Certification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tribal Permit(s) (if any) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Permits (List) _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Forest Practices Act Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is permanent ROW acquisition needed? If yes, amount needed: _____ (acres/sq. ft.).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hydraulic Project Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any temporary ROW needed?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Building or Site Development Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is relocation required?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local Clearing and Grading Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Has ROW (property and/or property interests) been acquired <u>for this project</u> prior to the NEPA start date? If yes, documentation demonstrating compliance with 23 CFR 710.501 may be required.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is a detour required? If yes, please attach detour information.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreline Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Waste Discharge Permit			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Rights Permit			

U.S. Coast Guard Permitting

- a. Does the project propose any new or modify any existing bridges or culverts crossing a waterway? ☐ Yes ☒ No
- b. If Yes, attach a copy of the jurisdictional determination email or letter from the U.S. Coast Guard.

Other Federal Agencies - Does the project involve any federal properties, approvals or funding from other/additional federal agencies? ☐ Yes ☒ No If Yes, please describe.

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 exempt from Air Quality conformity requirements? ☒ Yes ☐ No

- a. If Yes, identify exemption - please refer to Appendix G in the CE Guidebook for a list of exemptions.

Safety Project

- b. Is the project included in the Metropolitan Transportation Plan? ☐ Yes ☒ No

If Yes, date Metropolitan Transportation Plan was adopted _____

- c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10 or PM 2.5? ☐ Yes ☒ No

2. Critical and Sensitive Areas

- a. Is this project within 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. Will this project impact Species/Habitat other than ESA listed species? ☐ Yes ☒ No Explain your answer.

- c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?

☒ Yes ☐ No If Yes, the local agency must go to the US Fish & Website (<http://www.fws.gov/pacific/eagle/>) and work through the Do I Need a Permit? section. See attachment for letter that no permit is needed. This project will have little to no impact as the only construction activities will be for the brief installation of the guardrail.

- d. Are wetland 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 J of the CE Guidebook?

☒ Yes ☐ No If Yes, note exemptions below.

A-36 OK per TD 7/19/21

If No: Date of DAHP concurrence: _____

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

- a. Is the project located in a 100-year floodplain? ☒ Yes ☐ No
- b. If Yes, is the project located within a 100-year floodway? ☒ Yes ☐ No
- c. 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).

- a. Does the project require excavation below the existing ground surface? ☐ Yes ☒ No
- b. Will groundwater be encountered? ☐ Yes ☒ No
- c. Will any properties be acquired as part of this project? ☐ Yes ☒ No
- d. Is this site located in an undeveloped area (i.e. no buildings, parking, storage areas or agriculture)? ☐ Yes ☒ No
- e. Is the project located within a one-mile radius of a known Superfund Site? ☐ Yes ☒ No
- f. 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), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)
- ☐ Underground Storage Tank (UST)
- ☐ Leaking Underground Storage Tank (LUST)
- ☐ Confirmed and Suspected Contaminated Sites List (CSCSL)
- g. Has site reconnaissance (windshield survey) been performed? ☒ Yes ☐ No (Please identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).
- h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? ☐ Yes ☒ No

Please explain:

Sign posts will be installed and no excavation will be performed.

If you responded Yes to any of these questions above (5A - 5F or 5H), contact your Region LPE for assistance as a "Right-Sized" HazMat Analysis Report/Memorandum most likely will be required.

6. Noise

- a. Does the project involve constructing a new roadway? ☐ Yes ☒ No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway? ☐ Yes ☒ No
- c. Does the project increase the number of through traffic lanes on an existing roadway? ☐ Yes ☒ No
- d. Is there a change in the topography? ☐ Yes ☒ No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project? ☐ Yes ☒ No
- f. 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. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

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

None Identified

- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.

None Identified

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

None Identified

8. Agricultural Lands -

- a. Are there agricultural lands within 300 feet of the project limits? ☒ Yes ☐ No If Yes, describe impacts:

There will be no impacts to the farmland, work will be done within the road right of way

- b. Are impacted lands considered to be unique and prime farmland? ☐ Yes ☒ No

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

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.

no water bodies will be impacted.

- b. Identify stream crossing structures by type.

There are four small bridges and various culvert.

10. Tribal Lands - Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do not list usual and accustomed area.

There will be no impact to tribal lands from this project

11. Water Quality/Stormwater

- a. Will this project's proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual?

☒ Yes ☐ No there will be no new impervious surface created for this project. During the project construction appropriate BMP's will be used to ensure that water quality is not affected.

If No, explain proposed water quality/quantity treatment for the new and any existing pollution generating impervious surface associated with the proposed project.

- b. Amount of existing pollution generating impervious surface within the project limits: 904,886 square feet
- c. Net new pollution generating impervious surface to be created as a result of this project: None
- d. Amount of proposed post-project untreated pollution generating impervious surface: None

12. Previous Environmental Commitments

Describe previous environmental commitments that may affect or be affected by the project - if any.

There are no known previous commitments

13. Environmental Justice - Does the project meet any of the exemptions noted in Appendix L of the CE Documentation Guidebook?

If Yes, please note the exemption and appropriate justification in the space below.

2) - Installation of signs and other traffic control devices.

If No, attach Appendix M and supporting documentation as required per the decision matrix. This will include at least two demographic information sources and possibly a description of anticipated project impacts.

Please refer to the CE Guidebook for more information.

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 Attach species listings.

Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

4. Will the project involve any in-water work?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Will construction occur outside the existing pavement? If Yes go to 9a.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.

There are terrestrial habitat nearby, the project will have little to no impact as the only construction activities will be for the brief installation of the signs for safety.

Work will take place outside of the paved roadway, but within the right of way, disturbance of the existing shoulder will be in the form installing post.

Analysis for RRMP ESA 4(d) determination for NMFS – A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

Maintenance Category (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface | <input type="checkbox"/> 6. Stream Crossings | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems | <input type="checkbox"/> 7. Gravel Shoulders | <input type="checkbox"/> 12. Concrete |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems |
| <input type="checkbox"/> 4. Open Drainage Systems | <input type="checkbox"/> 9. Bridge Maintenance | <input type="checkbox"/> 14. Water Systems |
| <input type="checkbox"/> 5. Watercourses and Streams | <input type="checkbox"/> 10. Snow and Ice Control | <input type="checkbox"/> 15. Vegetation |

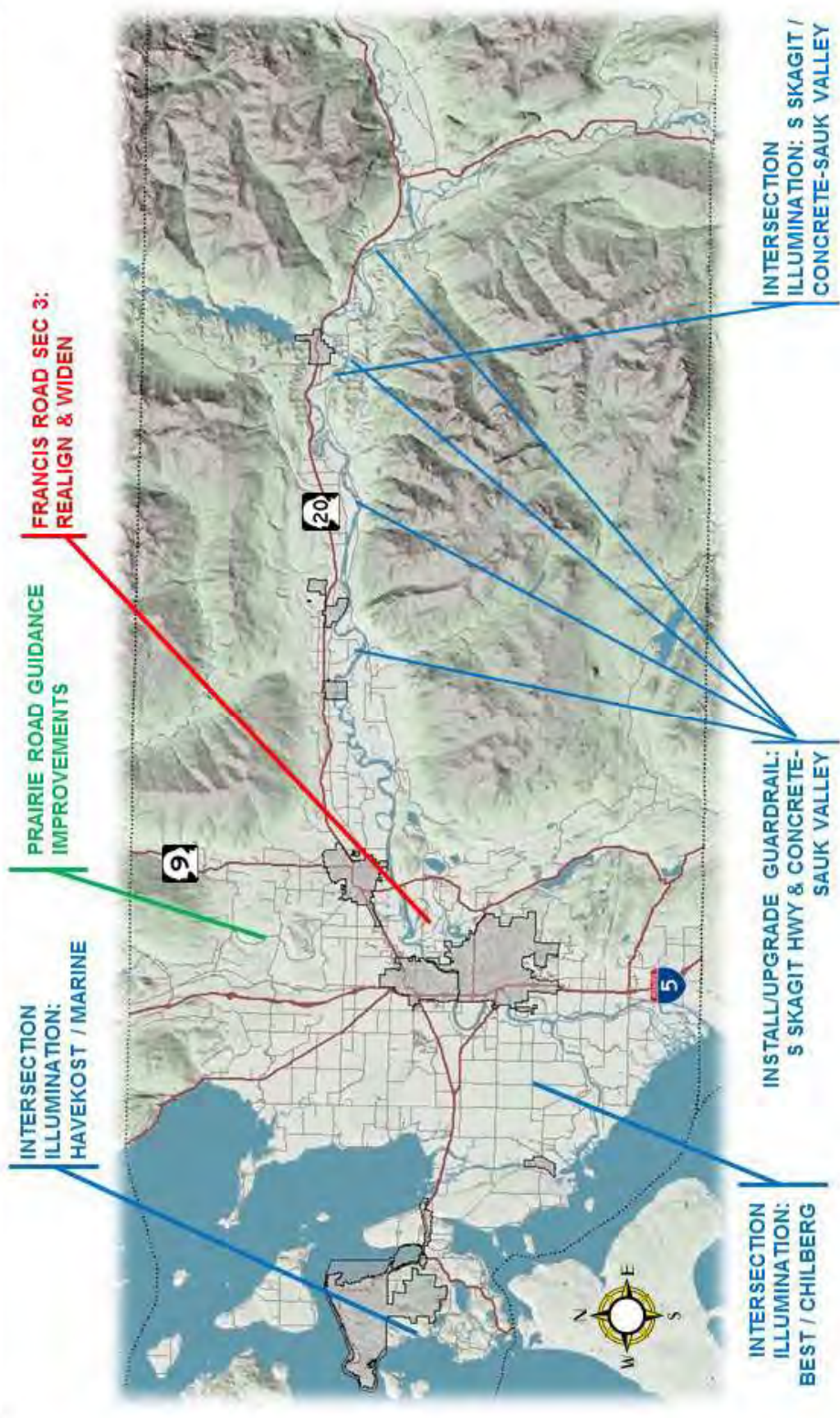
Describe how the project fits in the RRMP 4(d) Program:

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. **OK per HP 7/20/21**

	NMFS	USFWS	EFH Determination
<input checked="" type="checkbox"/> No Effect	<u>7/20/21</u>	<u>7/20/21</u>	<input checked="" type="checkbox"/> No Adverse Effect
<input type="checkbox"/> NLTAA - Date of Concurrence	_____	_____	<input type="checkbox"/> Adverse Effect - Date of NMFS concurrence _____
<input type="checkbox"/> LTAA - Date BO Issued	_____	_____	
<input type="checkbox"/> RRMP 4(d)	_____		<input type="checkbox"/> Not Applicable

Part 6 - FHWA Comments





Washington State
Department of Transportation

Agency: Skagit Co
County: Skagit
MPO/RTPO: SCOG

Six Year Transportation Improvement Program From 2020 to 2025

Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
08		PRAIRIE ROAD GUIDANCE IMPROVEMENTS 50000 00 00 to 07 79 Install Signing and Roadway Guidance Improvements	VIA-12501					21	P	7 790	CE	No

Funding		Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
Status	P	PE	2020	HSIP	11,500		0	1,500	13,000
	P	CN	2020	HSIP	57,000		0	0	57,000
			Totals		68,500		0	1,500	70,000

Expenditure Schedule		1st	2nd	3rd	4th	5th & 6th
Phase	PE	13,000	0	0	0	0
	CN	57,000	0	0	0	0
Totals		70,000	0	0	0	0



United States Department of the Interior



FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
MBSP-MBHP

Dear User,

Thank you for using the U.S. Fish and Wildlife Service - Region 1(Service) Eagle Permit Recommendation Tool (EPRT) to determine risk to eagles. Based on the answers to your questions, we have determined that your project or activity, is consistent with the Service's recommendations for avoiding disturbance of eagles in the Pacific Region (ID, OR, and WA) and is unlikely to take eagles in violation of federal laws.

Below is a record of the questions, and your responses to them, that led us to that determination.

Activity Type: Construction Maintenance and General Activities

1.) Will the activity or resulting human presence occur within one mile of an eagle nest or roost?

Response: Yes

2.) Are you concerned about impacts to golden eagles, bald eagles, or both from your activity?

Response: Bald Eagles

3.) Will the activity or resulting human presence occur within 660 feet of the nearest bald eagle nest or roost?

Response: No

Please print, sign, and date this certificate, and keep in your records for five (5) years after your project or activity is completed. By printing this document, and signing and dating it for your records, you agree that the above responses are true, and that you commit to implement your project as described above. You also agree to revisit the Service's EPRT to determine whether or not technical assistance, or a permit, may be necessary should any details of the project or activity change substantially.

User Signature: _____

Date: _____

Name (Print): _____

Title: _____

Physical Address / Location of Project:

Following the Service's recommendations and implementing your project or activity as described above will substantively reduce the likelihood of take; however, take may occur even if all avoidance and minimization measures above are followed. Though it is not possible to absolve individuals and entities from liability under the Eagle Act if take (defined to include pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) should occur, the Service prioritizes its enforcement efforts on those individuals or entities who take eagles without implementing appropriate measures recommended by the Service, such as the Bald Eagle Management Guidelines.

You are responsible for determining if additional authorization from federal, state, local, or tribal governments is needed.



SKAGIT COUNTY PUBLIC WORKS EPARTMENT

1800 Continental Place, Mount Vernon, WA 98273-5625
(360) 416-1400 FAX (360) 416-1405

MEMORANDUM

DATE: July 12, 2021

TO: Mike Davis, WSDOT Local Programs NW Region

FROM: David Walde, Project Manager

SUBJECT: Area of Potential Effect (APE)
Prairie Road Guidance Improvements
Project #ES5000-7
HSIP-T292(002)

Skagit County Public Works is submitting this APE package for review of the Prairie Road guidance improvements project under 36 CFR 800.16(d). The following information is being provided for comment at your earliest convenience.

PROJECT DESCRIPTION

This project consists of installing signs and roadway guidance improvements along Prairie Road (M.P. 0.00 to M.P. 7.79).

The goals of this project is to improve safety along Prairie Road. The existing signs and markings don't meet current safety standards. Prairie Road abuts up to rural reserve land and agricultural land on both sides of the road.

Objectives:

1. Reduce fatal and disabling accidents, property damage, and societal cost along with the overall severity of any collisions that do occur.
2. Put in place countermeasures to eliminate and reduce run off the road crashes.
3. Protect the motoring public from run off the road hazards.
4. Address the local community's concerns for safety of the roadway.

SITE LOCATION

Prairie Road M.P. 0.00-7.79 is classified at Agricultural-Natural Resource Land and Rural Reserve, traversing through farmlands, rural houses and rolling hillside in rural Sedro Woolley. The improvements for this project will occur within Section

25,26,27,28,32 and 33 of Township 35 North, Range 04 East, of the Willamette Meridian and part of Section 4 of Township 36 North, Range 04 East, in Central Skagit County Washington (see Vicinity Map). All improvements will take place within the existing ROW.

CROSS-SECTION

Prairie Road M.P. 0.00-7.79 has 11 foot Bituminous Surface Treatment (chip sealed) lanes for both east and west bound with 2-4 foot gravel shoulders on both sides. This project will not affect the existing roadway.

GROUND DISTURBING ACTIVITIES

Ground disturbing activities will take place in the form of installing new sign posts (3' to 4' deep). The excavation for the post will be performed by hand.

RIGHT OF WAY

The existing Right of Way is typically 60' wide. All work will be within the right of way and there are no known easements that will affect the project. Impacts to the adjacent land owners will be minimal over the entire length of the project. Additional Right of Way will not be required as work for the signs and safety improvements will be constructed within the existing Right of Way. Temporary construction and/or slope easements will not need to be acquired for the project.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Skagit County, Washington



Local office

Washington Fish And Wildlife Office

☎ (360) 753-9440

📠 (360) 753-9405

510 Desmond Drive Se, Suite 102
Lacey, WA 98503-1263

<http://www.fws.gov/wafwo/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Gray Wolf *Canis lupus*

Proposed Endangered

No critical habitat has been designated for this species.

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/4467	Threatened
Streaked Horned Lark <i>Eremophila alpestris strigata</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7268	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
Oregon Spotted Frog <i>Rana pretiosa</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6633	Threatened

Fishes

NAME	STATUS
Bull Trout <i>Salvelinus confluentus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened
Dolly Varden <i>Salvelinus malma</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1008	PSAT

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Bull Trout <i>Salvelinus confluentus</i> https://ecos.fws.gov/ecp/species/8212#crithab	Final
Oregon Spotted Frog <i>Rana pretiosa</i> https://ecos.fws.gov/ecp/species/6633#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

SKAGIT COUNTY

PURCHASING AND CONTRACTING

GUIDELINES

(2003)

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These forms can be found online on the County's internal website.

Statement of Purpose

This document sets forth guidelines for the acquisition of goods and services by Skagit County. This document should not be construed as a step-by-step procedures manual or as a substitute for legal counsel, but should be used as a basic guide for County purchasing personnel. These guidelines do not, and should not be construed as, conferring third-party beneficiary status on any person. These guidelines are solely to assist Skagit County Department Heads and Elected Officials, and their employees, in the development of good government practices in purchasing and contracting.

The following objectives are to be considered whenever a procurement is made.

- A) Obtain goods and services and work as economically as possible.
- B) Purchase items of a quality best suited to the requirements of the department making the purchase.
- C) Allow flexibility in the process, particularly in cases of emergencies, smaller projects and acquisitions, and situations of repetitive types of work.
- D) Encourage and allow as many different vendors and contractors to perform the work or provide the purchases as is reasonable under the circumstances.
- E) Assure a level playing field for vendors and contractors.

(INSERT FLOW CHART)

SECTION I

Purchases and Leasing of Equipment, Materials, Supplies, and Routine Services RCW 36.32.245

1.0 Purchases of Equipment, Materials, and Supplies Totaling Less than \$2,500 (RCW 36.32.245; Resolution No. 14168)

Purchases of equipment, materials, and supplies totaling less than \$2,500 (including freight, excluding sales tax) do not require a formal bid process. If the item(s) appear on a state bid list, regardless of the amount, the item may be purchased from a vendor submitting bids for that item. The state bid list can be found on-line at www.ga.wa.gov/pca/pcacont.htm. The County vendor list for material can be found online at the County's internal website.

1.1 Purchases of Equipment, Materials, and Supplies Between \$2,500 and \$5,000 (RCW 39.04.190; 36.32.245, Resolution Nos. 14168, 15344, and 16625)

Purchases of equipment, materials, and supplies totaling between \$2,500 and \$5,000 (including freight, excluding sales tax) require telephone quotes from three (3) different vendors with the selection of the lowest responsible bidder. (Exceptions may apply, but must be documented.) Three (3) quotes may be obtained from the vendor list maintained pursuant to RCW 39.04.190.

1.1.1 Quotation Process (RCW 39.04.190; 39.04.200; Resolution Nos. 14168 & 15344)

- a. Whenever possible, not less than three (3) prospective vendors shall be contacted by telephone or by letter and advised as to the specification for the item or items for which quotations are being sought. The number of vendors contacted may be reduced if the materials, equipment, supplies, or services being sought are available from a smaller number of vendors. A written explanation shall be attached to the Phone Bid Quote Form (See App. A) when fewer than three (3) proposals are requested, or if there are fewer than three (3) replies.
- b. Telephone or written requests for quotations shall specify the following:
 - 1) Materials, equipment, supplies, or services to be purchased
 - 2) Freight costs
 - 3) Tax
 - 4) Delivery time requirements
 - 5) Point of delivery
 - 6) Terms of payment
 - 7) Total cost

- c. Tabulation of telephone or written quotations shall be on the Phone Bid Quote Form and shall include at a minimum the information described in Section b above.
- d. The materials, equipment, supplies, or services shall be ordered from the lowest responsible bidder whose quotation meets all specifications established for the item or items being purchased.
- e. Written confirmation of telephone quotations from responsible vendors is not required.
- f. A copy of the Phone Bid Quote Form shall be attached to the payment voucher when submitted for payment to the County Auditor.

1.1.2 Exceptions to Obtaining Competitive Bids (\$2,500 - \$5,000)

Competitive bidding may be waived and/or is not required for the following:

- a. Purchases involving an intergovernmental sale. (RCW 36.34.130)
- b. Purchases involving an interlocal agreement. This includes the state bid list, of which Skagit County is a paid subscriber in the State Purchasing Cooperative. (RCW 39.34)
- c. Purchases in the event of an emergency. (RCW 36.32.270, 39.04.280; Board resolution required within two weeks of award of the contract).
- d. Purchases involving special facilities or market conditions. (RCW 36.32.270 and 39.04.280) (Board resolution required.)
- e. Purchases that are clearly and legitimately limited to a single source of supply. (RCW 36.32.270, 39.04.280) (Board resolution required.)
- f. Electronic data processing and telecommunications equipment and services may be purchased through competitive negotiation. (RCW 39.04.270)

1.2 Purchases of Equipment, Materials, and Supplies Between \$5,000 and \$25,000 (RCW 39.04.190; Resolutions 14168 & 15344)

Purchases of equipment, materials, and supplies totaling between \$5,000 and \$25,000 must be accompanied by a Notice of Intent to obtain telephone/written quotations (NOI) form signed by the Board and a completed Phone Bid Quote form, which includes at least three (3) quotes and the selected vendor. The only difference between purchases between \$2,500 - \$5,000 and \$5,000 - \$25,000 is that no NOI is required for purchases made between \$2,500 - \$5000.

1.2.1 Notice of Intent Process (NOI)

Complete the standard NOI form (See App. B)

Various departments may have specific steps outlined for internal routing procedures. Upon approval from the department head/elected official, the NOI form is routed to the Clerk of the Board for approval by the Budget/Finance Director. The Clerk of the Board returns the signed NOI form to the originating department. After receipt of the approved NOI, the department may proceed with the quotation process and/or purchasing process. Note that NOI's are not agenda items.

1.2.2 Quotation Process (RCW 39.04.190; Resolution No. 14168)

- a. Prior to initiating the quotation process, a NOI form should be presented to the Budget/Finance Director for approval.
- b. Whenever possible, not less than three (3) prospective vendors shall be contacted by telephone or by letter and advised as to the specification for the item or items for which quotations are being sought. The number of vendors contacted may be reduced if the materials, equipment, supplies, or services being sought are available from a smaller number of vendors. A written explanation shall be attached to the Phone Bid Quote Form when fewer than three (3) proposals are requested, or if there are fewer than three (3) replies.
- c. Telephone or written requests for quotations shall specify at a minimum the following:
 - 1) Materials, equipment, supplies, or services to be purchased
 - 2) Freight costs
 - 3) Tax
 - 4) Delivery time requirements
 - 5) Point of delivery
 - 6) Terms of payment
 - 7) Total cost
- d. Tabulation of telephone or written quotations (by letter, fax or e-mail) shall be on the Phone Bid Quote Form and shall include at a minimum the information described in section c above.
- e. The materials, equipment, supplies, or services shall be ordered from the lowest responsible bidder whose quotation meets all specifications established for the item or items being purchased.
- f. Written confirmation of telephone quotations from responsible vendors is not required.
- g. Immediately after the award is made, the bid quotations obtained shall be recorded on the Phone Bid Quote form, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised. The Department should maintain a copy of the completed Phone Bid Quote form.
- h. A copy of the quotation forms shall be attached to the payment voucher when submitted for payment to the County Auditor.

1.2.3 Exceptions to Obtaining Competitive Bids (\$5,000 - \$25,000)

Competitive bidding may be waived or is not required for the following:

- a. Purchases involving an intergovernmental sale. (RCW 36.34.130)
- b. Purchases involving an interlocal agreement. This includes state bid list, of which Skagit County is a paid subscriber in the State Purchasing Cooperative. (RCW 39.34)
- c. Purchases in the event of an emergency. (RCW 36.32.270, 39.04.280; Board resolution required within two weeks of award of the contract).
- d. Purchases involving special facilities or market conditions. (RCW 36.32.270, 39.04.280) (Board Resolution required.)
- e. Purchases that are clearly and legitimately limited to a single source of supply. (Board resolution required.) (RCW 36.32.270; 39.04.280)
- f. Electronic data processing and telecommunications equipment and services may be purchased through competitive negotiation. (RCW 39.04.270)

1.3 Purchases of Equipment, Materials, and Supplies Over \$25,000 (RCW 36.32.245)

Purchases of equipment, materials, and supplies over \$25,000 must be formally bid.

1.3.1 Competitive Bidding Process

- a. Bid specifications, i.e., the requirements for the intended purchase, must be submitted in writing to the Clerk of the Board for public inspection.
- b. An advertisement shall be published in the local newspaper with the current County publishing contract stating the time and place where bids will be opened. The time by which bids are due, the materials, equipment, supplies and/or services to be purchased, and that the bid specifications may be obtained by contacting the Clerk or department initiating the bid. The bid specification should be sufficiently certain and definite in order to form a fair basis for competitive bidding. This advertisement must be published at least once 13 days before the date by which the bids are due.
- c. The bids must be in writing and filed with the Clerk. The bids must be opened and read in public at the time and place advertised. The contract must be awarded to the lowest responsible bidder. No contract should be awarded to a bidder whose bid was not in substantial accordance with the terms of the call for bids.

- d. Immediately after the award of the contract is made, the bid quotations shall be recorded in the minutes of the Board and shall be open to public inspection and available by telephone inquiry. Any bid may be rejected for good cause.

1.3.2 Exceptions to Competitive Bidding Process

Competitive bidding may be waived or is not required for the following:

- a. Purchases involving an intergovernmental sale. (RCW 36.34.130)
- b. Purchases involving an interlocal agreement. This includes state bid list, of which Skagit County is a paid subscriber in the State Purchasing Cooperative. (RCW 39.34)
- c. Purchases in the event of an emergency. (RCW 36.32.270; 39.04.280; Board resolution required within two weeks of award of the contract).
- d. Purchases involving special facilities or market conditions. (RCW 36.32.270; 39.04.280) (Board resolution required.)
- e. Purchases that are clearly and legitimately limited to a single source of supply. (RCW 36.32.270, 39.04.280) (Board resolution required.)
- f. Performance-based contracts as defined in RCW 39.35A.020(3) that are negotiated under Chapter 39.35A RCW (RCW 36.32.245)
- g. Contracts and purchases for the printing of electronic ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles. (RCW 36.32.245)
- h. Electronic data processing and telecommunication equipment and services may be purchased through competitive negotiation. (RCW 39.04.270)

1.4 Purchases of Services, Equipment, Materials, Supplies and Vendor Services

Purchases of equipment, materials, and supplies with a service are considered purchases of vendor services and follow the purchase requirements noted in the previous sections. "Vendor" generally means a person who sells goods or services.

"Vendor services" means services provided by a vendor to accomplish routine, continuing and necessary functions. (See RCW 39.29.006) Additionally, a Vendor Services Agreement should be written when the purchase involves a service as well as materials. (See App. C)

1.5 Advertising Schedule for Purchase of Maintenance Materials (Applicable to Public Works only)

The intent to purchase maintenance materials is advertised twice each year in the local newspaper with the current County publishing contract. These solicitations are normally published the first or second week in February and again the first or second week of August. The proposals received are then valid from April 1 to September 30 and October 1 through March 31 each year. The detailed procedure for this process is maintained by the ER&R Coordinator. The vendor list may be found online on the County's internal website.

1.6 Lease of Personal Property/Equipment (RCW 36.32.253)

No lease of personal property may be entered into by the Board or by any elected or appointed officer of the County except upon the use of the procedures specified in RCW 36.32.245 and Chapter 39.04.190 for awarding contracts for purchases when it leases personal property from the lowest responsible bidder.

1.6.1 Rental of Equipment (Resolution No. 16914)

Skagit County's Road Superintendent advertises at the beginning of each year to establish an eligibility list of vendors who bid certain equipment rental rates. Any time an employee of the County desires to rent a piece of equipment, this bid list should be checked to see if the equipment has been bid. If the equipment needed has been bid, the lowest bidder on the list should be contacted for the rental. Contracts should be entered into with vendors with whom the department expects to spend over \$25,000 annually. The resolution number or contract number should be written on the invoice when signing as the receiver of services. If the equipment has not been bid, use the dollar benchmarks to get quotes, NOI, etc.

1.7 Preferential Purchase of Recyclable Materials (RCW 36.32.245)

A Department may establish a preferential purchase policy for recyclable materials or products that may be recycled or reused. Such a policy may require a Resolution from the Board.

1.8 Purchase Card Policies (RCW 43.09.2855)

1.8.1 General Terms And Conditions:

All purchases made with credit cards must be made in compliance with these Guidelines, Skagit County Code, and applicable state statutes.

The purchasing card is to be used for **business related purchases only**. The following uses **are prohibited**:

- Personal use
- Cash advances
- Meals
- Personal or professional services
- Manpower of any type
- Purchases restricted by policy guidelines

The maximum amount that can be spent on a single transaction is \$2,499. The maximum credit line per card is \$2,499 (unless a higher limit is requested by the department and approved by the Auditor's Office.)

1.8.2 Roles and Responsibilities:

The Auditor's Office:

- Shall establish purchasing card limits and give authorization to purchasing card users designated by the requesting Department Head.
- Shall provide training for all purchasing card users.
- Shall monitor purchasing card activity by reviewing management reports provided by the financial institution
- Shall assure payment is made to the financial institution within the contractual obligation period
- Shall retain original payment documentation in accordance with approved retention requirements.
- May perform audits for compliance with policy requirements.

Department Heads/Elected Officials:

- Are responsible for designating purchasing card users and recommending credit card limits between \$0 - \$2,499.
- Are responsible for proper card usage, security controls, timely statement reconciliation, and approval within their department.
- May establish and maintain additional controls and restrictions as deemed appropriate within departments.
- Are required to prepare a Purchase Card Application to authorize issuance of new purchasing cards. This form is sent to the Auditor's Office.
- Shall designate an employee to approve invoices and forward reconciled packet to the Auditor's Office Accounts Payable by the third (3rd) business day of the new month.

Card Users:

- Are required to have a working knowledge of all applicable policies, rules and guidelines, and are responsible for adherence to these controls and procedures. All purchases must be made following applicable Skagit County Purchasing and Contracting Guidelines, Skagit County Code, Washington State laws and Purchasing Card Policies.
- Are expected to seek the best price available and request available discounts at the time of purchase.

- Must maintain receipts, sales slips, supplier invoices, packing slips and other related documentation. A sales draft ("yellow" credit card receipt) is not sufficient. A cash register slip or other itemized listing must be included. These must be submitted with the reconciled packet at the end of the month.
- Must maintain a purchasing transaction log for reconciliation purposes.
- Shall resolve discrepancies with the supplier or financial institution.
- Must print and reconcile the purchasing card statement, and forward to the designated employee within own department for approval.
- Must safeguard cards from theft, loss, and misuse.
- Will notify the financial institution and the Auditor's Office immediately if the card is lost or stolen. (J.P. Morgan Chase toll free at 1-800-270-7760)
- Shall maintain strict security of card numbers.

1.8.3 User Terms and Conditions:

Purchases:

- When a purchase is made, the card user must request a supplier sales receipt or itemized printout from the internet which clearly describes the items purchased, price and any applicable shipping charges and tax.
- The card user must maintain a transaction log as purchases are made to assist in statement reconciliation.
- All purchases are posted in the Payment Net software supplied by J.P. Morgan Chase. The software is available to card users through the internet. The card user will review purchases on-line and enter the appropriate account codes for the purchase. A designated supervisor or department head will approve the transaction on-line.
- At the end of the month, the card user will print the card statement from the internet. The card user will reconcile and attach all receipts and documentation to the statement. The card user will stamp all receipts with a certification stamp and sign the certification. The card user will submit the statement, all receipts and supporting documentation and an accounts payable certification with the proper approvals to the Accounts Payable Section of the Auditor's Office **no later than three business days** after the end of the month.
- In the event a damaged shipment is received, the card user shall note the damage, notify the carrier, and file a damage claim as required for claim resolution with the carrier or supplier.
- Cards issued in the name of a department instead of an individual will be assigned to a card custodian. The card custodian will be responsible for the card use by department staff. The card custodian will maintain a log for recording the assignment of this card. The card custodian will be responsible for securing approvals as well as the statement reconciliation for that card.

Other:

- When a card user terminates County employment or transfers to another department, the employee will return their purchase card to the Auditor's Office.

- The card user will surrender and the Auditor's office will cancel a card if it is used for any prohibited transaction or in a manner inconsistent with County policy, if the reconciled statements are not sent to Accounts Payable according to schedule, or if finance charges are incurred as a result of the card user's negligence. Misuse may subject user to dismissal per Skagit County Personnel Policies and Procedures Manual Section 12.2 category 3 (d).
- The card user is financially responsible for unauthorized purchases and purchases not supported by receipts. Such transactions may be deducted from the card user's paycheck.
- A single purchase transaction may not be broken down into a series of smaller purchases to circumvent transaction dollar limitations.
- A card user will not accept cash in lieu of a credit to the purchasing card account for the return of a purchase.
- For Internet purchasing, the card user will only enter the purchasing card number in a secure web browser that supports encrypted transactions. Card users can check for this by looking at the bottom of the screen on the status bar for a picture of a padlock. A locked padlock indicates the transaction site is secure.

1.8.4 Disputed Transactions:

In the event the card user does not recognize a charge that has been posted to the billing statement, or the charge is disputed with the supplier and cannot be resolved, the card user should contact J.P. Morgan Chase's customer service center at 1-800-270-7760. The card user will be responsible for documenting the dispute according to the financial institution's instructions within 60 days of the first statement on which it appears. Subsequently, J.P. Morgan Chase will note the disputed items on the following month's statement for reconciliation purposes. The disputed item will be reflected in the outstanding balance of the statement, but will not be part of the total amount due. When the dispute is resolved, J.P. Morgan Chase will add an adjustment line to the statement.

SECTION 2

Purchase of Consultant Services and Leases RCW 39.80/RCW 36.32.240

2.0 Purchase of Architectural and Engineering Services (“Professional Services”) (RCW 39.80.010 & .030; RCW 39.80.040, Resolution No. 17872)

The County shall publicly announce its needs for architectural and engineering services, and it will do so either by general announcement or on a per project basis. Contracts for such services shall be awarded based on demonstrated competence and qualifications for the type of professional services required and whether the services are offered for a fair and reasonable price. “Professional Services” has a specific meaning and is limited to services provided by architects, engineers, land surveyors, and landscape architects.

Solicitation of projects, services and products should be advertised over as wide an area as possible. Advertisement must, at a minimum, appear in publications awarded the County publishing contract, and the Department may advertise elsewhere as it deems necessary.

For engineering and land surveying services, the Public Works Department shall comply with the selection process terms of Resolution No. 17872. Under \$100,000 the non-interview process may be followed. Over \$100,000 the interview process should be used.

2.0.1 Request for Qualifications (RCW 39.80.030)

Request for Qualifications (RFQ) are conducted in order to learn of the general availability of firms or companies qualified to do the anticipated work. The announcement states concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who can provide further details. Most often this enables the procuring department to draft a better scope of work to be performed when it subsequently sends out a Request For Proposals.

2.0.2 Professional Services – Advance Publication of Need for Professional Services (RCW 39.80.030)

Each Department shall publish in advance that Department’s need for Professional Services. The announcement shall state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the Department who can provide further details. A Department may comply with this section by:

- a. Publishing an announcement on each occasion when Professional Services provided by a consultant are required; or

- b. Announcing generally to the public the projected requirements for any category or type of Professional Services.

2.0.3 Negotiation Process for Professional Services (RCW 39.80.050)

The department shall negotiate a contract with the most qualified firm for architectural and engineering services at a price which the department determines is fair and reasonable to the department. In making its determination, the department shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

If the department is unable to negotiate a satisfactory contract with the firm selected at a price the department determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated.

2.0.4 Selection of Most Qualified Firm

When selecting the most qualified person/firm, the department should adhere to the following procedure: review notes and criteria points; select the candidate; advise other candidates (include reasons that the particular firm was selected including expertise and particular strengths); and secure evaluation sheets, notes, and other documents in a safe place to support the ranking, procedure, and selection.

Once the department has successfully negotiated an agreement with the selected firm, the department must formalize the agreement in a Personal Services Agreement, or other acceptable contract form, for signature by the Board.

2.0.5 Request for Proposals

A Request for Proposals (RFP) defines the work to be performed and the expected qualifications and asks for price quotations. If the RFP is for consultant-type services, price quotations need not be obtained, but price is to be negotiated once the most qualified consultant has been selected. Specific guidelines are set forth in the Local Agency Guidelines Manual, Section 31.3, for the solicitation and selection of consultants for Engineering and Land Surveying Services.

2.0.6 Exceptions for Emergency Work (RCW 39.80.060)

If the Board makes a finding and passes a Resolution that an emergency requires the immediate execution of the work involved, the RFQ and RFP process need not be followed. The Board must comply with applicable laws limiting emergency expenditures.

2.1 Leases of Personal Property/Equipment (see Section 1.6) (RCW 36.32.253)

2.2 Other Consultant Services

There is no formal bid process required to obtain other consultant-type services, which

are considered “Personal Services.” A Request for Qualifications process may be followed, but does not need to be. (See Section 2.0.1) “Personal services” are services provided by a consultant to accomplish a specific study, project, task, or other work statement that requires professional expertise, i.e., a special skill or ability of a highly technical or scientific nature is required, or the exercise of artistic judgment or advanced education or knowledge is required to accomplish the task(s). (See RCW 39.29.006) Personal services do not include vendor services, where the work can be performed by essentially any competent or skilled worker, but does include “professional services” as defined by RCW 39.80.020. Examples of personal services are those services provided by consultants, attorneys, and mental health counselors. **If your service does not fall within a Personal Services Agreement, use the Vendor Services Agreement and follow the requirements for a Vendor Services Agreement.**

2.3 Leases of Real Property (see Section 5.2)

SECTION 3

“Public Work” Projects

RCW 36.32.235(12); RCW 36.32.250; RCW 36.32.265; RCW 36.32.270

This section addresses “public work” projects. The term “public work” includes all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. (RCW 39.04.010) The term “public work” is a statutory term or art and should not be confused with the work performed by the “Public Works Department” of Skagit County.

3.0 “Public Work” Projects Totaling Less than \$1,000 (RCW 36.32.250; Resolution No. 15498)

A contract for “public work” involving less than \$1,000 does not require a formal bid procedure. Therefore, the department may select/contact any vendor they desire to have the work completed.

3.1 “Public Work” Projects Totaling Between \$1,000 and \$10,000 (RCW 36.32.235 (12); RCW 36.32.250; RCW 36.32.265; RCW 36.32.270; Resolution No. 15498)

A contract for “public work” in an amount between \$1,000 and \$10,000 may be obtained via a formal bid procedure (see Section 1.3.1) or according to the following written quotation procedure:

- a. Notice of intention to let a “public work” contract between \$5,000 and \$10,000 shall be presented to the Budget/Finance Director. This notice will then be posted by the Board on a bulletin board in their office not less than three days prior to making such contract.
- b. Whenever possible, not less than three (3) prospective bidders shall be contacted by telephone or by letter and advised as to the specifications for the item of “public work” for which quotations are being sought. A written explanation shall be included on the Phone Bid Quote Form when fewer than three (3) proposals are requested, or if there are fewer than three (3) replies.
- c. Telephone or written requests for quotations shall specify at a minimum the following:
 1. Scope of work
 2. Work location
 3. Tax
 4. Contract time requirements
 5. Terms of payment
 6. Total cost
 7. Statement that prevailing wages apply to the project.

- d. Tabulation of telephone or written quotations shall be on forms provided by the County and shall include, at a minimum, the information described in section b. above.
- e. The contract shall be awarded to the lowest responsible bidder, whose bid meets all specifications established for the work.
- f. Written confirmation of telephone quotations from responsible bidders is not required.
- g. A copy of the quotation form shall be attached to the payment voucher when submitted for payment to the County Auditor.

3.1.1 Exceptions to Competitive Bidding Requirements (RCW 39.04.280; RCW 36.32.270)

Competitive bidding may be waived or is not required for:

- a. Purchases that are clearly and legitimately limited to a single source of supply (Board Resolution required)
- b. Purchases involving special facilities or market conditions (Board Resolution required)
- c. Purchases in the event of an emergency (Board Resolution required)
- d. "Public work" in the event of an emergency (Board Resolution required)
- e. Purchases of insurance or bonds

3.2 "Public Work" Projects Totaling Over \$10,000

Contracts for a "public work" in an amount over \$10,000 must follow a competitive bidding procedure or a small works roster process (for projects up to \$200,000). (Note: The County is not currently using the small works roster procedure).

3.2.1 Competitive Bidding Process (RCW 36.32.250)

- a. No contract for "public work" may be entered into by the Board or by any elected or appointed officer of the county until after bids have been submitted to the county upon specifications therefore. Such specifications shall be in writing and shall be filed with the Clerk of the Board for public inspection.
- b. An advertisement shall be published in the County official newspaper stating time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications may be seen at the office of the Clerk.
- c. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the County in which such work

is to be done. If the County official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such "public works" are to be done, then the publication of an advertisement of the applicable specification in the County official newspaper shall be sufficient. Such advertisements shall be published at least thirteen days prior to the last date upon which bids will be received.

- d. Bids shall be in writing, filed with the Clerk, opened and read in public at the time and place named therefore in the advertisements, and after being opened, shall be filed for public inspection. Immediately after the award is made, the bid quotations obtained shall be recorded in the minutes of the Board and open to public inspection and shall be available by telephone inquiry.
- e. No bid may be considered for "public work" unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.
- f. The contract shall be awarded to the lowest responsible bidder. Any and all bids may be rejected for good cause. No contract may be awarded to a bidder whose bid was not in substantial conformance with the call for bids.
- g. The Board shall require from the successful bidder a contractor's bond in the amount and with the conditions imposed by law.
- h. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten (10) days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the County and the contract awarded to the next lowest responsible bidder.
- i. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.
- j. The bid deposits of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the Board.

3.2.2 Exceptions to Competitive Bidding Requirements (RCW 39.04.280; RCW 36.32.270)

Competitive bidding may be waived or is not required for:

- a. Purchases that are clearly and legitimately limited to a single source of supply (Board Resolution required)
- b. Purchases involving special facilities or market conditions (Board Resolution required)
- c. Purchases in the event of an emergency (Board Resolution required)

- d. "Public work" in the event of an emergency (Board Resolution required)
- e. Performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

3.2.3 Bid Deposits Procedure (RCW 36.32.250)

Bidders must submit either a bid bond or bid deposit when bidding on a project. In the event a bid deposit is received in the form of a postal money order, cash, cashier's check, or certified check, it shall be transferred to the Auditor with the following information:

- a. County Department and contact person
- b. Name of bidder
- c. Name of project
- d. Bid opening date

The Auditor will safeguard the funds until such time as the bids are opened and awarded and the bid deposit needs to be returned to the bidder. Upon notification, the Auditor will return the "deposit" to the appropriate County department for return to the bidder.

3.3 Small Works Roster Requirements ("Public Work" projects between \$10,000 and \$200,000)

The County does not currently utilize a small works roster. However, there are specific requirements per RCW 39.04.155 for establishing a small works roster. If a small works roster becomes desirable or necessary, notify the Risk Manager.

SECTION 4

Contract Information and Forms

4.0 Contracting Authority

The sole contracting authority of the County is the Board regardless of the dollar amount of the contract. (RCW 36.32.120(6)) No elected official, employee or agent can commit the County to a legally binding contract without the express, written consent of the Board. Upon occasion, the Board may delegate authority to certain County personnel to bind the County in contracts and agreements. (RCW 36.32.240) Any such delegation of authority must be set forth in a resolution, specifying the scope of authority, signed by the Board. A copy of any and all contracts signed pursuant to valid delegated authority must be sent to the Clerk of the Board for inclusion in the County's contract database.

4.0.1 Examples of Delegated Authority:

- Administrative Officer and Risk Manager: have authority to commit Skagit County to binding Vendor Services Agreements, and to Personal Services Agreements on matters relating to claims, litigation, mitigation, land acquisition and personnel. (Resolution No. 15946)
- The Administrative Officer/County Administrator: has authority to commit Skagit County to binding Personal Service Agreements and Vendor Service Agreements and other contracts where the maximum amount payable is less than five thousand (\$5,000). The Administrative Officer/County Administrator may further delegate that authority to a Department Head/Elected Official as he deems appropriate, via a memorandum of delegation of authority.
- The Prosecuting Attorney, the Chief Civil Deputy Prosecuting Attorney and the Civil Litigator: have authority to commit Skagit County to binding Personal Service Agreements on matters relating to claims, litigation, mitigation, land acquisition and personnel. (Resolution No. 15946)
- The Public Works Director, or his/her designee: has the authority to bind Skagit County in order to lease equipment in emergency situations to deal with problems relative to County roads. (Resolution No. 16337)
- Director of Parks, Recreation and Fair: has the authority to bind Skagit County by contract for the following: referees and official scorers in the Recreation Division; School Facilities Use Agreements; contracts associated with the operation of the Skagit County Fair; entertainment contracts for the Recreation Division; and for Instructional Services Contracts for the Recreation Division. (Resolution No. 16337)

- Director of the Public Defender's Office: has the authority to enter into binding contracts for expert witnesses in pending criminal cases where the contract is for less than \$5,000 is approved by the Risk Manager and the pre-approved Personal Service Agreement form is used. These contracts must be routed to the Clerk of the Board for entry into the County's database system once the criminal case has been resolved. (Resolution No. 20020106)
- Guest Speaker Contracts under \$500: Contracts with persons/companies for the provision of guest speaker services for less than \$500 may be approved by the Department Head or Elected Official as long as the Guest Speaker Contract Form is used. (App. D) (Resolution No. 20020106)

4.1 Insurance Requirements

Insurance, and proof thereof, is required on all construction and vendor contracts and the majority of service contracts. Risk Management is responsible for determining the appropriate insurance limits and requirements for any given contract. There are general insurance limits which are incorporated into the Personal Services Agreement form and the Vendor Services Agreement form. If the department desires to deviate from the general limits, the department should contact the Risk Manager during the specification of scope of work process. If a Request for Proposal is not part of the process, the consultant should be informed ahead of time of the insurance requirements.

The County should be named as an additional insured, which gives the County the same rights as the named insured under the policy, i.e., the County can file a claim directly to the insurance company. Insurance companies affording coverage should be rated in the BEST KEY RATING GUIDE as A- or better. Thirty (30) days written notice of cancellation of any policy is required and the County should be named as a certificate holder. If the insurance policy is due to expire during the term of the contract, a renewal certificate in the proper amounts should be received by the County by the expiration date of the policy, or the work should be halted until it is received.

GENERAL INSURANCE REQUIREMENTS

<u>Type of Contract</u>	<u>Type of Insurance</u>	<u>Insurance Limit</u>
1. "Public Work" Contracts and Vendor Services Agreements	General Liability	\$1,000,000/2,000,000 [check with Risk Manager for specific amount]
2. Professional/Personal Services Agreements	General Liability or Professional Liability	\$1,000,000

4.2 Contract/Agreement Approvals

Prior to the Board signing any contract, Personal Services Agreement, lease or rental agreement, the contract should be signed by the Contractor and the following approvals secured:

- a. Department Head/Elected Official: approves as to substance of the contract.
- b. Chief Civil Deputy Prosecuting Attorney or his/her designee: review to ensure proper contracting authority and form of the legal document only. (Resolution 16400)
- c. Risk Manager: reviews to ensure acceptable hold harmless, indemnification and insurance provisions.
- d. Budget/Finance Director: reviews to ensure that funds exist and the expense is allocated to the appropriate BARS code.

Upon approval, the signed contract/agreement is submitted to the Clerk of the Board for inclusion on the Board's agenda for approval. All contracts to be submitted to the Board for approval should be accompanied by a Document Routing Form. (App. E)

4.2.1 Exceptions:

- Delegated Authority: See Section 4.01
- Emergencies: If the Board makes a finding that an emergency requires the immediate execution of the work involved, the work may proceed before a contract has been entered into with the contractor. The Board must comply with applicable laws limiting emergency expenditures and must pass a Resolution declaring an emergency. In the event of an emergency, the Department Head will contact two members of the Board, individually, for verbal approval of the necessary work and follow up with a contract that will be routed the usual approvals as soon as is reasonably possible.

4.3 Personal Service Agreements

The Personal Service Agreement form (App. F) should be used for agreements for personal services and professional services. **Personal Service Agreements generally should not exceed a two-year time period.**

Personal Services Agreements are performed by the person ("Contractor") as an "independent contractor." Qualifications and performance are the primary considerations in selection of the Contractor with price being secondary or subject to negotiation. Contracts for personal services do not need to follow any particular bid procedures, although the Request for Qualifications process may be helpful.

4.4 Vendor Service Agreements

Generally, vendor services are services for the provision of supplies, materials and/or equipment for general government purposes, e.g. for routine equipment maintenance services. This includes services that essentially can be performed by any competent or skilled worker, e.g., data-entry services or landscape maintenance services. (This does not include services for a "public work" project.)

Vendors to be used by the County should be licensed, bonded and insured Contractors that are known to be reputable and guarantee their service and/or provide warranties for their products. A Vendor Services Agreement form should be used for all contracts with vendors. (See App. C)

4.5 Interlocal Agreements

Interlocal Agreements are agreements between or amongst two or more public agencies for the provision of services, facilities, or grants. "Public agency" is defined as "any agency, political subdivision or unit of local government...; any agency of the state government; any agency of the United States; any Indian tribe recognized by the federal government; and any political subdivision of another state." (RCW 39.34.020) Local government units include municipal corporations, special purpose districts and local service districts. (RCW 39.34.020)

The purpose of the statute is to enable public agencies to cooperate in the provision of services and facilities within their powers, so as to make the most efficient use of those powers. Typical services covered by interlocal agreements include jail, law enforcement, and code enforcement services. An interlocal agreement also allows for the joint use of equipment, personnel and facilities.

Unless there is statutory authority for the agreement other than RCW 39.34, any agreement between two or more governmental agencies must have a Resolution signed by the Board authorizing the interlocal agreement, in addition to the contract/agreement itself.

4.5.1 Types of interlocal agreements:

- **Service Contract**

Under this type of interlocal agreement, one unit of local government contracts with another to provide one or more services for a stated amount. One government entity is the supplier of the service and the other pays for the service. This is the most common method of intergovernmental contracting. Grants are included in this category.

- **Joint Agreement**

This type of interlocal agreement involves the establishment of a joint entity or an administrative board to oversee a joint project. An example of this type of interlocal agreement would be the Skagit 911 Center.

- **Memorandum Of Understanding**

This agreement takes the form of a mutual aid agreement between or amongst public agencies but in this context there is no definite written contract but merely an informal understanding.

4.5.2 Requirements for Interlocal Agreements

All interlocal agreements entered into pursuant to Chapter 39.34 RCW must comply with the requirements of Chapter 39.34 RCW. A generic draft form for an Interlocal Agreement is attached as Appendix G. Agreements must address and specify certain terms and conditions. RCW 39.34.030:

Agreements where no separate entity is formed must specify the following:

- a. Duration
- b. Purpose
- c. Manner of financing entity
- d. Means of partial/complete termination and disposition of property upon termination
- e. Provision for administrator/joint board, and if joint board, public agencies to be represented
- f. Manner for acquisition and disposition of real and personal property used pursuant to the agreement.
- g. Other necessary, proper matters

Agreements where a separate, joint entity is formed must specify the following:

- a. Duration
- b. Precise entity to be formed, enumerating legal powers of entity delegated to such
- c. Purpose
- d. Manner of financing entity, including establishment and maintenance of its budget
- e. Means of partial/complete termination and disposition of property upon termination
- f. Other necessary, proper matters

4.5.3 Authorizing Resolution:

In addition, all interlocal agreements must be authorized by resolution, ordinance or otherwise by law. A copy of the authorizing resolution should accompany the interlocal agreement when processed for signature. (See App. H) There is specific statutory authority for some state agency/county contracts, e.g., contracts with the Department of Transportation for maintenance of public roads (RCW 36.75.030 & .035), and contracts with DSHS for public health (RCW 70.12.015, .040, .050, and 70.96A.040-.045). Thus, a resolution would not be required for those types of interlocal agreements.

4.5.4 Recording (RCW 39.34.040)

All agreements entered into with other governmental jurisdictions pursuant to Chapter 39.34 RCW must be recorded with the County Auditor. The Auditor's office has special formatting requirements for recording that must be adhered to:

- (1) The first page of the document to be recorded shall contain the following:

- a. A top margin of at least three inches and a one-inch margin on the bottom and sides;
 - b. The top left-hand side of the page shall contain the name and address to whom the document will be returned.
 - c. The title or titles of the document to be recorded indicating the kind or kinds of transactions contained therein;
 - d. Reference numbers of documents assigned or released with reference to the document page number where additional names are, if applicable;
 - e. The names of the “grantor(s)” (first government entity) and “grantee(s)” (second government entity) with reference to the document page number where additional names are, if applicable;
 - f. If the agreement concerns a real estate transaction, an abbreviated legal description of the property, including lot, block, plat, or section, township, and range, and reference to the document page number where the full legal description is included, if applicable;
 - g. If the agreement concerns a real estate transaction, the assessor’s property tax parcel or account number.
- (2) All pages of the document shall be on sheets of paper of a weight and color capable of producing a legible image that are not larger than fourteen inches long and eight and one-half inches wide with text printed or written in eight (8) point type or larger.
- (3) The document must have a one-inch margin on the top, bottom, and sides for all pages except page one, be prepared in ink color capable of being imaged, and have all seals legible and capable of being imaged.

A recording cover page may be used in lieu of these formatting requirements. (See App. I)

4.6 Contract Forms

There are standard contract forms for Personal Services Agreements (PSA), Vendor Services Agreements (VSA) and Interlocal Agreements (IA) that can be found within Skagit County’s internal website and are attached as App. F, App. C and App. G, respectively. The PSA and VSA forms have already been approved by the Board as to the general content of the language of the agreements. These should be used for all County contracts for Personal Services and Vendor Services. While the Board has approved these forms, the Board still must sign each specific contract.

The forms may be modified if a particular section or clause does not apply to a specific contract. If a particular clause or section is not applicable, a strikethrough may be used to reflect the deletion, but the clause or section should not be physically deleted from the agreement. The following section headings or clauses should be included in all agreements:

- a. Scope of the contractor’s service
- b. Beginning date of contract

- c. Ending date of contract. This should not be excluded from the contract as it does ensure that the work will be performed within a reasonable amount of time. **Contracts should normally not exceed two (2) years in duration.**
- d. Maximum amount of compensation
- e. Accounting information (GL expenditure coding and payment schedule for contractor services)
- f. Independent contractor
- g. Taxes
- h. Regulations and requirements
- i. Defense and indemnity agreement
- j. Severability
- k. Waiver
- l. Internal Revenue form W-9 (This form is required in order to process payment in favor of the contractor. The original form must be obtained with Federal Tax Identification number listed, the name of the contractor's business, and the contractor's signature.)

Once a contract has been signed by the required signatories, a copy of the contract must be sent to the Clerk of the Board for inclusion in the County's contract database system. The Clerk shall assign a contract number to the contract.

4.6.1 Contract Amendments

The Contract Amendment Form is the appropriate form to use if a supplement or amendment to an original contract is necessary. (App. J) The original contract title and number, plus any and all affected amendments and the purpose of the supplement/amendment, should be included in the language of the supplement/amendment.

4.6.2 Non-Standardized Contract Forms

If at all possible, it is preferable that staff use the existing standard contract forms. The PSA, VSA, and Guest Speaker forms have been formally adopted by the Board. However, in the event that a different format is necessary, the contract must still be reviewed according to the process listed in Section 4.2 and must be approved by the Board. For example, when contracting with the State, typically the State's contract form is used.

4.7 Contract Change Orders

A contract change order is any written modification in the terms of a contract. This generally applies to the Facilities and Public Works departments only.

4.7.1 Contract Change Order Authority

The Director of Facilities Management may approve and sign Construction Change Orders up to 10 percent of the original contract amount per modification, but shall not exceed the established contingency level without prior approval from the Board.

The County Engineer may execute construction change orders up to 10 percent of the contract bid award dollar amount, however, construction change orders in excess of 10 percent of the contract award are to be executed by the County Engineer and the Board. (Resolution No. 17106)

4.7.2 Change Orders

All Change Orders must contain the County Contract Number from the original contract. Preferably, the number should be placed at the top of the form next to the Change Order Number.

4.8 Retainages/Holdbacks (RCW 60.28.011)

Retainages and holdbacks are only required for construction contracts. A retainage bond may be used in lieu of a retainage or holdback.

County construction contracts shall provide for and the County shall reserve a contract retainage not to exceed five (5) percent of moneys earned by the contractor. The retainage acts as a trust fund for the protection and payment of: a) the claims of any person arising under the contract; and b) the state with respect to taxes imposed under Title 82 RCW.

4.8.1 Retainage Placement Upon Receipt

The moneys reserved by Skagit County under the provisions of a construction contract, at the option of the contractor, shall be:

- a. Retained in a fund by Skagit County
- b. Deposited by Skagit County in an interest bearing account in a bank, mutual savings bank, or savings and loan association;
- c. Placed in an escrow account with a bank or trust company by Skagit County. This check shall be converted into bonds and securities chosen by the contractor and approved by Skagit County and bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues
- d. Copy of the retainage agreement must be forwarded to the managing department along with the contract and other relevant documents.

4.8.2 Process Upon Completion of Contract Work

- a. After completion of all contract work other than landscaping, contractor may request that Skagit County release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to provisions of RCW Chapters 39.12 and 60.28.

- b. Department fills out Form RV310020 (1-17-96) Notice of Completion of “Public Work” Contract and sends it to Department of Revenue
- c. Sixty days after completion of all contract work the department must release and pay in full the amounts retained during the performance of the contract subject to the provisions of Chapters 39.12 and 60.28 RCW.
- d. For contracts over \$20,000, before releasing the entire retainage, regardless of the 60-day limit, the department must obtain: 1) a certificate from the Department of Revenue signifying that all applicable use and sales taxes have been paid and that the Department releases its lien rights (RCW 60.28.051 & RCW 60.28.060); 2) a copy of the approved Affidavit of Wages Paid from the Contractor regardless of the 60-day limit; and 3) a letter from the Department of Labor & Industries that releases Skagit County from any further liability for industrial insurance premiums.
- e. The department should verify receipt of Certificate of Payment of Contributions, Penalties and Interest on Public Work Contracts (EMS 8449 760 R7-84) from Employment Security Department Division of Washington State Department of Labor and Industries. This Certificate ensures contractor and subcontractors have paid any taxes due Employment Security Dept and that Employment Security has released its lien on the retainage per RCW 60-28-040.
- f. If liens are filed, but Department of Revenue and Department of Labor and Industries clearances have been obtained, be prepared to release all the retainage except that required to satisfy the liens when the 60-day limit for retainage release RCW 60.28.011(3)(b) is up.

A copy of the retainage letter to the contractor and escrow agreement forms can be found on-line within Skagit County’s web page.

4.9 Prevailing Wages (RCW 39.12.010)

All “public work”, including maintenance, when performed by contract shall comply with the provisions of RCW 39.12.020, et seq., requiring the payment of prevailing wages to laborers, workers or mechanics on all such contracts.

SECTION 5

Real Property Acquisitions

5.0 Land Acquisitions

Generally, all real estate transactions, excluding right of way acquisitions and tax title properties, but including rental and lease options, should go through the Director of Facilities Management for review before presentation to the Board. Land acquisitions within the Public Works Department should go through the County Engineer.

5.0.1 Land Acquisitions through Facilities

The general process for land acquisitions involves hiring an appraiser to obtain a fair market value, reviewing results of the appraisal, consolidating the appraisal into report format, and presenting such information to the Board in executive session to discuss the parameters of a potential offer to the land owner(s).

5.0.2 Right of Way Acquisitions

Contact the County Engineer in the Public Works Department for further detail.

5.0.3 Acquisition of Park Property

The County may acquire real property (or any interest therein) for parks, recreational, viewpoint or greenbelt purposes, or for the conservation of land or natural resources. (RCW 36.34.340)

5.1 Lease of Real Property

When the county desires to lease property from a private individual and/or business, the Director of Facility Management negotiates in the best interest of the county. Upon completion of negotiation with the property owner(s), the Director of Facility Management prepares and presents a report to the Board for discussion. Consideration is given to such issues as potential business related conflicts of interest when a final determination is made. All leases of real property must be reviewed with the Director of Facility Management prior to any negotiations with property owner(s).

RCW 36.34 provides specific detail regarding leasing county-owned property to private individuals and/or businesses. An application for lease of County real property shall be submitted to the Board and then the board must issue a Notice of Intent to Lease and hold a public hearing. (See RCW 36.34.190).

No lease may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. The county shall use the same procedures specified in RCW 36.32.245 and 39.04.190 for

awarding contracts for purchases when it leases property from the lowest responsible bidder.

Definitions

Note: Unless the context clearly requires otherwise, the definitions listed below shall apply throughout this policy and procedures manual.

Administrative Officer – The County Administrator

Application - A completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services.

Board – Board of County Commissioners, the legislative authority for Skagit County.

Clerk – Clerk of the Board of Skagit County Commissioners

Consultant - Any person providing Personal Services who is not an employee of the agency for which the services are provided.

Contractor - The entity that is entering into a contract with the County.

Department – refers to departments of the County, including the offices of elected officials.

Emergency - Unforeseen circumstances beyond the control of the municipality that either: (1) present a real, immediate threat to the proper performance of essential functions; or (2) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. (RCW 39.04.280)

Emergency Exception – An exception to the competitive bidding requirement. In the event of an emergency and upon resolution of the Board declaring the existence of such emergency and reciting the facts constituting the same, the Board may waive the requirements of RCW 36.32 with reference to any purchase or contract. (RCW 36.32.270; 39.04.280)

Interlocal Agreements - Interlocal Agreements are agreements between or amongst two or more public agencies for the provision of services or facilities. There are three (3) basic types of interlocal agreements: “Service Contract”, “Joint Agreement” and “Memorandum of Understanding”.

Letter – written document, including e-mail.

Maintenance – Activities related to “keeping existing facilities in a good, usable, operational condition.” (WAC 296-127-010(7)(a)(iv))

Ordinary maintenance – Work performed on a regularly scheduled basis to service, check, or replace items that are not broken; or that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary. (See WAC 296-127-010(7)(b)(iii))

Person - Any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

Personal Service - Professional expertise provided by a consultant to accomplish a specific study, project, task, or other work statement that requires professional expertise in which a special skill or ability of a highly technical or scientific nature is required, or the exercise of artistic judgment or advanced education or knowledge is required to accomplish the task(s).

Professional Services - Services rendered by architects, engineers, land surveyors, structural designers, and landscape architects. (RCW 39.80.020)

Public Work - The term “public work” shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. It is not to be confused with work performed by or at the request of the Public Works Department.

Request for Proposals (RFP) – Defines the work to be performed, the expected qualifications of the vendor and solicits price quotes.

Request for Qualifications (RFQ) – An advance publication of an agency's requirement for Professional or Personal Services.

Responsible Bidder – A responsible bidder is determined by considering the bidder's ability, capacity, and skill regarding the contract or service; the bidder's reputation and experience; the bidder's demonstrated ability to perform the contract within the time specified; the quality of performance of the bidder's previous contracts or services; and the bidder's previous or current compliance with laws related to the contract or services.

Sole Source Exception - One of three (3) limited exceptions to the competitive bidding requirement. This exception provides that where the municipality can only procure a certain product from one source, and it would be futile to go to competitive bidding for such product, requirement for competitive bidding may be waived. “Sole source” must have a genuine and proven basis.

Vendor - A person who sells goods or services.

Vendor Services - Services provided by a vendor to accomplish routine, continuing and necessary functions. (See RCW 39.29.006(9))

Certificate of Completion

Awarded to

Brenda Olson

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Sept. 3, 2021**



Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Certificate of Completion

Awarded to

Grace Kane, PE

For successful completion of

Title VI Basics for LPAs

**Washington State Department of Transportation
Office of Equal Opportunity**

Completed **Aug. 18, 2021**



**Washington State
Department of Transportation**

Gretchen Gleue, Title VI Local Agency Compliance Lead
WSDOT Office of Equal Opportunity

Appendix "H"

DOT Standard Title VI Assurances

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Skagit County (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation (WSDOT), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Skagit County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Skagit County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Skagit County access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Skagit County. You must keep records, reports, and submit the material for review upon request to Skagit County, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Skagit County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Skagit County
(**Name of Recipient**)

by 
(**Signature of Authorized Official**)

Trisha Logue / Skagit County Administrator
Name/Title

DATED 10/25/2021

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Skagit County will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Skagit County all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Skagit County and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Skagit County, its successors and assigns.

The Skagit County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Skagit County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Skagit County pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Skagit County will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Skagit County will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Skagit County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Skagit County pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Skagit County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Skagit County will there upon revert to and vest in and become the absolute property of Skagit County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).