Application for Use of State-owned Aquatic Lands

Applicant Name: Town of La Conner
County: Skagit County
Water Body: Swinomish Channel
Type of Authorization - Use: Right of Entry – Bank Stability Maintenance
Authorization Number: Number Pending
Term: 1 year

Description:
This agreement will allow the use of State-owned aquatic lands for the sole purpose of replacing two layers of quarry rock along the La Conner shoreline. It is located on the Swinomish Channel, in Skagit County, Washington.

This is a repair and maintenance project done at the request of the Army Corps of Engineers. It would use approximately 15 cubic yards of material over a 600-square-foot area.

Posted: February 13, 2013
WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) Form¹,²
USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith’s Dock or Seabrook Lane Development) [help]
   Pier 7 Bank Stability Maintenance 2013

Part 2—Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)
Brian Lease, Public Works Director

2b. Organization (If applicable)
Town of La Conner

2c. Mailing Address (Street or PO Box)
PO Box 400

2d. City, State, Zip
La Conner, WA 98257-0400

2e. Phone (1)  2f. Phone (2)  2g. Fax  2h. E-mail
(360) 466-3933  (360) 840-3001  (360) 466-1313  publicworks@townoflaconner.org

¹Additional forms may be required for the following permits:
   • If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
   • If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx.
   • Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.


For other help, contact the Governor’s Office of Regulatory Assistance at 1-800-917-0043 or help@ora.wa.gov.
Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)

Doyle, John

3b. Organization (If applicable)

Town of La Conner

3c. Mailing Address (Street or PO Box)

PO Box 400

3d. City, State, Zip

La Conner, WA 98257-0400

3e. Phone (1)  3f. Phone (2)  3g. Fax  3h. E-mail

(360) 466-3125  (360) 770-1238  (360) 466-1313  publicworks@townoflaconner.org

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both upland and aquatic ownership because the upland owners may not own the adjacent aquatic land. [help]

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☒ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)

Blades, Gerald

4b. Organization (If applicable)

Pier 7

4c. Mailing Address (Street or PO Box)

17566 Dunbar Road

4d. City, State, Zip

Mount Vernon, WA 98273

4e. Phone (1)  4f. Phone (2)  4g. Fax  4h. E-mail

(360) 416-4536  (360) 416-6632  ( )  thatsnotall@hotmail.com
Part 5—Project Location(s)
Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]
☐ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☒ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]
128 South First Street

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]
La Conner, WA 98257

5d. County [help]
Skagit

5e. Provide the section, township, and range for the project location. [help]

<table>
<thead>
<tr>
<th>1/4 Section</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE 1/4</td>
<td>36</td>
<td>34N</td>
<td>02E</td>
</tr>
</tbody>
</table>

5f. Provide the latitude and longitude of the project location. [help]
- Example: 47.03922 N lat /-122.9142 W long. (Use decimal degrees - NAD 83)

48.23.92N lat / 122.29.33W long

5g. List the tax parcel number(s) for the project location. [help]
- The local county assessor's office can provide this information.

P74456

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

<table>
<thead>
<tr>
<th>Name</th>
<th>Mailing Address</th>
<th>Tax Parcel # (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of La Conner</td>
<td>PO Box 400, La Conner, WA 98257</td>
<td>Streatend ROW</td>
</tr>
<tr>
<td>Wells Fargo Bank</td>
<td>1700 Lincoln St. 7th Floor</td>
<td>P74455</td>
</tr>
<tr>
<td></td>
<td>Denver, CO 80203-4500</td>
<td></td>
</tr>
</tbody>
</table>
5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Swinomish Channel

5k. Is any part of the project area within a 100-year floodplain? [help]

☒ Yes ☐ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

There is no vegetation on the property. The property is a fully developed urban waterfront with an armored embankment beneath the structures which are on pilings.

5m. Describe how the property is currently used. [help]

The property is within the La Conner National Historic District and the building is on the National Historic Register. It is commercially zoned with a commercial building, wharf, public walkway and moorage. There is also a conditional use residence above the businesses.

5n. Describe how the adjacent properties are currently used. [help]

The property to the north has been a food service establishment. The property to the south is a public right-of-way street end.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

The above ground structures are the Pier 7 Historic Building with commercial and residential uses, a 1,000 square foot wharf with a public walkway, access ramp, and 50 foot moorage float. All structures are in good repair.
5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

From SR 20, turn south at the La Conner-Whitney Road signal. Proceed four miles to the traffic “roundabout” at the edge of Town. Take the west exit out of the roundabout onto Morris Street. Continue west on Morris Street until reaching the final stop sign on South First Street. Turn south. Proceed one block south to Washington Street. The Pier 7 building is on the west side of the street.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

The Town is proposing to replace two layers of quarry rock between Elevations 0 and 10 at Station 14F along the La Conner shoreline. This will entail approximately 15 cubic yards of materials over about a 600 square-foot area.

6b. Describe the purpose of the project and why you want or need to perform it. [help]

This is a repair and maintenance project done at the request of the Army Corps of Engineers Geotechnical and Environmental Restoration Branch, Charles Ifft, P.E.. In the September 2012 report, See Attached, Mr. Iftt identified the failing section of the Flood protection measures installed by the Army Corps of Engineers in the 1990’s.

This activity is in the same area as the current “Boardwalk Project”. The Town would appreciate an expedited review so that work can be done concurrently and less disruptive.

6c. Indicate the project category. (Check all that apply) [help]

- Commercial
- Residential
- Institutional
- Transportation
- Recreational
- Maintenance
- Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

- Aquaculture
- Bank Stabilization
- Boat House
- Boat Launch
- Boat Lift
- Bridge
- Bulkhead
- Buoy
- Channel Modification
- Culvert
- Dam / Weir
- Dike / Levee / Jetty
- Ditch
- Dock / Pier
- Dredging
- Fence
- Ferry Terminal
- Fishway
- Float
- Floating Home
- Geotechnical Survey
- Land Clearing
- Marina / Moorage
- Mining
- Outfall Structure
- Piling/Dolphin
- Raft
- Retaining Wall (upland)
- Road
- Scientific Measurement Device
- Stairs
- Stormwater facility
- Swimming Pool
- Utility Line

- Other:
6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]
   • Identify where each element will occur in relation to the nearest waterbody.
   • Indicate which activities are within the 100-year floodplain.

All activities will be within the 100-year floodplain. The project is located on the banks of the Swinomish Channel. With the 600 square foot area (see attached drawings and ACE Report), two layers of rip-rap will be replace (approximately 15 cubic feet) by hand. No excavation or equipment will be used.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]
   • If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

   Start date: July 15, 2013   End date: July 31, 2013   ☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

6h. Will any portion of the project receive federal funding? [help]
   • If yes, list each agency providing funds.

☐ Yes   ☒ No   ☐ Don’t know

Part 7–Wetlands: Impacts and Mitigation
☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
   (If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]
   ☒ Not applicable

7b. Will the project impact wetlands? [help]
   ☐ Yes   ☐ No   ☐ Don’t know
7c. Will the project impact wetland buffers? [help]

☐ Yes  ☐ No  ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]
   • If Yes, submit the report, including data sheets, with the JARPA package.

☐ Yes  ☐ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]
   • If Yes, submit the wetland rating forms and figures with the JARPA package.

☐ Yes  ☐ No  ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]
   • If Yes, submit the plan with the JARPA package and answer 7g.
   • If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes  ☐ No  ☐ Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

<table>
<thead>
<tr>
<th>Activity (fill, drain, excavate, flood, etc.)</th>
<th>Wetland Name¹</th>
<th>Wetland type and rating category²</th>
<th>Impact area (sq. ft. or Acres)</th>
<th>Duration of impact³</th>
<th>Proposed mitigation type⁴</th>
<th>Wetland mitigation area (sq. ft. or acres)</th>
</tr>
</thead>
</table>

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/in-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available:
7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

---

Part 8—Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

- Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

[ ] Not applicable

This is a maintenance project to a pre-existing armored bank. To minimize the impact, the Town staff will be hand laying quarry rock. No excavation or soil disturbance will occur.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

[ ] Yes  [X] No
8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- If Yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

☑️ Yes ☑️ No ☐ Not applicable

Any and mitigation that occurred was implemented through the original project installation by the Army Corps of Engineers

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

Not applicable

8e. Summarize impact(s) to each waterbody in the table below. [help]

<table>
<thead>
<tr>
<th>Activity (clear, dredge, fill, pile drive, etc.)</th>
<th>Waterbody name¹</th>
<th>Impact location²</th>
<th>Duration of impact³</th>
<th>Amount of material (cubic yards) to be placed in or removed from waterbody</th>
<th>Area (sq. ft. or linear ft.) of waterbody directly affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank Armor Rip-Rap</td>
<td>Swinomish Channel</td>
<td>Station 14F</td>
<td>2 weeks</td>
<td>15 cubic yards</td>
<td>600 sq ft</td>
</tr>
</tbody>
</table>

¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

Fifteen cubic yards of quarry stone will be hand placed in a 600 sq ft area at Station 14F to reinforce the existing armored bank for the Army Corps La Conner Bank Erosion Control project of 1996.
8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

There will be no excavation or dredging.

---

Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Contact Name</th>
<th>Phone</th>
<th>Most Recent Date of Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington DNR</td>
<td>Brenda Werden</td>
<td>360-854-2836</td>
<td>October 2012</td>
</tr>
<tr>
<td>Washington Fish and Wildlife</td>
<td>Doug Thompson</td>
<td>360-466-4345</td>
<td>October 2012</td>
</tr>
<tr>
<td>Army Corps of Engineers</td>
<td>Erin Legge</td>
<td>206-764-6695</td>
<td>January 2013</td>
</tr>
</tbody>
</table>

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology’s 303(d) List? [help]

- If Yes, list the parameter(s) below.

☑ Yes □ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

Puget Sound Water Shed

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.

WRIA 3
9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Yes  ☑ No  ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]
- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html

☐ Rural  ☑ Urban  ☐ Natural  ☐ Aquatic  ☐ Conservancy  ☐ Other: Historic

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Shoreline  ☑ Fish  ☐ Non-Fish Perennial  ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]
- If No, provide the name of the manual your project is designed to meet.

- Yes  ☐ No

Name of manual:

9i. Does the project site have known contaminated sediment? [help]
- If Yes, please describe below.

☐ Yes  ☐ No

9j. If you know what the property was used for in the past, describe below. [help]

Decking and over-water building for commercial retail and food service shops.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]
- If Yes, attach it to your JARPA package.

- Yes  ☑ No
9i. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

- Chinook Salmon
- Bull Trout
- Steelhead
- Orca Whale

9m. Name each species or habitat on the Washington Department of Fish and Wildlife’s Priority Habitats and Species List that might be affected by the proposed work. [help]

- Chinook Salmon
- Bull Trout
- Steelhead

Part 10—SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.ecy.wa.gov/opsa/. (Check all that apply.) [help]
- Governor’s Office of Regulatory Assistance at (800) 917-0043 or help@ora.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with _____________ (lead agency). The expected decision date is

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☒ This project is exempt (choose type of exemption below).
  ☒ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?
  WAC 197-11-800, 3(b) Repair and maintenance of shoreline protection structure

☐ Other:

☐ SEPA is pre-empted by federal law.
10b. Indicate the permits you are applying for. (Check all that apply.) [help]

**LOCAL GOVERNMENT**

**Local Government Shoreline permits:**
- [ ] Substantial Development
- [ ] Conditional Use
- [ ] Variance
- [X] Shoreline Exemption Type (explain): Exempt Maintenance Activity

**Other city/county permits:**
- [ ] Floodplain Development Permit
- [ ] Critical Areas Ordinance

**STATE GOVERNMENT**

**Washington Department of Fish and Wildlife:**
- [X] Hydraulic Project Approval (HPA)
- [ ] Fish Habitat Enhancement Exemption – Attach Exemption Form

Effective July 10, 2012, you must submit a check for $150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:
- [X] $150 check enclosed. (Check #______________)
  Attach check made payable to Washington Department of Fish and Wildlife.
- [ ] Charge to billing account under agreement with WDFW. (Agreement #______________)
- [ ] My project is exempt from the application fee. (Check appropriate exemption)
  - [ ] HPA processing is conducted by applicant-funded WDFW staff.
    (Agreement #______________)
  - [ ] Mineral prospecting and mining.
  - [ ] Project occurs on farm and agricultural land.
    (Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
  - [ ] Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
    (HPA #______________)

**Washington Department of Natural Resources:**
- [X] Aquatic Use Authorization
  Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources.
  **Do not send cash.**

**Washington Department of Ecology:**
- [ ] Section 401 Water Quality Certification

**FEDERAL GOVERNMENT**

**United States Department of the Army permits (U.S. Army Corps of Engineers):**
- [X] Section 404 (discharges into waters of the U.S.)
- [ ] Section 10 (work in navigable waters)

**United States Coast Guard permits:**
- [ ] General Bridge Act Permit
- [ ] Private Aids to Navigation (for non-bridge projects)
Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. (initial)

By initializing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. (initial)

Brian Leach                                                   Brian F.                                                   1-29-13
Applicant Printed Name                                        Applicant Signature                                      Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued:

John Doyle                                                   James F.                                                   1-29-13
Authorized Agent Printed Name                                 Authorized Agent Signature                               Date

11c. Property Owner Signature (if not applicant). [help]

Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

M. Blades                                                    Gerald G. Blades                                          1-30-13
Property Owner Printed Name                                   Property Owner Signature                                Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office of Regulatory Assistance (ORA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORA publication number: ENV-019-09 rev. 06-12