



Anacortes Planning, Community & Economic Development Department
 904 6TH Street / P.O. Box 547, Anacortes, WA 98221
 (360) 299-1984 - Office Hours: Mon-Fri 8:00 AM – 5:00 PM

LETTER OF EXEMPTION			
From the Requirement for a Shoreline Substantial Development Permit			
File Number	SLX-2022-0001		
Project Title	Fidalgo Marina Breakwater Repairs		
Project Locations	3101 V Place, Anacortes, WA 98221		
Request	<p>The applicant has requested a Shoreline Exemption permit with SEPA Review for the repair of batter support piles for an existing protective breakwater, associated with the Fidalgo Marina per WAC 173-27-040(2)(b).</p> <p>A project approval for an emergency exemption per WAC 173-27-040(2)(d) was issued by the City of Anacortes on September 29, 2021, for the necessary repairs to occur immediately; this permit application is to formally permit the scope of work.</p>		
Property Owner	Fidalgo Marina Owners Association 3101 V Place Anacortes, WA 98221	Applicant / Agent	PND Engineers, INC Attn: Anna Kopitov 1736 4 th Ave S, Suite A Seattle, WA 98134
SEPA Review	Pursuant to WAC 197-11-800(3)(b), the project is not exempt from SEPA review. An Optional Determination of Non-Significance was issued for the project on February 23, 2022.		
Shoreline Exemption Type	SMP 2.4(E)(2) & WAC 173-27-040(2)(b), <i>Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.</i>		
Critical Areas	<p>Pursuant to Appendix "A" of the Shoreline Master Program (SMP) regulating critical areas, the subject development was reviewed for proximity to critical areas. The subject property is subject to the following:</p> <p>SMP A-1: Frequently Flooded Areas Based on FEMA's National Flood Hazard Mapping, the project location is within FIRM panel 5303170080A; this area is identified as Zone AE.</p>		

	<p>However, being as all work is to occur waterward of the OHWM, the provisions for flood hazards would not apply.</p> <p>SMP A-5: Fish & Wildlife Habitat Conservation Areas Based on the City mapping system, the project location within herring spawning area and seal & sea lion haul-out area as well as near Dungeness crab habitat and a smelt spawning area.</p> <p>With application, a biological evaluation report, prepared by Skillings, Inc on January 28, 2020, was provided. The report concluded that the proposed work would not result in long term impacts; the impacts would be temporary and short term.</p>
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SHORELINE INFORMATION

Shoreline Environment	The project location is identified as Urban Maritime shoreline environment designation with all work occurring within the Aquatic shoreline environment designation.
Water Body	Fidalgo Bay

VICINITY MAP



FINDINGS OF FACT

1. The applicant has requested a Shoreline Exemption permit with SEPA Review for the repair of batter support piles for an existing protective breakwater, associated with the Fidalgo Marina per [WAC 173-27-040\(2\)\(b\)](#).
 - 1.1. During a survey of the existing facility, severe damage was reported for approximately 22 batter piles, 11 at each the North and East Breakwater sections; this application is for the repair of the 11 batter piles on the North Breakwater only.
 - 1.2. Piling repairs would include inserting a temporary form sleeve within each batter pile (CarboSleeve or CarboShield) then filling with grout to provide reinforcement and strengthen the perforated portions of the piles. Prior to the placement of the form, the internal walls of the piles are to be cleaned of

debris, which would be contained within the pile cavity. The formwork sleeve would prevent the applied grout from entering the water and would be removed once the epoxy grout has cured.

- 1.3. A project approval for an emergency exemption per [WAC 173-27-040\(2\)\(d\)](#) was issued by the City of Anacortes on September 29, 2021, for the necessary repairs to occur immediately; this permit application is to formally permit the scope of work.
2. The subject property is located within the Urban Maritime shoreline environment designation with all work occurring within the Aquatic shoreline environment designation
3. The proposed work would not result in a new impact or overwater coverage.

1. The proposed maintenance project, as conditioned, are consistent with SMP 2.4(E)(2) & WAC 173-27-040(2)(b).
2. As conditioned, the proposal is consistent with the policies of the Shoreline Management Act.
3. As conditioned, the proposal is consistent with the Shoreline Master Program.

DECISION

Approved

Denied



Don Measamer, Shoreline Administrator

2/23/22
Date

CONDITIONS OF APPROVAL

1. Pursuant to WAC 173-27-040(1)(e), the applicant must comply with all work as described within the provided narrative, JARPA, and site plan, or as modified by other agency requirements.
 - 1.1. This exemption is based only on the plans and application materials, noted within the file of record, received from the applicant. Any changes shall be reviewed by the City of Anacortes Planning Department to ensure that the exemption is still valid.
2. All work shall be done in compliance with the biological evaluation prepared January 28, 2020 by Skillings, Inc.
3. The applicant must adhere to the applicable policies and development regulations contained in the City of Anacortes's 2010 Shoreline Master Program including but not limited to those in: Chapter 5, Shoreline Environment & Associated Policies & Regulations; Chapter 6, Environmental Protection General Regulations; and other applicable provisions of the Shoreline Master Program.
4. Pursuant to SMP 2.4(B), this exemption shall 1 year from the above date of issuance.
5. Pursuant to RCW 27.53.020 and COASMP 6.4 for Archaeological/Historic/Cultural Impacts, if any artifacts or human remains are found upon excavation, the Samish Indian Nation; the City of Anacortes' Department of Planning, Community, & Economic Development; the City of Anacortes' Police Department; and the State of Washington's Department of Archaeology and Historic Preservation (DAHP) shall be immediately notified and the work in the immediate area cease.
 - 5.1. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources.

6. Best Management Practices (BMPs) must be implemented at all times during the proposed maintenance and repair activities.
7. All applicable local, state, and federal permits and authorizations must be secured prior to work beginning on the site. Copies shall be provided to the city.
8. The applicant /landowner must comply with federal statutes including but not limited to: The Endangered Species Act, Clean Water Act, Marine Mammal Protection Act, and other federal statutes.
9. Pursuant to WAC 173-27-040(1)(e), a copy of this exemption and attached conditions must be kept on-site and provided to the applicant or contractor and all others working within the shoreline area at all times. The applicant, contractor, machinery operators and all others working within the shoreline area shall have read this exemption and attached conditions and shall follow its conditions at all times.

Note: An exemption from the Substantial Development Permit requirements does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of the Shoreline Master Program, or other applicable City, state, or federal permit requirements.

APPEALS

Per AMC Table 19.20.030-1 and 19.20.210, the Administrator's decision may be appealed to the Hearing Examiner. Appeals must be delivered to the City Clerk by mail or personal delivery before 5:00 PM on the last business day of the appeal period (14 days). Appeals received by mail after 5:00 PM on the last day of the appeal period will not be accepted, regardless of when such appeals were mailed or postmarked. Contents of any appeal shall contain the information and items as listed in AMC 19.20.210(F).

CITY STAFF CONTACT

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