LORING ADVISING

By Email

October 26, 2023

PCED Department
PO Box 547
Anacortes, WA 98221
pced@cityofanacortes.org

Re: Project and SEPA Comments
LPS-2022-0001, SCUP-2023-0001, SDP-2023-0004
Fidalgo Landing

Dear PCED,

I am submitting the comments below on behalf of Evergreen Islands in response to the Notice of Application that the City of Anacortes ("City") posted on September 27, 2023 for the Fidalgo Landing permit applications for long subdivision approval, Shoreline Conditional Use Permit, and Shoreline Substantial Development Permit. While the project proposes several actions that should benefit the shoreline ecosystem, such as removal of concrete and rock debris from the beach and removal of creosote pilings, the application nevertheless fails to explore the adverse impacts associated with replacing and expanding the shoreline armoring, with filling the shoreline, and with the construction of four lengthy jetties extending into Fidalgo Bay. The application also omits information about upland fill, stormwater treatment, and traffic impacts that must be explored pursuant to the State Environmental Policy Act ("SEPA") and the Anacortes Municipal Code ("Code"). Evergreen Islands therefore requests that PCED decline to issue a threshold determination under SEPA at this point and to direct the applicant to supply the necessary information about the project's potential impacts.

Evergreen Islands also respectfully requests that you post all written project comments on the project webpage at the conclusion of the public comment period.

The following sections: (1) summarize pertinent project details; (2) identify SEPA requirements and information gaps; and (3) identify applicable Shoreline Master Program ("SMP") requirements and information gaps.

We look forward to working with you to ensure that the Fidalgo Landing project serves the best interests of the applicant, the city, the residents, and the shoreline.

A. Project Details.

The Fidalgo Landing project involves the development of a former paper mill and cleanup site on approximately 54.3 acres along Fidalgo Bay, including 21 upland acres, a 24.5-acre aquatic lot, and a 30-foot-wide tract along the shoreline.[1] The cleanup efforts did not remove all of the toxic pollutants on-site or reduce their levels below safe levels – subsurface soils remain under engineered caps with concentrations of petroleum hydrocarbons, metals, and carcinogenic polycyclic aromatic hydrocarbons above levels allowed for unrestricted use under Washington's Model Toxics Contral Act.[2] The owner contemplates developing the property in phases.[3]

The current phase proposes the creation of 23 lots through a long subdivision, upland landfilling up to the Ordinary High Water Mark, and a significant amount of shoreline development. The project would replace and expand shoreline armoring at the site, construct four groins extending out into Fidalgo Bay, and import and install fill on the beach.[4] In addition, concrete and rock debris and creosote piles will be removed from the nearshore area, and vegetation would be planted on the shoreline.[5] The application anticipates that the current phase will see the addition of approximately 10,387 cubic yards of fill in the nearshore area (15,900 tons), including approximately 6,700 cubic yards for beach nourishment and 2,000 cubic yards of rock, with some of this sourced on-site.[6] The fill will be spread across approximately 85,000 square feet of area, or a little under two (2) acres.[7] The SEPA Checklist speculates that the project will result in less than 90% impervious surface, while noting that it could legally reach that amount.[8] The SEPA Checklist states that filter catch basins have been installed in roadways and that stormwater will flow to one of four outfalls on site, with some portion sheet flowing into Fidalgo Bay. The Stormwater Site Plan for the plat application reports that the project will not change the existing stormwater discharge to Fidalgo Bay from the site, which occurs through sheet flow and piped outfalls, and does not propose a method for treating stormwater, deferring that to a future date.[9]

The SEPA Checklist provides inconsistent information about the amount of development

[1] City of Anacortes, Notice of Application, Preliminary DNS and Public Comment Period (Sept. 27, 2023).
[2] Coastal Geologic Services, Inc., *Coastal Enhancement and Shore Protection Repair at MJB Properties Design Report*, 6 (May 20, 2022) (hereafter "CGS Report").
[3] SEPA Checklist, at 2.
[4] The Watershed Company, Critical Areas Report: Anacortes Shoreline Development, 6 (Oct. 10, 2022).
[5] SEPA Checklist, at 7.
[6] SEPA Checklist, at 5.
[7] SEPA Checklist, at 5.
[8] SEPA Checklist, at 6.
[9] Kpff, MJB North Preliminary Plat, Stormwater Site Plan, Preliminary Report, 22, 28 (July 2023).

and traffic anticipated to occur on the property. The SEPA Checklist estimates that 1,500 people will reside or work on the property at full buildout and that 1,000 high and middle income housing units will be developed.[10] Yet the SEPA Checklist also estimates that the 1,500 people will generate only 618 total trips per day.

The SEPA Checklist defers to future environmental reviews for significant portions of the anticipated development. For example, the SEPA Checklist opines that view impacts, housing impacts, the need for police and fire services, and stormwater management other than catch basins in road ways would be addressed in the future.

The nearshore area along the site provides valuable habitat. The Joint Aquatic Resources Permit Application notes that eelgrass beds lie waterward of the Ordinary High Water Mark and that Pacific herring spawn in Fidalgo Bay and surf smelt spawn on the shoreline adjacent to the site.[11] The application does not analyze potential impacts like the following on these species: (1) the altered hydrologic regime caused by the artificial drift cell installation; (2) offshore erosion of beach nourishment into the eelgrass bed; (3) burial of forage fish eggs during construction; (4) obstructing landward migration of spawning habitat as sea level rises; or (5) stormwater.

B. The Application Does Not Satisfy SEPA Requirements.

The Legislature adopted SEPA to encourage productive and enjoyable harmony between humans and their environment, to promote efforts to prevent or eliminate damage to the environment, to stimulate the health and welfare of humans, and to enrich the understanding of the ecological systems and natural resources important to the state and the nation. RCW 43.21C.010. The Legislature also recognized that each person has a fundamental and inalienable right to a healthful environment and a responsibility to contribute to the preservation and enhancement of the environment. RCW 43.21C.020(3). SEPA directs agencies to use all practicable means and measures to carry out these policies. RCW 43.21C.020, .030; *Eastlake Cmty. Council v. Roanoke Assocs.*, 82 Wn.2d 475, 490, 513 P.2d 36 (1973).

1. The Optional DNS process is inappropriate for a project of the scale represented by Fidalgo Landing.

A lead agency may avail itself of the streamlined optional DNS process where it "has a reasonable basis for determining significant adverse environmental impacts are unlikely." WAC 197-11-355(1). This process typically involves a single public comment period shortly after receipt of an application and precludes comments after the issuance of a threshold

[10] SEPA Checklist, at 14.
[11] JARPA, at 9, 14.

determination. WAC 197-11-355(1). Notice According to the Washington Department of Ecology's State Environmental Policy Act Handbook ("SEPA Handbook"),[12] the optional DNS process is appropriate when the lead agency has completed its environmental review at the time it issues its Notice of Application ("NOA").[13] Prior to deciding to use the optional DNS process, the SEPA Handbook recommends that a municipality consider that: (1) it is intended for minor projects that can be fully reviewed prior to issuing a NOA and that the regular SEPA process should be used for more complex proposals; and (2) the NOA must contain sufficient information about the proposal, including proposed mitigation measures, to allow other agencies and the public to understand the proposal and to comment on areas of concern.[14]

The Fidalgo Landing proposal does not warrant review under the optional DNS process. First, the environmental review has not been completed for the project because significant environmental impacts have not been evaluated. For example, the application does not evaluate the impact of installing an artificial drift cell system at the site, such as the different environment created for juvenile salmon that will be forced to travel along deeper water and to expend additional energy. The project does not assess the repair or replacement of hard shoreline armor that will extend its life at the same time that sea level rise raises surf smelt spawning habitat to a higher elevation, preventing the natural migration of that habitat. Nor does the application evaluate the potential for the 670 dump trucks of beach fill to erode over time and affect the eelgrass that exists adjacent to the site, such as by burying it or creating a different habitat. Consequently, the project is not appropriate for the optional DNS process and the City should ensure that members of the public have an opportunity to comment on the threshold determination that the City issues.

2. Project impacts must be carefully considered before the City issues a threshold determination and a project's long-term impacts may not be segmented for multiple reviews.

SEPA requires agencies to fully consider environmental factors and alternatives before issuing a permit. *Cornelius v. Dep't of Ecology*, 182 Wn.2d 574, 598, 344 P.3d 199 (2015); *Lassila v. City of Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54 (1978). An agency must determine whether the action will have a significant effect by "carefully consider[ing] the range of probable impacts, including short-term and long-term effects." WAC 197-11-060(4)(c); 197-11-310. That threshold determination must be based on information reasonably sufficient to

[12] The SEPA Handbook is published by the Washington Department of Ecology as the state agency that manages SEPA on behalf of local governments, and the 2018 update can be found at: https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance (last visited October 24, 2023).
[13] *Id.* at 52.
[14] *Id.*

evaluate the proposal's environmental impact, and shall not balance whether beneficial aspects of a proposal outweigh adverse impacts. WAC 197-11-330(5); 197-11-335; *Boehm v. City of Vancouver*, 111 Wn. App. 711, 718, 47 P.3d 137 (2002).

A major action significantly affects the environment when it is reasonably probable that the action will have more than a moderate effect on the quality of the environment. WAC 197-11-794; *Boehm*, 111 Wn. App. at 717. Significance involves a proposal's context and intensity; an impact may be significant if its chance of occurrence is low but the resulting impact would be severe. WAC 197-11-794. In addition, a proposal may to a significant degree "adversely affect environmentally sensitive or special areas" or "adversely affect endangered or threatened species or their habitat." WAC 197-11-330(3)(e). While an agency may condition a project through an MDNS that avoids the need for an EIS, it must impose measures that specifically target a proposal's potential adverse impacts. *See Wild Fish Conservancy v. Dep't of Fish & Wildlife*, 198 Wn.2d 846, 856, 502 P.3d 359 (2022). In issuing an MDNS, an agency must demonstrate that it actually considered the relevant environmental factors even if it concludes that the action does not significantly affect the environment and therefore does not require an EIS. *Sisley v. San Juan County*, 89 Wn.2d 78, 83-84, 569 P.2d 712 (1977).

As an initial matter, while the Fidalgo Landing project involves multiple development phases, the impacts of the full project must be evaluated at the earliest possible stage. One of the purposes of SEPA is to provide for the consideration of environmental factors at the earliest possible stage so that decisions may be based on complete disclosure of a project's probable impacts. *King County v. Boundary Review Bd.*, 122 Wn.2d 648, 663, 860 P.2d 1024 (1993). This ensures that inertia generated by an initial governmental decision does not carry a project forward regardless of future review of environmental impacts. *Id.*; *see also Cheney v. Mountlake Terrace*, 87 Wn.2d 338, 344, 552 P.2d 184 (1976) ("agency cannot close its eyes to the ultimate probable environmental consequences of its current action."). Thus, impacts like stormwater impacts at full buildout must be fully evaluated for the types of pollutants and flows that would be anticipated once the project site is fully developed. Likewise, the addition of traffic from the proposed 1,500 new residents and workers should be evaluated on neighboring roads and intersections. Once the subdivision and its roads are approved, the City will have less opportunity to influence changes to both the proposed on-site infrastructure and connecting infrastructure, and the inertia will nonetheless promote approval of the project. Such impacts must be evaluated now.

Moreover, while application materials contain a SEPA Checklist, a critical areas report, a JARPA, a stormwater report, and traffic studies, they do not assess the following potential project impacts: (1) the armoring's long-term impacts on surf smelt spawning habitat; (2) the

potential for direct burial of surf smelt eggs during construction; (3) sedimentation of eelgrass; (4) drift cell impacts on juvenile salmon, including increasing migration length and moving those smaller salmon closer to deep water predators; and (5) stormwater flowing directly through outflows without treatment. These potential impacts must be evaluated.

C. The Application Does Not Demonstrate that the Project Satisfies Anacortes Shoreline Master Program Standards.

The City adopted its Shoreline Master Program ("SMP") to promote uses and development of the shoreline while protecting and restoring environmental resources and to promote the public health, safety, and general welfare by providing a guide and regulation for future shoreline development.[15] The Shoreline Management Act and implementing SMPs must be liberally construed to protect the state shorelines as fully as possible.[16] SEPA also mandates this broad construction.[17] The following subsections identify the current proposal's inconsistency with SMP requirements.

1. The proposal does not demonstrate that it is consistent with Shoreline Conditional Use Permit Standards.

The applicant has requested two shoreline permits, a Shoreline Conditional Use Permit ("SCUP") and Shoreline Substantial Development Permit ("SSDP").[18] The applicant asserts that only the subdivision proposal requires a SCUP, without acknowledging that the hard armoring likely requires a SCUP. In addition, while the Project Narrative references the need for an SSDP, it does not analyze the substantial amount of shoreline development and its likely impacts against the applicable criteria for work in and near Fish and Wildlife Habitat Conservation Areas ("FWHCAs") and criteria for the construction of jetties and groins or new and replaced shoreline stabilization structures. As discussed below, the application does not demonstrate that the project is consistent with the SCUP and SSDP criteria and thus cannot be approved.

A SCUP may be authorized only where the applicant demonstrates all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Master Program;

2. That the proposed use will not interfere with the normal public use of public

[15] SMP § 1.3, at 2.
[16] RCW 90.58.900; SMP § 2.1; *English Bay Enters. Ltd. v. Island County*, 89 Wn.2d 16, 20, 568 P.2d 783 (1977); *Herman v. Shorelines Hearings Bd.*, 149 Wn. App. 444, 459, 204 P.3d 928 (2009).
[17] *Herman*, 149 Wn. App. at 459 (citing RCW 43.21C.030(1) and 43.21C.020(3)).
[18] Project Narrative, at 1.

shorelines;

3. That the proposed use of the site and design of the project will be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this Master Program;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest will suffer no substantial detrimental effect.[19]

In addition, when reviewing an application for a SCUP, the City must consider the cumulative impact of additional requests for like actions in the area.[20]

The proposal does not comply with these criteria. As explained in greater detail in the sections below, its construction of artificial drift cells and new and replaced shoreline armoring without examining the impacts of burying spawning habitat under jetties, altering hydrological regimes, adding sediment to eelgrass beds, preventing landward migration of spawning habitat with sea level rise, or adding large amount of fill to spawning habitat is inconsistent with SMP policies. The absence of these analyses also precludes a determination that the proposed use will cause no significant adverse effects to the shoreline environment in which it would be located or that the public interest would suffer no substantial detrimental effect. The project's impacts must be studied before the City makes a decision on the SCUP.

2. The proposal does not demonstrate that it is consistent with Shoreline Substantial Development Permit Standards.

A project that involves substantial shoreline development must meet the individual policies and development regulations of the SMP in order to be approved with an SSDP.[21] The application does not demonstrate that the subdivision, shoreline armoring, and jetties are consistent with these standards.

a. Inconsistency with shoreline environmental protections.

The SMP establishes numerous policies and regulations to protect ecological attributes like the surf smelt spawning habitat and eelgrass beds at the site. The overarching management policy for the SMP is to protect against adverse impacts to the public health, to the land and its

[19] SMP § 3.1.D.
[20] SMP § 3.1.E.
[21] SMP § 1.5.C., D.

vegetation and wildlife, and to waters of the state and their aquatic life. **Policy 6.4.1.** With regard to critical areas, the SMP embraces a polity to "protect unique, rare, and fragile environments, including wetlands and fish and wildlife habitat conservation areas, from impacts associated with development." **Policy 6.6.1.** Consequently, shoreline development must generally avoid critical saltwater habitats and must comply with the City's critical areas ordinance. **DR-6.7.1.**

The proposal does not appear to avoid critical areas and does not evaluate impacts to them. For example, the beach fill and jetties would be developed on top of beach that the application identifies as surf smelt spawning habitat. While the nourishment may improve the substrate for spawning forage fish in the long-term, the application does not identify methods to protect it and spawning fish during construction. In addition, the jetties would extend close to eelgrass beds and are designed to alter the hydrology between them, with the potential to increase sedimentation of the eelgrass beds. The application also does not fully evaluate the impacts of installing additional upland fill or the 29 acres of stormwater runoff post-development on the beach and shoreline environment.

b. Inconsistency with shoreline stabilization standards.

The project consists of large portions of what appears to qualify as new armor under the SMP. The SMP treats additions to or increases in the size of existing shoreline stabilization structures as new structures.[22] Based on the descriptions and diagrams in the CGS Report, a substantial amount of armoring would be added on top of existing armor rock.[23] Consequently, this would increase the size of the armor and qualify as new stabilization. Other portions would replace an existing structure, like the existing wood and rock retaining wall that has failed, and thus would qualify as a replacement under the SMP, defined as "the construction of a new structure to perform a shoreline stabilization function when an existing structure can no longer adequately serve its purpose.[24]

The new and replacement bulkheads do not qualify for approval under the SMP policies or development regulations listed below. First, the applicant has not demonstrated a need for shoreline armoring at the site. They have not identified a long-term erosion rate that warrants armoring or explained why they cannot conduct some additional remediation of the shoreline pollution to allow for natural erosion. The CGS Report notes that the project site is shielded

[22] *Id.*
[23] CGS Report, at 20 (while CGS characterizes some of this work as "repair," it does not appear to be doing so based on the SMP definition, but rather based on a subjective opinion about the condition of the existing armor, notwithstanding that the "majority" of it will be overlain with a new layer of rock).
[24] SMP, at 164.

from much fetch, open to only localized easterly winds and a fetch of 5.5 miles.[25] Second, the application does not demonstrate that soft stabilization methods would be inadequate to address shoreline wave and wind energy. Third, the project cannot be subdivided if the subdivision will result in the need to continue to armor the shoreline in perpetuity. Fourth, the project does not demonstrate that the mitigation sequence has been applied.

The following policies and regulations apply:

Policy 9.11.1. Discourage new development requiring structural shoreline stabilization. Any such work will require mandatory geotechnical analysis. New development on steep slopes and bluffs shall be set back to prevent the need for future shoreline stabilization during the life of the project.

Policy 9.11.4. Allow structural stabilization methods only:

a. After a determination is made by a qualified professional with experience and proven success installing non-structural bio-engineered shoreline stabilization techniques that soft armoring will not succeed or is not suitable due to specific site considerations.

b. Where it has been demonstrated to be necessary to support or protect a legally established, inhabited structure or ongoing shoreline use that is in danger of loss or substantial damage, or when necessary for reconfiguration of the shoreline for mitigation or enhancement purposes, or where necessary to the operation and location of a new, single-family or multifamily structure, or a water-dependent, water-related, or water-enjoyment use consistent with this Master Program. They will not be permitted for the indirect purpose of creating land by filling.

Policy 9.11.5. Encourage soft stabilization and protection works, such as protective berms or vegetative stabilization over "hard" structural means such as concrete bulkheads or extensive revetments. Furthermore, designs that do not interrupt net drift or migration of anadromous fish are preferred (for example, open piling construction is preferable to solid walls, and floating breakwaters are preferable to solid landfills)."

Policy 9.11.6. Potential impacts that proposed shoreline stabilization measures have on ecosystem-wide processes (e.g., sand movement) and functions (e.g., habitat) must be evaluated. Make provisions to minimize impacts where feasible. Mitigation must be provided

[25] CGS Report, at 12.

to achieve no net loss of ecological functions.

Policy 9.11.8. Construction of shoreline stabilization measures should not be allowed until effects on adjacent shores have been evaluated by the Shoreline Administrator against Shoreline Goals, Policies and Regulations. A coastal engineering report that considers alternative protection measures should be required for all proposals for new shoreline stabilization structures.

Policy 9.11.9. Shoreline stabilization measures should be designed to have a minimal degradation on water views, and avoid adverse effects on fisheries resources.

Policy 9.11.11. Shoreline stabilization structures should be allowed only where demonstrated to be necessary to support or protect permitted shoreline uses or where an existing structure is in imminent danger from shoreline erosion.

Policy 9.11.13. New development, including creation of new parcels, that would require shoreline stabilization is prohibited, unless needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result**.**

DR-9.11.1. New development, including the subdivision of land, shall not create lots which require future shoreline stabilization to the extent feasible. If necessary, a geotechnical report shall be required.

DR-9.11.3. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

DR-9.11.4. Structural stabilization methods shall be permitted when necessary for reconfiguration of the shoreline for (i) mitigation or enhancement purposes, or (ii) if determined to be appropriate based on the criteria of this section. In all other cases, structural stabilization methods shall only be allowed when all of the following criteria are met:

a. Relocation of existing structures, or implementation of nonstructural measures, such as placing the development even farther from the shoreline, planting and or retaining vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

b. Structural stabilization has been demonstrated, through a coastal engineer or other qualified geotechnical report, to be necessary to support or protect a legally established, inhabited structure or ongoing shoreline use that is in danger of loss or

substantial damage or when necessary for reconfiguration of the shoreline for mitigation or enhancement.

c. The erosion is not being caused by upland conditions on the subject property, such as the loss of vegetation and drainage

d. The shoreline stabilization measure will mitigate adverse impacts to the extent feasible

e. Except for those uses that are water-dependent or when necessary to protect a single-family residence, uses shall not be allowed to have hard structural stabilization unless a Conditional Use Permit is obtained. See Conditional Use Permit requirements in Section 3.1 and WAC 173-26-201(3)(d)(iii). Bioengineered or soft structural stabilization is permitted.

DR-9.11.6. New development, including creation of new parcels, that would require future shoreline stabilization during the life of the structure is prohibited except where no alternative locations are available and no net loss of ecological functions will result as demonstrated through a geotechnical analysis.

DR-9.11.7. Shoreline stabilization works, including revetments and bulkheads, shall be located, designed and constructed in such a manner that will:

a. Minimize alterations of the natural shoreline and shoreline processes including sediment transport.

b. Minimize damage to ecological functions including wildlife, fish and shellfish habitats.

c. Provide for the long-term multiple use of shoreline resources and public access to public shorelines. In the design of publicly financed or subsidized works, consideration shall be given to providing pedestrian access to shorelines for low intensity outdoor recreation.

d. The shoreline defense structure shall mitigate adverse impacts to the extent feasible, blend with the surroundings, and not distract from the aesthetic qualities of the shoreline.

e. Achieve the policy of no net loss of ecological functions necessary to sustain shoreline resources.

For hard stabilization structures, an applicant must evaluate the cumulative effect of

allowing "hard" stabilization methods along the shoreline prior to permitting new "hard structures." **Policy 9.11.14.** If the cumulative effect would be a net loss of shoreline ecological functions, then the armoring cannot be permitted. **DR-9.11.10.** Moreover, proposals for "hard" structures must first demonstrate that the use of natural materials and processes and non-structural solutions, including relocation or reconstruction of existing structures, are unworkable. **DR-9.11.10.** These effects have not been evaluated on other City shorelines.

Furthermore, "hard" stabilization stuctures cannot be allowed unless at least one of the following conditions exists: (a) erosion threatens a legally established use or existing building on the upland property and a geotechnical report demonstrates that all alternative methods are infeasible or insufficient; (b) structural stabilization is necessary to the operations and location of a new, single-family home, or a water-dependent use consistent with the SMP and a geotechnical report demonstrates that all alternative methods are infeasible or insufficient; or (c) structural stabilization is necessary as part of a habitat enhancement project. **DR-9.11.11.**

In addition, replacement bulkheads may be permitted only if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves and provided that: (a) the replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions; and all impacts are fully mitigated for a structure placed waterward of the existing bulkhead or revetment, including loss of beach habitat. **DR-9.11.15.**

3. The proposal is inconsistent with the SMP's jetty and groin standards.

The SMP also addresses jetties like the four included in the project.[26] The SMP prohibits jetties and groins waterward of the Ordinary High Water Mark unless they are necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose. **Policy 9.8.1; DR-9.8.1.** In addition, jetties and groins shall be designed to protect critical areas and shall apply mitigation sequencing. **Policy 9.8.4.**

The application does not demonstrate that the jetties meet these standards.

D. Conclusion

The issuance of a SEPA threshold determination or permit decisions would be premature at this time. The applicant must first evaluate whether the shoreline armoring and jetties are needed at the site, and must then gather information about the proposal's likely shoreline impacts and methods for addressing those impacts. At that point, the project may be

[26] SMP, at 158.

evaluated in light of SEPA, the SMP, and subdivision standards.

Sincerely,

Kyle A. Loring
Counsel for Evergreen Islands

Cc: Client