

## NOTICE OF DECISION

### BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Washington State Department of Transportation  
Attn: George Carlson/ Joelle Blais  
1019 Andis Road  
Burlington, WA 98233
- Request:** Shoreline Substantial Development/Conditional Use Permit  
PL 18-0544
- Location:** Adjacent to SR 530 between milepost 55.68 and 55.91, west of the Sauk River, situated within the NW1/4, Sec. 20, and SW1/4, Sec. 17, T33N, R10E, W.M. Parcel #s P18704, P107337.
- Shoreline Designations:** Conservancy and Aquatic
- Summary of Proposal:** Construct long-term bank stabilization project, supplementing and fortifying a series of rock groins installed in 2007. The project, including a gravity anchored cribwall and a log-toe revetment, will extend along 480 feet of the Sauk River.
- SEPA Compliance:** Determination of Non-Significance (DNS) issued by WSDOT, June 18, 2018. No appeals.
- Public Hearing:** February 27, 2019 (continued from February 13, 2019).  
Testimony by Planning and Development Services (PDS) staff and applicant. No public testimony.
- Decision/Date:** The application is approved, subject to conditions. March 11, 2019
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 5 days of this decision. Appeal is to the County Commissioners by filing with PDS within 5 days of decision, or decision on reconsideration, if applicable.
- Online Text:** The entire decision can be viewed at:  
[www.skagitcounty.net/hearingexaminer](http://www.skagitcounty.net/hearingexaminer)

## FINDINGS OF FACT

1. The Washington State Department of Transportation (WSDOT) seeks approval of a long-term bank stabilization program east of SR 530 near the confluence of the Sauk and Suiattle Rivers.

2. The site of the project is adjacent to the west bank of the Sauk between mileposts 55.68 and 55.91 along SR 530, within NW1/4 Sec. 20 and SW1/4 Sec. 17, T33N, R10E, W.M. The Parcel numbers are P18704 and P107337.

3. Near the confluence with the Suiattle, the Sauk has an unconfined depositional reach about 4,000 to 6,000 feet wide which was the subject of a previous bank stabilization project in 2007. A large flood event in 2006 shifted the river against the left bank eroding it to within 20 feet of the highway. Since 2006, the bank has continued to erode and is now within 10 feet of the highway in some locations.

4. At the project site the Sauk River has eroded into the SR 530 embankment along about 1300 feet of the left bank. A series of 12 groins were installed at the site in 2007/2008, slowing but not halting the erosion. Existing armor and deflection structures are adequately protecting the bank between groins 1 and 9, but toe erosion has undermined the bank between groins 10 and 11. Also, the unarmored segment between groins 9 and 10 is at risk because these groins are spaced too far apart.

6. The instant proposal is to reconstruct and stabilize 480 linear feet of eroded bank with two bank treatments: a cribwall and a log-toe revetment.

a) The cribwall will consist of a dense interlocking array of logs with root wads to stabilize the most severely eroded banks between groins 10 and 11. The cribwall will be backfilled and ballasted with large angular rock and alluvial soil with a buried foundation of rock and logs to anticipate scour below the existing streambed. The larger angular rocks will be used at the toe structure where erosive forces are higher.

b) The log toe revetment will be constructed between groins 8 and 10. The revetment will consist of pairs of logs with root wads embedded in trenches and backfilled with soil every ten feet along the toe of the bank. Under these bank logs will be a single row of buried logs along the toe parallel to the bank. These will provide scour protection and additional roughness.

7. Approximately 285 logs with root wads will be required to complete the project. The area landward of the cribwall and revetments will be stabilized using soil lifts with brush layers.

8. WSDOT proposes to accomplish the in-water work this year within a short work window (July 15- August 22). The schedule seeks to minimize impacts on fish species within the work area. The short timeline and site conditions preclude work area isolation and fish exclusion.

9. The project will require an extended turbidity zone for which approval from the Department of Ecology must be obtained in order to comply with State water quality standards.

10. The project will involve approximately 4,190 cubic yards of excavation and 6,330 cubic yards of fill. A plant establishment program will occupy three years after construction.

11. Coordination of project plans with local tribes and the Washington Department of Fish and Wildlife was pursued in order to insure that the plan proposed is the option with the least impact.

12. Surrounding land uses are commercial timber, an active gravel pit and a private camp west of SR530 and Christian Camp Road. These uses will not be significantly affected by the project. During construction traffic control may temporarily affect vehicle operations. Staging for the project will occur outside of the highway right-of-way, including use the nearby gravel pit.

13. When construction is complete, the finished structures will be below grade and not visible to passing motorists. From the river, the bank protection measures will blend with the riverbank and, in time, be obscured by planted native vegetation.

14. The subject project is within the chronic Environmental Deficiency Program which provides highway improvements at locations where repeated maintenance needs create unacceptable environmental impacts. The program gives special weight to protection of fish habitat.

15. Environmental review for the project was performed by WSDOT. That agency issued a Declaration of Non-Significance (DNS) on June 18, 2018. There were no appeals.

16. The finished structures in this project will be below grade and not visible to passing motorists. The bank protection measures will over time blend with the riverbank. No adverse aesthetic impacts are anticipated long term.

17. The project is within flood hazard areas and the mapped floodway. Additional fill will be added to the shore but the materials placed will not change flood conveyance in comparison to previous conditions. Relative to the floodplain width, the amount of fill is very small and therefore effects will be minimal.

18. The application was circulated to various County departments. Comments were few. Any concerns are addressed in conditions of approval. Night time construction activities will be exempt from noise restrictions. A Cultural Resources Survey and Report, completed April 11, 2017, found no archaeological resources or historic properties within the project site.

19. The County Staff analyzed the project under the local Shoreline Master Program (SMP). Both a Shoreline Substantial Development Permit and Shoreline Conditional Use approval are required. The conditional use is needed for the proposed stabilization and current

deflectors within the Aquatic environment, as well as for minor channel direction modification within the Conservancy environment.

20. The Staff found that, as conditioned, the project will be consistent with applicable shorelines policies and regulations and will meet the criteria for shoreline conditional use approval. The Hearing Examiner concurs with these findings and adopts the same. The Staff Report is, by this reference, incorporated herein as though fully set forth.

21. Public notice of the project and of the hearing examiner's hearing were given as required by law. On the published hearing date, the hearing was publicly continued for two weeks due to inclement weather. At the hearing there was no public testimony. WSDOT testified in support of the findings of the Staff Report.

22. The Examiner concurs that rapid action is needed to arrest erosion and provide appropriate bank stabilization for the highway segment involved. The plan is to undertake and complete in-water construction this year. The proposal is appropriate to protect the transportation corridor in a Shoreline of Statewide Significance.

23. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over this proceeding. SMP 9.07, SMP 11.02(1).
2. The requirements of the State Environmental Policy Act (SEPA) have been met.
3. As conditioned the requested Shoreline Substantial Development Permit and Shoreline Conditional Use meet the relevant approval criteria. SMP 9.02, SMP 11.03.
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### **CONDITIONS**

1. The project shall be carried out as described in the application materials, except as the same may be modified by these conditions.
2. A required permits shall be obtained and their conditions shall be adhered to.
3. The recommendations of the Wetland and Stream Impacts and Mitigation Memorandum, dated July 3, 2018, are shall be considered conditions of approval.
4. The Unanticipated Discovery Plan, outlining procedures to follow for compliance with State and Federal laws regarding cultural resources shall be prepared and kept on site at all times.

5. Temporary erosion/sedimentation control measures shall be used in accordance with the 13 Element Erosion Control Memo, dated October 12, 2018.

6. The applicant (and its contractors) shall comply with all State and local regulations, including but not limited to, Chapter 173-200 and 173-201A WAC (water quality) and, where applicable, Chapter 173-60 WAC (environmental noise).

7. The project shall be commenced within two years of final shorelines approval and completed within five years thereof.

8. If the applicant proposes any modification to this project, it shall notify Planning and Development Services prior to the start of construction.

9. Failure to comply with any condition of approval may result in permit revocation.

### **DECISION**

The application for a Shoreline Substantial Development/ Shoreline Conditional Use Permit is approved, subject to the conditions set forth above.

**SO ORDERED**, this 11<sup>th</sup>, day March 2019.

  
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Wick Dufford, Hearing Examiner

Transmitted to applicant and staff, March 11, 2019