

Exhibit A-46: Graham-Bunting
Associates Addendum to Fish and
Wildlife Site Assessment: Parcels
50155, 125644, 125645 (April 18,
2017)


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Environmental & Land Use Services

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April 18, 2017

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Addendum to Fish and Wildlife Site Assessment: Parcels 50155, 125644, 125645

At the request of Concrete Nor'West, Graham-Bunting Associates (GBA) have prepared the following addendum to our fish and wildlife site assessment (August 20, 2015). The addendum is based on a letter from John Cooper, Planner/Geologist, Skagit County Planning and Development Services requesting additional information relating to PL16-0097 (March 14, 2017). Because additional information relating to the required wetland buffer width was addressed on pages 7 and 8 of our August 2015 site assessment this addendum responds only to Mr. Cooper's request for the following italicized item which is followed by our response:

"A full review of Endangered Species Act (ESA)-listed species such as the Oregon spotted frog and Washington State sensitive species was not addressed in the fish and wildlife/wetland site assessment per SCC 14.24.220 and SCC 14.24.520."

Despite designation of the Oregon spotted frog (*Rana pretiosa*) as endangered in Washington State in 1997 and its listing as threatened under the Endangered Species Act on August 28, 2014 (79CFR 51658), critical habitat for the species was not designated until May 11, 2016 (50CFR Part 17). Lacking a designation of critical habitat for the Oregon spotted frog (OSF), GBA relied upon Washington Department of Fish and Wildlife's Priority Habitats and Species (PHS) data in our review of endangered, threatened and sensitive species and their associated habitats. A summary description of those species and habitats is included on pages 4 and 5 of the fish and wildlife site assessment (August 20, 2015). PHS data was re-reviewed in the preparation of this addendum. It is noteworthy that PHS data is unchanged and has not been updated to include the OSF.

Following designation of critical habitat by the U. S. Fish and Wildlife Service in 2016, a map was developed which identified critical habitat in Unit 3 (Samish River, Washington (Whatcom & Skagit Counties)) to a point near the confluence of the Samish River and Dry Creek, north and east of the project site (map attached). This area corresponds to associated wetlands along the left bank of the Samish River identified in GBA's 2015 assessment. Based on map review and the habitat needs of the OSF, the associated wetlands extending from the active channel of the Samish River to the toe of slope appears to satisfy the definition of critical habitat. Primary constituent elements (PCEs) in the designation of critical habitat include wetlands of sufficient size (10-acres) and inundation for minimum of 4 months per year. Comment 5 in response to the final rule designating critical habitat is applicable to the associated wetland adjacent to the project site.

"Critical habitat along river corridors in Units 1 through 5 is intended to encompass rivers/streams/creeks and all areas within the associated hydrologic floodplain, including adjacent seasonally wetted areas that contain any components of the PCEs."

As noted in our August 2015 assessment: “The distance between the top of bank of the active channel to the toe of slope averages approximately 175 feet. The left bank exhibits recent active erosion and indications of periodic overbank flooding west to the toe of slope. Surface hydrology was observed in saturated soils mapped as hydric Samish silt loam (Soil Survey, 1989) and discrete areas of shallow ponding to the toe of slope.”



View north showing OHWM (dashed line) and typical area of shallow ponding considered critical habitat for OSF near toe of slope approximately 175 feet west of active channel.

With the exception of identification of critical habitat associated with the OSF, no additional endangered, threatened or sensitive species or habitats were identified. Application of the standard riparian buffer requirement established under SCC 14.24.530 is generally recognized as the preferred method of avoiding project impacts consistent with the mitigation sequence listed under SCC 14.24.080 (5) (b). In our opinion establishment of a no disturb buffer of 200 feet is sufficient to protect aquatic life in the river and associated wetland. Lacking a request for additional biological information from a federal agency of jurisdiction, it is our opinion that the analysis prepared by GBA and submitted by the applicant provides an appropriate level of detail to address Skagit County Code requirements.

Note: Our original assessment and this addendum are not intended to constitute a biological evaluation pursuant to the requirements of the Endangered Species Act. The documents are intended solely to demonstrate compliance with the Skagit County Critical Areas Ordinance (SCC 14.24).

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Graham". The signature is fluid and cursive, with the first name "Oscar" being more prominent than the last name "Graham".

Oscar Graham
Principal Ecologist/Shoreline Planner

References

Federal Register, May 11, 2017. Department of the Interior, Fish and Wildlife Services; 50cfr Part 17 (Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Oregon spotted Frog; Final Rule.

Hallock, Lisa A, Washington Department of Fish and Wildlife, May 2013. Draft State of Washington Oregon Spotted Frog Recovery Plan.

