



## **Town of La Conner**

Planning and Permitting  
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### ***Endangered Species Act (ESA) Checklist for Development Within the ESA Potential Impact Area***

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## **I. Applicant and Project Information**

**Applicant:** KSA Investments (Brandon Atkinson)  
16559 Country Club Drive  
Burlington, WA 98223

**Project Description:** Construct and operate a 3-story mixed use commercial/residential facility on existing vacant and gravel parking areas.

## **II. Purpose for Checklist**

This checklist was developed by the City of Mount Vernon and adapted for use by the Town of La Conner (Town) to help project proponents and government agencies identify when a project needs further analysis regarding potential adverse effects on Endangered Species as required by the U.S. Federal Endangered Species Act (ESA). For the Town, "ESA listed species" are any species listed as endangered, threatened, or being considered for listing. This checklist applies to all development within the Federal Emergency Management Agency (FEMA) designated 100-year floodplain.

## **III. Is Your Project Located Within Either a 100 Year FEMA Floodplain and Therefore Within Jurisdiction of the U.S. Federal Endangered Species Act?**

You may request maps and information from the Town to assist in determining whether your project site lies within the 100-year FEMA. **If your project site lies within the 100-year floodplain, it has the potential for affecting endangered or threatened species and/or their habitats, and you must comply with the ESA.**

Yes.

## **IV. Impact Assessment**

**[Note: The La Conner Planning Department can provide technical assistance in answering the following questions in this checklist. If necessary, the Washington Department of Fish and Wildlife (WDFW) regional office can also provide information to help you answer these questions. ]**

## **A. PROJECT DESCRIPTION**

1) Please describe the purpose of the proposed Project:

To construct and operate a mixed-use commercial/residential building at 306 Center Street.

2) Please consult the Town's Critical Areas map and determine if the project is located within the 100-year floodplain?  Yes  No

3) Will any portion of the project be sited within the 100-year floodplain as defined on the Critical Areas map?  Yes  No

If yes, please describe extent (square feet) and type of work to occur in the 100-year floodplain: The project will construct 9,473 sf building and associated impervious area and 3,082 sf of landscaping.

4) What is the area (in square feet) of the footprint of *existing* building(s) and impervious surfaces (e.g. roof tops, walk ways, patios, packed earthen materials, asphalt, etc.) located within the 100-year floodplain? Approximately 7,334 sf is concrete slabs or compact gravel in the 100-year floodplain.

5) What is the *proposed* footprint for buildings and/or impervious surfaces within the 100-year floodplain (in square feet)? 12,475 SF

6) Will the project entail 10% or greater expansion of the existing footprint of buildings and/or impervious surfaces within the 100-year floodplain?  Yes  No

7) What is the current land use within the floodplain between the proposed project and the potentially affected water body? (Check appropriate responses)

*Developed including commercial and/or residential*

*Parking lots*

*Paved and/or graveled surfaces*

*Agriculture*

*Forestry*

*Other - Please describe:*

Approximately 7,912 sf of the site is vegetated with a mix of landscaped and weedy plant species.

8) What is/are the dominant vegetation cover types between the project and the potentially affected water body? (Check appropriate responses)

*Forest*

*Scrub/shrub*

*Grasses and forbs*

*No vegetation cover types (e.g. Buildings, pavement, parking lots, etc.)*

*Other, please describe – agricultural fields.*

9) Is your project site located within FEMA mapped floodplain in any of the following basins?  
(Check appropriate responses)

North Basin

South Basin

***Note: If your site is located within the 100-year floodplain of these drainages, then ESA listed species (e.g. Puget Sound Chinook and Puget Sound Steelhead) or their critical habitat may be impacted by the project.***

**B. FISH MIGRATION AND WATER QUANTITY:** The following questions will help determine if this project could interfere with the migration of adult and juvenile fish or impact flood storage.

1) Does the project require the withdrawal of:

a. Surface water?  Yes  No

i. Amount (volume and duration):

ii. Name of surface water body:

b. Ground water?  Yes  No

i. Amount (volume and duration):

ii. From where:

iii. Depth of well (ft):

*(If answer to Question B.1 above is yes, the applicant shall contact the Washington Department of Fish and Wildlife and the Washington Department of Ecology to obtain appropriate approvals)*

2) Will any water be rerouted?  Yes  No

If yes, please describe: Stormwater will tie into the City of LaConner municipal stormwater system.

3) Will there be retention or detention ponds?  Yes  No

If yes,

a. Will the feature be an infiltration pond?  Yes  No

b. Will it have a surface discharge to either a municipal storm water system or a surface water body?  Yes  No

If yes, please give the name of the body of water that will be discharged into:  
Stormwater will discharge to La Conner municipal storm sewer system with outfall to Swinomish Channel.

4) Will this project require the building of any temporary or permanent roads?  Yes  No

5) Are any new or replacement culverts or bridges proposed as part of this project?

Yes  No

6) Will topography changes significantly affect the duration of surface and shallow subsurface water residence on the project site?  Yes  No

If yes, describe the changes (i.e., increased impervious surfaces, etc.):

Impervious surface area will increase from 5,950 sf to 12,475 sf (from 39% to 82% impervious)

7) Will topography changes significantly affect the direction of flow or circulation of surface and shallow subsurface water runoff into, through, or off the project site?  Yes  No

If yes, describe the changes:

8) Will the project involve any placement of fill within the 100-year floodplain?

Yes  No

If yes, answer the following:

a. Describe the purpose, volume of fill, and the area over which it will be applied.

The project will import 500 cy of clean fill to replace contaminated soil to be removed for remediation.

b. What are expected impacts on flood storage (i.e. volume of fill to be imported)?

The volume of the project will displace 1,322 cy of flood storage (9,391 sf between 8' and 11.8' elevation), all behind LaConner levee.

c. What is the expected impact on flood conveyance (i.e., might flood flows be rerouted as a result of the fill)?

The project is located behind the LaConner levee and would not impact flood conveyance.

d. Describe how these impacts will be or could be either avoided or mitigated.

Storm drains will include a cartridge filter system reducing pollutant load to City stormwater system. The site does not have adequate space for on-site infiltration.

Tenants could be required to temporarily relocate their vehicles out of the floodplain whenever flood waters are predicted to exceed 8 feet.

**C. WATER QUALITY: (Information on impaired water bodies can be obtained from the Town of La Conner and the Washington Department of Ecology)**

1. Do you know or does the Town have record of any problems with water quality in any of the streams within or adjacent (i.e., bordering, neighboring, or contiguous) to the Project area?

Yes  No

Uncertain: Explain - There are no streams on or adjacent to the project.

If yes, describe any known water quality impairment(s):  
Swinomish Channel is impaired for pH and bacteria >1700 feet SW of the project.

2. Will your project either reduce or increase shade along, over, or adjacent to a waterbody?

Yes  No

If yes, please describe type and extent of cover that will be reduced or added:

3. Will the project introduce any nutrients, organic matter, or contaminants (e.g. fertilizers, other waste discharges, or storm water runoff) to the waterbody?

Yes  No – Not likely.

If yes, please estimate frequency, duration, and volume:

4. Will sediment that could increase turbidity be introduced to a water body by construction of the project or during operation of the project?

Yes  No – Not likely.

If yes, consult with Washington Department of Ecology to ensure compliance with water quality regulations.

5. Will your project require long term maintenance that could affect water quality in the future, (e.g., bridge cleaning, highway salting, chemical sprays for vegetation management, clearing of parking lots, etc) ?

Yes  No

If yes, please describe type of long term maintenance that may be necessary.

Stormwater filter cartridges will have to be replaced on a regular schedule.

6. Will the project incorporate Low Impact Development (LID) methods to treat and infiltrate stormwater runoff?

Yes  No

If yes, please describe LID methods that will be incorporated into the project:

**D. VEGETATION: the following questions are designed to determine if the project will affect riparian vegetation, thereby, adversely impacting salmon.**

1. Will the project involve removal of any vegetation or large wood from the 100-year floodplain?

Yes  No

If yes, please describe the existing conditions and the amount and type of vegetation or large wood to be removed:

This area is behind the LaConner dike and is not functional riparian habitat. The project will remove 2 Douglas firs, 1 birch, a hedge of arborvitae, and herbs and grasses from approximately 7,900 sf of the site. The project will include 3,082 sf of landscaping.

2. If any vegetation is removed from the 100-year floodplain, a mitigation plan to replace cleared vegetation will be required. Please provide a copy of the plan to the Town.

3. Could channel bank stability be impacted by removal of vegetation or other project activities?

Yes  No

If yes, please describe extent (area or linear feet) of vegetation that will be removed and how bank stability may be impacted.

**E. PROPOSED MITIGATION. Mitigation measures must be undertaken to offset all direct and indirect impacts to listed species and their critical habitat from projects occurring within the floodplain.**

Please describe briefly all proposed mitigation measures:

- The project is >600' from critical habitat (Swinomish Channel)
- Project drains will use oil/water separator and cartridge filter, and tie into the Municipal stormwater system.

**If the mitigation for the proposed project does not adequately resolve impacts to endangered and threatened species, the applicant for the proposed project may be required to prepare a Habitat Assessment for review and consideration.**

**Note:**

The applicant will be required to comply with the Town of La Conner Municipal Code and any other SEPA mitigation measures that may be applied to this project as deemed necessary by the responsible official.

With regard to this ESA checklist, it is important to point out that the Town's Environmentally Sensitive and Critical Areas Code (LCMC 15.65) was adopted in 2006 and it is based on best available science. The Town has adopted by code in Chapter 15.100 Stormwater Management the WDOE "Storm Water Manual for Western Washington" as the best management practices guideline for stormwater/erosion control in all developments subject to review under this chapter. In addition to the critical areas ordinance, the Town has adopted Floodplain

Management Standards (LCMC Chapter 15.70). This adopted code is based on the National Flood Insurance Program (NFIP) model code written by FEMA. The Town is scheduled for an audit every five (5) years. This audit is a community audit visit (CAV). With this five (5) year audit all of our records of activities within the floodplain are reviewed and site visits are completed.

**RESOURCE AGENCIES:**

**Town of La Conner Planning Department**  
<http://www.townoflaconner.org>

**Washington Department of Fish and Wildlife Website**  
<http://wdfw.wa.gov/>

This site has useful information on fish habitat.

**Washington Department of Ecology Website**  
[www.ecy.wa.gov](http://www.ecy.wa.gov)

Click on the Water Quality button on the left side of this page.

**National Marine Fisheries Services Website**  
Evolutionarily Significant Unit (ESU) maps can be found at  
[www.nwr.noaa.gov](http://www.nwr.noaa.gov)

Click on the Endangered Species Act (ESA) links to view the ESU maps and other information.

**NOTE: Most applicants should have the information necessary to answer most of the questions in this checklist. Additional information will need to be obtained from local and state agencies if it appears that the project is likely to affect ESA listed species.**