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Town of Friday Harbor

P.O. Box 219
Friday Harbor, WA 98250
Phone: (360) 378-2810 / Fax: (360) 378-5339

Permit #: GRD2026-0006
Application Date: 08/06/2026
Issued: 09/02/2026
Expires: 02/25/2027

Grading Permit

Job Address:	565 CARTER AVE, FRIDAY HARBOR	**Parcel Number:**	351192304000
Permit Type:	Residential	**Project:**	Beaverton Trail - stormwater permit (Linde Park)
Zoning:	SF - Single Family Residential		

Contacts

	NAME	ADDRESS	PHONE / EMAIL	LICENSE
APPLICANT:	*SAN JUAN COUNTY CONSERVATION LAND BANK*	*350 COURT ST. NO. 6 FRIDAY HARBOR, WA 98250*	*(360) 820-1513 racheld@sjclandbank.org*	
CONTRACTOR:	*TBD*			
PROP OWNER:	*SAN JUAN SCHOOL DIST #149*	*PO BOX 458 FRIDAY HARBOR, WA 98250-0458*		

Work Description

The primary goal of the project is to construct 1.9 miles of multimodal trails through the Beaverton Marsh Preserve and secondary work will be conducted at the John O. Linde
Community Park. Minor improvements will be made to the existing paved pedestrian paths, drainage management, and parking lot.

Special Conditions

1. **Issued permit is subject to IBC 2021 Edition, 105.5 except at no time will an extension be granted that extends the permit beyond 3 years from the date of issuance.**
2. **Compliance with codes stamped on approved plan set is required.**
3. **Redlines and comments on the plan set are considered conditions of approval.**
4. **Use call before you dig 811 to mark utilities.**
5. **Access construction shall meet the Town of Friday Harbor Engineering Design Standard.**
6. **An inspection must be scheduled within 180 days, or the permit will expire. When you're ready to schedule an inspection, please reach out to permits@fridayharbor.org.**
7. **A copy of the permit, approved stamped plans and inspection card must be posted at construction site until project is finaled.**
8. **Provide the Town of Friday Harbor with the name and license information of the contractor hired to perform the work.**
9. **Contractor must send in photos of tracer wire, tear tape and pressure pipe install.**
10. **Installation of pipe bedding material depth.**
11. **Verification of minimum Trench Depth.**

NOTICE: Separate permits and approvals may be required for this project. Every permit shall expire by limitation and become null and void if the work authorized by such a permit is not completed within 180 days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. All provisions of laws and ordinances governing the type of project shall be compiled with whether specified herein or not. The granting of a permit or an approval does not presume to give authority to violate or cancel the provision of any federal, state, or local laws regulating construction, the performance of construction, and/or operation of the project or use. **I hereby certify that I have read and examined this permit and know the same to be true, and if any of the information provided is incorrect, the permit may be revoked.**

Signed by: Rachel Dietzman D612A1BCFF1EAB5...

Applicant/Agent Signature	Date	Authorized By	Date
Rachel Dietzman	9/7/2026		9/2/26

HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish and Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issue Date: 10/02/2026
Project End Date: 09/30/2031

Permit Type: HPA - Standard
Permit Number: 2026-4-719+01
Application ID: 0045244

PERMITTEE	AUTHORIZED AGENT
ATTENTION San Juan County Conservation Land Bank Rachel Dietzman 350 Court Street No. 6 Friday Harbor, WA 98250	ATTENTION Bowman Consulting Sarah Ogden 225 West Front Street Missoula, MT 59802

Project Name: Town of Friday Harbor to Zylstra Lake Multimodal Trail Beaverton Marsh Segment

Project Description: San Juan County Conservation Land Bank (CLB) plans to develop a multimodal recreational trail from John O. Linde Community Park, through the Beaverton Marsh Preserve, and to the terminus of Halvorsen Road. A new elevated pedestrian crossing will cross a Category I wetland that separates the east and west sides of the preserve. Short sections of new trail and boardwalk will be constructed to connect existing trails with the wetland crossing, and portions of existing gravel trails will be widened and surfaced with crushed rock. Some segments of existing trail will be decommissioned. New viewpoints/pullout areas with seating will be established along new and existing trails. Wayfinding to include kiosks and signage will be installed. Rock walls where identified will be constructed along the east side of the new trail. Drainage will be improved along existing trails through construction of trailside ditches and swales, placement of rock and quarry spalls for energy dissipation, and in-kind replacement of damaged and degraded culverts. Parking and drainage improvements will be implemented in John O. Linde Community Park.

PROVISIONS

AUTHORIZED WORK TIMES

1. You may begin the project at any time and you must complete the project by September 30, 2031. Work occurring within the stream associated wetland must only occur during the seasonal late summer dry months, when water levels are absent or at their lowest.

PROJECT APPROVALS

2. Work must be accomplished per the plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled "ProjectPlanDrawings_2026-0825_Beaverton Trail 100PCT Plans.pdf," pages 1-72 of 72, received August 26, 2026, and "BeavertonTrail_MitigationPlan," pages 1-13 of 13, received September 22, 2026, except as modified by this Hydraulic Project Approval (HPA). You must have a copy of these plans and this HPA available on site during all phases of the project.
3. This HPA authorizes only the removal of the large woody vegetation shown in the approved plan. Clearly mark all large woody vegetation authorized for removal before starting work.

NOTIFICATION REQUIREMENTS

4. FISH KILL/WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.
5. You or your agent must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov or mail to Post Office Box 43234, Olympia, Washington 98504-3234 at least three business days before starting work, and again within seven days after completing the work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

REPORTING REQUIREMENTS

6. PHOTOGRAPHS: You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed.

INVASIVE SPECIES CONTROL

7. Follow Method 1 for low-risk locations (i.e., clean/drain/rinse/dry). Thoroughly remove visible dirt and debris from all equipment and gear—including vessels, boots, waders, drive mechanisms, wheels, tires, tracks, buckets, and undercarriage—before arriving at and leaving the job site to prevent the transport and introduction of aquatic invasive species. For contaminated or high-risk sites, refer to the Method 2 Decontamination protocol. Clean, rinse, and dry all decontamination equipment used and properly dispose of any water and chemicals used for cleaning. For additional decontamination details, including specific protocols for freshwater, marine, and estuarine environments, refer to the Washington Department of Fish and Wildlife Invasive Species Management Protocols, available online at https://wdfw.wa.gov/species-habitats/invasive/prevention/clean-drain-dry#decontamination

STAGING, JOB SITE ACCESS, AND EQUIPMENT

8. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.
9. Clearly mark boundaries to establish the limit of work associated with site access and construction.
10. Equipment used in or near water must use environmentally acceptable lubricants composed of biodegradable base oils. These are vegetable oils, synthetic esters, and polyalkylene glycols.
11. Establish staging areas (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
12. If wet or muddy conditions exist, in or near a riparian zone or wetland area, use equipment that reduces ground pressure.
13. Limit the use of equipment waterward of the ordinary high water line to that necessary to gain position for the work.
14. Use existing upland roadways or travel paths whenever feasible.

SEDIMENT, EROSION, AND POLLUTION CONTAINMENT

15. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.
16. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.
17. Straw used for erosion and sediment control, must be certified free of noxious weeds and their seeds.
18. Do not stockpile construction material waterward of the ordinary high water line.
19. If flow conditions arise that will result in erosion or siltation of waters of the state, stop all hydraulic project activities except those needed to control erosion and siltation.

20. Install and maintain curbs or wheel guards to prevent aggregate or earth-type paving material from entering the stream-associated wetland.
21. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.
22. Remove soil or debris from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to operating the equipment waterward of the ordinary high water line.
23. Route the construction water (wastewater) from the project to an upland area above the limits of anticipated floodwater. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.
24. Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
25. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above anticipated floodwater unless the material is approved by the Washington Department of Fish and Wildlife for reuse in the project.

PROJECT DESIGN

26. As indicated in the approved plans, twelve (12) 12-inch helical pin piles (with 4.5-inch core) are authorized for installation in the stream-associated wetland.
27. As indicated in the approved plans, design and construct the bridge to allow for 5ft of clearance above 200-year flood flows.

CONSTRUCTION MATERIALS

28. To prevent leaching, construct forms to contain any wet concrete. Place impervious material over any exposed wet concrete that will come in contact with waters of the state. Forms and impervious materials must remain in place until the concrete is cured.
29. Use material for the approaches that is structurally stable and that will not harm fish life if it erodes into the water.
30. Do not use wood treated with oil-type preservative (creosote, pentachlorophenol) in any hydraulic project. Wood treated with waterborne preservative chemicals (ACZA, ACQ) may be used if the Western Wood Preservers Institute has approved the waterborne chemical for use in the aquatic environment. The manufacturer must follow the Western Wood Preservers Institute guidelines and the best management practices to minimize the preservative migrating from treated wood into aquatic environments. To minimize leaching, wood treated with a preservative by someone other than a manufacturer must follow the field treating guidelines. These guidelines and best management practices are available at https://preservedwood.org.

PROJECT IMPLEMENTATION

31. Minimize disturbance or damage to the bed and banks of the stream-associated wetland when installing the new bridge.
32. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).

HABITAT FEATURES

33. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.
34. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the pre-project location before leaving the job site.

PLANTING

35. Complete replanting of riparian vegetation during the second dormant season (late fall through late winter) after invasives removals occur in the first year per the approved plan. Monitor and maintain plantings according to the approved mitigation plan. Failure to achieve the indicated percent survival in year three will require you to submit a plan with follow-up measures to achieve requirements or reasons to modify requirements.

36. Replant the job site with the plant species composition and planting densities as indicated in the approved plans.
37. Seed or replant areas disturbed by construction activities with a native mix suitable for the site that has at least one quick-establishing plant species.

DEMOBILIZATION AND CLEANUP

38. Before the end of seasonally dry period specified in “Authorized Work Times," secure disturbed ground in wet or flood-prone areas to prevent erosion or siltation of waters of the state.
39. Remove temporary erosion and sediment control methods after job site is stabilized or within three months of project completion, whichever is sooner.
40. Restore the disturbed bed, bank, and riparian zone elevations and contours to pre-project condition.
41. Upon completion of the project, remove all materials or equipment from the site and dispose of all excess spoils and waste materials in an upland area above the limits of anticipated floodwater.
42. Deposit all trash from the project at an appropriate upland disposal location.

PROJECT LOCATION(S)

Location		
Beaverton Marsh Preserve		
Latitude	**Longitude**	**County**
48.545251000000000	-123.035743000000000	San Juan
WRIA	**Waterbody**	**Tributary to**
WRIA	Other	Other

APPLIES TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval (HPA) pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. If the project requires the handling, capture, and/or transport of aquatic or terrestrial species additional permits and authorizations are required from WDFW. The person(s) to whom this HPA is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state, and/or federal) that may be necessary for this project.

This Hydraulic Project Approval (HPA) shall be available on the job site at all times and all its provisions followed by the person(s) to whom this HPA is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval (HPA) is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this HPA.

HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish and Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issue Date: 10/02/2026
Project End Date: 09/30/2031

Permit Type: HPA - Standard
Permit Number: 2026-4-719+01
Application ID: 0045244

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by a fine and/or imprisonment.

All Hydraulic Project Approvals (HPA) issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Washington Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this HPA is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HYDRAULIC PROJECT APPROVAL (HPA): You may request approval of minor modifications to the required work timing or the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require the issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics, or construction of your project that do not alter the project's impact to fish life or habitat and do not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at https://hpa.wdfw.wa.gov/s. If you did not use APPS you must submit a written request for a minor modification to an existing HPA. Written requests must include the name of the permittee, the name of the authorized agent if applicable, the APP ID or HPA number, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by email to HPAapplications@dfw.wa.gov, or by mail to Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the Department to process your request.

MAJOR MODIFICATIONS TO THIS HYDRUALIC PROJECT APPROVAL (HPA): You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require the issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at https://hpa.wdfw.wa.gov/s. If you did not use APPS you must submit a written request for a major modification to an existing HPA. Written requests must include the name of the permittee, the name of the authorized agent if applicable, the APP ID or HPA number, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by email to HPAapplications@dfw.wa.gov or by mail to Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You should allow up to 45 days for the Department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), the Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the WDFW employee who issued, denied, or conditioned the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by WDFW management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process.

HYDRAULIC PROJECT APPROVAL

Washington Department of
Fish and Wildlife
PO Box 43234
Olympia, WA 98504-3234
(360) 902-2200

Issue Date: 10/02/2026
Project End Date: 09/30/2031

Permit Type: HPA - Standard
Permit Number: 2026-4-719+01
Application ID: 0045244

A. INFORMAL APPEALS: WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule:

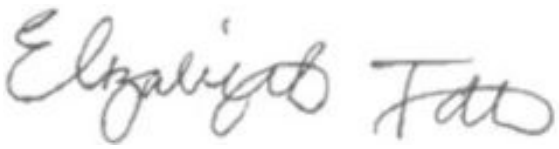
A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the WDFW Habitat Program, Natural Resources Building, 1111 Washington St SE, Olympia, Washington 98501. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Habitat Program Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule:

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Habitat Program, Natural Resources Building, 1111 Washington St SE, Olympia, Washington 98501. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Habitat Program Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Elizabeth Tate
Area Habitat Biologist
(360) 826-2665
elizabeth.tate@dfw.wa.gov



For Director
DFW

SAN JUAN COUNTY
WASHINGTON

Department of Community Development
135 Rhone Street · PO Box 947
Friday Harbor, WA 98250
360-378-2354
dcd@sanjuancountywa.gov
sanjuancountywa.gov/2171/Community-Development

STAFF REPORT AND DECISION

LANDUSE-26-0036
CLEARING AND GRADING PERMIT

REPORT DATE:	September 1, 2026
PROJECT PLANNER:	Colin Cooper, Planner (Contract)
FILE NUMBER:	LANDUSE-26-0036 Beaverton Marsh Trail
OWNER:	San Juan County Conservation Land Bank 350 Court Street #6 Friday Harbor, WA 98250
APPLICANT:	San Juan County Conservation Land Bank 350 Court Street #6 Friday Harbor, WA 98250
AGENT:	Sarah Ogden, Bowman Consulting 225 West Front Street Missoula, MT 59802
PROJECT DESCRIPTION:	Beaverton Marsh multimodal shared-use trail, wetland bridge crossing, trail improvements, clearing, grading, and restoration.
RECOMMENDATION:	Approved with Conditions

PROJECT DATA	
ISLAND:	San Juan
SITE ADDRESS AND LOCATION:	Beaverton Marsh Preserve; no specific project address
PARCEL NUMBER(S):	351011001, 351013001, 351013002, 351013003, 351014001, 351122001, and 351166005
PARCEL AREA:	Beaverton Marsh Preserve comprises approximately 473 acres
LAND USE DESIGNATION:	Rural Farm Forest (RFF), Agricultural Resource Land (AG), and Friday Harbor Incorporated Urban Growth Area at the eastern terminus
EXISTING LAND USE:	Conservation preserve, existing unimproved roadbeds, driveways, and trails; John O. Linde Community Park at the eastern terminus
SEWAGE:	N/A
WATER:	N/A

SEPA	
Washington State Department of Ecology SEPA Register Number	[Insert SEPA Register Number]
DECISION:	Modified Mitigated Determination of Nonsignificance
ISSUANCE DATE:	05/27/2026
PUBLISHED:	05/27/2026
APPEAL DATE:	06/18/2026
REISSUANCE OF MODIFIED MDNS	06/30/2026

DESCRIPTION OF THE PROPOSAL

The applicant, the San Juan County Conservation Land Bank, proposes to construct a multimodal shared-use trail connecting John O. Linde Community Park in Friday Harbor westward through the Beaverton Marsh Preserve to the Halvorsen Road neighborhood on San Juan Island. At the center of the project is a bridge wetland crossing designed to span the Category I Beaverton Marsh wetland and connect the existing trail network on either side of the marsh, creating a continuous, accessible, non-motorized corridor for community recreation and transportation. Project work includes widening and improving existing gravel trails to meet accessibility standards, installing short connector trail segments, and selectively clearing vegetation. Disturbed wetland and buffer areas are proposed for restoration with native plantings and management for invasive species as part of a long-term stewardship commitment.

Description of the Site

Beaverton Marsh Preserve is a 473-acre conservation property owned and managed by the San Juan County Conservation Land Bank, situated northwest of Friday Harbor on San Juan Island. The Preserve protects the largest wetland complex in San Juan County and provides public access to existing and emergent marsh and forested upland habitats. Wetland A, the Beaverton Marsh wetland, is an approximately 350-acre Category I freshwater wetland that forms the ecological core of the Preserve. Within it lies a 2.4-acre Category I bog/fen recognized for its plant diversity. Two smaller wetlands are also present within the project area: Wetland B, a Category III scrub-shrub and emergent wetland of approximately 2,568 square feet near the Linde Park boundary, and Wetland C, a Category IV wetland drainage corridor of approximately 0.92 acres. Two unnamed seasonal streams intersect the project area.

The trail corridor follows approximately 11,300 linear feet of existing unimproved roadbeds, driveways, and trail alignments. Terrain across the project area is varied, with site elevations ranging from approximately 90 to 160 feet and moderate to steep slopes on the Preserve's eastern end. Upland soils are predominantly loam; wetland soils are muck and peat. Construction is anticipated during fall 2026 through 2027.

Principal Project Elements

- Construction of a bridge wetland crossing over the Category I Beaverton Marsh wetland (Wetland A). The bridge would be supported by up to 24 twelve-inch-diameter helical pin piles installed within the wetland, with up to 5 cubic yards of material excavated from within the wetland footprint. The bridge design avoids placement of fill in the wetland body, minimizing hydrological disruption.
- Widening and resurfacing of existing gravel trail segments to meet FHWA shared-use path accessibility standards, including grade adjustments and application of all-season accessible surfacing along the primary

east-west route. Significant grading is required to allow the trail to meet the bridge at both the eastern and western termini and meet accessibility standards.

- Construction of short new trail connector segments to integrate the bridge crossing with the existing trail network on both sides of the marsh.
- Resurfacing of existing trail segments over and adjacent to Stream A and Wetland C with gravel consistent with existing surfacing. No direct impacts to Stream A, Wetland B, or Wetland C are proposed.
- Clearing and grading affecting up to approximately 450,000 square feet of the project corridor, with up to 3,400 cubic yards of excavation and up to 4,600 cubic yards of engineered fill placement.
- Removal of up to 10,000 square feet of emergent and scrub-shrub vegetation within Wetland A associated with bridge construction; up to 199,000 square feet of forested upland vegetation; and up to 16,000 square feet of lawn within John O. Linde Community Park. The majority of vegetation removal is temporary in nature, with cleared areas to be replanted.
- Restoration of all disturbed wetland, buffer, and upland areas using locally appropriate Pacific Northwest native plant species, guided by an approved mitigation and restoration plan.
- Invasive species management within and adjacent to the trail corridor, with an emphasis on protecting restored native plant communities.
- Long-term post-construction monitoring, maintenance, and adaptive management to confirm successful establishment of restoration plantings and compliance with mitigation performance standards.

Location of the Site

The project is located within Beaverton Marsh Preserve northwest of Friday Harbor on San Juan Island. The project has no specific street address. The approximate project coordinates are latitude 48°32'53.43" N and longitude 123°2'11.06" W. The project includes Tax Parcel Numbers 351011001, 351013001, 351013002, 351013003, 351014001, 351122001, and 351166005.

FINDINGS

San Juan County Department of Community Development reviewed the proposal, the completed environmental checklist, the Rozewood Environmental Services "Wetland and Stream Analysis and Delineation" dated March 5, 2026, comments received from the Washington Department of Fish and Wildlife, and other information contained in the project record.

The Department issued a SEPA threshold Determination of NonSignificance (MDNS) on May 27, 2026, and subsequently reissued a modified MDNS on 6/30/26 to clarify the extent of temporary wetland excavation, the applicable wetland documentation, and the requirement for a Wetland and Critical Areas Impact and Mitigation Plan before issuance of the Clearing and Grading Permit.

The project site (TPNs 351011001, 351013001, 351013002, 351013003, 351014001, 351024001, and 351122001) contains mapped critical areas including Category I, III, and IV wetlands and their associated buffers, fish and wildlife habitat conservation areas, geologically hazardous areas (including slopes greater than 15%), and is situated within a critical aquifer recharge area, as reflected on the San Juan County Polaris Critical Areas Map. Beaverton Marsh Preserve represents a landscape of exceptional ecological significance, protecting the

largest wetland complex in San Juan County. Consistent with San Juan County Critical Areas protection and buffer standards (SJCC 18.35.040).The approved plan must use locally appropriate Pacific Northwest native plant species selected to support the ecological functions of the affected habitat types.

The proposed project involves temporary, limited impacts to Wetland A (Beaverton Marsh), a Category I freshwater wetland that is one of the most ecologically significant wetland systems in San Juan County. Wetland A is approximately 350 acres and encompasses a 2.4-acre Category I bog/fen, a rare wetland type sensitive to changes in water chemistry and hydrology. The applicant submitted a Wetland and Stream Analysis and Delineation Report prepared by Rozewood Environmental Services, Inc., dated March 5, 2026, which identified three wetlands and one seasonal stream within the project area and evaluated their regulatory categories under the Washington State Wetland Rating System for Western Washington. Wetland B (Category III, approximately 2,568 sq. ft.) and Wetland C (Category IV, approximately 0.92 acres) are subject to standard protective buffers; no direct impacts to Wetland B, Wetland C, or the unnamed seasonal stream (Stream A) are proposed.

The Department finds that the proposal, as conditioned below and consistent with the Modified Mitigated Determination of Nonsignificance, complies with SJCC Sections 18.35.025 (Applicability), 18.35.040 (Mitigation Requirements) 18.35.060 (Geologically Hazardous Areas), 18.35.080 (Critical Aquifer Recharge Area), 18.35.085 (Wetlands), 018,60.060 (Clearing and Grading Standards) will not result in a probable significant adverse impact on the environment and may be approved with conditions.

LANDUSE-26-0036 CLEARING AND GRADING PERMIT CONDITIONS OF APPROVAL

1. All clearing, grading, construction, restoration, and related activities shall comply with the San Juan County Code and all applicable state and federal requirements.

2. Consistent with SJCC 18.35.040, all temporary and permanent impacts to critical areas and their buffers shall be mitigated in accordance with the Beaverton Trail Project – Mitigation Conceptual Plan dated August 11, 2026, and supplemental documents including: Beaverton Trail Drainage Report dated July 15, 2026, Beaverton Trail 100PCT Plans dated August 7, 2026, and Beaverton Trail Mitigation Site Plan Map received August 12, 2026. Mitigation plantings shall utilize locally appropriate Pacific Northwest native plant species selected to support the ecological functions of the affected habitat types.

   Cleared areas not converted to permanent trail or bridge infrastructure shall be replanted promptly following construction. The applicant shall submit annual monitoring reports documenting: (a) plant survival rates; (b) percentage of vegetative cover by native and invasive species; (c) evidence of erosion or hydrological issues; and (d) any corrective actions taken or proposed to maintain compliance with the approved Mitigation and Restoration Plan's performance standards. The Mitigation and Restoration Plan shall include a site-specific scaled planting plan that includes a planting plan and list of species. The plan shall also include a plant schedule listing the scientific and common names of all proposed species and demonstrate that the selected species are appropriate for the site's hydrologic conditions and intended habitat functions.

3. Pursuant to SJCC 18.35.040(10), Critical Areas Mitigation Requirements, the applicant shall submit a mitigation monitoring plan for review and approval by the San Juan County Community Development

Director (Director) before any site disturbance, as applicable. The plan shall include a monitoring schedule, measurable performance standards and provisions for responsive management if standards are not met. The applicant shall submit annual written monitoring reports to the county no later than November 1 of each year for a minimum period of five (5) years or until the Director determines in writing that the mitigation is successfully established and functioning as designed. The annual monitoring reports shall document plant survival rates, percentage of vegetative cover by native and invasive species, evidence of erosion or hydrological issues, and any corrective actions taken to maintain progress toward performance standards.

4. The applicant shall provide financial surety equal to 115 percent of the mitigation and monitoring cost pursuant to SJCC 18.35.040(G)(14), prior to commencement of site disturbance, as directed by the Department.

5. The project shall be constructed consistent with approved Clearing and Grading permit application materials, SEPA checklist, wetland delineation report, mitigation and restoration plan, final engineering plans, and all required agency permits. Alterations or amendments from approved plans that affect wetland, buffer or sensitive area conditions shall require prior county review and approval.

6. Wetland excavation associated with installation of bridge pin piles shall be limited to approximately 5 cubic yards, consistent with the application materials, wetland documentation, and proposed construction methods, unless a revised impact analysis and approval are obtained from the Department.

7. Prior to construction authorization, the applicant shall prepare and submit a final 100 percent construction plan set identifying construction limits, all areas of temporary disturbance, wetland boundaries and categories, required wetland buffers, stream corridors, staging areas, access routes, pile installation locations, restoration areas, and post-construction monitoring locations. The plan shall explicitly confirm that the proposed boardwalk alignment, height, and pile installation locations avoid any direct impact to the Category I bog/fen contained within Wetland A. Additionally, the applicant shall confirm the height of the boardwalk does not interfere with the hydraulic function of the stream and shall illustrate clear height in the required 100 percent drawings prior to construction. The bog/fen is situated approximately 4,000 feet from the proposed boardwalk crossing; this distance provides meaningful separation and supports a finding of no adverse effect on this sensitive habitat, provided the approved alignment is maintained.

8. The applicant shall obtain a Construction Stormwater General Permit from the Washington State Department of Ecology prior to ground disturbance. A Temporary Erosion and Sediment Control (TESC) Plan shall be prepared by a qualified professional and implemented before any ground disturbance begins. Best management practices (BMPs) shall include perimeter controls, stabilized construction access, stockpile management, sediment filtration measures, slope stabilization, and prompt revegetation of disturbed soils, in addition to any conditions imposed by the Department of Ecology. Grading, vegetation clearing, and any in-wetland work shall be timed to occur during approved seasonal dry-weather windows to the maximum extent practicable, reducing the risk of sediment transport to wetland and stream features.

9. Wetland boundaries, protective buffers and approved construction limits shall be clearly marked with temporary fencing or flagging before any construction activity. Work shall be strictly confined to approved limits; no work shall occur outside these limits unless separately reviewed and authorized. Pile installation shall be limited to the approved boardwalk footprint and shall use installation methods designed to minimize vibration, disturbance to adjacent wetland soils and vegetation, and disruption to wetland hydrology during the construction period.

10. All disturbed wetland, buffer, and upland areas shall be restored consistent with the approved mitigation and restoration plan, using locally appropriate Pacific Northwest native plant species selected to support the ecological functions of the affected habitat types. Cleared areas not converted to permanent trail or boardwalk infrastructure shall be replanted promptly following construction.

11. The applicant shall implement an invasive plant management program within and adjacent to the trail corridor, consistent with the approved restoration plan and applicable agency requirements. Given the abundance of reed canary grass, spurge laurel, Himalayan blackberry, and other invasive species documented within the Preserve, the program shall prioritize control in areas where native plant establishment is most vulnerable. Control methods shall emphasize manual and mechanical approaches; any herbicide or chemical treatment shall require prior written authorization from the County and applicable state agencies.

12. The applicant shall avoid removal of significant trees measuring 16 inches diameter at breast height or larger where feasible, recognizing the habitat value such trees provide for migratory birds and wildlife associated with Beaverton Marsh.

13. The applicant shall provide protective measures for active nesting raptors. Protective measures shall be implemented consistent with species-specific recommendations from a qualified biologist and the Washington Department of Fish and Wildlife.

14. A qualified wetland biologist or ecologist shall be present during any wetland pile installation and during vegetation removal within wetland A. The biologist shall monitor wildlife disturbance, supervise compliance with approved wetland impact limits and document field conditions. Any unforeseen conditions, including unanticipated wetland extent, wildlife activity or soil disturbance, shall be promptly reported to the County.

15. All fueling, equipment maintenance, and storage of materials with spill potential shall occur at designated upland locations at a safe distance from wetlands, streams, and drainage features, in a manner that eliminates the risk of discharge to sensitive areas. The contractor shall prepare a project-specific Spill Prevention, Control, and Countermeasures (SPCC) Plan prior to mobilization. Spill response materials shall be maintained on site and readily accessible at all times during construction operations.

16. If stained soils, unusual odors, petroleum sheen, buried debris, or other indications of potential contamination are encountered during excavation or grading, work shall stop in the affected area. The applicant shall notify the County and applicable agencies and shall not resume work in the affected area until appropriate direction has been received.

17. Construction activities that produce significant noise shall be limited to daytime hours consistent with the San Juan County noise ordinance. Given the Preserve's value as a wildlife habitat and its active use by nesting raptors, migratory waterfowl and other sensitive species, the construction schedule should be planned, where feasible, to minimize work during peak nesting and breeding seasons.

18. Final boardwalk and trail engineering plans shall be prepared and stamped by qualified engineering professionals, including a licensed structural engineer for the boardwalk crossing design. The boardwalk shall be designed to accommodate anticipated loads, minimize the pile footprint within the wetland, and, to the extent practicable, allow natural light penetration and water movement beneath the structure. Substantive changes to the approved engineering plans in the field shall be reviewed by the responsible engineer of record and communicated to San Juan County Building Official and applicable agencies before implementation.

19. A Cultural Resources Assessment and Area of Potential Effect (APE) Memorandum is actively being prepared by Legacy Anthropology, LLC, as noted in the project's SEPA checklist. Beaverton Marsh Preserve is situated within a landscape of recognized cultural significance to Coast Salish peoples, and the assessment process is expected to yield important information regarding the presence or absence of cultural resources within the project corridor. The applicant shall ensure that all construction personnel are briefed on inadvertent discovery protocols prior to ground-disturbing activities. If archaeological materials (including but not limited to shell midden, lithic artifacts, historic-era glass or metals), human remains, or other cultural materials are encountered during construction, all work in the vicinity shall cease immediately, and notification procedures required by state and federal law shall be followed. Work may resume only following written authorization from the Washington State Department of Archaeology and Historic Preservation (DAHP) and the County. Consistent with the Land Bank's Tribal consultation framework, the applicant shall maintain coordination with the Tribal Historic Preservation Officers (THPOs) of the Samish Indian Nation, Swinomish Indian Tribal Community, Lummi Nation, and Tulalip Tribes throughout project development and construction.

20. The applicant shall comply with all conditions and requirements imposed by San Juan County, Washington State Department of Ecology, Washington Department of Fish and Wildlife, U.S. Army Corps of Engineers, Washington State Department of Archaeology and Historic Preservation, Washington State Department of Natural Resources, and any other agencies with jurisdictional authority.

DECISION

Based on the application materials, environmental review, findings, and conditions of approval, the San Juan County Department of Community Development approves LANDUSE-26-0036, the Beaverton Marsh Clearing and Grading Permit, subject to the conditions stated in this Staff Report and Decision.

DATED this 1 day of September, 2026.



Sev Jones, Director

Appeal Process

Any party of record to this decision may submit an appeal to the Community Development & Planning Department, in writing, within twenty-one (21) days of the date of the decision. Appeals must be in writing, be accompanied by the appeal fee, and contain the following:

- appellant's name, address, and phone number;
- appellant's statement describing standing to appeal;
- identification of the application which is the subject of the appeal, including date of the decision being appealed; appellant1s statement of grounds for appeal and the facts upon which the appeal is based;
- the relief sought, Including the specific nature and extent; and
- a statement that the appellant has read the appeal and believes the contents to be true, signed by the appellant.

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dcd@sanjuancountywa.gov
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STATE ENVIRONMENTAL POLICY ACT

Mitigated Determination of NonSignificance

Lead agency: San Juan County Department of Community Development

Agency Contact: Sev Jones
Dept of Community Development (DCD)
PO Box 607 | 145 Rhone Street
Friday Harbor, WA 98250
O: 360-378-2354
sevj@sanjuancountywa.gov

Agency File Number: LANDUSE-26-0036 (Beaverton Marsh)

Summary of proposal

The applicant proposes to construct a multimodal shared-use trail connecting John O. Linde Community Park in Friday Harbor westward through the Beaverton Marsh Preserve to the Halvorsen Road neighborhood on San Juan Island. At the center of the project is a bridge wetland crossing designed to span the Category I Beaverton Marsh wetland and connect the existing trail network on either side of the marsh, creating a continuous, accessible, non-motorized corridor for community recreation and transportation. Project work includes widening and improving existing gravel trails to meet accessibility standards, installing short connector trail segments, and selectively clearing vegetation. Disturbed wetland and buffer areas are proposed for restoration with native plantings and management for invasive species as part of a long-term stewardship commitment. (*TPNs 351011001, 351013001, 351013002, 351013003, 351014001, 351024001, and 351122001*).

Description of proposal

Beaverton Marsh Preserve is a 473-acre conservation property owned and managed by the San Juan County Conservation Land Bank (Land Bank), situated northwest of Friday Harbor on San Juan Island. The Preserve is a place of high ecological and community value, protecting the largest wetland complex in San Juan County and providing public access to an existing and emergent marsh, and forested upland habitats. Wetland A: the Beaverton Marsh wetland is an approximately 350-acre Category I freshwater wetland that forms the ecological core of the Preserve. Within it lies a 2.4-acre Category I bog/fen, and is recognized for its plant diversity. Two smaller wetlands are also present within the project area: Wetland B, a Category III scrub-shrub and emergent wetland of approximately 2,568 square feet near the Linde Park boundary, and

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Wetland C, a Category IV wetland drainage corridor of approximately 0.92 acres. Two unnamed seasonal streams intersect the project area.

The project proposes to complete a long-envisioned community trail link, connecting Linde Park and the Friday Harbor neighborhoods to the east with the Halvorsen Road neighborhood to the west. The trail corridor follows approximately 11,300 linear feet of existing unimproved roadbeds, driveways, and trail alignments. Terrain across the project area is varied, with site elevations ranging from approximately 90 to 160 feet and moderate to steep slopes on the Preserve's eastern end. Upland soils are predominantly loam; wetland soils are muck and peat. The tax parcels that make up the Beaverton Marsh Preserve are a combination of Rural Farm Forest (RFF) and Agricultural Resource Land (AG) under the San Juan County Comprehensive Plan, with the eastern project terminus falling within the Friday Harbor Incorporated Urban Growth Area. Construction is anticipated during fall 2026 through 2027.

The project consists of the following principal elements:

- Construction of a bridge wetland crossing over the Category I Beaverton Marsh wetland (Wetland A). The bridge would be supported by up to 24 twelve-inch-diameter helical pin piles installed within the wetland, with up to 5 cubic yards of material excavated from within the wetland footprint. The bridge design avoids placement of fill in the wetland body, minimizing hydrological disruption.
- Widening and resurfacing of existing gravel trail segments to meet FHWA shared-use path accessibility standards, including grade adjustments and application of all-season accessible surfacing along the primary east–west route. Significant grading is required to allow the trail to meet the bridge on both the eastern and western terminus of the bridge and meet accessibility standards.
- Construction of short new trail connector segments to integrate the bridge crossing with the existing trail network on both sides of the marsh.
- Resurfacing of existing trail segments over and adjacent to Stream A and Wetland C with gravel consistent with existing surfacing. No direct impacts to Stream A, Wetland B, or Wetland C are proposed.
- Clearing and grading affecting up to approximately 450,000 square feet of the project corridor, with up to 3,400 cubic yards of excavation and up to 4,600 cubic yards of engineered fill placement.
- Removal of up to 10,000 square feet of emergent and scrub-shrub vegetation within Wetland A associated with bridge construction; up to 199,000 square feet of forested upland vegetation; and up to 16,000 square feet of lawn within John O. Linde Community Park. The majority of vegetation removal is temporary in nature, with cleared areas to be replanted.
- Restoration of all disturbed wetland, buffer, and upland areas using locally appropriate Pacific Northwest native plant species, guided by an approved mitigation and restoration plan.
- Invasive species management within and adjacent to the trail corridor, with an emphasis on protecting restored native plant communities.

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- Long-term post-construction monitoring, maintenance, and adaptive management to confirm successful establishment of restoration plantings and compliance with mitigation performance standards.

Details of proposal

Location of proposal: No specific project address

TPN: *35101101, 351013001, 351013002, 351013003, 351014001, 351122001, 351166005*

Latitude: *48°32'53.43"N* ***Longitude:*** *- 123° 2'11.06"W*

APPLICANT: SJC Land Bank
350 Court Street #6
Friday Harbor, WA 98250

The San Juan County DCD has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for temporary impacts limited to 1,330 square feet of palustrine emergent/unconsolidated bottom/aquatic-bed wetland. An environmental impact statement (EIS) is not required under RCW 43.21C.030. The necessary mitigation measures are listed below, the Environmental Checklist is attached, and additional information is available at: sanjuancountywa.gov/2171/Community-Development.

Proposal SEPA Analysis

The proposal is a project action that would result in temporary construction-related disturbance, including excavation and grading, vegetation clearing in wetland and upland areas, installation of pile foundations within a Category I wetland, short-term disruption of wetland buffers, construction noise and traffic, and localized wildlife disturbance during the construction period. The project setting is one of significant environmental value: a large, predominantly intact freshwater wetland system actively managed within a dedicated conservation preserve, framed by forested upland habitats and accessible from an established community park. This setting provides important context for the SEPA review, as the project occurs on land already committed to long-term ecological stewardship and subject to ongoing Land Bank management for habitat enhancement and public access.

Several characteristics of the proposal substantially reduce the significance of its environmental impacts. The bridge design avoids filling the wetland body, relying on pin piles to minimize hydrological disruption. The trail footprint largely follows existing disturbed roadbeds, driveways, and trail alignments, limiting the introduction of new disturbance into undisturbed habitat. Vegetation removal within the wetland is temporary and comparatively modest relative to the overall scale of Wetland A. Restoration plantings using native species would be implemented throughout the disturbed corridor, and the project's long-term purpose improving safe, low-intensity public access through an active conservation preserve is consistent

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with the Land Bank's stewardship mission and supports the community's ongoing relationship with the landscape.

The impacts identified through review of the SEPA Environmental Checklist and supporting technical documents, including the Rozewood Environmental Services wetland delineation report (March 5, 2026), are not determined to be significant after mitigation. Impacts are localized to the project corridor, temporary in duration, and subject to enforceable conditions. Mitigation measures will address erosion and sediment control, dry-season construction windows, water quality protection, wetland and buffer restoration, invasive species management, protected species protocols, cultural resource inadvertent discovery procedures, and compliance with all applicable agency permit requirements. Staff finds that the proposal does not require an EIS because any probable significant adverse impacts can be reduced to a nonsignificant level through the conditions of this MDNS.

This determination is based on the following findings, conclusions, and conditions:

1. The project site (TPNs 351011001, 351013001, 351013002, 351013003, 351014001, 351024001, and 351122001) contains mapped critical areas including Category I, III, and IV wetlands and their associated buffers, fish and wildlife habitat conservation areas, geologically hazardous areas (including slopes greater than 15%), and is situated within a critical aquifer recharge area, as reflected on the San Juan County Polaris Critical Areas Map. Beaverton Marsh Preserve represents a landscape of exceptional ecological significance, protecting the largest wetland complex in San Juan County. Consistent with San Juan County Critical Areas protection and buffer standards (SJCC 18.35.040), no development shall be permitted within identified wetlands or their associated wetland buffers except as specifically authorized through this determination and associated San Juan County Clear and Grade permit, and other jurisdictional permits.

2. The proposed project involves temporary, limited impacts to Wetland A (Beaverton Marsh), a Category I freshwater wetland that is one of the most ecologically significant wetland systems in San Juan County. Wetland A is approximately 350 acres and encompasses a 2.4-acre Category I bog/fen, a rare wetland type sensitive to changes in water chemistry and hydrology. The applicant submitted a Wetland and Stream Analysis and Delineation Report prepared by Rozewood Environmental Services, Inc., dated March 5, 2026, which identified three wetlands and one seasonal stream within the project area and evaluated their regulatory categories under the Washington State Wetland Rating System for Western Washington. Wetland B (Category III, approximately 2,568 sq. ft.) and Wetland C (Category IV, approximately 0.92 acres) are subject to standard protective buffers; no direct impacts to Wetland B, Wetland C, or the unnamed seasonal stream (Stream A) are proposed.

3. The applicant has submitted a Wetland and Wetland Buffers mitigation plan consistent with SJCC 18.35.040. The mitigation plan, including the Restoration Plan prepared by Bowman Consulting

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Group Ltd, shall be included with any future San Juan County Clearing and Grade permit. The mitigation approach demonstrates a full restoration of disturbed wetland and buffer habitats to a condition that supports native plant communities and ecological functions. The applicant shall demonstrate compliance with all applicable state and local stormwater regulations.

4. Pursuant to SJCC 18.35.040(10), Critical Areas Mitigation Requirements, the applicant shall submit a mitigation monitoring plan for review and approval by the San Juan County Development Director (Director) before site disturbance or permit issuance, as applicable. The plan shall include a monitoring schedule, measurable performance standards and provisions for responsive management if standards are not met. The applicant shall submit annual written monitoring reports to the county no later than November 1 of each year for a minimum period of five (5) years or until the Director determines in writing that the mitigation is successfully established and functioning as designed.

5. The project shall be constructed consistent with approved Clearing and Grading permit application materials, SEPA checklist, wetland delineation report, mitigation and restoration plan, final engineering plans, and all required agency permits. Alterations or amendments from approved plans that affect wetland, buffer or sensitive area conditions shall require prior county review and approval.

6. Prior to construction authorization, the applicant shall prepare and submit a final 100 percent construction plan set identifying construction limits, all areas of temporary disturbance, wetland boundaries and categories, required wetland buffers, stream corridors, staging areas, access routes, pile installation locations, restoration areas, and post-construction monitoring locations. The plan shall explicitly confirm that the proposed bridge alignment, height, and pile installation locations avoid any direct impact to the Category I bog/fen contained within Wetland A. Additionally, the applicant shall confirm the height of the bridge does not interfere with the hydraulic function of the stream and shall illustrate clear height in the required 100 percent drawings prior to construction. The bog/fen is situated approximately 4,000 feet from the proposed bridge crossing; this distance provides meaningful separation and supports a finding of no adverse effect on this sensitive habitat, provided the approved alignment is maintained.

7. The applicant shall obtain a Construction Stormwater General Permit from the Washington State Department of Ecology prior to ground disturbance. A Temporary Erosion and Sediment Control (TESC) Plan shall be prepared by a qualified professional and implemented before any ground disturbance begins. Best management practices (BMPs) shall include perimeter controls, stabilized construction access, stockpile management, sediment filtration measures, slope stabilization, and prompt revegetation of disturbed soils, in addition to any conditions imposed by the Department of Ecology. Grading, vegetation clearing, and any in-wetland work shall be timed

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to occur during approved seasonal dry-weather windows to the maximum extent practicable, reducing the risk of sediment transport to wetland and stream features.

8. Wetland boundaries, protective buffers and approved construction limits shall be clearly marked with temporary fencing or flagging before any construction activity. Work shall be strictly confined to approved limits; no work shall occur outside these limits unless separately reviewed and authorized. Pile installation shall be limited to the approved bridge footprint and shall use installation methods designed to minimize vibration, disturbance to adjacent wetland soils and vegetation, and disruption to wetland hydrology during the construction period.

9. All disturbed wetland, buffer, and upland areas shall be restored consistent with the approved mitigation and restoration plan, using locally appropriate Pacific Northwest native plant species selected to support the ecological functions of the affected habitat types. Cleared areas not converted to permanent trail or bridge infrastructure shall be replanted promptly following construction. Annual monitoring reports shall document plant survival rates, percentage of vegetative cover by native and invasive species, evidence of erosion or hydrological issues, and any corrective actions taken to maintain progress toward performance standards.

10. The applicant shall implement an invasive plant management program within and adjacent to the trail corridor, consistent with the approved restoration plan and applicable agency requirements. Given the abundance of reed canary grass, spurge laurel, Himalayan blackberry, and other invasive species documented within the Preserve, the program shall prioritize control in areas where native plant establishment is most vulnerable. Control methods shall emphasize manual and mechanical approaches; any herbicide or chemical treatment shall require prior written authorization from the County and applicable state agencies.

11. The application materials identify a Bald Eagle Nest tree that falls outside of any area of proposed construction. The application materials also identify a Redtail Hawk Nest were a small portion of proposed new trails falls within the 300-foot Raptor nest buffer. If any additional protected species, active bird nests, or other sensitive wildlife conditions are encountered in or immediately adjacent to the active work area, construction activity in the affected area shall be paused, and the appropriate state or federal agency shall be contacted for direction before work resumes. The project site falls within USFWS-mapped ranges of the following ESA-listed species: Marbled Murrelet (threatened), Yellow-billed Cuckoo (threatened), Bull Trout (threatened), Island Marble Butterfly (endangered), Monarch Butterfly (proposed threatened), and Suckley's Cuckoo Bumble Bee (proposed endangered). Although no critical habitat for any of these species overlaps the delineated study area, the applicant shall consult with USFWS and WDFW as required and shall incorporate any resulting recommendations into construction protocols.

12. A qualified wetland biologist or ecologist shall be present during any in-wetland pile installation and during vegetation removal within wetland A. The biologist shall monitor for wildlife

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disturbance, supervise compliance with approved wetland impact limits and document field conditions. Any unforeseen conditions, including unanticipated wetland extent, wildlife activity or soil disturbance, shall be promptly reported to the County.

13. All fueling, equipment maintenance, and storage of materials with spill potential shall occur at designated upland locations at a safe distance from wetlands, streams, and drainage features, in a manner that eliminates the risk of discharge to sensitive areas. The contractor shall prepare a project-specific Spill Prevention, Control, and Countermeasures (SPCC) Plan prior to mobilization. Spill response materials shall be maintained on site and readily accessible at all times during construction operations.

14. If stained soils, unusual odors, petroleum sheen, buried debris, or other indications of potential contamination are encountered during excavation or grading, work shall stop in the affected area. The applicant shall notify the County and applicable agencies and shall not resume work in the affected area until appropriate direction has been received.

15. Construction activities that produce significant noise shall be limited to daytime hours consistent with the San Juan County noise ordinance. Given the Preserve's value as a wildlife habitat and its active use by nesting raptors, migratory waterfowl and other sensitive species, the construction schedule should be planned, where feasible, to minimize work during peak nesting and breeding seasons.

16. Final bridge and trail engineering plans shall be prepared and stamped by qualified engineering professionals, including a licensed structural engineer for the bridge crossing design. The bridge shall be designed to accommodate anticipated loads, minimize the pile footprint within the wetland, and, to the extent practicable, allow natural light penetration and water movement beneath the structure. Substantive changes to the approved engineering plans in the field shall be reviewed by the responsible engineer of record and communicated to San Juan County Building Official and applicable agencies before implementation.

17. A Cultural Resources Assessment and Area of Potential Effect (APE) Memorandum is actively being prepared by Legacy Anthropology, LLC, as noted in the project's SEPA checklist. Beaverton Marsh Preserve is situated within a landscape of recognized cultural significance to Coast Salish peoples, and the assessment process is expected to yield important information regarding the presence or absence of cultural resources within the project corridor. The applicant shall ensure that all construction personnel are briefed on inadvertent discovery protocols prior to ground-disturbing activities. If archaeological materials (including but not limited to shell midden, lithic artifacts, historic-era glass or metals), human remains, or other cultural materials are encountered during construction, all work in the vicinity shall cease immediately, and notification procedures required by state and federal law shall be followed. Work may resume only following written authorization from the Washington State Department of Archaeology and Historic

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360-378-2354
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Preservation (DAHP) and the County. Consistent with the Land Bank's Tribal consultation framework, the applicant shall maintain coordination with the Tribal Historic Preservation Officers (THPOs) of the Samish Indian Nation, Swinomish Indian Tribal Community, Lummi Nation, and Tulalip Tribes throughout project development and construction.

18. The applicant shall comply with all conditions and requirements imposed by San Juan County, Washington State Department of Ecology, Washington Department of Fish and Wildlife, U.S. Army Corps of Engineers, Washington State Department of Archaeology and Historic Preservation, Washington State Department of Natural Resources, and any other agencies with jurisdictional authority.

This MDNS is issued under WAC 197-11-350 and the comment period will end on June 10, 2026.

Sev Jones
Director, Dept of Community Development (DCD)
PO Box 607 | 145 Rhone Street
Friday Harbor, WA 98250
O: 360-378-2354

Signature_____ Date of Issuance: 5/27/2026
(electronic signature or name of signor is sufficient)

Appeal process: This Threshold Determination may be appealed to the Hearing Examiner pursuant to SJCC 18.80.140 within 21 days following the date of the Threshold Determination. The Department of Community Development is located at 135 Rhone Street, Friday Harbor. The mailing address is P.O. Box 947, Friday Harbor, WA 98250.

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360-378-2354
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STATE ENVIRONMENTAL POLICY ACT

Modified Mitigated Determination of NonSignificance

Lead agency: San Juan County Department of Community Development

Agency Contact: Sev Jones
Dept of Community Development (DCD)
PO Box 607 | 145 Rhone Street
Friday Harbor, WA 98250
O: 360-378-2354
sevj@sanjuancountywa.gov

Agency File Number: LANDUSE-26-0036 (Beaverton Marsh)

Summary of proposal

The applicant proposes to construct a multimodal shared-use trail connecting John O. Linde Community Park in Friday Harbor westward through the Beaverton Marsh Preserve to the Halvorsen Road neighborhood on San Juan Island. At the center of the project is a bridge wetland crossing designed to span the Category I Beaverton Marsh wetland and connect the existing trail network on either side of the marsh, creating a continuous, accessible, non-motorized corridor for community recreation and transportation. Project work includes widening and improving existing gravel trails to meet accessibility standards, installing short connector trail segments, and selectively clearing vegetation. Disturbed wetland and buffer areas are proposed for restoration with native plantings and management for invasive species as part of a long-term stewardship commitment. (*TPNs 351011001, 351013001, 351013002, 351013003, 351014001, 351024001, and 351122001*).

Description of proposal

Beaverton Marsh Preserve is a 473-acre conservation property owned and managed by the San Juan County Conservation Land Bank (Land Bank), situated northwest of Friday Harbor on San Juan Island. The Preserve is a place of high ecological and community value, protecting the largest wetland complex in San Juan County and providing public access to an existing and emergent marsh, and forested upland habitats. Wetland A: the Beaverton Marsh wetland is an approximately 350-acre Category I freshwater wetland that forms the ecological core of the Preserve. Within it lies a 2.4-acre Category I bog/fen, and is recognized for its plant diversity. Two smaller wetlands are also present within the project area: Wetland B, a Category III scrub-shrub and emergent wetland of approximately 2,568 square feet near the Linde Park boundary, and Wetland C, a Category IV wetland drainage corridor of approximately 0.92 acres. Two unnamed seasonal streams intersect the project area.

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Friday Harbor, WA 98250
360-378-2354
dcd@sanjuancountywa.gov
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The project proposes to complete a long-envisioned community trail link, connecting Linde Park and the Friday Harbor neighborhoods to the east with the Halvorsen Road neighborhood to the west. The trail corridor follows approximately 11,300 linear feet of existing unimproved roadbeds, driveways, and trail alignments. Terrain across the project area is varied, with site elevations ranging from approximately 90 to 160 feet and moderate to steep slopes on the Preserve's eastern end. Upland soils are predominantly loam; wetland soils are muck and peat. The tax parcels that make up the Beaverton Marsh Preserve are a combination of Rural Farm Forest (RFF) and Agricultural Resource Land (AG) under the San Juan County Comprehensive Plan, with the eastern project terminus falling within the Friday Harbor Incorporated Urban Growth Area. Construction is anticipated during fall 2026 through 2027.

The project consists of the following principal elements:

- Construction of a bridge wetland crossing over the Category I Beaverton Marsh wetland (Wetland A). The bridge would be supported by up to 24 twelve-inch-diameter helical pin piles installed within the wetland, with up to 5 cubic yards of material excavated from within the wetland footprint. The bridge design avoids placement of fill in the wetland body, minimizing hydrological disruption.
- Widening and resurfacing of existing gravel trail segments to meet FHWA shared-use path accessibility standards, including grade adjustments and application of all-season accessible surfacing along the primary east–west route. Significant grading is required to allow the trail to meet the bridge on both the eastern and western terminus of the bridge and meet accessibility standards.
- Construction of short new trail connector segments to integrate the bridge crossing with the existing trail network on both sides of the marsh.
- Resurfacing of existing trail segments over and adjacent to Stream A and Wetland C with gravel consistent with existing surfacing. No direct impacts to Stream A, Wetland B, or Wetland C are proposed.
- Clearing and grading affecting up to approximately 450,000 square feet of the project corridor, with up to 3,400 cubic yards of excavation and up to 4,600 cubic yards of engineered fill placement.
- Removal of up to 10,000 square feet of emergent and scrub-shrub vegetation within Wetland A associated with bridge construction; up to 199,000 square feet of forested upland vegetation; and up to 16,000 square feet of lawn within John O. Linde Community Park. The majority of vegetation removal is temporary in nature, with cleared areas to be replanted.
- Restoration of all disturbed wetland, buffer, and upland areas using locally appropriate Pacific Northwest native plant species, guided by an approved mitigation and restoration plan.
- Invasive species management within and adjacent to the trail corridor, with an emphasis on protecting restored native plant communities.
- Long-term post-construction monitoring, maintenance, and adaptive management to confirm successful establishment of restoration plantings and compliance with mitigation performance standards.

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WASHINGTON

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Details of proposal

Location of proposal: No specific project address

TPN: *35101101, 351013001, 351013002, 351013003, 351014001, 351122001, 351166005*

Latitude: *48°32'53.43"N* ***Longitude:*** *- 123° 2'11.06"W*

APPLICANT: SJC Land Bank
350 Court Street #6
Friday Harbor, WA 98250

San Juan County Department of Community Development has modified its SEPA threshold determination of NonSignificance issued on 5/27/2026 in consideration of the following comments from the State of Washington Department of Fish and Wildlife and from Bowman Consulting who represents the applicant:

San Juan County Department of Community Development has modified its SEPA threshold determination of NonSignificance issued on 5/27/2026 in consideration of the following changes:

1. The temporary wetland impact reported in the MDNS issued on 5/27/2026 is corrected to reflect that only 5 cubic yards of wetland material will be excavated for the installation of pin piles for the proposed bridge based upon the application materials, wetland documentation, and proposed construction methods. Final construction limits and restoration areas will be confirmed through subsequent permit review.
2. References to a wetland mitigation plan are clarified to reference the Rozewood Environmental Services "Wetland and Stream Analysis and Delineation" dated March 5, 2026.
3. The applicant shall provide a Wetland and Critical Areas Impact and Mitigation Plan for review and approval before issuance of a Clearing and Grading Permit.

   All temporary and permanent impacts to critical areas and their buffers shall be mitigated consistent with an approved mitigation and restoration plan in accordance with SJCC § 18.35.040 using locally appropriate Pacific Northwest native plant species selected to support the ecological functions of the affected habitat types. Cleared areas not converted to permanent trail or bridge infrastructure shall be replanted promptly following construction. Annual monitoring reports shall document plant survival rates, percentage of vegetative cover by native and invasive species, evidence of erosion or hydrological issues, and any corrective actions taken to maintain progress toward performance standards. The applicant shall provide financial surety equal to

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115 percent of the mitigation and monitoring cost, pursuant to San Juan County Code §18.35.040 (G)(14).

4. The raptor nest(s) condition is based on information provided by the applicant and is included in the Beaverton Marsh File, titled "Beaverton Valley Trail_BMT_CPDP_B. The applicant is requested to provide a protective mechanism for active nesting raptors and, which may be implemented consistent with species-specific recommendations from qualified biologists and the Washington Department of Fish and Wildlife.

5. The applicant is asked that, when possible, avoid the removal of significant trees (16" dbh or larger). This is due to the significant benefit larger trees provide for the surrounding Beaverton Marsh migratory birds and wildlife that is difficult to mitigate with new plantings.

San Juan County Department of Community Development has reaffirmed that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

☒ This modified MDNS is issued under WAC 197-11-340(2)(f) and does not include additional notice and comment.

☐ This modified MDNS is issued after using the optional process in WAC **197-11-355**. There is no further comment period on the MDNS.

☐ This modified MDNS is issued under WAC **197-11-340**(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

Sev Jones

Director, Dept of Community Development (DCD)

PO Box 607 | 145 Rhone Street

Friday Harbor, WA 98250

O: 360-378-2354

Signature_____ Date of Issuance: 6/30/2026
(electronic signature or name of signor is sufficient)

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Appeal process: This Threshold Determination may be appealed to the Hearing Examiner pursuant to SJCC 18.80.140 within 21 days following the date of the Threshold Determination. The Department of Community Development is located at 135 Rhone Street, Friday Harbor. The mailing address is P.O. Box 947, Friday Harbor, WA 98250.

General Eagle Permit - Disturbance Take - Non-Commercial

Permit Number: PER39346133

Version Number: 0

Effective: 2026-10-29 **Expires:** 2027-08-31

Issuing Office:
Department of the Interior
U.S. FISH AND WILDLIFE SERVICE

5275 Leesburg Pike

Falls Church, Virginia, 22041-3803

eaglegeneralpermits@fws.gov



Eric L. Kershner
Chief, Division of Bird Conservation, Permits, and Regulations
Migratory Bird Program, U.S. Fish and Wildlife Service

Permittee

San Juan County Conservation Land Bank

Rachel Dietzman, 350 Court Street, No. 6

Friday Harbor, Washington 98250

U.S.A.

Principal Officer Name and Title:

Lincoln Bormann -

Primary Contact:

Rachel Dietzman

Location where authorized activity may be conducted:

Location: San Juan Island, San Juan County, Washington

Latitude, Longitude: 48.543761, 123.034728

Eagle Nest Location Coordinates: 48.543444, 123.033814

Authority: Statutes and Regulations: 16 U.S.C. 668-668(d)50 CFR 22.280,50 CFR Part 13

General Permit Requirements and Conditions:

General Permit Conditions – Bald Eagle Disturbance

Definitions (as defined in 50 CFR 22.6 and 22.260):

Alternate nest (22.6) means one of potentially several nests within a nesting territory that is not an in-use nest at the current time. When there is no in-use nest, all nests in the territory are alternate nests.

Avian-safe (22.260) means a power-pole configuration designed to minimize avian electrocution risk by providing sufficient separation between phases and between phases and grounds to accommodate the wrist-to-wrist or head-to-foot distance of the bird. For eagles, this is 150 centimeters [4.9 feet] of horizontal separation and 100 centimeters [3.3 feet] of vertical separation. If sufficient separation cannot be provided, exposed parts that conduct electricity must be covered to reduce electrocution risk. If covers are used, they must be maintained in good condition. For conversions from an above-ground line to a buried line, the buried portion is considered “avian-safe.” For purposes of the regulations in this section, “avian-safe” means safe for eagles.

Disturb (22.6) means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Eagle nest (22.6) means any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction. An eagle nest remains an eagle nest until it becomes so diminished, or the nest substrate upon which it is built fails, that the nest is no longer usable and is not likely to become usable to eagles, as determined by a Federal, Tribal, or State eagle biologist.

In-use nest (22.6) means a bald eagle or golden eagle nest that contains one or more viable eggs or dependent young, or, for golden eagles only, has had adult eagles on the nest within the past 10 days during the breeding season.

Incidental take (22.6) means take that is foreseeable and results from, but is not the purpose of, an activity.

Nesting territory (22.6) means the area that contains one or more eagle nests within the home range of a mated pair of eagles, regardless of whether such nests were built by the current resident pair.

Practicable (22.6) means available and capable of being done after taking into consideration existing technology, logistics, and cost in light of a mitigation measure’s beneficial value to eagles and the activity’s overall purpose, scope, and scale.

General Permit Requirements and Conditions:

Definitions for the purposes of these permit conditions:

Breeding season means the period of time where eagles are breeding or are preparing to breed. Actual breeding season dates can vary slightly between breeding pairs and from year to year. For bald eagles, the Service uses the date ranges listed by state in Table 1 (located at the end of this permit).

Occupied means an alternate bald eagle nest (defined in 22.6) has had attending adults within the past 10 days during the first three months of the breeding season. A nest that is occupied becomes an in-use nest (defined in 22.6) as soon as eggs are laid. A nest is no longer considered occupied after the first three months of the breeding season when there is direct evidence that the nest is not in-use. For bald eagles, the Service uses the breeding season date ranges listed by state in Table 1 (located at the end of this permit).

A. Authorization. You are authorized to incidentally disturb bald eagles at the nest location listed above under “Location where authorized activity may be conducted” for the purposes described in your application.

(1) Disturbance is authorized provided there is no practicable alternative to avoiding or minimizing it. The authorization applies only to disturbance take resulting from activities and infrastructure described in your general permit application and conducted in accordance with the terms of this permit.

(2) Disturbance is authorized for activities described in your application and associated with one or more of the following: building construction and maintenance, linear infrastructure construction and maintenance, alteration of shorelines and water bodies, alteration of vegetation (including timber management), prescribed burn operations, motorized recreational activities, nonmotorized recreational activities, aircraft operation, and loud intermittent noises (including blasting). This permit does not authorize disturbance from activities that do not fall into the above categories (e.g., maintenance work on telecommunications or utility poles or towers with an eagle nest).

B. Prohibited. This permit does not authorize:

(1) Take of eagle nests, including removing the nest or nest tree, except as authorized in Condition C(8) for prescribed burn operations.

(2) Disturbance of golden eagles.

(3) Purposeful or incidental take that results in injury or death of eagles.

(4) Possession of eagles, nestlings, or eggs.

General Permit Requirements and Conditions:

(5) Permanent take of any eagle nesting territory. Your activities must not eliminate the potential for future nesting activity within any eagle nesting territory.

(6) Disturbance associated with purposeful hazing of eagles in the vicinity of the nest.

(7) Disturbance resulting from unmanned aircraft systems (i.e., UAS or drones). Any UAS use must be in a manner that does not cause disturbance, as defined in 50 CFR 22.6.

C. Avoidance and Minimization . You must comply with the avoidance and minimization measures outlined below for the activity type(s) you are conducting and covered under this

permit. If it is not practicable for you to implement any measure in Condition C, you must document each measure that is not practicable and explain why. This documentation must be retained in your records and provided to the Service upon request. If the Service determines that a required measure under Condition C was not implemented, and that it was practicable as defined, your permit may be suspended or revoked (50 CFR 13.23, 13.27, 13.28, and 22.215). Bald eagle breeding season dates are listed in Table 1.

(1) All Activities:

(a) Review the Service's National Bald Eagle Management Guidelines (BEMG) (National Bald Eagle Management Guidelines | FWS.gov) and conduct activities consistent with them. Document and retain justification for any guideline therein that you do not follow and provide this to the Service upon request.

(b) Avoid activities that may negatively affect the nesting substrate, including survival of the nest tree. Identify the nest location on activity plans and communicate them to contractors or third parties working at your project area. Protect the nest tree root structure by avoiding heavy equipment operation, soil compaction, or ground disturbance greater than 12 inches deep within the tree's dripline or 50 feet, whichever is greater.

(c) Do not conduct activities that may disturb eagles during severe weather. Adults must be able to shelter eggs and nestlings during inclement weather events, for example, heavy rain, thunderstorms, high winds, or extreme temperatures.

(d) Do not store materials and equipment within the dripline of the nest tree, or 50 feet, whichever is greater.

(e) Minimize storage and staging of materials and equipment within 660 feet of the nest. If this is unavoidable during the breeding season, you must reduce visibility of such materials and equipment

General Permit Requirements and Conditions:

using natural or artificial barriers, such as vegetation, topography, or vertical structures.

(2) Construction of Buildings and Linear Infrastructure

You must comply with the following permit conditions if your activity includes exterior construction of a building or construction of linear infrastructure (e.g., roads, rail, trails, power lines, and other utilities). Conditions (a) – (e) apply to all nests, regardless of status. Conditions (f) – (i) are required only when nests are in-use or occupied or when nest status is unknown.

(a) Site any buildings and infrastructure as far from the eagle nest as possible. Do not site structures where construction or use could affect the integrity of the nest or its substrate (e.g., within a nest tree's root zone or dripline).

(b) Start any exterior construction or linear infrastructure work, or related activities, that will occur within 660 feet of a nest outside the breeding season whenever possible. Work started outside of the breeding season may continue into the upcoming breeding season.

(c) When exterior construction or linear infrastructure work within 660 feet of the nest must begin during the breeding season, schedule work to start after the first three months of the breeding season and as late in the season as possible to avoid the period when eagles are most sensitive to disturbance.

(d) For any new above-ground power lines associated with your activities, minimize eagle collision and electrocution risks by using avian-safe infrastructure (see Definitions). For recommendations, review Suggested Practices for Avian Protection on Power Lines and Reducing Avian Collisions with Power Lines: The State of the Art in 2012, as well as any updated or new guidance from www.aplic.org.

(e) Follow all state and federal laws, guidelines, and label instructions when applying pesticides, herbicides, or hazardous chemicals. Do not use anti-coagulant rodenticides, which are a leading cause of eagle death.

(f) Start construction and related activities that will occur within 660 feet as far from the nest as possible, gradually working closer over time. Activities that will occur closest to the nest must occur last, giving eagles time to acclimate. Any activities within 330 feet of nest must be done outside the breeding season.

(g) Do not perform construction or related activities within 660 feet of the nest during the following daily periods, to allow time for the adult eagles to care for nestlings without disturbance: two hours before and after sunrise, and two hours before and after sunset.

General Permit Requirements and Conditions:

(h) Minimize noise and visibility of construction and related activities. Use natural or artificial barriers such as vegetation, topography, or vertical structures to screen work from view.

(i) Conduct any construction inspection activities within 330 feet of the nest outside the breeding season as much as possible. When construction inspections are unavoidable within 330 feet of the nest, approach the project area in closed-cab vehicles, whenever feasible, and limit time spent near the nest and minimize unnecessary noise and visual disturbance.

(3) *Maintenance of Buildings and Linear Infrastructure*

You must comply with the following permit conditions if your activity includes maintenance on buildings or linear infrastructure (e.g., roads, rail, trails, power lines, and other utilities). Conditions (a) – (c) apply to all nests, regardless of status. Conditions (d) – (h) are required only when nests are in-use or occupied.

(a) Start any maintenance or related activities that will occur within 660 feet of a nest outside the breeding season whenever possible. Activities started outside of the breeding season may continue into the upcoming breeding season.

(b) When maintenance activity or related activities within 660 feet of the nest must begin during the breeding season, schedule these activities to start after the first three months of the breeding season and as late in the season as possible to avoid the period when eagles are most sensitive to disturbance.

(c) Follow all state and federal laws, guidelines, and label instructions when applying pesticides, herbicides, or hazardous chemicals. Do not use anti-coagulant rodenticides, which are a leading cause of eagle death.

(d) If maintenance activities occur at varying distances from the nest, start maintenance work at the furthest point from the nest and progress toward the nest, so that any work occurring closest to the nest happens last.

(e) Do not conduct maintenance or related activities during the following daily periods if your activities will be visible from the nest, to allow time for the adult eagles to care for nestlings without disturbance: two hours before and after sunrise, and two hours before and after sunset.

(f) Do not use open-cab equipment within 330 feet of a nest during the breeding season.

(g) Do not use heavy maintenance equipment or loud machinery within 330 feet of an eagle nest during the breeding season.

General Permit Requirements and Conditions:

(h) Do not use netting near water features, to reduce the risk of eagle entanglement.

(4) Alteration of Shorelines and Water Bodies

You must comply with the following permit conditions if your activity includes alteration of shorelines and water bodies near eagle nests (e.g., shorelines, wetlands, docks, moorings, marinas, dam installation or removal, associated geotechnical work, and water impoundments). Conditions (a) – (c) are required for all nests, regardless of status. Conditions (d) – (g) are required only when nests are in-use or occupied.

(a) Start any alteration of shorelines and water bodies and related work that will occur within 660 feet of a nest outside the breeding season whenever possible. Activities started outside of the breeding season may continue into the upcoming breeding season.

(b) When alteration of shorelines and water bodies and related activities within 660 feet of the nest must begin during the breeding season, schedule work to start after the first three months of the breeding season and as late in the season as possible to avoid the period when eagles are most sensitive to disturbance.

(c) When designing or modifying water bodies, protect the nest tree by implementing all practicable measures to prevent erosion and soil disturbance that could destabilize the tree.

(d) Do not raise, drain, or draw down water bodies within 660 feet of an eagle nest at a rate faster than normal usage or evaporation during the breeding season.

(e) Start any work that will occur within 660 feet as far from the nest as possible, gradually working closer over time. Activities closest to the nest must occur last, giving eagles time to acclimate.

(f) Do not conduct work within 660 feet of the nest during the following daily periods, to allow time for the adult eagles to care for nestlings without disturbance: two hours before and after sunrise, and two hours before and after sunset.

(g) Minimize noise and visibility of construction and related activities within 330 feet of the nest. Use natural or artificial barriers such as vegetation, topography, or vertical structures to screen work from view.

(5) Alteration of Vegetation

You must comply with the following permit conditions if your activity includes alteration of vegetation near eagle nests. Conditions (a) – (e) are required for all nests, regardless of status. Conditions (f) – (j)

General Permit Requirements and Conditions:

are required only when nests are in-use or occupied. For alteration of vegetation other than removal of canopy or overstory trees, you must follow conditions (e) – (j).

(a) Minimize overstory tree removal and removal of significant amounts of vegetation within 660 feet of the nest.

(b) Do not clearcut any areas within 330 feet of the nest tree at any time.

(c) Retain as many mature trees as possible within 660 feet of the nest, with priority given to retention of mature trees within 330 feet of the nest, trees adjacent to foraging areas, and trees with documented use as perch or roost trees. If vegetation removal is associated with other work (e.g., building construction, shoreline alteration, etc.), minimize removal of vegetation that will visually shield the activity from the eagle nest.

(d) When felling trees near the nest, take all practical precautions to avoid contact with the nest tree, especially the crown. Use a professional tree service whenever possible.

(e) Follow all state and federal laws, guidelines, and label instructions when applying pesticides, herbicides, or hazardous chemicals. Do not use anti-coagulant rodenticides, which are a leading cause of eagle death.

(f) Conduct any chipping, burning, or disposal of removed vegetation at least 660 feet from the eagle nest to prevent disturbance.

(g) Start vegetation alteration and related work within 660 feet as far from the nest as possible, gradually working closer over time. Activities closest to the nest must occur last, giving eagles time to acclimate.

(h) Do not conduct vegetation alteration or related work within 660 feet of the nest during the following daily periods, to allow time for the adult eagles to care for nestlings without disturbance: two hours before and after sunrise and two hours before and after sunset.

(i) Minimize noise and visibility of work and related activities within 330 feet of the nest. Use natural or artificial barriers such as vegetation, topography, or vertical structures to screen work from view.

(j) For timber operations or forestry activities, avoid the following within 330 feet of the nest: new construction of log transfer facilities; in-water log storage areas; new road construction; and use of chainsaws or yarding operations.

General Permit Requirements and Conditions:

(6) Prescribed Burns

You must comply with the following permit conditions (a) – (f) if your activity includes prescribed burning activities near eagle nests.

You are authorized for limited incidental take of eagle nests resulting from a prescribed burn, provided the take was accidental and occurred despite full implementation of all required avoidance and minimization measures under this permit. This authorization does not cover take resulting from negligence or lack of due diligence, for example, failing to identify nest locations prior to the activity.

(a) Conduct prescribed burns outside of the breeding season whenever possible. If a burn must occur during the breeding season, you must document a justification in writing, such as for human safety or to meet Federal, Tribal, State, or local mandates.

(b) Remove fuels near the nest before the burn to reduce fire risk in the immediate area. This includes fuels that pose a hazard to the nest tree, fuels on or near the trunk (bole) or canopy of the nest tree, low dead branches and limbs on the nest tree, fuels that may loft embers or act as ladder fuels, such as palm trees, invasive annual grasses, or tall shrubs. Remove fuels outside of the breeding season to the extent practicable.

(c) Do not create new fire breaks or fire lines within 660 feet of any eagle nest at any time. Limit maintenance of existing fire breaks within this zone to outside the breeding season.

(d) Use smoke management and ignition techniques that reduce flame height and smoke exposure to the nest, such as backing fires or flank fires.

(e) Minimize the presence and activity of ground crews within 660 feet of the nest during burns.

(f) Do not conduct prescribed burns during weather or wind conditions that are likely to expose the nest to fire or, if the nest is in-use, to smoke.

(7) Motorized and Nonmotorized Recreation

You must comply with the following permit conditions (a) – (c) for motorized recreation (e.g., snowmobiles, motorized watercraft) or nonmotorized recreation (e.g., hiking, camping, fishing, hunting, canoeing) near eagle nests.

(a) Establish a minimum 330-foot buffer around the nest by installing temporary or permanent signs outside the breeding season. Signs should inform recreationists they are entering an important eagle

General Permit Requirements and Conditions:

use area. You do not have to comply with this measure if you have documented that doing so would increase the risk to eagles (e.g., create a higher risk of disturbance by drawing attention to the nest).

(b) If recreationists are likely to observe eagles, either designate a viewing area located more than 660 feet from the nest or instruct visitors to stay at least 330 feet away and observe from vehicles or behind natural or artificial barriers.

(c) Do not allow recreational activities such as camping (including campfires), boating, fishing, hiking or biking or hunting within 330 feet of an occupied or in-use nest.

(8) Aircraft Operation

You must comply with the following permit conditions (a) – (c) if your activity includes helicopter and fixed-winged aircraft operations near an occupied or in-use eagle nest.

(a) Do not fly within 1,000 feet of an eagle nest during the first three months of the breeding season or until adults are observed in an incubating position.

(b) Limit flight frequency within 1,000 feet of an eagle nest to no more than once per day.

(c) Minimize time spent within 1,000 feet of an eagle nest. Aircraft must not spend more than 3 minutes within this distance while passing.

(9) Loud Intermittent Noises

You must comply with the following permit conditions (a) – (b) if your activity includes activities that produce loud, intermittent noise (e.g., blasting or pile driving) within one-half mile of an in-use bald eagle nest.

(a) Do not conduct blasting or similar activities that emit loud intermittent noise within one-half mile of the nest during the breeding season. If occupancy is known, conduct blasting activities only during the period between when eggs are laid (e.g., adults are in incubating position) to when nestlings are at least nine weeks old. Nestling age can be

determined by size (i.e., approaching adult size) and posture (e.g., erect, starting to stand on edge of nest).

(b) Use all available methods and technologies to reduce noise, including but not limited to blast mats, vibratory pile driving, or constructed sound barriers.

General Permit Requirements and Conditions:

D. Monitoring.

(1) You must periodically monitor the eagle nest during the breeding season to determine whether the eagles successfully reproduce and fledge young.

(2) Select an observation point that allows you to monitor the nest without causing disturbance. When practical, this location should be at least 660 feet from the nest. A closer distance may be used if eagles have demonstrated tolerance to human presence and you have documented this tolerance. When appropriate, use a wildlife blind or choose a viewpoint out of the eagles' direct line of site to further reduce disturbance.

(3) You must monitor the nest while project activities are taking place. Monitoring is no longer required once the eaglets have fledged, or nest failure has been confirmed.

(4) Conduct monitoring during times when eagles are most likely to be present at the nest. Observations must occur during the day in the period between 30 minutes after sunrise and 30 minutes before sunset. Each monitoring session must last a minimum of 60 minutes. Monitoring sessions can be shorter if eagles are observed at the nest and all information in Condition E can be collected.

E. Reporting. You must submit an annual report using Form 3-202-15 (Eagle Incidental Take Annual Report). This report must detail information collected under Monitoring (Condition D). You may include extra details that will not fit on the form on a separate sheet of paper and submit with the report. Your report must include the following information:

(a) date, time of day, and length of observation;

(b) number and age of eagles observed (i.e., juvenile, immature, subadult, adult), if age unknown, provide a description;

(c) behavior (e.g., perching, feeding, in flight, sitting on or attending a nest);

(d) a description of human activity (i.e., project activities) at the time eagles are observed;

(e) nest status, and if occupied, nest fate;

(f) construction of any new eagle nest on or adjacent to the project area (include location and nest fate); new location of nest, nest status, and fate.

Your annual report is due within 30 days of the expiration of your permit (September 30) or prior to requesting renewal of your permit, whichever is first. An annual report is required, even if no eagle

General Permit Requirements and Conditions:

activity was observed or no project activities were conducted. Reports can be uploaded into ePermits under this permit record or sent, via email, to eaglegeneralpermits@fws.gov, with the subject line "EAGLE GENERAL PERMIT ANNUAL REPORT." Include your permit number in the email.

F. Subpermittees. You may designate subpermittees to conduct some or all of your permitted activities. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Authorized subpermittees are any person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit.

You and any subpermittees must carry a legible paper or electronic copy of this permit and subpermittee designation letter and display it upon request whenever you are exercising its authority. Subpermittees must be at least 18 years of age. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of any designation letters provided to individuals not named above.

G. Other Conditions .

(1) You must comply with all of the regulations and permit conditions in 50 CFR parts 10, 13, 21, and 22.

(2) You must keep records of all activities conducted under this permit, including any subpermittee activities carried out under the authority of this permit (see 50 CFR § 13.46).

(3) By accepting this permit, you are authorizing the Service to inspect the location and records relating to the activity (see 50 CFR § 13.21(e)). Service or Service contractors may require access to your project area to ensure general permitting is consistent with eagle preservation. The Service will provide reasonable notice for requests to access the project area and negotiate with the permittee about practicable and appropriate access conditions to protect human health and safety and address physical, logistical, or legal constraints.

(4) You are responsible for ensuring that the permitted activity complies with all Federal, Tribal, State, and local laws. This permit is not valid if implementing any of its provisions may affect a listed, proposed, or candidate species or designated or proposed critical habitat under the Federal Endangered Species Act (ESA), unless you have obtained and are in compliance with authorization under ESA prior to implementing these provisions. This permit is not valid if implementing any of its provisions has the potential to cause effects to cultural resources or historic properties protected by the

General Permit Requirements and Conditions:

National Historic Preservation Act unless you have obtained and are in compliance with a written agreement with the relevant State Historic Preservation Officer or Tribal Historic Preservation Officer that outlines all measures the applicant will undertake to mitigate or prevent adverse effects to historic properties.

(5) The Service may amend, suspend, or revoke a permit issued under this subpart if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in 50 CFR § 13.23, 13.27, and 13.28. General permits cannot be amended by the permit holder.

(6) Notwithstanding the provisions of 50 CFR § 13.26, you remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

(7) The Service will regularly evaluate whether the take of bald eagles authorized under general permits remains compatible with the preservation of eagles. If the Service finds, through the best available information, that the general permit program is not compatible with the preservation of bald eagles and golden eagles, the Service may suspend issuing general permits in all or in part after publishing a notice in the Federal Register. If the Service suspends general permitting, take currently authorized under this general permit remains authorized until expiration unless you are notified otherwise.

Table 1. Bald eagle breeding season dates by state or portions of states. Breeding season means the period of time where eagles are breeding or are preparing to breed.

State	Beginning Breeding Season	End Breeding Season	State	Beginning Breeding Season	End Breeding Season

General Permit Requirements and Conditions:

Alabama	Oct 1	May 31	Nebraska	Dec 1	Jul 15
Alaska	Mar 1	Aug 31	Nevada	Dec 1	Jul 31
Arizona	Oct 15	Jul 15	New Hampshire	Feb 15	Aug 15
Arkansas	Nov 1	Jun 30	New Jersey	Jan 1	Jul 31
California	Dec 1	Aug 15	New Mexico	Oct 15	Jul 15
Colorado	Dec 1	Jul 31	New York	Jan 1	Aug 31
Connecticut	Jan 1	Jul 31	North Carolina	Nov 1	Jun 30
Delaware	Dec 15	Jun 30	North Dakota	Jan 15	Aug 31
District of Columbia	Dec 15	Jul 15	Ohio	Jan 1	Jul 31
Florida	Oct 1	May 31	Oklahoma–except panhandle	Oct 1	May 31
Georgia	Oct 1	May 31	Oklahoma–panhandle only	Oct 15	Jul 15
Idaho	Jan 1	Aug 15	Oregon	Jan 1	Aug 15

General Permit Requirements and Conditions:

Illinois	Dec 15	Jul 31	**Pennsylvania**	Jan 1	Jul 31
Indiana	Dec 15	Jul 31	**Rhode Island**	Jan 1	Jul 31
Iowa	Jan 1	Jul 31	**South Carolina**	Oct 1	May 31
Kansas	Dec 1	Jul 31	**South Dakota**	Jan 15	Aug 31
Kentucky	Nov 1	Jul 15	**Tennessee**	Nov 1	Jun 30
Louisiana	Oct 1	May 31	**Texas** – east of 100th meridian	Oct 1	May 31
Maine	Feb 1	Aug 31	**Texas** – west of 100th meridian	Oct 15	Jul 15
Maryland	Dec 15	Jun 30	**Utah**	Dec 1	Jul 31
Massachusetts	Jan 15	Aug 31	**Vermont**	Feb 1	Aug 15
Michigan	Jan 15	Aug 15	**Virginia**	Dec 15	Jul 15
Minnesota	Jan 15	Aug 15	**Washington**	Jan 1	Aug 15
Mississippi	Oct 1	May 31	**West Virginia**	Dec 1	Jul 15

General Permit Requirements and Conditions:

Missouri	Dec 15	Jul 15	Wisconsin	Jan 15	Aug 15
Montana	Jan 15	Aug 31	Wyoming	Jan 1	Aug 15