

September 17, 2025

San Juan County Council

Submitted via email to DCD@sanjuancountywa.gov and U.S. Postal Service to P. O. Box 947, Friday Harbor, WA 98250

CC: councilpc@sanjuancountywa.gov; colinh@sanjuancountywa.gov; jessed@sanjuancountywa.gov; eva@sanjuans.org

RE: Comments on County Six Year Transportation Improvement Plan (2026-2031)

Dear County Council Members,

Thank you for accepting public comments upon the annual update to the San Juan County Six-year Transportation Improvement Plan (TIP). We understand that individual projects are not fully designed and will each go through its own future permitting process. At this time, however, Friends of the San Juans (Friends) is requesting a withdrawal of the Determination of Non-Significance and that an Environmental Impact Statement (EIS) be issued so that the Department of Community Development (DCD) is informed of the adverse environmental impacts that each of these projects will have on critical areas (individually and together), or at the very least a Mitigated Determination of Non-Significance (MDNS) with clear conditions to ensure adequate future review to avoid adverse impacts based on the best available science.

We are providing comments on the following:

- A. inadequacy of the current SEPA checklist and determination process,
- B. the opportunity for multi-benefit projects afforded by most of the projects,
- C. the need for all sites with past emergency fixes and pending regulatory requirements to be included in the TIP; and
- D. site specific input for individual projects for the County's consideration, as you move forward with clarifying objectives and finalizing the details of projects in the TIP.

A. SEPA Checklist, Process and Determination are Inadequate

The descriptions of each of these 18 potential projects lack detail. The SEPA checklist itself is lacking in information, even the most basic details of site locations, mapped critical areas, or project types are absent.¹ While we understand that the TIP is essentially a planning document, the SEPA determination must also be adequate. The current determination of no significant impact lacks credibility, as the potential for environmental

¹ WAC 197-11-080(1).

impact from the extensive suite of proposed activities that will occur on marine shorelines, in and over marine waters and in proximity to freshwater resources is obvious. How can DCD “carefully consider the range of probable impacts, including short-term and long-term effects,”² when the proposal has no substantial description of these likely impacts? Moreover, many of the specific questions are also answered with “varies by project” but nothing is described.³

Shore modifications, almost without exception, impact the ecological functioning of nearshore coastal systems. Habitats that are substantially impacted by shore modifications include forage fish spawning habitat, rearing habitats for out-migrating juvenile salmon, eelgrass meadows and kelp beds. These habitats, as well as essential coastal processes support threatened salmon populations, which are in turn a critical food source for Southern Resident Killer Whales, a critically endangered species.⁴

At a minimum, the SEPA determination must be withdrawn and amended to be a mitigated determination, with conditions that explicitly note that no specific project actions are covered by the SEPA determination, and the necessity of future SEPA requirements for the majority, if not all, of the projects on the TIP. In addition, the county should articulate how they have (or plan) to evaluate cumulative impacts of the suite of proposed actions, as required by SEPA, as this required step won’t be covered through individual project SEPA reviews.⁵

How is the DCD able to determine non-significance without a thorough description of each of these 18 projects? To do a credible job at SEPA, at a minimum, the critical areas present at each location must be identified –and the known impacts of project types stated. These projects have the potential to have very significant environmental impacts, which could require an Environmental Impact Statement. Whether those impacts are positive or negative will depend on how these projects are designed, constructed, and maintained over time. And while final designs may not be available at the time, specific objectives identifying and protecting functions and values of known critical areas should be explicitly included in both the checklist and the project summaries.

B. Opportunities for Multi-Benefit Projects

² WAC 197-11-060(4)(c).

³ *Id.*

⁴ Listing of Southern Resident Killer Whale Under the ESA, NOAA, <https://www.fisheries.noaa.gov/action/listing-southern-resident-killer-whale-under-esa> (Sep. 15, 2025).

⁵ WAC 197-11-228.

Improvements proposed in the TIP provide an important opportunity for the County to achieve multiple benefits for the community, including but not limited to public access for able-bodied and non-abled-bodied individuals, safety, resilient and cost-effective infrastructure, *and* habitat and salmon recovery goals.

The planning priorities established in the TIP allow the county to demonstrate leadership in marine protection and support of the environment and our economy that is so closely tied to it. Such leadership is not only necessary but is required.⁶

We recommend that you review the specific listed objectives for each project and ensure that multiple benefits are explicitly stated so that they are included in early feasibility and design phases of each project, and not considered only at the final permitting stages, as afterthoughts, or completed solely as mitigation for project impacts. The county should also prioritize long range resiliency objectives and planning for infrastructure across the county; while this may not be appropriate for the individual project list TIP format, these long-range planning actions are essential to the health of our island communities and must be prioritized and resourced.

C. Need to Prioritize and Include Past Emergency Action Sites in the TIP

We appreciate that the county plans to advance road setback and realignment for the county property at Agate Beach County Park as part of the TIP. There are multiple additional locations where armoring and other infrastructure was installed or fortified using the emergency authorization process. It is Friends' understanding that the County must now complete meaningful alternatives analysis for these sites, followed by construction changes or mitigation, and we are concerned that this work is not adequately reflected in the TIP. Further, the lack of inclusion of these in either the TIP or the SEPA checklist (except Agate) is concerning as it may directly or indirectly serve as a precedent for future actions⁷, which are also not taken into consideration at any point in the checklist.

⁶ SJCC 18.35.025(A), which states, "any use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the County's development regulations to protect critical areas shall be regulated consistent with RCW [36.70A.480\(3\)\(c\)](#). Such uses or structures may continue as a conforming use and may be redeveloped or modified if the redevelopment or modification is consistent with Chapter [18.50](#) SJCC and either: (1) the proposed redevelopment or modification will result in no net loss of shoreline ecological functions; or (2) the redevelopment or modification is consistent with SJCC [18.35.020](#) through [18.35.140](#). If the applicant chooses to pursue option (1), the application materials for required project or development permits must include information sufficient to demonstrate no net loss of shoreline ecological functions."

⁷ WAC 197-11-060(4)(d).

While it is unfortunate that the County has continuously waited to address many long foreseen failing facilities in need of repairs by resorting to SJCC 18.35.030(A)⁸ which exempts emergency responses, the TIP is the place to get ahead of future ‘emergencies’ as well as to ensure that proper design standard and mitigation occur where past emergency construction occurred. These already completed ‘emergency’ projects that still require additional planning and possible construction adjustments or mitigation must be included in the TIP so that their impacts are evaluated and addressed. Adequate resources and attention must be allocated to these important and required follow-up actions. Otherwise, this legacy of construction by emergency and the ongoing habitat and process degradation will simply carry on. Friends will continue to urge the County to follow local and state law so that the results have positive long-term effects, not continued emergency response after emergency response.

Additional sites (projects) where infrastructure activities have occurred through the emergency authorization process and where additional actions are needed to bring those projects into compliance with existing regulations include but are not limited to road armoring at Agate Beach, road armoring of Deer Harbor Road East of Crow Valley Creek in NE West Sound, as well as multiple culvert projects at Yacht Haven, Westcott Drive and Olga. Please note that these are merely the projects Friends is aware of, Public Works should be directed to fully list and include all relevant projects into the TIP so that compliance with existing regulations, and consistency with community priorities for appropriately designed and sited projects and environmental protections are prioritized.

D. Comments on Specific Projects

Coastal Road Projects

Agate Beach County Park Road Relocation: Friends supports the County’s efforts to relocate infrastructure for improved public access, reduced maintenance costs, and ecological benefit, and in doing so ensuring that it is adequately mitigating its emergency actions. We also appreciate the county continuing to advance work at this site, despite the many challenges it has faced over the years. The design and planning work for this project

⁸ SJCC 18.35.030(A), “...exempt from standard critical area regulations: Emergency Response. Those activities necessary to prevent an imminent threat to public health, safety, or the environment; or to public or private property, and that require remedial or preventive action in a time frame too short to allow for review and approval in accordance with critical area requirements. Within seven days of the emergency, the person or agency undertaking the action shall report to the director the extent of the action taken and any adverse impacts to critical area functions and values caused by the action. Any mitigation and/or restoration necessary to bring the action into compliance with these critical area requirements shall be undertaken pursuant to a mitigation plan or other plan that is consistent with the critical area requirements of this chapter. The director shall be the decision maker for these plans.”

should explicitly include shoreline armor removal, as well as beach and backshore restoration. In addition, the county must also prioritize long range planning efforts for coastal infrastructure across our county.

Mill Street Relocation: We concur that this portion of Mill Street likely requires relocation away from this feeder bluff, which are erosive by nature. Further, this area is a potential forage fish spawning area and has a stream. This project provides an opportunity to address habitat issues along with access and these objectives should be explicitly stated in the project description. Restoration funding may be available for feasibility/design and construction, but only if restoration objectives are prioritized and included up front. The SEPA checklist and the “brief description” both lack details to determine anything beyond the fact that the road needs to be relocated. Shoreline and freshwater restoration should be clearly included as goals along with infrastructure protection and access, not merely “as possible”; early inclusion of multiple objectives result in better projects that advance through permitting more easily and may also have opportunities for leveraging funding.

Killebrew Lake Road Realignment: Critical areas located within this project includes a feeder bluff which provides essential sediment to form and maintain nearby beaches, which in this case is a documented, forage fish spawning beach, in addition to having eelgrass, and out-migrating juvenile salmon. Sediment supply bluffs provide important functions at this site. Road relocation should consider long-term conditions to ensure no new on-beach stabilization structures are required. We recommend that the TIP note these critical habitats as well as the multiple objectives that will be included in the project in addition to maintaining access.

Blind Bay Improvements and Stabilization: These sites have multiple critical areas, including Pacific herring and surf smelt forage fish spawning, as well as eelgrass. While safety improvements are clearly needed, consideration of shoreline and marine habitat, as well as longer term sustainability of the roadway should be included in early design considerations to ensure the best outcome for residents, infrastructure resiliency, and habitat protection. Simply continuing to add large rocks along shoreline roads postpones real solutions and exacerbates and continues our legacy of significant habitat impacts. Multiple publicly funded restoration projects have been completed along Blind Bay Road, cleaning up past road debris/quarry spalls to unbury important spawning habitats. Work should be coordinated with long range planning for more permanent solutions. Again, there is a lack of detail necessary for any individual to discern the extent and impact this project will have. We encourage you to include all known critical areas and the projects multiple objectives, along with any longer- range planning efforts for the site such as the county road realignment study, if relevant in the TIP planning document.

Paths and Trails

As the San Juan County Public Works Department puts transportation improvement plans forward, we ask that the DCD take into consideration the goals and policies the County has in the current Comprehensive Plan, i.e. multimodal transportation capabilities, not just pedestrians and cars.

Pear Point Road Sidewalk: Friends agrees that a sidewalk is appropriate for this location and will help address foot traffic to Jackson's Beach. However, the sidewalk alone will not be adequate to accommodate existing non-motorized travel to Jackson's Beach, particularly by bicycles and e-bikes. Please consider revising this project to conform with the County's current draft of the Comprehensive Plan. We ask that Public Works consider including a widened non-motorized trail sufficient to accommodate bicycles, and e-bikes; add bicycle lanes to the roadway; or at the very least add 4' paved shoulders to the roadway.

Projects 3-5: Friends has similar concerns to Pear Point Road Sidewalk Project above for these project sites regarding misalignment with existing complete streets and transportation planning priorities, as well as the current County Comprehensive Plan, prioritizing bike lanes and other non-polluting forms of transportation.⁹

Marine Projects

As a community of islands, we recognize the importance of marine facilities to our community. These projects are also a place where design objectives that explicitly include environmental protections can make measurable improvements while improving how the structures service public safety, access, and recreation for residents and visitors. As the designs of marine projects are prepared, please incorporate current best practices for maximum improvement and protection of the marine environment in the projects' objective.

Docks: Projects 13,14,15,17,18 Piers and floats at marine facilities should be no wider than necessary to minimize shading from infrastructure and all parts of the dock (pier, ramp, floats) should be fully grated. All creosote piles should be replaced with steel or other non-leaching materials. Old pilings, piers and in and overwater structures should be fully removed from the water to avoid continued leaching of toxic materials into the marine

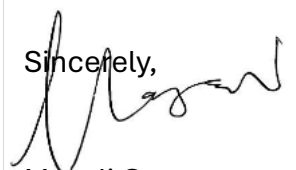
⁹ RCW 47.04, adopted in accordance with Ordinance 24-2018 "Complete Streets" by San Juan County.

environment as soon as possible. It should be noted that there are past county facility upgrades where outdated and unnecessary creosote materials were left behind during construction; the opportunity to leverage existing equipment and work should be fully exercised, even if it requires coordination with multiple departments and funding sources.

More specifically, all the marine dock TIP locations are surrounded by eelgrass and multiple sites (Eastsound, west sound, hunter bay) are also herring spawning grounds. Friends' collaborative eelgrass research has documented significant declines in eelgrass and best science shows that Pacific herring egg development is negatively impacted by creosote. As with all projects in the TIP, known critical areas, as well as explicit inclusion of environmental objectives should be included. Multiple of these locations are also voluntary anchor out of eelgrass zones, opportunities to improve awareness of boaters through improved signage as well as design upgrades should be considered.

Griffin Marine Facility: The county has a long history of trying to construct an improved barge landing at this facility. Solutions for this site should consider a countrywide assessment of barge landing needs and impacts (reminder that the county abandoned plans for an Environmental Impact Statement on this topic back about twenty years ago), as well as other actions that have occurred or are planned for the site, including significant shoreline restoration. Critical areas at this site include eelgrass, documented forage fish spawning (surf smelt and sand lance) as well as out-migrating juvenile salmon. There is significant room at the site to accommodate multiple uses but improved long range planning that isn't siloed by individual objectives is needed.

Thank you again for your transportation planning efforts, and for taking these comments into consideration as the TIP, SEPA determination, and individual project plans are finalized. We hope that our comments can help inform the county's efforts to act proactively to serve the community consistent with San Juan County Code as well as Washington state law and regulations.

Sincerely,

Magali Cota

Legal Director & Staff Attorney
Friends of the San Juans