

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

SEPA Distribution List
SEP2019-00105
Date of Issuance: January 8, 2020

Please review this determination. If you have further comments or questions, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

WA State Department of Archaeology and Historic Preservation via email
Stephanie Jolivette, stephanie.jolivette@dahp.wa.gov
SEPA@dahp.wa.gov

SEPA Unit, WA State Department of Ecology, Olympia via email
sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife
Wendy D. Cole via email wendy.cole@dfw.wa.gov

WA State Department of Natural Resources via email
Rochelle Goss, sepacenter@dnr.wa.gov
Brenda Werden, Brenda.werden@dnr.wa.gov

Lummi Nation Natural Resources
Merle Jefferson, Sr. via email - merlej@lummi-nsn.gov
Tamela Smart - tamelas@lummi-nsn.gov

Nooksack Indian Tribe
George Swanaset, JR via email - george.swanasetjr@nooksack-nsn.gov
Trevor Delgado via email - tdelgado@nooksack-nsn.gov

Whatcom County
Mark Personius via email - mpersoni@whatcomcounty.us
Ryan Ericson via email - rericson@whatcomcounty.us

City of Blaine
Michael Jones, AICP via email mjones@cityofblaine.com

Applicant
Nancy Hempler via email - hemplern@gmail.com

Other and/or Parties of Record
Terry J. Wechsler via email - wechslerlaw@comcast.net

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Mark Personius, AICP
Director

SEPA Determination of Nonsignificance (DNS)

File: SEP2019-00105

Project Description: Replace an 80 ft. long existing failed concrete bulkhead with a new sheet piling bulkhead with anchored logs in front to reduce wave energy and potential scour.

Proponent: Nancy A. Hempler

Address and Parcel #: 5351 Nootka Loop APN: 4051235001460000

Lead Agency: Whatcom County Planning & Development Services

Zoning: Urban Residential **Comp Plan:** UGA **Shoreline Jurisdiction:** Shoreline Residential, Aquatic

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by 4:00 p.m. on January 22, 2020 and should be sent to: Kyla Walters kwalters@whatcomcounty.us.

Responsible Official: Mark Personius, mpersoni@whatcomcounty.us

Title: Director

Telephone: 360-778-5900

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: January 8, 2020

Signature: _____

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding February 3, 2020.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.



SEPA Determination of Nonsignificance (DNS)
Legal Notice

To be published one time only on: **January 8, 2020**

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #451232

**WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA
THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN
ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD
CONCLUDING ON JANUARY 22, 2020.**

File: SEP2019-00105

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Shoreline Jurisdiction: Shoreline Residential, Aquatic

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.

WHATCOM COUNTY
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5280 Northwest Drive
Bellingham, WA 98226-9097
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Received
Mark Personius, AICP
Director
NOV 27 2019 - MJK
Whatcom County PDS
SEP 2019* - 00105

SEPA Environmental Checklist

Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal", "proponent" and "affected geographic area", respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements that do not contribute meaningfully to the analysis of the proposal.

A Background

- 1 Name of proposed project, if applicable:
Hempler Seawall Repair

- 2 Name of applicant: Nancy A. Hempler
Applicant phone number: 360-739-7506
Applicant address: 5351 Nootka Loop
City, State, Zip or Postal Code: Blaine, WA 98230
Applicant Email address: hemplern@gmail.com

- 3 Contact name: William A. Haynes, PE Ashton Engineering, Inc.
Contact phone number: 360-510-7946
Contact address: PO Box 5665
City, State, Zip or Postal Code: Bellingham, WA 98227
Contact Email address: wah@ashtonengr.com

- 4 Date checklist prepared: 11.25.19

- 5 Agency requesting checklist: WCPDS

- 6 Proposed timing or schedule (including phasing, if applicable):
ASAP

- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes No
If yes, explain:

- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
Geology and Shoreline Assessment report dated November 14, 2019 by Stratum Group.

- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes No
If yes, explain.

- 10 List any government approvals or permits that will be needed for your proposal, if known.

WDFW Hydraulic Project Approval
WCPDS Shoreline Exemption
WCPDS Building Permit

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Repairs to a failed concrete bulkhead. Remove a 35' length of bulkhead that is leaning waterward. Drive new galvanized steel sheet piles immediately in front of the remaining concrete bulkhead and backfill. Remove approximately 185 sf of concrete slab (Volume approx 2.6 cy) from the beach above MHW tide elevation. Note the Army Corps of Engineers permit is not required for removal of the slabs above MHW elevation of +8.3' (MLLW = 0.0' datum). Import two untreated logs and anchor them parallel and in front of the proposed sheet pile.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

5351 Nootka Loop, Blaine, WA 98230.
Parcel #: 405123 500146 000

B Environmental Elements

1 Earth

a. General description of the site:

- Flat
- Rolling
- Hilly
- Steep Slopes
- Mountainous
- Other

b. What is the steepest slope on the site (approximate percent slope)?

<5%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Neptune very gravelly sandy loam.

d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes No

If so, describe.

Failure of concrete bulkhead has resulted in erosion of landward soils.

e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.

A total of about 96 lf of sheet pile is proposed. Excavate 2.6cy of slabs and 2.8cy of bulkhead. Place approx. 34cy backfill to replace that lost and fill void behind sheet pile.

Indicate source of fill.

Locally sourced. To be determined.

Indicate where excavation material is going.

RDS in Ferndale or other approved location.

- f. Could erosion occur as a result of clearing, construction, or use?

Yes No

If so, generally describe.

Erosion is occurring currently due to the failed bulkhead.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No change other than removal of 243sf of concrete from the site and beach.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Anchored logs are proposed to reduce wave reflection and potential for scour along the new sheet pile.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?

Short term exhaust emissions from construction equipment only.

If any, generally describe and give approximate quantities if known.

Not known

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes No

If so, generally describe.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed.

3. Water

a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes No

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Birch Bay

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes No

If yes, please describe and attach available plans.

See attached.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. None proposed in the water.

Indicate the source of fill material.

- (4) Will the proposal require surface water withdrawals or diversions? Yes No

Give general description, purpose, and approximate quantities if known.

- Does the proposal lie within a 100-year floodplain? Yes No

If so, note location on the site plan.

- (5) Does the proposal involve any discharges of waste materials to surface waters?

Yes No

If so, describe the type of waste and anticipated volume of discharge

b. Ground Water:

- (1) Will ground water be withdrawn from a well for drinking water or other purposes? Yes No

If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

NA

c. Water runoff (including stormwater):

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

NA

Where will this water flow?

Will this water flow into other waters? Yes No

If so, describe.

(2) Could waste materials enter ground or surface waters?

Yes No

If so, generally describe.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site: Yes No

If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

None proposed.

4 Plants

a. Check types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Orchards, vineyards or other permanent crops
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None

c. List threatened or endangered species known to be on or near the site.

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Logs proposed in front of sheet pile.

e. List all noxious weeds and invasive species known to be on or near the site.

Spotted knapweed (*Centaurea biebersteinii*) has been mapped near the project site.
(Whatcom County weed map)

5. Animals

a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

Hawk,
 Eagle,
 Other:

Heron,
 Songbirds;

Mammals:

Deer,
 Elk,
 Other:

Bear,
 Beaver;

Fish:

Bass,
 Trout,
 Shellfish;

Salmon,
 Herring,
 Other:

b. List any threatened or endangered species known to be on or near the site.

Marbled murrelet
Bull trout
Bull trout critical habitat
Dolly Varden
Steelhead trout
Chinook salmon

- c. Is the site part of a migration route? Yes No

If so, explain.

Pacific Flyway, fall and spring migration route for waterfowl, shorebirds, and songbirds
Juvenile salmonid migrate along nearshore habitat

- d. Proposed measures to preserve or enhance wildlife, if any:

None proposed

- e. List any invasive species known to be on or near site.

potentially European green crab

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

NA

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes No

If so, generally describe.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

NA

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes No

If so, describe.

- (1) Describe any known or possible contamination at the site from present or past uses.

None known

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known

- (3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the projects development or construction, or at any time during the operating life of the project.

Construction equipment will use diesel or gasoline fuel.

- (4) Describe special emergency services that might be required.

None anticipated.

- (5) Proposed measure to reduce or control environmental health hazards, if any:

None proposed

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short-term use of; a vibratory hammer for installation of sheet pile, mini - excavator and/ or bobcat for removal of concrete and use of a jack hammer to break up concrete for subsequent removal.

- (3) Proposed measures to reduce or control noise impacts, if any:

Work during daylight hours when possible. Note: some work may be required at night due to timing of low tides during the winter months.

8 Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

Single family residence on site and adjacent Birch Bay Village properties.

Will the proposal affect current land uses on nearby or adjacent properties? Yes No

If so, describe.

b. Has the project site been used as working farmlands or working forest lands? Yes No

If so, describe.

How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?

NA

If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

NA

(1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling and harvesting? Yes No

If so, how:

c. Describe any structures on the site.

Single family residence, shed, swimming pool, paver stone patio, raised gardens, concrete bulkhead and landscaping blocks.

d. Will any structures be demolished? Yes No
If so, what?
A portion of the concrete bulkhead and concrete slabs on the beach above MHW tide.

e. What is the current zoning classification of the site?
Urban Residential 4 units/acre

f. What is the current comprehensive plan designation of the site?
Urban Growth Area

KW g. If applicable, what is the current shoreline master program designation of the site?
Shoreline Residential, *Aquatic*

h. Has any part of the site been classified as a critical area by the city or county? Yes No
If so, specify.
Critical Areas maps identify the vicinity as a Wildlife Habitat Conservation Area and inundated by 100-yr flooding.

i. Approximately how many people would reside or work in the completed project?
1

j. Approximately how many people would the completed project displace?
None

k. Proposed measures to avoid or reduce displacement impacts, if any:
NA

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Proposal is for repair and maintenance of an existing structure.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?
NA

9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

<input type="checkbox"/>	High	Number of Units	NA
<input type="checkbox"/>	Middle		
<input type="checkbox"/>	Low-income		

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

<input type="checkbox"/>	High	Number of Units	0
<input type="checkbox"/>	Middle		
<input type="checkbox"/>	Low-income		

- c. Proposed measures to reduce or control housing impacts, if any:

NA

10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Top of proposed sheet pile is approx +15.3' above MLLW.

- b. What views in the immediate vicinity would be altered or obstructed?

None

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Noe proposed

11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No

c. What existing off-site sources of light or glare may affect your proposal?

None

d. Proposed measures to reduce or control light and glare impacts, if any:

None

12 Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Golf, boating, crabbing, fishing and beachcombing.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None proposed

13 Historic and Cultural Preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes No
If so, specifically describe.

b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries?

Yes No

Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes No

Please list any professional studies conducted at the site to identify such resources.

No studies have been prepared for the site to our knowledge.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

Review of Birch Bay Drive Pedestrian Facility SEPA Environmental Checklist prepared by Whatcom County, Dec. 22, 2015. Semiahmoo people, a member of the Central Coastal Salish cultural group occupied the Birch Bay area for as many as 4,000 to 5,000 years.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Ground disturbance will minimal. 2.6cy of failing concrete bulkhead will be removed. After sheet pile are installed, 34cy of clean fill will be placed landward of the new sheet pile wall.

14 Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

Access is via Nootka Loop within the Birch Bay Village community.

- b. Is site or geographic area currently served by public transit?

Yes No

If not, what is the approximate distance to the nearest transit stop?

Approx 2.1 miles away there's a WTA bus stop.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

No change from existing.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes No

If so, generally describe (indicate whether public or private).

No

e. Will the project use (or occur in the immediate vicinity of)

- Water,
 Rail, or
 Air transportation?

If so, generally describe.

Site is ocean front property.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

No change from existing.

g. Proposed measures to reduce or control transportation impacts, if any:

NA

15 Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes No

If so, generally describe.

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

NA

16 Utilities

a. Check utilities currently available at the site:

- Electricity,
 Water,
 Telephone,
 Septic system,

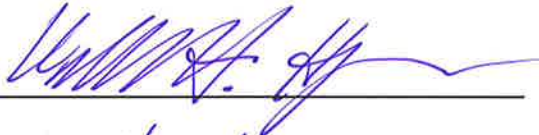
- Natural gas,
 Refuse service,
 Sanitary sewer,
 Other

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

NA

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: 11/27/19

FOR OFFICE USE ONLY

Reviewed by Whatcom County Planning & Development Services Staff


Staff Signature

12/19/19
Date

C Supplemental Sheet for Non-project Actions

(It is not necessary to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1 How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.