

## Easement Documentation Report Barnum Point 25.95 Acres Island County, Washington

Prepared By: Joelene Diehl

Title: North Sound Stewardship Manager

Office Location: Skagit River Office, Mount Vernon, WA

Address: 410 N 4th St, Mount Vernon, WA 98273

Condition of Property as of August 27, 2012



#### Acknowledgement of Condition

This acknowledgement constitutes a part of a Conservation Easement Documentation Report prepared in conjunction with a Conservation Easement to be granted on August 31, 2012, to The Nature Conservancy, a nonprofit corporation organized and existing under the laws of the District of Columbia ("Conservancy"), over property owned by Edward Lawrence Stay and Amy L. Stay (together, the "Owner"). The conservation easement covers a tract of land at Barnum Point in Island County, Washington ("Protected Property").

The Conservation Easement Documentation Report includes a cover page, table of contents, maps, photographs, tables, exhibits, and this Acknowledgement, and contains a natural resources inventory of the Protected Property, consisting of approximately 25.95 acres. Owner and Joelene Diehl, a representative of the Conservancy, acknowledge and agree that the Conservation Easement Documentation Report is an accurate representation of the Protected Property at the time of the transfer of the Conservation Easement.

OWNER	THE NATURE CONSERVANCY
Edward Lawrence Stay	By: Joelene Diehl North Puget Sound Stewardship Manager
Date: August 28, 2012	Date: August 28, 2012
STATE OF WASHINGTON ) ss. COUNTY OF ISLAND )	
Lawrence Stay and Amy L. Stay, to me known to	efore me, the undersigned, personally appeared Edward to be the individuals described in and who executed the leged to me that they signed the same as their free and a therein mentioned.
Given under my hand and official seal th	nis 28 day of August, 2012.
BRANDI K. JENSEN NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES	Notary Public in and for the State of Washington Residing at MUNB SAME WASHINGTON My commission expires:
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STATE OF WASHINGTON	)
COUNTY OF	SS

On this day personally appeared before me, Joelene Diehl, known to me to be the North Puget Sound Stewardship Manager of The Nature Conservancy, the individual described in and who executed the within and foregoing instrument, and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 28 day of August 2012.

MARLO J. MYTTY
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
05-05-14

My Commission Expires

My Commission Expires

My Commission Expires

O5-05-14

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#### Exhibits:

Exhibit A: Legal description Exhibit B: Map of Property Exhibit C: List of photographs

Exhibit D: Map showing photo point locations, GPS points, and other points of interest

Exhibit E: Aerial Photograph of Property

#### **Conservation Easement Documentation**

#### A. Introduction

This report has been prepared in conjunction with a conservation easement ("Conservation Easement") granted to The Nature Conservancy, a District of Columbia nonprofit corporation ("Conservancy"), over Property owned by Edward Lawrence Stay and Amy L. Stay ("Owner"). The Conservation Easement currently covers approximately 25.95 acres of land at Barnum Point in Island County, Washington, as legally described in attached EXHIBIT A ("Protected Property"). The Protected Property is shown on the map attached as EXHIBIT B.

This Conservation Easement Documentation Report is intended to document the condition of the Protected Property as of the date of the Conservation Easement and to provide a natural resources inventory of the Protected Property.

#### B. Location

The Protected Property is located in Section 5 of Township 31N, Range 3E in Island County, Washington near the town of Camano Island. The Protected Property is legally described on Exhibit A. Exhibit B shows the location of the Protected Property on a map. The property can be reached by heading west on WA-532 toward Stanwood, WA then turning left onto N Sunrise Blvd continuing straight onto S Sunrise Blvd until the county road ends.

#### C. Site Description of Conservation Area

**Physical Description:** This easement currently covers approximately 25.95 acres that includes a shoreline bluff that is approximately 1,497 feet. There is tidal influence up to the bluff toe. The easement property also includes a steep forested bluff with a backshore area at the bluff toe.

**Current Land Use:** The back shore area has been developed and has beach house that is protected by large woody debris that is roped together. The beach house is currently used as a vacation and weekend get-away for the Stay family. The only developed road on the easement is the driveway leading across the upper portion of the property from Sunrise Boulevard down the bluff to the house.

## **D.** Ecological Features/Conservation Values of the Protected Property Feeder bluffs:

The most important role of this property is with respect to ecological processes at the larger scale of the northern half of Port Susan Bay. A section of the very large and active feeder bluff that is protected under this conservation easement is the major sediment source for the large drift cell that begins on this property and continues north, ending in Livingston Bay. As a result, this bluff is the primary source of sediment feeding Iverson and Nelson Spits which both protect important pocket estuaries. Iverson Spit (also known as Lona beach) is completely developed, and the houses depend on the sediment supply to maintain their beach elevations and minimize exposure to storm and high tide damage. An important pocket estuary occurs behind the spit, though most of the historic estuary was converted for agriculture. The County now owns the land and there is potential for eventual restoration. The Nelson pocket estuary is owned by the Conservancy and is funded for restoration to remove fill from the estuary mouth. Long-term maintenance and evolution of the pocket estuary marshes and channel systems depends on the integrity of the sediment supply to the spit. Furthermore, resilience of spit and pocket estuary habitats to sea level rise also depends on the continued delivery of sediment to maintain beach elevations relative to sea level.

The feeder bluffs on this property are active, as evidenced by the absence of vegetation in some areas, the presence of unembedded large woody debris at the bluff toe, and active slumping of sediment. An inventory and evaluation was completed of Island County shoreforms (Johannessen and Chase 2005). Three classes of feeder bluffs were identified based on their relative level of sediment delivery: exceptional feeder bluffs were those experiencing sustained and regular erosion, feeder bluffs were those experiencing periodic erosion with longer recurrence intervals, and transport zones were those bluffs that only rarely experience landslides. The bluffs on Barnum Point include the only exceptional feeder bluffs in this drift cell, more than half of the feeder bluffs, and half of the transport zone bluffs. The bluff on the property immediately north of the Conservation Easement has been armored with wooden piles, effectively eliminating this bluff as a source of sediment to the drift cell. Continued armoring would be a threat to both ecological and human communities downstream in the cell.

#### Intertidal and nearshore subtidal habitat:

The physical and biological characteristics of beach, intertidal and nearshore subtidal habitats are strongly determined by the position of the habitat in its drift cell. The hydraulic energy of waves, tides and currents recruits sediment from feeder bluffs and distributes it "downstream" in the drift cell and offshore in the subtidal region. Rocks and large cobble are heavier and tend to remain near the sediment source, while gravel, sand and fines are transported farther. Spits tend to occur in mid-cell and capture gravels and sands, while the end of a drift cell is often a low-energy cove where fine sediments accumulate. Vegetation, including intertidal marsh and subtidal eelgrass tend to occur on sand and fines, while brown and green macroalgae (seaweed) tend to occur on rocky substrates. Likewise different shellfish and finfish occur in different substrates. For example Pacific blue mussels tend to occur on rocks in somewhat sheltered areas, butter clams in gravel and sand, and cockles in sand and mud. Forage fish such as surf smelt spawn in small intertidal gravel while some gunnels are found in rocky areas. Because of the importance of sediment dynamics on the distribution of species throughout intertidal and adjacent subtidal areas, protecting the natural processes of sediment recruitment and distribution are essential. For this reason, protection of Stay is critical to the north Port Susan Bay ecosystem. Over the long term, any further development near the bluff or armoring of the bluff toe would be detrimental to the larger nearshore ecosystem of NW Port Susan Bay. Johannessen and Chase (2005) list this property as Conservation Potential number 3 for Camano Island with this notation: "Conserve feeder bluff at Barnum Pt to protect downdrift habitats. Prohibit bulkheads and structures."

#### Nearshore Aquatic Species:

Shellfish – There was no attempt made to compile a list of shellfish species present in the conservation easement area. Shellfish are an important part of the nearshore ecology of the conservation easement. Contributions made by shellfish to the nearshore environment include; maintain water quality through filter feeding, provide a food source for predators/carnivores, and in turn some shellfish are also predators helping maintain a healthy ecological balance (Dethier 2006). Examples of native shellfish species that one might find in the conservation easement intertidal area are: littleneck clam (*Protothaca staminea*), butter clam (*Saxidomus giganteus*), horse clam (*Tresus capax* and *nuttallii*), and cockle (*Clinocardium nutallii*) (Dethier 2006). There are reports of these species being found near the intertidal area around Barnum Point near the Conservation Easement.

Intertidal Vegetation – Seaweeds or algae are an important part of intertidal and subtidal ecosystems, being major contributors to the base of the food chain. They also provide shelter and oxygen to epibenthic and benthic invertebrates and vertebrates. Algae cover was fairly minimal at the time of visit. Rockweed (Fucus gardneri), a brown alga, was common on larger cobble and boulders throughout the shoreline. Sea hair (Enteromorpha sp.), a green alga, was also common on large rocks.

The Conservation Easement does not include any salt marsh habitat. The bottom of the bluff transitions from a rocky beach with large woody debris to a relatively unvegetated intertidal zone comprised of algae and scarce amounts of Japanese eelgrass (*Zostera japonica*).

Bluff and Shoreline Vegetation – The vegetation on western boundary of the Conservation Easement, is comprised mostly of native trees with a shrub understory. Common tree species found include Douglas fir (Pseudotsuga menziesii), western red cedar (Thuja plicata), red alder (Alnus rubra), and Pacific madrone (Arbutus menziesii). Common shrub species in the understory include tall Oregongrape (Mahonia aquifolium), salal (Gaultheria shallon), ocean spray (Holodiscus discolor), Indian plum (Oemleria cerasiformis), and serviceberry (Amelanchier alnifolia). In some areas these tree and shrub species extend down toward the shoreline. Along the shoreline to the south of the beach house there is Scotch broom (Cytisus scoparius), a Washington State Class B weed, growing just behind the rack line (picture BP-Sbeach 345 20120409 #48) as well as north of the beach house. There are also blackberry patches in the understory of the bluff south of the beach house.

*Water Birds* – Port Susan Bay is recognized by the Audubon Society as an "Important Bird Area" (<a href="http://iba.audubon.org/iba/viewSiteProfile.do?siteId=287&navSite=state">http://iba.audubon.org/iba/viewSiteProfile.do?siteId=287&navSite=state</a>). One of the important features of the conservation easement that benefit shorebirds is the expansive mudflats that provide food to shorebirds during migrations (Massaua et al 2012).

Fish – Nearshore habitats and pocket estuaries like Triangle Cove are critical rearing habitats for juvenile salmon. The shallow water is highly productive for prey invertebrates and allows the small fish to avoid predation by larger fish while they grow. Barnum Point and Triangle Cove are used heavily by juvenile salmon originating from the Stillaguamish River directly across the bay. Due to river and tidal currents, small fish are pushed on the ebbing tide across the bay from the river towards Triangle Cove. Pocket estuaries are well documented as important rearing habitats for juvenile salmon as they leave their natal rivers and head towards the open ocean (Beamer et al. 2006). In addition, other fish such as forage fish, 3-spine sticklebacks and perch rear in pocket estuaries and can be found in high numbers. When Beamer et al. sampled Triangle Cove and the area around the conservation easement in 2004, they found up to 309 Chinook per hectare. The Stillaguamish Tribe sampled juvenile salmon in Triangle Cove during February through August of 2005-2007 (Stillaguamish Tribe 2009). They found the highest numbers in March through May, with annual peaks ranging from 500 to 1,000 Chinook per hectare in Triangle Cove. On intertidal beaches, including the beach around the conservation easement, they found that Chinook densities were almost always lower than in pocket estuaries, but that annual peak concentrations on beaches ranged from just under 500 to about 1,350 Chinook per hectare. Chinook are listed as Threatened and are a key target for local conservation efforts. The high densities seen in both Triangle Cove and the adjacent beaches on Barnum Point indicate that these habitats play a critical role in Chinook recovery efforts.

Chum and pink salmon are much more abundant than Chinook and they were found by Beamer et al. at densities up to 4,411 per hectare on the east beach of Barnum Point near the conservation easement, and up to 877 salmon per hectare in Triangle Cove. Beamer et al. also sampled surf smelt and between February and April, found more surf smelt in Triangle Cove than on east Barnum beach, with a peak of 1,968 smelt per hectare in the cove. After April, more smelt were seen on east Barnum beach, with a peak of 5,698 smelt per hectare. These numbers indicate the importance of both the Cove and the adjacent intertidal beaches for fish.

Forage fish provide an important food source for predatory fish and wildlife within the marine ecosystem. Common forage species found in the Puget Sound Basin are: Pacific herring, surf smelt, and sand lance (Penttila 2007). Nearshore and intertidal areas, like the tidal area included the Conservation Easement, are essential for forage fish as they rely on them for spawning grounds

(Penttila 2007). Shoreline armoring reduces or eliminates the natural erosion that supplies the beaches and nearshore areas with new material. Without these natural inputs, spawning habitat for forage fish is threatened (Penttila 2007). Protecting the shoreline and bluff in the Conservation Easement from armoring is critical to maintaining quality habitat necessary for forage fish success.

Raptors – Bald eagles and other raptors are commonly seen in the conservation easement area either foraging on the beach or circling overhead. There are two active eagle nests in the land adjacent to the conservation easement.

#### E. Current Land Use

#### Zoning

The conservation easement property is zoned as Rural by Island County, Washington.

#### Subdivision and density

The minimum lot size for Rural zoning in Island County is five acres.

#### Historical uses of the property

The conservation easement property was purchased by the Edward Stay's great grandfather in 1904. The Stay family has been the owner of the property since that time. The beach house located on the conservation easement was built in 1992. Currently, the property and beach house are being used as a family get-away and vacation home.

#### F. Property Use Restrictions (as identified in the Conservation Easement, Section 3)

#### Commercial Activity

There is no evidence of commercial activity on the property at the time of the Baseline Documentation.

#### Structures

The existing structures included in the Conservation Easement include the Beach House, attached garage, and well house (pictures BP-HouseDr\_S\_20120409\_#54, BP-HouseDr\_SW\_20120409\_#55, and BP-HouseDr W 20120409 #56).

#### Signs

There were no signs apparent on the Easement during the Baseline Documentation including "no hunting," "no trespassing," or other similar signs.

#### Fences

There were no fences in the Conservation Easement Area.

#### **Animals**

There were no feedlots, kennels, aquaculture, or animal breeding or animal husbandry operations on the Property.

#### Spraying

No evidence of indiscriminant broadcast spraying of herbicides or pesticides was apparent at the time of Baseline Documentation.

#### Vegetation

There is a maintained path that runs along the top of the bluff. Since the Conservation Easement boundary is at the bluff this path is not included in the Easement. There is no other evidence of

removal, destruction, cutting, trimming, or mowing of any trees or other vegetation, living or dead within the boundaries of the Easement.

#### Mining

There is no evidence of mining, drilling, exploring for, or removal of sand, rock, gravel, minerals, natural gas, or oil from the Property.

#### Topography

With the exception of changes made for the construction of the driveway, there is no evidence of changes in topography on the Easement, including ditching, draining, diking, filling, excavating, removal or addition of topsoil, sand, gravel, rock, or other materials. There is evidence of limited armoring in front of the existing beach house. Sandbags and logs placed in front of the house to protect against winter high tides are visible in picture BP-sandbag \_W\_20120409\_ #53. Additionally, there are logs that have been tied together along the beach shoreline in front of the Beach House (picture: BP-logs W 20120227 #56).

#### Water

There is no evidence of manipulation or alteration of creeks, streams, surface or subsurface springs, or other bodies of water or the shorelines.

#### Dumping

At the time of the Baseline Documentation there was no evidence of dumping on the Conservation Easement.

#### Roads and Easements

There is one driveway that is on the Conservation Easement. This driveway originates at Sunrise Boulevard and winds through the property to the top of the bluff on the easement and is located along the bluff that leads down to the Beach House. Other than the driveway there were no other roads on the Easement.

#### Paths and Foot Trails

There is a maintained path that runs along the top of the bluff. The path is not surfaced with impervious material such as rock or gravel. Since the Conservation Easement boundary is at the bluff this path and other paths above the top of the bluff are not included in the Easement.

#### Listed or Protected Species and Cultural Resources

There were no known protected species under the Endangered Species Act or cultural resources present on the Conservation Easement at the time of Baseline Documentation. Bald Eagles, listed as a state sensitive species by Washington State, have been observed foraging along the beach and in the intertidal area of the Conservation Easement. Additionally, there have been two active Bald Eagle nests documented on property adjacent to the Conservation Easement.

#### Conveyance

Except for certain encumbrances that will either be removed or subordinated to the easement at closing, there are no known outstanding agreements by the landowner to sell, give, mortgage, lease or otherwise convey the Property at the time of Baseline Documentation.

#### G. Improvements and Disturbances:

#### Buildings and structures

There is a beach house located within the conservation easement along the base of the shoreline at sea level. There is also a well house located to the north of the beach house.

#### Roads and trails

A driveway from the top of the bluff leading to the beach house is included in this easement. (See driveway photos). There are no other roads or trails at the time of this baseline report documentation.

#### Fences, gates, walls, armoring

There are no fences, gates, or armoring of the shoreline in the conservation easement.

#### Powerlines, pipelines and utilities

Underground powerlines, phone, and other utilities run under the driveway supplying utilities to the beach house. There are no other pipelines or utilities on the conservation easement.

#### Agricultural

There are no agricultural uses on the conservation easement.

#### Fill, excavation, ditches, ponds or impoundments

There is no evidence of filling, excavating, ditches, or impoundments on the conservation easement property.

#### Other improvements or disturbances

None.

#### H. Adjoining Lands

#### Potential for encroachment or disturbance

The fee interest in the property to the south of the conservation easement is being purchased by The Nature Conservancy to ensure is protection against development and to provide a natural area that will benefit both humans and wildlife. The property to the north of the conservation easement is privately owned and has been subdivided into smaller parcel lots.

#### Potential for conservation connectivity

There is great potential for conservation connectivity to the south and west of the conservation easement. The Nature Conservancy is purchasing the adjacent shoreline to the south. The land to the west of The Nature Conservancy's purchase is a low-density rural development and borders Triangle Cove, an important pocket estuary for salmon rearing habitat.

#### I. Easement Monitoring

This easement will be monitored annually in accordance with Conservancy policies to ensure that the terms of the easement continue to be met.

#### J. Photographs

Photographs documenting the current condition of the Protected Property accompany this report and are incorporated by reference. The photographs were taken on April 9<sup>th</sup>, 2012. A brief description of each photograph appears in Exhibit C and the photographs follow. The points from which photographs were taken are shown on the map attached to this report as Exhibit C. On May 11, 1993 an aerial photograph of the Protected Property appears in Exhibit E.

#### K. References

Beamer, E. et al. 2006. Habitat and fish use of pocket estuaries in the Whidbey Basin and North Skagit County Bays, 2004 and 2005. Skagit River System Cooperative.

- Dethier, M. 2006. *Native Shellfish in Nearshore Ecosystems of Puget Sound*. Puget Sound Partnership Report No. 2006-04. Published by Seattle District, U.S. Army Corps of Engineers, Seattle Washington. Available at <a href="https://www.pugetsoundnearhsore.org">www.pugetsoundnearhsore.org</a>.
- Johannessen, J. and M. Chase. 2005. *Island County Feeder Bluff and Accretion Shoreform Mapping: Final Report*. Report prepared for Island County Marine Resource Committee by Coastal Geologic Services, Bellingham, WA.
- Massaua, M., A. Hook, and K. Herrmann. 2012. *Port Susan Bay Marine Stewardship Area Conservation Action Plan*. Link to document:

  <a href="http://www.islandcountymrc.org/uploads/pdf/Resources/Port\_Susan\_MSA\_Plan\_Jan\_10\_12\_sma">http://www.islandcountymrc.org/uploads/pdf/Resources/Port\_Susan\_MSA\_Plan\_Jan\_10\_12\_sma\_II.pdf</a>
- Penttila, D. 2007. *Marine Forage Fishes in Puget Sound*. Puget Sound Nearshore Partnership Report No. 2007-03. Published by Seattle District, U.W. Army Corps of Engineers, Seattle, Washington.
- Stillaguamish Tribe. 2009. *Stillaguamish estuary use by juvenile Chinook: Final Report*. Stillaguamish Tribe of Indians Natural Resources Department.

## EXHIBIT A LEGAL DESCRIPTION

All that certain real estate situated in Island County, Washington, more particularly described as follows:

Government Lot 1, Section 5, Township 31 North, Range 3 East, W.M.; EXCEPT the West 40 acres thereof, (Tax Parcel No. R33105-086-1670);

TOGETHER WITH Second Class tidelands, as conveyed by the State of Washington located in front of, adjacent to and abutting thereon and lying between the meander line and a line parallel with and 600 feet Easterly of said meander line, the North boundary of this tidelands tract being the projection Easterly of the North line of said Government Lot 1 and the south line of said tract being the projection of the Easterly South line of said Government Lot 1.

## EXHIBIT B Map(s) of Protected Property





PROPOSED FEE ACQUISITION
PROPOSED CONSERVATION EASEMENT
PARCELS

Barnum Point Acquisition
Parcel Map
RCO PROJECT #10-1438 and 11-1651

# EXHIBIT C LIST OF PHOTOGRAPHS

The photographs listed below and incorporated herein were taken on April 09, 2012. The datum used to record photo points was using UTM NAD 1983 Zone 10N. The photographs accompany this report. The tide level was approximately at 1.0ft according to the Stanwood, Stillaguamish River chart when the pictures were taken.

Photograph	Photo Point	Latitude	Longitude	Compass Bearing	Description
BP-House_249_20120409_#50	House	48.19796638	-122.45364698	249	The view of the southern part of the house from the beach looking west.
BP-House_294_20120409_#49	House	48.19796638	-122.45364698	294	The photo was taken of the beach house from the beach. Logs in front of the house are tied together with ropes.
BP-House_335_20120409_#51	House	48.19796638	-122.45364698	335	The view of the northern part of the house from the beach looking west.
BP-House_17_20120409_#52	House	48.19796638	-122.45364698	17	The view bluff from the beach looking north.
BP-House_17b_20120409_bluff_armor	House	48.19796638	-122.45364698	17	The bluff armoring to the north of the conservation easement is visible in the lower right hand side of the photo.
BP-HouseDr_S_20120409_#54	House Driveway	48.19848077	-122.45402978	S	This photo was taken from the north side of the beach house.
BP-HouseDr_SW_20120409_#55	House Driveway	48.19848077	-122.45402978	MS	Parking area for the beach house.
BP-HouseDr_W_20120409_#56	House Driveway	48.19848077	-122.45402978	M	The well house for the beach house.
BP-HouseDr_N_20120409_#57	House Driveway	48.19848077	-122.45402978	Z	The parking area to the north of the beach house at the base of the driveway.
BP-NE_305_20120409_#39	NE Corner	48.19870683	-122.45083426	305	View from the NE corner of the conservation easement in the tide lands looking back at bluff. The conservation easement boundary is approximately in the middle of the picture frame, just to the right of





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