From: Dana Twisk - NOAA Affiliate
To: Shelley Kjos
Cc: Kathleen Wells - NOAA Federal; Sturdivant, Brian; Consultationupdates WCR - NOAA Service Account
Subject: Re: Verification: WA HUD Mulberry Village Project (NMFS#: WCRO-2020-00512-11269)
Date: Monday, October 5, 2026 8:51:19 AM

Hi Shelley,

Apologies, your response was received and saved to your file. There is no further action required at this time. Please let me know if there's anything else I can do or questions I can answer.

Thanks,
Dana

On Mon, Oct 5, 2026 at 8:42 AM Shelley Kjos <skjos@skagitcountywa.gov> wrote:

> Good Morning,
>
> I am following up on the revised response below regarding the HUD-assisted Mulberry Village project (NMFS#: WCRO-2020-00512-11269). We are assuming NMFS will respond with either a final approval or a request for further supporting documentation, please let me know if this typically follows another protocol.
>
> Thank you,
>
> Shelley J. Kjos (she/her)
>
> Housing Resource Coordinator
>
> Skagit County Public Health
>
> (360)416-1513
>
> ---
>
> **From:** Shelley Kjos
> **Sent:** Wednesday, September 23, 2026 10:08 AM
> **To:** Kathleen Wells - NOAA Federal <kathleen.wells@noaa.gov>

Cc: Sturdivant, Brian <Brian.Sturdivant@hud.gov>; Consultationupdates WCR - NOAA Service Account <consultationupdates.wcr@noaa.gov>; Dana Twisk - NOAA Affiliate <dana.twisk@noaa.gov>
Subject: RE: Verification: WA HUD Mulberry Village Project (NMFS#: WCRO-2020-00512-11269)

Good Morning,

In follow up to the below communication regarding the HUD-assisted Mulberry Village Project (NMFS#: WCRO-2020-00512-11269), Skagit County as Responsible Entity has conducted further assessment of the project site in consultation with the project developer and design team and must revise our previous response to the EFH conservation recommendations:

1. Avoid pesticide use in the landscaped area to the maximum extent feasible. Pesticides can enter stormwater runoff from hard surfaces like roads, parking lots, and rooftops, and flow into local waterways where they have the potential to harm aquatic life and can ultimately contaminate groundwater through seepage.

- **Project Response: Recommendation is feasible and will be incorporated into project plans and NEPA mitigation requirements by Skagit County as RE.**

2. We recommend the inclusion of a 2:1 replanting plan of native trees for the removal of any mature trees that occur because of development.

- **Project Response: Recommendation has been found to be not fully feasible, please see detailed response below. Skagit County as RE is proposing an adjusted conservation recommendation to be incorporated into project plans and NEPA mitigation requirements of the use of native trees for all replanting and replanting to the maximum extent feasible within the constraints of the site as detailed below.**

Further analysis from a civil engineering perspective has found the following:

Adjustment of the project landscaping plan to incorporate the use of native trees for all tree replacement is feasible and this change has been made; however the 2:1 tree replacement ratio presents a greater challenge. Achieving this ratio would require approximate 404 replacement trees, which is not reasonably compatible with the current site design or the physical constraints of the property.

Much of the available landscape area is constrained by utilities, easements, stormwater facilities, retaining walls, grading transitions, drainage paths, and required maintenance

access. Introducing additional trees within these areas would create potential conflicts with underground infrastructure and result in overly dense planting condition across the site.

In addition, the project has been designed to fully infiltrate 100% of the required stormwater runoff through the proposed east and west infiltration systems without reliance on tree credits. As a result, increasing the tree replacement ratio from 1:1 to 2:1 would provide limited additional stormwater benefit and would not materially improve the project's overall stormwater performance.

The project can currently accommodate 260 native replacement trees, which already exceeds the required 1:1 replacement ratio for the 202 trees proposed for removal. This represents a substantial investment in preserving and enhancing the site's tree canopy while remaining compatible with site constraints and long-term maintenance considerations.

The project's design goal is to provide thoughtfully planned open spaces that support resident recreation and children's play areas. Requiring approximately 404 trees would significantly reduce the usability of these open spaces, create a more heavily shaded and potentially damp environment, and introduce a considerable long-term maintenance burden for future property management. Such conditions would be inconsistent with the project's intended character and the desired balance between landscaped areas and functional recreational space.

Therefore, we respectfully request that the proposed 260 native replacement trees be accepted as an appropriate and practical solution. This approach exceeds the required tree replacement threshold, maximizes tree retention and replacement opportunities within the site's constraints, and maintains a balanced site design that provides both a meaningful tree canopy and high-quality open spaces for future residents to enjoy.

Thank you for your review of this revised response, please let me know if we can provide any further supporting documentation.

Shelley J. Kjos (she/her)

Housing Resource Coordinator

Skagit County Public Health

(360)416-1513

From: Shelley Kjos
Sent: Thursday, September 10, 2026 11:14 AM
To: 'Kathleen Wells - NOAA Federal' <kathleen.wells@noaa.gov>
Cc: Sturdivant, Brian <Brian.Sturdivant@hud.gov>; Consultationupdates WCR - NOAA Service Account <consultationupdates.wcr@noaa.gov>; Dana Twisk - NOAA Affiliate <dana.twisk@noaa.gov>
Subject: RE: Verification: WA HUD Mulberry Village Project (NMFS#: WCRO-2020-00512-11269)

Good Morning,

Thank you for your patience while the project team has consulted and reviewed your recommendations. Yes, the HUD-assisted Mulberry Village Project (NMFS#: WCRO-2020-00512-11269) will incorporate the NMFS EFH conservation recommendations below into the project design and plans:

1. Avoid pesticide use in the landscaped area to the maximum extent feasible. Pesticides can enter stormwater runoff from hard surfaces like roads, parking lots, and rooftops, and flow into local waterways where they have the potential to harm aquatic life and can ultimately contaminate groundwater through seepage.

2. We recommend the inclusion of a 2:1 replanting plan of native trees for the removal of any mature trees that occur because of development.

Skagit County as the Responsible Entity (RE) will include these EFH conservation recommendations in the mitigation requirements of the project NEPA environmental assessment, as well as the required post-construction reporting requirement.

Thank you again for the timely and responsive consultation process, much appreciated!

Shelley J. Kjos (she/her)

Housing Resource Coordinator

Skagit County Public Health

(360)416-1513

From: Kathleen Wells - NOAA Federal <kathleen.wells@noaa.gov>
Sent: Monday, August 31, 2026 12:48 PM
To: Shelley Kjos <skjos@skagitcountywa.gov>
Cc: Sturdivant, Brian <Brian.Sturdivant@hud.gov>; Consultationupdates WCR - NOAA Service Account <consultationupdates.wcr@noaa.gov>; Dana Twisk - NOAA Affiliate <dana.twisk@noaa.gov>; Kathleen Wells - NOAA Federal <kathleen.wells@noaa.gov>
Subject: Verification: WA HUD Mulberry Village Project (NMFS#: WCRO-2020-00512-11269)

You don't often get email from kathleen.wells@noaa.gov. Learn why this is important

Good afternoon,

NMFS has reviewed the submitted materials for the HUD-assisted “Mulberry Village” project. Your project qualifies and is verified for inclusion under the parent programmatic opinion. We thank you for your prioritization and inclusion of LID measures.

Additionally, NMFS offers the following EFH conservation recommendations to try and further reduce existing stormwater inputs from the project site:

1. Avoid pesticide use in the landscaped area to the maximum extent feasible. Pesticides can enter stormwater runoff from hard surfaces like roads, parking lots, and rooftops, and flow into local waterways where they have the potential to harm aquatic life and can ultimately contaminate groundwater through seepage.

2. We recommend the inclusion of a 2:1 replanting plan of native trees for the removal of any mature trees that occur because of development.

As required by section 305(b)(4)(B) of the Magnuson-Stevens Act, the Federal agency must provide a detailed response in writing to NMFS within 30 days regarding this conservation recommendation. If it cannot incorporate this recommendation, it must provide the reasons this

recommendation is infeasible. Please use the HUD email inbox and, in the regarding line, use the tracking number associated with this request for inclusion in the HUD programmatic.

Please be sure to provide post-construction follow-up materials within 60 days post-project completion. If you have any additional questions, please contact Dana Twisk, who is CC'd on this email.

Kate Wells

Assistant Regional Administrator

Oregon Washington Coastal Office

NOAA Fisheries West Coast Region

1201 NE Lloyd Blvd. Ste. 1100

Portland, OR 97232

(503) 367- 8047 (work cell)

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Dana Twisk
Fisheries Biologist, Aquaculture support
Contractor with OAI | NOAA Fisheries | U.S. Department of Commerce
Phone: (360) 545 - 3378
https://www.fisheries.noaa.gov/region/west-coast

