

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

DNS Distribution List
SEP2019-00064
Date of Issuance: October 25, 2019

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

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

WA State Department of Ecology, Bellingham
Chad Young

WA State Department of Fish and Wildlife via email
Joel Ingram, joel.ingram@dfw.wa.gov

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

WA State Department of Natural Resources – Aquatic Land Management

SEPA Unit, WA State Department of Transportation, Burlington via email
Roland Storme, stormer@wsdot.wa.gov
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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

Applicant
Whatcom County Public Works Stormwater
Kraig Olason via email - kolason@whatcomcounty.us
Atina Casas via email - acasas@whatcomcounty.us



SEPA Determination of Nonsignificance (DNS)

File: SEP2019-00064

Project Description:

Summary of proposed actions:

1. Modify the existing drainage system along Harborview Road to improve conveyance.
2. Install a new marine outfall at the base of Harborview Road.
3. Re-route most of the Harborview Road drainage from an existing marine outfall to the new marine outfall.
4. Install a drainage system along Birch Bay Drive that will drain to the existing marine outfall that currently receives all the drainage from the Harborview Road system.

Proponent: Whatcom County Public Works

Address and Parcel #: 8045 Birch Bay Drive / 8102 Birch Bay Drive,
APN#:3901020000020010

Lead Agency: Whatcom County Planning & Development Services

Zoning: UR4

Comp Plan: UGA

Shoreline Jurisdiction: SR

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.

This DNS is issued using the optional DNS process in WAC [197-11-355](#). There is no further comment period on the DNS.

Responsible Official: Mark Personius, mpersoni@whatcomcounty.us

Title: Director

Telephone: 360-778-5900

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: October 25, 2019

Signature: _____

A handwritten signature in black ink, appearing to be "M Personius", is written over a horizontal line.

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 date of issuance, concluding November 4, 2019.

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

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SEP 2019 - 00064

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.

WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES

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A Background

- 1 Name of proposed project, if applicable:
Hannegan Rd and Birch Bay Dr Storm Drainage Improvements

- 2 Name of applicant: Kraig Olason
Applicant phone number: (360) 778-8301
Applicant address: 322 N Commercial St, Ste 214
City, State, Zip or Postal Code: Bellingham, WA 98225
Applicant Email address: kolason@co.whatcom.wa.us

- 3 Contact name: Atina Casas
Contact phone number: (360) 778-6281
Contact address: 322 N Commercial St, Ste 301
City, State, Zip or Postal Code: Bellingham, WA 98225
Contact Email address: acasas@co.whatcom.waus

- 4 Date checklist prepared: May 9, 2019

- 5 Agency requesting checklist: Whatcom County PDS

- 6 Proposed timing or schedule (including phasing, if applicable):
Summer-fall 2020

- 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:
Maintenance as needed.

- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
Critical Areas Report, Biological Evaluation, and Submerged Aquatic Vegetation Survey Report

- 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.
N/A

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

Department of the Army Section 404 Nationwide Permit (includes NEPA)
Washington Department of Fish and Wildlife Hydraulic Project Approval
Whatcom County Shoreline Permit and Land Disturbance 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.)

Whatcom County Public Works-Stormwater is proposing to address localized erosion and flooding issues by improving stormwater drainage in the vicinity of Harborview Rd and Birch Bay Dr and install a new stormwater outfall to Birch Bay.

- 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.

The project occurs on Harborview Rd and Birch Bay Dr in Birch Bay (T40N, R01W, Sections 24 and 25; T40N R01E, Sections 19 and 30). The work corridor extends from approximately 8050 and 8097 Harborview Road (approximately 835 linear feet), from approximately 8045 to 8102 Birch Bay Drive, (approximately 805 linear feet), and approximately 140 feet into Birch Bay at the location of the proposed outfall. The project occurs within County right-of-way, property, and easements.

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)?

The slope of Harborview Rd to Birch Bay Dr is approximately 7.5%. The rest of the project area is relatively flat.

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.

According to the NRCS Soil Survey, soils in the project area include Map Unit 11-Neptune very gravelly sandy loam, 0-3% slopes, Map Unit 149-Skipopa-Blaingate complex 0-8% slopes, and Map Unit 170-Typic Psammaquents tidal 0-1% slopes.

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

If so, describe.

N/A

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

The project has approximately 3,432 CY of excavation and 3,009 CY of fill. The disturbed area is approximately 23,500 square feet (0.54 acres).

Indicate source of fill.

Commercial pit (drainage infrastructure) and native beach material (outfall).

Indicate where excavation material is going.

Excavation material from upland work to approved dump site. Some excavated beach material will be reused as backfill. Surplus will be hauled to an approved dump site.

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

Yes No

If so, generally describe.

Construction involves trenching primarily along existing paved roadways and gravel shoulders. The project will occur during the dry season when runoff is unlikely.

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

The existing and replaced impervious surface is approximately 12,700 square feet. The project does not add new impervious surface.

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

The contractor will follow an approved Temporary Erosion and Sediment Control plan.

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)?

Exhaust/dust from construction vehicles and equipment. No new emissions after project completion.

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

N/A

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

If so, generally describe.

N/A

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

Use standard dust control BMPs, such as manual or mechanical sweeping as necessary.

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.

Installation of stormwater drainage infrastructure and a marine outfall.

- (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. ~46 CY removed; ~22 CY placed

Indicate the source of fill material.

Excavated native beach material.

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

N/A

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

N/A

Does the proposal lie within a 100-year floodplain?

Yes No

If so, note location on the site plan.

The FEMA DFIRM map is attached.

- (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

N/A

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.

N/A

- (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.

No waste material will be discharged into the ground.

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).

The project improves the drainage system for street and residential stormwater runoff. The project does not generate runoff.

Where will this water flow? Birch Bay

Will this water flow into other waters? Yes No

If so, describe.

N/A

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

Yes No

If so, generally describe.

There is a potential for equipment fluids to enter the ground or surface water if there is a leak or spill during construction.

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

If so, describe.

N/A

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

Install and maintain erosion and sediment control BMPs, check equipment daily for leaks, maintain spill kits on site, and have trained personnel on site.

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?

A minor and insignificant amount of predominantly residential lawn, weeds, and Himalayan blackberry.

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

No threatened or endangered plant species are known to be on or near the site.

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

Shoreline plantings will be installed as part of Whatcom County Public Works' Birch Bay Drive and Pedestrian Facility project.

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

Himalayan blackberry

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:

- | | |
|------------------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> Hawk, | <input checked="" type="checkbox"/> Heron, |
| <input checked="" type="checkbox"/> Eagle, | <input checked="" type="checkbox"/> Songbirds; |
| <input checked="" type="checkbox"/> Other: waterfowl | |

Mammals:

- | | |
|---------------------------------|----------------------------------|
| <input type="checkbox"/> Deer, | <input type="checkbox"/> Bear, |
| <input type="checkbox"/> Elk, | <input type="checkbox"/> Beaver; |
| <input type="checkbox"/> Other: | |

Fish:

- | | |
|------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Bass, | <input checked="" type="checkbox"/> Salmon, |
| <input checked="" type="checkbox"/> Trout, | <input type="checkbox"/> Herring, |
| <input checked="" type="checkbox"/> Shellfish; | <input type="checkbox"/> Other: |

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

Bull trout, Chinook salmon, steelhead trout, and marbled murrelet may be present in Birch Bay near the project site.

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

If so, explain.

The project area is within the Pacific Flyway, a flight corridor for migrating birds. No portion of the proposed project would interfere with or alter this corridor.

- d. Proposed measures to preserve or enhance wildlife, if any:
Minimize construction related impacts through project timing and proper implementation of BMPs.
- e. List any invasive species known to be on or near site.
No invasive animal species are known to be on or near the site.

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.
N/A. The project does not need energy.
- b. Would your project affect the potential use of solar energy by adjacent properties? Yes No
If so, generally describe.
N/A
- 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:
N/A

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.

N/A

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

There is no known or possible contamination at the site.

- (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.

There are no existing hazardous chemicals/conditions in the project area.

- (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.

No toxic or hazardous chemicals will be stored, used, or produced related to this project.

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

No special emergency services will be required.

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

N/A

b. Noise

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

No existing noise will affect the proposed project.

- (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.

The proposed project will generate short-term construction noise, but no long term noise.

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

Limit construction to standard business hours.

8 Land and Shoreline Use

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

Single and multi-family residential properties and commercial properties.

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

If so, describe.

N/A

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

If so, describe.

N/A

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?

These land types are not present at the project site. The proposed project will not convert any land.

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?

These types of lands are not present at the project site.

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

If so, how:

N/A

c. Describe any structures on the site.

There is a concrete groin in Birch Bay near the proposed outfall location.

- d. Will any structures be demolished? Yes No
If so, what?
N/A
- e. What is the current zoning classification of the site?
UR4, URM6, RC, and GC
- f. What is the current comprehensive plan designation of the site?
UGA
- g. If applicable, what is the current shoreline master program designation of the site?
Urban Resort, Urban Conservancy, and Aquatic
- h. Has any part of the site been classified as a critical area by the city or county? Yes No
If so, specify.
Birch Bay
- i. Approximately how many people would reside or work in the completed project?
None. The proposed project does not include housing.
- j. Approximately how many people would the completed project displace?
None
- k. Proposed measures to avoid or reduce displacement impacts, if any:
N/A
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The proposed project improves the existing stormwater drainage system to reduce localized flooding and property damage.
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?
N/A. These land use types are not near the proposed project.

9 Housing

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

High Number of Units 0
 Middle
 Low-income

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

High Number of Units 0
 Middle
 Low-income

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

N/A

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?

The new outfall is a 36-inch diameter pipe.

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

The proposed marine outfall will be under the softshore protection berm for most of its length.

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

N/A

11 Light and Glare

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

The proposed project does not produce light or glare.

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

N/A

- 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:

N/A

12 Recreation

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

Walking and biking.

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

No. The proposed project installs buried stormwater conveyance infrastructure along the roadways. Most of the length of the marine outfall pipe will be under the softshore protection berm.

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

N/A

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.

N/A

- 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.

"Cultural Resource Review of the Harborview Road & Birch Bay Drive Stormwater Improvement Project-Birch Bay, Whatcom County, Washington" prepared by Drayton Archaeology on 11/27/17.

- 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.

Whatcom County consultation with the Lummi Tribe, an archaeological survey, and NEPA section 106 through the DA permit.

- 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.

An archaeological monitoring plan and inadvertent discovery plan will be followed during construction.

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.

Harborview Road and Birch Bay Drive.

- 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?

Not known.

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

The proposed project does not create or eliminate parking spaces.

- 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).

N/A

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

- Water,
- Rail, or
- Air transportation?

If so, generally describe.

N/A

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?

The proposed project will not generate vehicular trips.

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

N/A

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.

N/A

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

N/A

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.

No utilities are proposed for the project. Existing utilities will be relocated as needed following franchise agreements.

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: *Kraig Olson*

Date Submitted: 7/17/19

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Reviewed by Whatcom County Planning & Development Services Staff

Staff Signature

Date