

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
SEP2019-00060
Date of Issuance: October 25, 2019

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.

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
Kraig Olason via email - kolason@co.whatcom.wa.us

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

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SEPA Determination of Nonsignificance (DNS)

File: SEP2019-00060

Project Description: Whatcom County Public Works proposes to improve drainage along Birch Point Road to safely convey stormwater from the roadway to Birch Bay. This is intended to alleviate flooding onto neighboring properties during storm and high tide events. The existing system consists of a ditch and an approximately 130 foot long 18-inch diameter driveway culvert that conveys road runoff to Rogers Slough. The proposed project is to install a check valve at the upstream end of the driveway culvert. The check valve will be located inside a new type 2 catch basin that will be connected to the driveway culvert. A 10 foot length of 18-inch diameter PVC pipe will extend from the check valve to the ditch. The check valve will prevent intrusion of tidal waters. The catch basin will provide maintenance access and trap sediment.

Proponent: Whatcom County Public Works

Address and Parcel #: Birch Pt. Rd. & Nootka Loop, 405123520193

Lead Agency: Whatcom County Planning & Development Services

Zoning: UR **Comp Plan:** UGA **Shoreline Jurisdiction:** Shoreline Residential

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:  _____

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 - 00060

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:
Nootka Loop Check Valve

- 2 Name of applicant: Kraig Olason
Applicant phone number: 360-778-6301
Applicant address: 322 N Commercial St, Ste 224
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.wa.us

- 4 Date checklist prepared: July 12, 2019

- 5 Agency requesting checklist: Whatcom County PDS

- 6 Proposed timing or schedule (including phasing, if applicable):
Fall of 2019.

- 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:
None.

- 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.

Shoreline Substantial Development 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 proposes to improve drainage along Birch Point Road to safely convey stormwater from the roadway to Birch Bay without flooding Birch Bay Village properties. The existing system consists of a ditch and an approximately 130 foot long 18-inch diameter driveway culvert that conveys road runoff to Rogers Slough. The ditch overtops under certain storm and tidal conditions, flooding the back yards of private residences in Birch Bay Village. The proposed solution installs a check valve at the upstream end of the driveway culvert. The check valve will be located inside a new type 2 catch basin that will be connected to the driveway culvert. A 10 foot length of 18-inch diameter PVC pipe will extend from the check valve to the ditch. The check valve will prevent intrusion of tidal waters. The catch basin will provide maintenance access and trap sediment.

- 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 is located at the roadside ditch at the entrance to Birch Bay Village in Township 40 North, Range 1 West, Section 23, approximately where Birch Bay Drive ends and Birch Point Road starts.

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)?

Approximately 30% (the side slopes of the ditch).

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.

The NRCS maps the project area as containing one soil series: Neptune very gravelly sandy loam, 0 to 3 percent slopes.

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

If so, describe.

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

Installation of the catch basin and pipe will require approximately 5 CY of excavation (ditch soils) and approximately 3.5 CY of fill (gravel backfill and bedding).

Indicate source of fill.

Commercial gravel pit.

Indicate where excavation material is going.

Excavated ditch material will be hauled to approved upland disposal site.

- f. Could erosion occur as a result of clearing, construction, or use?
Yes No

If so, generally describe.

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

Approximately 100% of the project site will be impervious surface comprising the catch basin and pipe gravels.

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

Standard erosion and sediment control BMPs will be installed and maintained throughout construction.

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 equipment during construction. No emissions after the project is done.

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 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.

The ditch drains to Rogers Slough.

- (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.

The catch basin and pipe segment will be installed in the ditch approximately 131 feet from Rogers Slough.

- (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.

Indicate the source of fill material.

N/A

- (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.

(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 is part of the drainage conveyance system and does not generate runoff.

Where will this water flow? Rogers Slough

Will this water flow into other waters? Yes No

If so, describe.

Birch Bay

(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 waters 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:

Work will be timed for when the is ditch or dry or has little water. If water is present, it will be pumped around to maintain a dry work area following standard BMPs.

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 amount of grass growing on the ditch side slopes.

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:

None.

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

None.

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.

Chinook salmon, steelhead trout, and bull trout are known to occur in Birch Bay.

- 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 the Pacific Flyway.

- 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.

No energy proposed.

- 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/chemical conditions that might affect the proposed project.

- (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.

The proposed project has no storage, use, or production of toxic or hazardous chemicals.

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

No special emergency services are required.

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

Contractor will have appropriate spill kits on site.

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-related noise, but no long term noise issues.

- (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 family residences and a public road.

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?

The project does not convert land to non-farm or non-forest use.

- (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:

N/A

- c. Describe any structures on the site.

There are no structures on the site.

d. Will any structures be demolished? Yes No
If so, what?
N/A

e. What is the current zoning classification of the site?
UR4

f. What is the current comprehensive plan designation of the site?
UGA

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

KW h. Has any part of the site been classified as a critical area by the city or county? Yes No
If so, specify.
Habitat Conservation Area, Geologically Hazardous Area (Marine Landslide)

i. Approximately how many people would reside or work in the completed project?
None.

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:
Stormwater drainage is compatible with the land use.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?
N/A. There is no agricultural or forest lands nearby.

9 Housing

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

High Number of Units N/A ✓
 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 N/A ✓
 Middle
 Low-income

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

N/A. The proposal does not include housing. ✓

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 catch basin will be flush with the existing pavement. ✓

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

None. ✓

- 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 create 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?
There is no existing off-site source of light or glare.

- 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 bicycling.
- 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:
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.
- 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.
Birch Bay is a known culturally important area.

- 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 will hire an archaeologist to perform a cultural resources survey and will implement the recommendations.

- 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 Inadvertent Discovery Protocol 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.

Birch Bay Dr, Pt Whitehorn Rd, and Holeman Av.

- 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?

Unknown.

- 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 any vehicular trips per day.

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.

None.

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: *Kim Platon*

Date Submitted: 7/15/19

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Reviewed by Whatcom County Planning & Development Services Staff

Kwalths
Staff Signature

8/7/19
Date