



CITY OF MUKILTEO

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.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

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

A. Background

1. Name of proposed project, if applicable:

City of Mukilteo 2019 Shoreline Master Program and Shoreline Regulations Update

2. Name of applicant:

City of Mukilteo

3. Address and phone number of applicant and contact person:

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Mukilteo, WA 98275
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4. Date checklist prepared:

January 30, 2019

5. Agency requesting checklist:

City of Mukilteo (SEPA)
Washington Department of Ecology

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

The update Shoreline Master Program (SMP), reflecting various edits was completed in late January 2019. The required 60-day comment period will start February 4, 2019 and end April 5, 2019. The Mukilteo Planning Commission is tentatively scheduled to hold a public hearing on April 18, 2019 to consider the draft SMP before making a recommendation to the Mukilteo City Council. The City Council is tentatively scheduled to hold its public hearing on the draft SMP in May/June 2019 after which the preliminary approved SMP will be sent to the Department of Ecology for approval. Any edits offered by the Department of Ecology will be incorporated into a final SMP that is tentatively scheduled to be adopted by the Mukilteo City in the third/fourth quarter of 2019.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

There are strategies and proposals for shoreline restoration in the plan document, some of which involve the City and others involve agencies and non-profit groups. Future development proposals will be required to submit the appropriate documentation for review and approval in accordance with the Mukilteo Municipal Code and adopted SMP.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- This checklist
- 2015 Comprehensive Plan and SEPA
- Downtown Waterfront Master Plan and SEPA
- By the Way (BTW) Plan and SEPA
- Japanese Gulch Master Plan and SEPA

- Parks Recreation Open Space and Arts (PROSA) Plan and SEPA
- Anchor Environmental LLC, October 2003, Mukilteo Shoreline Characterization
- 2002 City of Mukilteo Shoreline Master Program, Pre-Draft, Appendix C: Watershed Technical Analysis
- City of Mukilteo 2011 Shoreline Management Program
- ESA Adolfson 2008 Draft Lake Serene Characterization Technical Memorandum

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Yes, the Mukilteo Water and Wastewater District is awaiting approval from the Department of Ecology for a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit to demolish an existing one story administrative/lab building that has a building footprint of approximately 1,960 square feet; and construct a new two-story administrative/lab building with the same footprint. The new building will be constructed over an area of existing pavement approximately 25 feet from the existing administrative/lab building. Administrative offices and the lab will be on the top floor with a maintenance shop and storage on the lower floor.

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

Following submittal of the draft SMP document by the City, DOE will review and take final action of the SMP document.

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.)

The Shoreline Management Act requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. Ecology is the regulatory body in charge of overseeing the City's SMP periodic review and also provides technical support and partial funding to prepare SMP periodic reviews. The City of Mukilteo's periodic review must be completed by June 30, 2019. The periodic review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Mukilteo's plans and regulations, and is responsive to changed circumstances, new information and improved data.

The Department of Ecology (DOE) developed a Periodic Review Checklist in order to provide some guidance to jurisdictions conducting their periodic reviews. The checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews. The City of Mukilteo completed a comprehensive update of its SMP in December 2011. Changes in circumstances regarding the City's waterfront has occurred and a Downtown Waterfront Master Plan was approved in 2016 that provided a vision for the waterfront area.

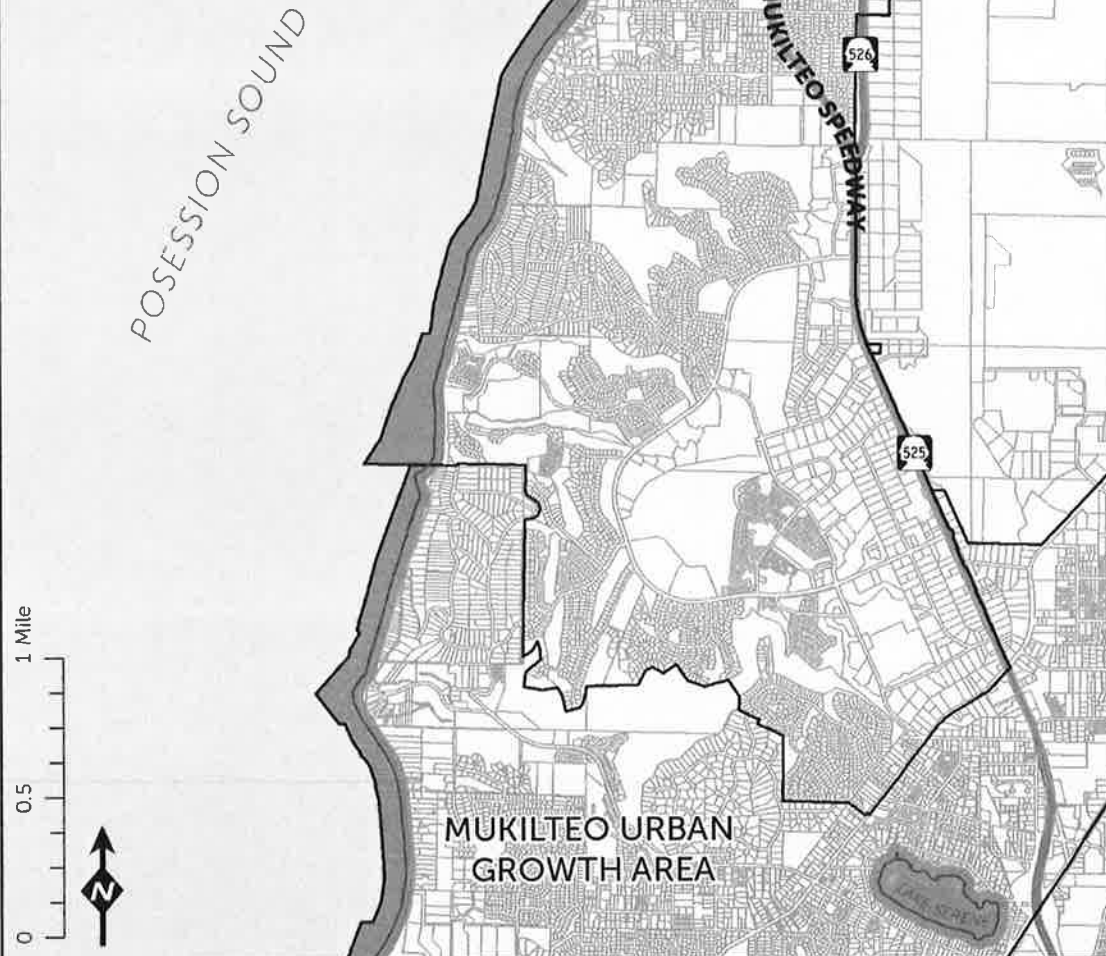
The City of Mukilteo is updating its SMP and amending the Mukilteo Municipal Code Title 17B – Shoreline Management Regulations to incorporate the City's vision for the waterfront and update rules and regulations that govern the shoreline. All supporting documents are available at City Hall for public review.

- 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 updated SMP and shoreline regulations will be adopted for all areas falling within the jurisdiction of the Shoreline Management Act in the City of Mukilteo and within the Mukilteo Urban Growth Area if annexed. The City of Mukilteo is located in Snohomish County, Washington. See maps below

Any proposed development within the Shoreline Overlay shall comply with the requirements of the Mukilteo Shoreline Master Plan and Chapter 17B, Waterfront Development and Shoreline Management Regulations. The Shoreline Jurisdiction Overlay as shown is only an approximation. If development proposal lies within or near the shoreline overlay, a survey must be prepared to determine whether the property is within 200 feet of the ordinary high water mark. Furthermore, the Shoreline Overlay extends to the middle of Possession Sound and other bays and waters (RCW 35.21.160).

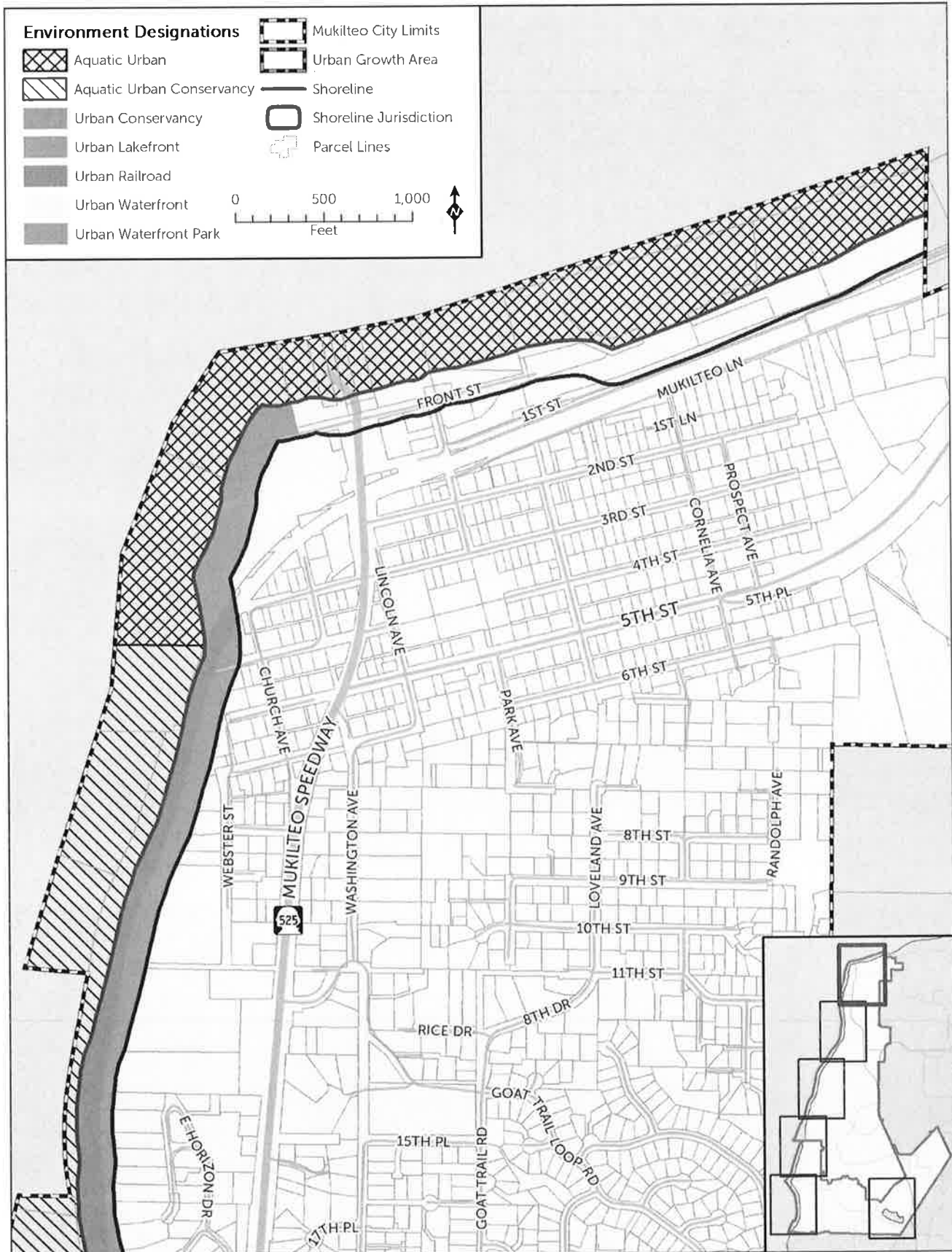
- Shoreline
- ▭ Mukilteo City Limits
- ▭ Parcel Lines
- ▭ Shoreline Jurisdiction

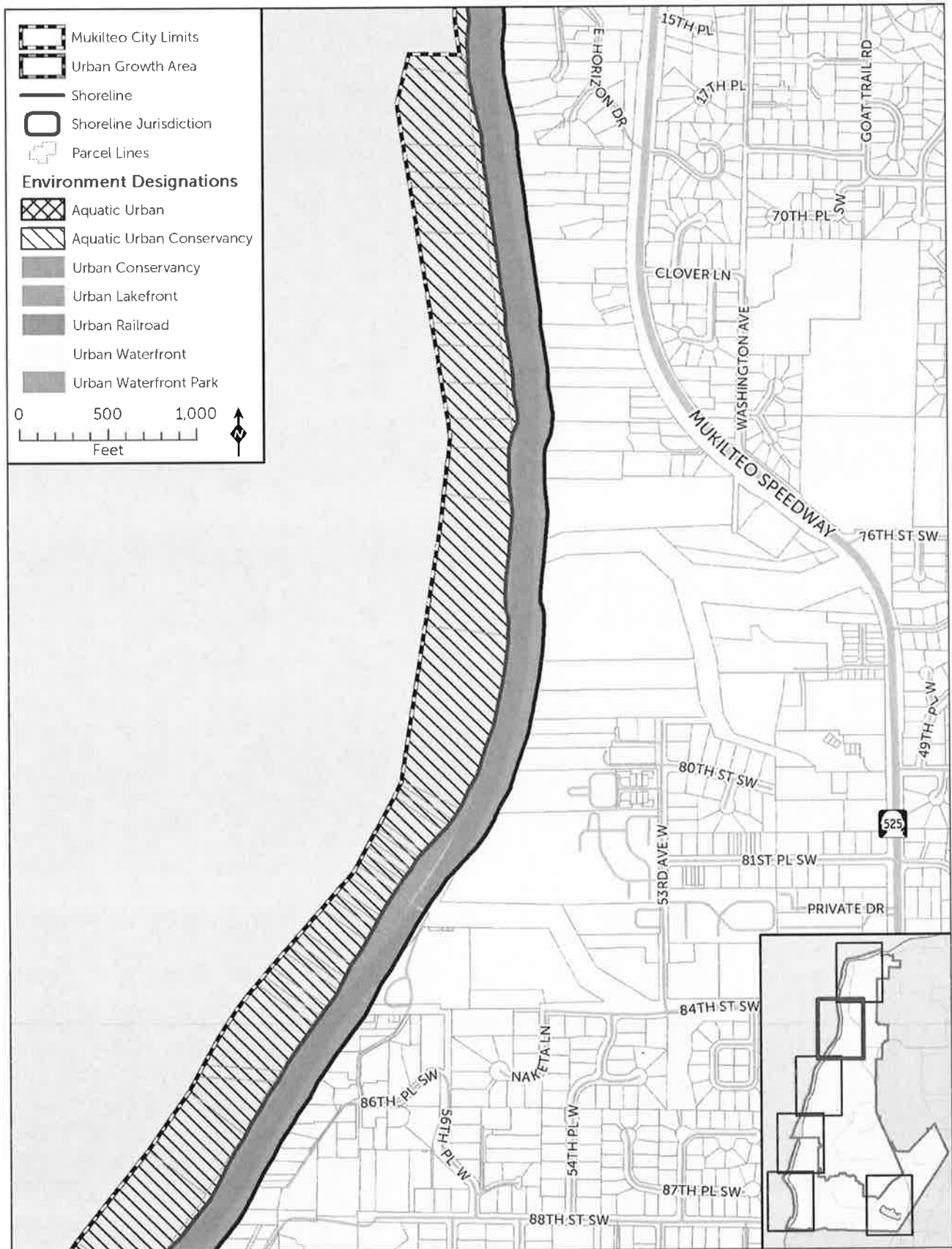


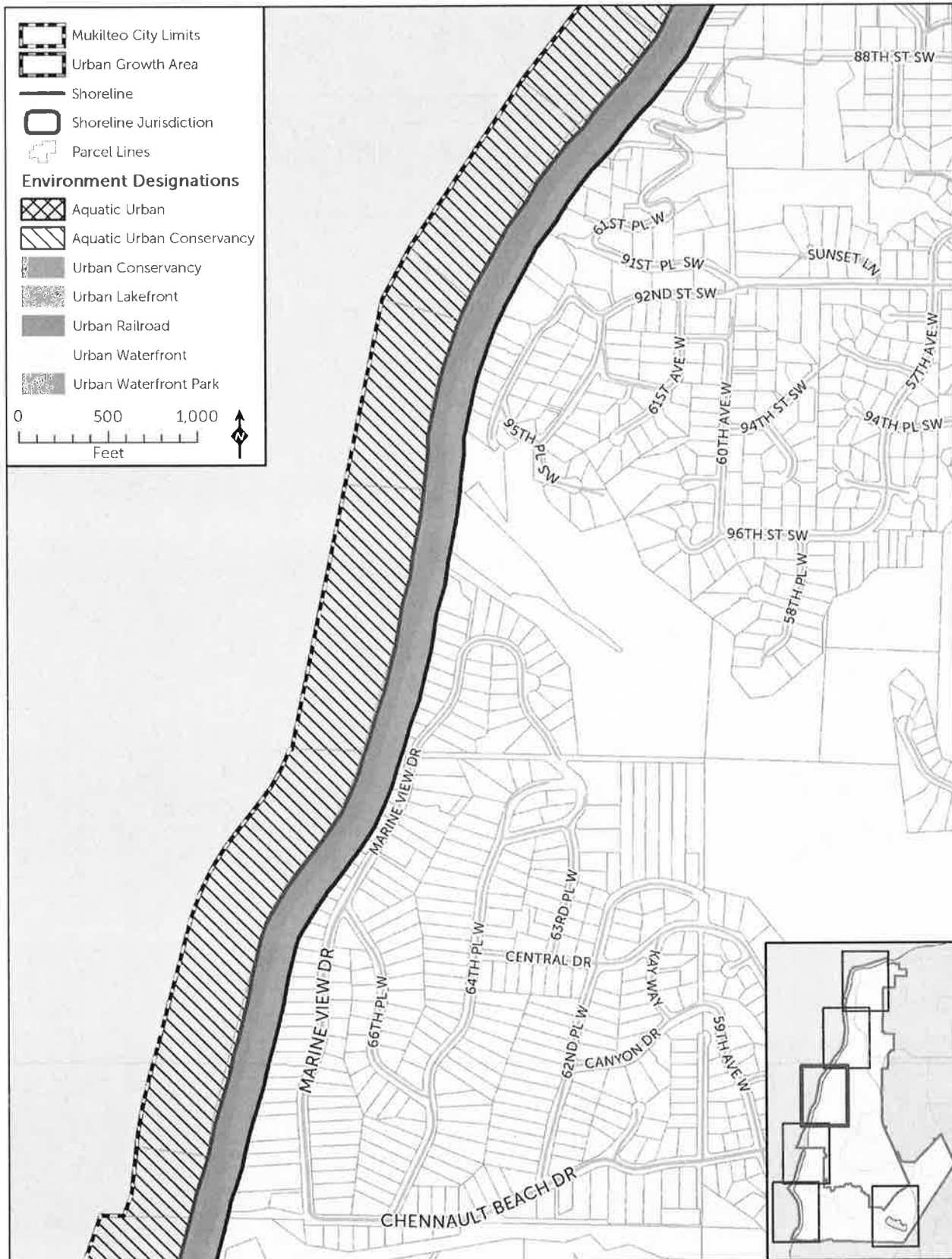
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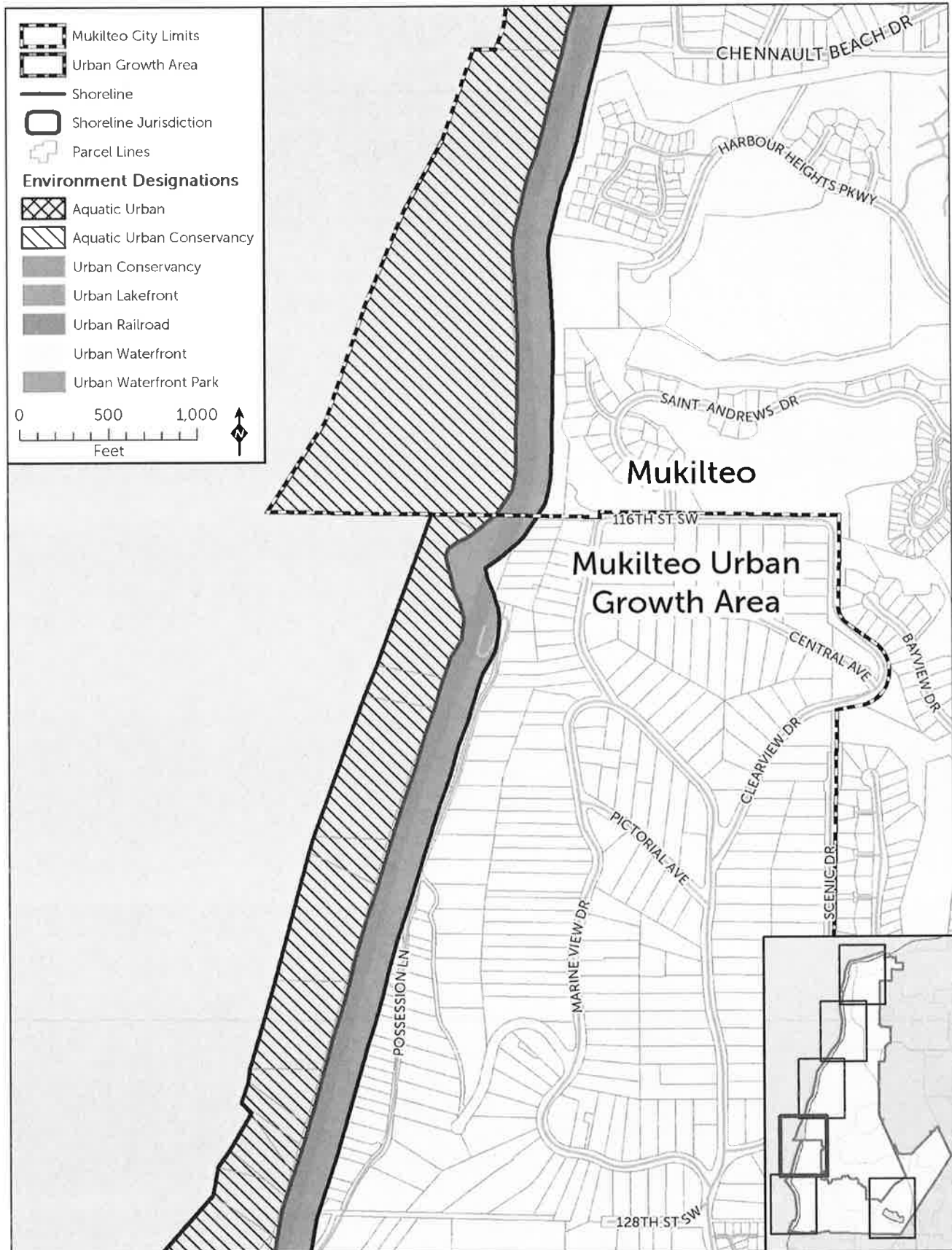
SHORELINE MASTER PROGRAM JURISDICTION
FINAL - JUNE 2019

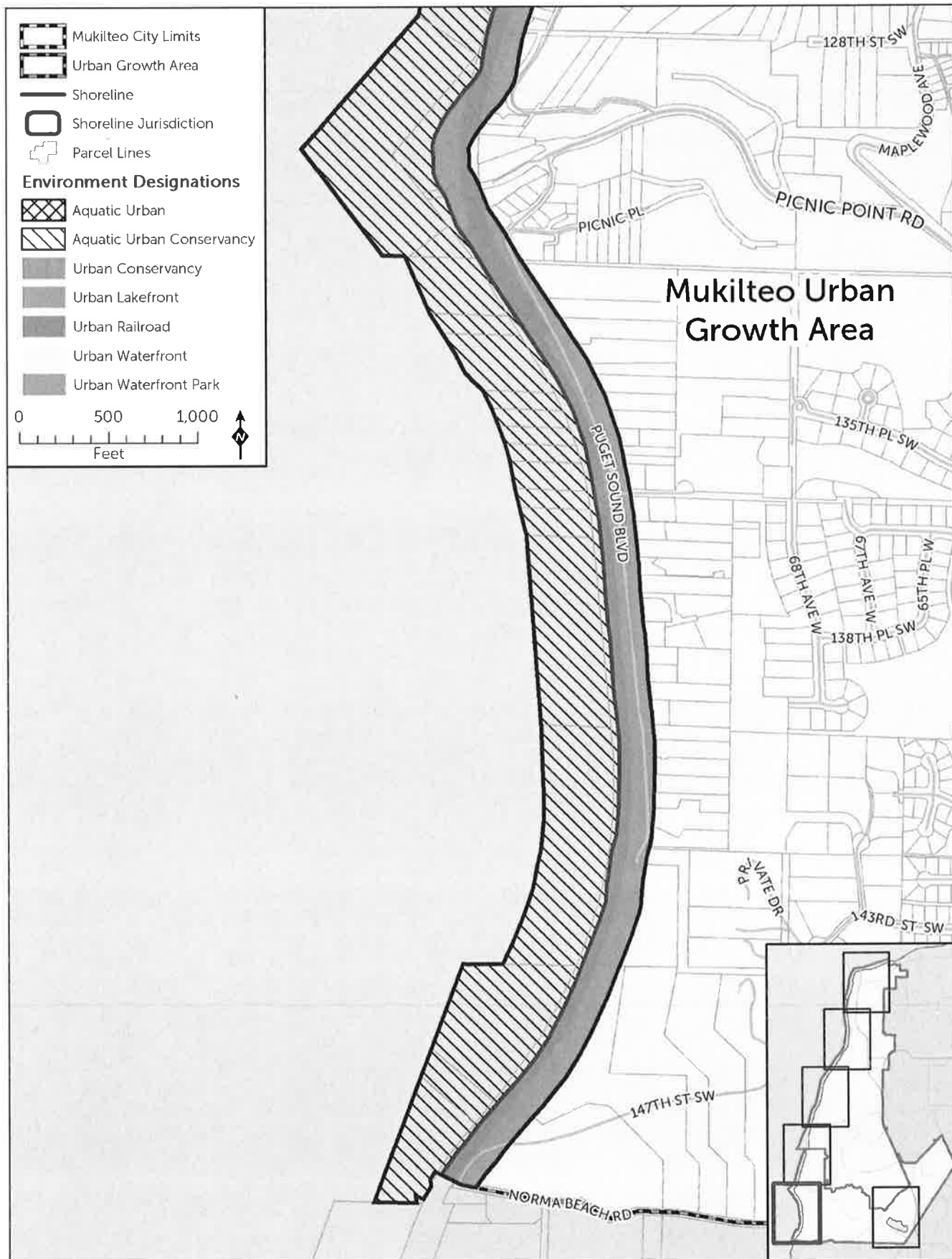
Source: City of Mukilteo 2018,
Snohomish County 2010, 2013, 2014, WSDNR

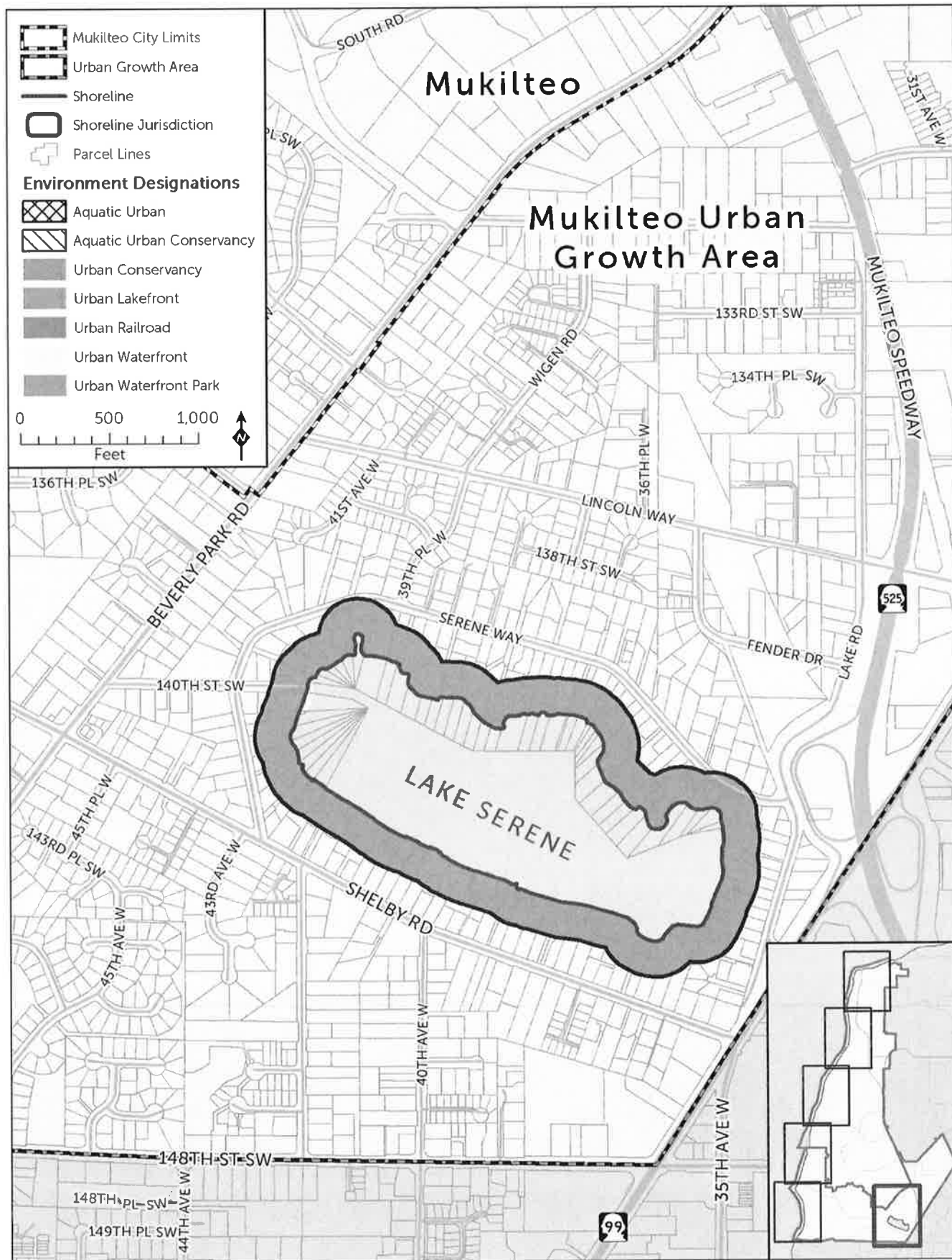












B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, **steep slopes**, mountainous, other _____

The City of Mukilteo's physical topography ranges from relatively flat lands to steep sloped ravines and coastal bluffs. Commercial and Industrial areas, and Public Semi-Public zones where service stations are located mostly on flat or nearly-flat areas.

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

0-100%

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.

Primarily Vashon Till (Glacial) and Sand with sand lenses. There are no farmlands.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Yes. Certain areas within the City, primarily ravines and bluffs, have a history of surface instability associated with periods of heavy rainfall. Other areas have a history of more deep-seated instability associated with landslide activity.

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

N/A. The update of the SMP is a non-project action. No fill or grading are proposed. Any clearing, grading, or filling will be reviewed at the time of project permit submittal. An engineering permit application will be required to be submitted with the project applications that contain specific information detailing the quantities of any fill, cuts or grading. Projects involving fill and/or grading on properties that lie within shoreline jurisdiction will be evaluated in accordance with the policies and regulations adopted with the updated SMP and regulations in the Mukilteo Municipal Code.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

The update of the SMP and the shoreline regulations are a non-project action. All short term construction activities have the potential to cause erosion during project construction. Best management practices will be used during construction to reduce the potential of any off site damage due to uncontrolled erosion.

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

The update of the SMP and the shoreline regulations are a non-project action. Impervious surface coverage will be reviewed at the time of project permit submittal.

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

The update of the SMP and the shoreline regulations are a non-project action. As with any construction site and activities, erosion can occur during the construction phase(s) of a project. During the construction phase, all projects will be subject to Best Management Practices to prevent and control erosion and sedimentation as identified in the 2012 Department of Ecology Storm Water Management Manual for Western Washington. Any construction activities will require the installation of temporary erosion and sedimentation control measures such as silt fences, temporary holding/siltation ponds, use of straw bales, and/or hydroseeding of cleared areas.

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

The update of the SMP and the shoreline regulations are a non-project action and will not directly affect air quality or change the amount and type of emission than allowed by the existing code. During construction typical emissions associated with heavy machinery will be emitted, such as diesel fumes and construction dust from removing the metal tank bottoms and the sand and gravel. Once the construction is completed, the projected emissions emanating from the site is expected to be similar to existing surrounding uses.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

The update of the SMP and the shoreline regulations are a non-project action. However, the Tank Farm Property and areas along the downtown waterfront area are included in air quality maintenance areas for ozone and CO and is in attainment for all other pollutants (WDOE 2008). Typical existing sources of air pollution in the area include small commercial sources (e.g., restaurants), marine vessels, train locomotives, and vehicular traffic. Pollutant emissions from diesel sources include PM_{2.5} and a variety of toxic air pollutants. Non-diesel emissions are comprised primarily of CO, but also include small amounts of SO₂, toxic air pollutants, and both hydrocarbons and nitrogen oxides, which can transform to become ground-level ozone (Port of Everett 2004).

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

The update of the SMP and the shoreline regulations are a non-project action. During the construction phase all contractors will be required to use Best Management Practices which typically include turning off idling equipment or hauling trucks waiting to queue for either loading or unloading of material, keeping all large equipment in good working condition, wheel washing, street cleaning, and de-watering storm runoff, and adhering to a spill prevention plan. Construction hours will be limited by the City's noise ordinance.

3. Water

a. Surface Water:

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

Yes, because the updated SMP addresses all areas of shoreline jurisdiction within the City of Mukilteo and its Municipal Urban Growth Area (MUGA). In accordance with RCW 90.58.030, "shorelines" means all of the water areas of the state, including reservoirs, and their adjoining shorelands, together with the waters underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

The City of Mukilteo is surrounded by Port Gardner Bay to the north and Possession Bay to the west. Those shorelines are addressed by the SMP. While the City and its urban growth area has 14 steep sloped ravines with streams, including upland wetland systems that feed into these ravines, none of the streams have a mean annual flow greater than 20 cubic feet per second. Within the current city limits there are no reservoirs or lakes greater than 20 acres. Within the MUGA is Lake Serene which is greater than 20 acres. While nearby Stickney Lake is greater than 20 acres, it is not in the city or its MUGA. Therefore, the only shorelines regulated by the SMP will be the Port Gardner Bay and Possession Bay shorelines and Lake Serene shoreline if the area is annexed by the city.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

The update of the SMP and the shoreline regulations are a non-project action. Some projects identified in the Downtown Waterfront Master Plan are proposed within the 200' shoreline jurisdiction. All proposed projects within the 200' shoreline jurisdiction will be subject to the requirements within the City's Shoreline Master Plan and Shoreline regulations. Property located within the City of Everett's boundary shall be subject to the City of Everett's Shoreline Management Plan and regulations.

Subsequent development will include daylighting Japanese Gulch Creek and building a promenade to provide public access to the water. The City is currently in the process of designing the daylighting of Japanese Gulch Creek and the 15 foot wide promenade eastward to Edgewater Beach Park. The project entails removing a portion of the existing rip-rap and stabilizing the upland bank to create an open creek channel from Possession Sound to the new First Street. Restoration would include creating the creek channel and estuary, buffer plantings, and a pedestrian trail that will connect to either side of the promenade. The promenade will be located just upland of the existing riprap. The promenade will provide a common theme and design ensuring a cohesive look along the entire waterfront including complimentary materials, resting places, viewpoints, lighting, beach access, landscaping, and public art concepts.

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. Indicate the source of fill material.

The update of the SMP and the shoreline regulations are a non-project action. No known wetlands or streams will be impacted by the update and amendment. Subsequent development will impact Japanese Gulch Creek as the City plans to daylight the creek.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A. The update of the SMP and the shoreline regulations are a non-project action.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Yes. There are two areas in the city within a 100-year floodplain that are within the shoreline jurisdiction. They are:

- An area in the northern end of the city generally east of SR525, north of 1st St. and west of Loveland Ave (122° 18' 40"W, 47° 56' 43" N)
- Naketa Beach (122° 18' 40"W, 47° 55' 43" N)

The Federal Tank Farm property lie within flood zone AE with a base flood elevation of 10 feet. Flooding can occur during high tide and storm conditions that cause storm surges. This area could also be impacted by a Tsunami after an earthquake.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The update of the SMP and the shoreline regulations are a non-project action. All future development shall be required to connect to the public sewer system.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? 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.

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development is not expected to effect ground water since the supply of potable water will be provided by the appropriate Water and Wastewater District.

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 such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The update of the SMP and the shoreline regulations are a non-project action. The majority of the City is on public water and sewer. Properties subject to redevelopment or development are either currently being served by public services or will be required

to connect to the public system prior to acceptance or occupancy of their proposed development.

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). Where will this water flow? Will this water flow into other waters? If so, describe.**

The update of the SMP and the shoreline regulations are a non-project action. Rainwater runoff from from rooftops and impervious surfaces is tightlighted collected and collected in the City's storm water system. Subsequent development will be required to control storm water release rates to pre-development conditions, in accordance with the Department of Ecology's stormwater standards, as a condition of permit approval.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

The update of the SMP and the shoreline regulations are a non-project action. Individual projects submitted for review will be required to comply with the policies and regulations within the city's Municipal Code.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

The update of the SMP and the shoreline regulations are a non-project action. During subsequent development, the drainage should follow the natural drainage pattern per the current Department of Ecology stormwater standards.

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

The update of the SMP and the shoreline regulations are a non-project action. During subsequent development, all improvements to the stormwater system shall meet the requirements of the Department of Ecology Stormwater standards. Temporary erosion control measures will be required to control runoff, including use of silt fences, straw bales across drainage ways, placement of riprap, construction of temporary siltation/holding ponds, and use of oil/water separators. The limits of clearing and grading will be posted prior to any site disturbance.

4. Plants

a. Check the 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?

The update of the SMP and the shoreline regulations are a non-project action. Individual projects submitted for review under the new SMP will be required to comply with the policies and regulations in the document, and the city's Municipal Code.

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

The update of the SMP and the shoreline regulations are a non-project action. Marine vegetation occurring in the nearshore environment adjacent to the tank farm include eelgrass (*Zostera marina*), and green algae species (*Ulva* spp. and *Enteromorpha* spp.). Eelgrass surveys of the neighboring rail/barge transfer facility (just north of the tank farm) were conducted by Pentec in 2002 and 2003. These surveys show a continuous band of *Zostera marina* in the nearshore waters parallel to the Tank Farm and on either side of the rail/barge transfer facility (Pentec 2004). Although the earlier eelgrass surveys did not include the waters parallel to the tank farm, 3 small patches of *Zostera marina* were identified west of the Tank Farm Pier during a dive survey reported by WSF Engineering during the February 2010 re-initiation of the Mukilteo Multimodal Project NEPA and SEPA processes as an area of concern.

Eelgrass provides food production and physical structure for the marine biological community, and is nursery habitat for many commercial fisheries species (Murphy et. al. 2000). Eelgrass is considered Essential Fish Habitat (EFH). EFH is legally defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" (NOAA 2005a).

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

The update of the SMP and the shoreline regulations are a non-project action. The development of the Tank Farm property as outlined in the Downtown Waterfront Master Plan encourages shoreline restoration and keeping a natural shoreline east of the new ferry terminal building. Subsequent development will include, where applicable, installation of landscaping, and the designation of site sensitive buffers, open space tracts, and native growth protection areas and protection of critical areas per the municipal code and updated SMP.

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

Scotch broom and Himalayan blackberry

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: **hawk, heron, eagle, songbirds**, other:

mammals: **deer, bear, elk, beaver**, other:

fish: **bass, salmon, trout**, herring, shellfish, other _____

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

Marine wildlife utilizing the waters parallel to the tank farm site may include many species of fish and seabirds and a low number of marine mammals. Gray whales migrating north pass through Washington waters from March through May; southward migration takes place in December and January. Some whales enter Willapa Bay, Greys Harbor, the Strait of Juan de Fuca, as well as Puget Sound during migration and summer in these areas (Washington Department of Fish and Wildlife 1997). Gray whales are commonly seen near the Port of Everett outside of migration.

Endangered species occurring in the marine waters of Washington fall under the jurisdiction of NOAA. ESA-listed marine mammals that may occur in Puget Sound include the endangered southern resident killer whale J-Pod (*Orcinus orca*), the endangered humpback whale (*Megaptera novaeangliae*), and the threatened Steller sea lion (*Eumetopias jubatus*) (NOAA 2006). The humpback whale and Steller sea lion have not been reported in or near the waters adjacent to the tank farm area. No critical habitat for Steller sea lions exists in Washington, the only known Steller sea lion rookery in Washington is on the west coast of the Olympic Peninsula, although small groups are often seen foraging in Puget Sound.

Marine species use Port Gardner Bay & Possession Sound, while bald eagles use Japanese Gulch, Mukilteo Olympic View Ravine, Big Gulch, and Lower Chennault Gulch. Heron have been seen in Japanese Gulch. The City has three active Eagle nesting areas: Japanese Gulch, Mukilteo Olympic View Ravine (76th/ 80th Street), and Possession Sound Park and Tidelands (Sector 11).

Specific threatened and endangered species include:

- Bald Eagle nesting Territory – Threatened
- Potential Peregrine Falcon Foraging – Threatened
- Potential Steller Sea Lion Foraging – Threatened
- Puget Sound Chinook Salmon – Endangered
- Bull Trout – Endangered
- Steelhead - Threatened
- Orca - Endangered

c. Is the site part of a migration route? If so, explain.

Yes, Mukilteo is part of the Pacific Coast Flyway.

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

The proposed Shoreline Master Program contains a restoration component with proposed measures to restore degraded shoreline habitat. Projects list in the Downtown Waterfront Master Plan will provide beach restoration and enhance wildlife preservation by daylighting Japanese Gulch Creek. The shoreline regulations contains policies requiring the protection of critical areas in the City. Any future development is required to meet the City's adopted critical area regulations, which include: steep slopes, wetlands, and fish and wildlife habitat (streams).

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

None Known

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.**

The City of Mukilteo is currently served with all the utilities necessary to serve an urban environment: public water, sewer, gas, power, telephone, and cable.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

N/A. The update of the SMP and the shoreline regulations are a non-project action.

- 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:**

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to meet the minimum requirements of the State Energy Code.

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? If so, describe.**

The update of the SMP and the shoreline regulations are a non-project action.

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

Section 3a(6), Mukilteo Tank Farm property has been the subject of remediation activities between 1992 and 2006. The remedial action, under an enforcement order from the Washington State Department of Ecology, addressed on-site soil and groundwater contamination resulting from historical site operations. Active remediation of the site was completed in 2002. Since then, the site has been monitored to ensure cleanup goals were met. On May 22, 2006, the Air Force was issued a letter by the WDOE stating that the terms of the enforcement order had been met and cleanup of the site achieved regulatory requirements (WDOE 2006). The clean-up was performed to that acceptable for a residential level.

The City is currently working with the Department of Ecology and the Environmental Protection Agency to conduct voluntary clean-up on the property transferred to the City of minor containments that were discovered during the EIS for the relocation of the Washington State Ferries Terminal. Removal of any containment materials will be handled and disposed of in accordance with federal, state or local laws.

- 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.**

See section 7a

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

The update of the SMP and the shoreline regulations are a non-project action. No hazardous chemicals are being proposed.

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

No special emergency services will be required due to the re-use of the Tank Farm site as described in the Downtown Waterfront Master Plan and addressed in the SMP.

The City provides and will continue to provide full police and emergency services to anyone using the facilities.

- 5) Proposed measures to reduce or control environmental health hazards, if any:**

All contractors are required to adhere to Occupational Safety and Health Administration (OSHA), Washington Industrial Safety and Health Act (WISHA) guidelines, state law, and specifications of their proposal within the application of construction methods and in the use of all construction equipment on the project.

The City will continue to provide emergency response to 911 calls. The Mukilteo Police, Fire, and Storm Water Departments are experienced in containing and managing an on-site spill if one occurs. The Department of Ecology will be notified per standard procedures if needed. As a standard practice, an emergency response plan will be prepared by the contractors working individual projects and will be used in the event that an accident occurs during construction.

The Tank Farm – As part of the future environmental permitting approval process, soil testing will be conducted.

b. Noise

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

The update of the SMP and the shoreline regulations are a non-project action. There are several sources of noise within the City limits including, but not limited to: Washington State Ferries, Lighthouse fog horn, SR 525 traffic, Burlington Northern Railroad, Paine Field Airport flights, emergency services, and vehicle traffic.

- 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 update of the SMP and the shoreline regulations are a non-project action. There would be temporary and insignificant impacts from construction noise. These impacts will be limited in duration and would not present human health risks to construction personnel assuming routine occupational safety measures are implemented. Construction noise generated from subsequent development is regulated by the City's Noise Ordinance and is generally limited after 9:00 p.m. on weekdays and 9:00 p.m. on weekends and holidays.

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

The update of the SMP and the shoreline regulations are a non-project action. Noise levels will be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order and ensuring that construction activities are not conducted during early morning or late evening hours. Short-term impacts associated with construction activities would be insignificant, temporary, and cease at the completion of these activities. City adopted noise regulations, MMC 8.18, establishes noise thresholds for residential, commercial, and industrial zones.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Railroad tracks run the entire length of the shoreline within current Mukilteo city boundaries. Other uses within the shoreline jurisdiction area include a hotel, research laboratory, restaurant, park, boat launch, residential condominiums, ferry terminal, commuter rail platform, tavern, small market and single family residential. Uses surrounding Lake Serene in the Mukilteo MUGA are single family residential, park and fire station.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

There are no on-going and sustainable agricultural lands in the City of Mukilteo.

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? If so, how:

N/A. The update of the SMP and the shoreline regulations are a non-project action. There are no on-going and sustainable agricultural lands in the City of Mukilteo.

c. Describe any structures on the site.

Structures within the shoreline jurisdiction area include a hotel, research laboratory, restaurant, park, boat launch, residential condominiums, ferry terminal, commuter rail platform, tavern, small market and single family residential. Structures surrounding Lake Serene in the Mukilteo MUGA are single family residential, park and fire station.

d. Will any structures be demolished? If so, what?

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to meet the requirements of the municipal code State Energy Code.

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

Zoning districts along the Mukilteo shoreline include:

- Waterfront Mixed Use
- Downtown Business
- Open Space
- RD7.5 - single family residential; minimum lot size 7,500 square feet
- RD12.5 -single family residential; minimum lot size 7,500 square feet

- RD12.5(S) - single family residential; minimum lot size 12,500 sq. ft.

Proposed zoning for shorelines in Mukilteo's MUGA include:

- RD12.5(S) - single family residential; minimum lot size 12,500 sq. ft.
- RD8.4 - single family residential; minimum lot size 8,400 square feet
- Open Space

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

- Commercial,
- Parks and Open Space.
- Single Family Residential – High Density, or
- Single Family Residential – Low Density

Areas within Shoreline jurisdiction in Mukilteo's MUGA are proposed to be designated:

- Parks and Open Space,
- Single Family Residential – Medium Density, or
- Single Family Residential – Low Density

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

Aquatic Urban, Aquatic Urban Conservancy, Urban Conservancy, Urban Waterfront, Urban Waterfront Park, Urban Lakefront and Urban Railroad.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes. Within the shoreline jurisdiction area of the City and its MUGA are streams, wetlands, steep slopes, fish and wildlife habitat conservation areas and flood hazard areas.

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

The update of the SMP and the shoreline regulations are a non-project action. The current City of Mukilteo population is 21,240. Approximately 617 parcels reside within the City limits of Mukilteo shoreline area. Approximately 403 are residential and 10 business parcels. There are 282 residential parcel within the MUGA and no business parcels.

j. Approximately how many people would the completed project displace?

None. The update of the SMP and the shoreline regulations are a non-project action.

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

None, as there are no people being displaced. The update of the SMP and the shoreline regulations are a non-project action.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The updated SMP policies are also Comprehensive Plan policies. The policies and proposed shoreline environment designations have been analyzed and compared and developed to complement the policies and land use designations in the Comprehensive Plan, Zoning Code and map. Existing and anticipated future land uses within areas of shoreline jurisdiction have been addressed in the Comprehensive Plan and the updated SMP.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

N/A. There are no agricultural and forest lands within the city.

9. Housing

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

N/A. The update of the SMP and the shoreline regulations are a non-project action.

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

N/A. The update of the SMP and the shoreline regulations are a non-project action.

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

N/A. The update of the SMP and the shoreline regulations are a non-project action.

All development shall meet the requirements outlined in the City's updated SMP and Municipal Code for the shoreline area.

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 update of the SMP and the shoreline regulations are a non-project action. The tallest structure allowed in the shoreline area is 65' in height for the Heavy industrial zone.

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

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to meet the design standards outlined in the shoreline management regulations for view corridors. The regulations state view corridors shall be considered and protected in the waterfront areas. To help protect view corridors and allow for buildings and public areas to share and retain access to these views, buildings shall configure their ridge lines to be perpendicular north and south, or to the shore, or to the significant view. The basic structure and pitched roof shall be located to provide maximum view corridors between structures.

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

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development on the Tank Farm property will be required to meet the design standards outlined in the shoreline management regulations for view corridors.

11. Light and Glare

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

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to meet light standards that do not impact the adjacent properties.

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

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to arrange the lighting to reflect away from surrounding properties and streets so that it is not a safety hazard or interfere with views.

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

N/A. The update of the SMP and the shoreline regulations are a non-project action.

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

The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to meet the City's Development Standards which require street lighting to be shielded and reflected downward.

12. Recreation

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

- Lighthouse Park includes waterfront access, tours of the Lighthouse, band shell for concerts and picnicking, a sand volleyball court, picnic shelters, restrooms and open grass area.
- The beach is also accessible at the north end of Park Avenue; this area is heavily used by divers.
- Japanese Gulch is to the south of waterfront area and it has numerous trails for walking and biking.
- Picnic Point Park (located in the Mukilteo MUGA)

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

No existing recreational uses will be displaced. The update of the SMP and the shoreline regulations are a non-project action.

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

The updated SMP and shoreline regulations include provisions in MMC 17B.16.130 – Development Regulations for Public Access and Recreation which is intended to protect recreational uses on the shoreline and to maximize public access.

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 ? If so, specifically describe.**

The City of Mukilteo has a total of 10 properties listed on either the City, State, or Federal Register of Historic Places:

- City Register: McNab-Hogland House, Epps House, Boys and Girls Club, Siemens House, and the Nelson House.
- State Register: Point Elliot Treaty Site, Mukilteo Pioneer Cemetery, and the Fowler Pear Tree Site.
- Federal Register: Mukilteo Light Station and Point Elliot Treaty Monument.

The Tank Farm property is located near the Pointe Elliott Treaty site.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Tank Farm Property - According to the cultural resources surveys the subject property lies within the traditional territory of the Snohomish Tribe. The Snohomish occupied the land from the mouth of the Snohomish River to Monroe, as well as the portion of Whidbey Island opposite Mukilteo across Possession Sound, and the southern tip of Camano Island. The Washington State Department of Archaeology and Historic Preservation (DAHP) recorded several archaeological sites in the vicinity and within the tank farm site. Three are within the tank farm property boundaries. Those sites within proximity to the tank farm site include four historic properties and three place names mapped in 1920 (Port of Everett 2004).

During a field survey conducted in association with the Rail/Barge transfer facility project in 2005, wood fragments were encountered which were believed to be associated with the Superior Shingle Mill (Crown Lumber Company) previously located on the site. The Crown Lumber Company was formerly known as the Mukilteo Lumber Company and the mill was constructed in 1903 (Northwest Archaeological Associates [NWAA] 2008a). The mill was closed in 1930 and was destroyed by a fire in 1938 (NWAA 2006).

Excavations performed for construction of the utility conduit, along the boundary of the Mukilteo Tank Farm and right of way of the Burlington Northern Railway, for the Rail/Barge transfer facility in 2006 uncovered structural debris and Japanese domestic debris likely associated with the former Japanese immigrant community employed by the Crown Lumber Company east of this site. The age of the finds coincide with the operation of the mill circa 1920s – 1930s.

Excavations performed by Washington State Ferries for use in characterizing cultural resources on site for the proposed Multi-modal Ferry Terminal facility revealed shell-midden and grease pits associated with tribal cooking and camp areas (Tolon 2006).

Full copies of these surveys are on file with the Washington State Department of Archaeology and Historic Preservation.

Subsequent development shall adhere to the memorandum of understanding (MOU) and be in compliance with the Cultural Resources Preservation Covenant for development of the rezoned site. The MOU defines measures to develop an archaeological monitoring plan, data recovery plan, curation plan an inadvertent discovery plan and a plan specific to the recovery of human remains.

Also, another area was the site of a Japanese residential area for mill workers. As such, there are some registered archaeological sites in the city.

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.

The Department of Architectural and Historical Preservation (DAHP)'s WISAARD database is consulted to find the nearest registered properties. The majority of the waterfront has previously altered by buildings, parking lots, railroad and residential construction.

Any work along the Tank Farm property within a historical or cultural resources site will be required to adhere to the memorandum of understanding (MOU) and be in compliance with the Cultural Resources Preservation Covenant. All development within a historical or cultural resources site shall receive approved by the Department of Archeological and Historic Preservation.

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.

The updated shoreline regulations include MMC 17B.16.050 – Development Regulations for Archaeological/Historic sites. This section of the shoreline regulations is intended to permanently preserve archaeological and historic resources for study, education, and public observation. If during project construction any evidence of archeological or historic resources are found, all work will be stopped, and a qualified professional will be consulted. The Washington State Department of Archeology and Historic Preservation and the office of the Tulalip Tribes will also be contacted and consulted to determine the correct course of action.

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 plans, if any.

The northern terminus of SR525 in Mukilteo is within the shoreline jurisdiction area. Also, various collector and arterial roads serving the City of Mukilteo and surrounding area fall with the jurisdiction area. The roads are shown and described in the Transportation Element of the City of Mukilteo Comprehensive Plan

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Yes. Washington State Ferries, Community Transit, Everett Transit and Sound Transit commuter rail serve the City of Mukilteo.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A. The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to provide parking based on the type of development.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

N/A. The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will be required to provide access to the property.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A. The update of the SMP and the shoreline regulations are a non-project action. Located within the shoreline jurisdiction area are Burlington Northern Santa Fe, Amtrak and Sound Transit railroad tracks and facilities, Washington State Ferries facility is available for transportation purposes.

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 nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A. The update of the SMP and the shoreline regulations are a non-project action. Traffic impacts will be reviewed and mitigated for during the permit review process for any subsequent development

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A. The update of the SMP and the shoreline regulations are a non-project action. There are no on-going and sustainable agricultural lands in the City.

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

The update of the SMP and the shoreline regulations are a non-project action. The updated shoreline regulations include MMC 17B.16.160 – Development Regulations for Transportation and MMC 17B.16.100 – Development Regulations for Essential Public Facilities which are intended to allow necessary transportation facilities while minimizing their impacts on shorelines. Subsequent development in the shoreline area may be subject to traffic impact mitigation fees.

15. Public Services

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

The update of the SMP and the shoreline regulations are a non-project action. Public service is already provided along the Mukilteo Shoreline area. No additional public services are being requested.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**
None. The update of the SMP and the shoreline regulations are a non-project action.

16. Utilities

- a. **Circle utilities currently available at the site:**
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
All of these utilities are available throughout the City of Mukilteo and the Mukilteo MUGA.
- 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.**
The update of the SMP and the shoreline regulations are a non-project action. Subsequent development will have to adhere to the regulations governed by the utility companies.

C. 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: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

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

Increases in discharges, emissions, production, storage or release of toxic or hazardous substances are not likely to result from adoption of the updated SMP and shoreline regulations because it contains policies and regulations designed to reduce discharges to water and impacts on the natural environment. The preparation of a updated SMP and shoreline regulations is a non-project action. Individual projects submitted for review under the updated SMP and shoreline regulations will be required to comply with the policies and regulations in the document and the city's municipal code.

Proposed measures to avoid or reduce such increases are:

There are management policies in the provisions for the Environment Designations; regulations affecting a wide variety of uses and activities; regulations affecting proposed modification to shorelines and shoreline uses. Many of these policies and regulations are included in the document to provide regulatory authority in support of limiting impacts to the environment such as discharges to water, emissions to the air and noise.

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

The proposed updated SMP and shoreline regulations comply with requirements in RCW 90.58 and WAC 173-26 to protect shoreline habitat, ecological systems, and functions. The proposal's impact on plants, animals, fish and marine life is likely to be positive because it provides for habitat restoration and protection.

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

See response to (1) above. A Restoration Plan is a component of the SMP. The Shoreline Restoration Plan discusses and promotes existing and potential programs and projects that positively impact the shoreline environment which in turn will protect and conserve plants, animals, fish and marine life.

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

The proposed SMP revisions would not result in depletion of energy or natural resources.

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

The shoreline environments and regulations were developed with the intent to preserve the City's natural resources.

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

The Shoreline Master Program document has been prepared to comply with requirements in State law, including RCW 90.58 and WAC 173-26, for the protection of environmentally sensitive areas associated with shorelines of the State. There are policies and regulations throughout the document that are designed to protect and preserve shoreline habitat and ecological functions. In addition, the City has adopted regulations for the protection of critical areas under the Washington State Growth Management Act (RCW 36.70A).

The proposed regulations are consistent with the City's critical areas regulations under MMC 17B.52. Policies and regulations in the master program will enhance public access to the shorelines and encourage continued protection of sensitive shoreline habitat. The master program is consistent with the City's adopted Park, Open Space and Recreation Plan.

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

The SMP was developed to be consistent with the state shoreline guidelines (WAC 173-26) to provide a level of protection to assure no net loss of ecological functions and values. These include protection of critical areas and native shoreline vegetation. This also includes limitations on development that causes damage to the shoreline and shoreline modifications.

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

The purpose of the SMP is to protect shoreline habitat and processes by regulating the use of land and water within areas of shoreline jurisdiction. The SMP designates seven shoreline environment designations: Urban Waterfront, Urban Waterfront Park, Urban Conservancy, Urban Lakefront and Urban Railroad. Each environment is provided designation criteria and management policies. In addition, the SMP contains general provisions, policies and regulations for a variety of resources and uses within the shoreline environments. These management policies, provisions and regulations are intended to preserve shoreline processes, habitat and functional values. Uses with a significant negative impact are prohibited or regulated so as to minimize impacts on the shoreline environment.

Because the Shoreline Master Program, including its regulations in MMC 17B, has been drafted to be compatible with the City's Comprehensive Plan and Habitat Management Plan so it will not allow or encourage uses incompatible with those plans. The SMP will be consistent with the other elements of the Comprehensive Plan and other regulatory tools in the City's Municipal Code.

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

See response above

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

The proposed SMP revisions do not establish new patterns of land use or increased density of existing land use patterns. Development of the shoreline area will likely be redevelopment of property rather than new development. Subsequent development will have to adhere to the shoreline regulations and identify any significant changes to or increased demand for public services or infrastructure.

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

The SMP contains management policies and regulations designed to reduce demand on transportation, public services and utilities.

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

The adoption of the updated SMP and shoreline regulations will ensure City compliance with requirements in Washington State law for planning and regulation within areas of shoreline jurisdiction (RCW 90.58 and WAC 173-26) and the City's program will be integrated into the State's Coastal Zone Program by the Department of Ecology. In addition, the SMP will be adopted as the Shoreline Element of the City of Mukilteo Comprehensive Plan, and will be consistent with other elements of the Comprehensive Plan and Municipal Code. The Shoreline Master Program does not supersede other agencies' authority to regulate projects within their jurisdiction (e.g., U.S. Army Corps of Engineers, Washington State Department of Fish and Wildlife).