



MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

PROJECT NAME: Harbour Reach Corridor Project

DESCRIPTION OF PROPOSAL: Construction of a new roadway, approximately $\frac{3}{4}$ of a mile in length, connecting Beverly Park Road to Harbour Pointe Boulevard SW. The new roadway will provide a parallel north-south alternative to State Route 525 and will consist of two lanes with bicycle and pedestrian facilities and associated grading and landscaping.

The proposed roadway will cross a ravine. A 13 foot-wide culvert will be added to South Fork Picnic Point Creek. Temporary impacts to wetlands and wetland/stream buffers will be restored. Permanent wetland impacts will be mitigated within the project area on another wetland. The U.S. Army Corps of Engineers has authorized the stream and wetland impacts through the Nationwide Permit 14. Coordination with the Washington Department of Fish and Wildlife and the Tulalip Tribes has been conducted during the project design. Permanent stream buffer impacts are proposed to be compensated through a fee in lieu payment in accordance with the City's Critical Areas Mitigation Program.

PROPONENT: Randall Roberts on behalf of the City of Mukilteo Public Works Department

DATE OF ISSUANCE: March 18, 2019

LOCATION OF PROPOSAL: Between Beverly Park Road and Harbour Pointe Boulevard SW, Mukilteo, Washington.

LEAD AGENCY: City of Mukilteo

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

PUBLIC COMMENT

This MDNS is issued using the optional DNS process pursuant to WAC 197-11-355 and MMC 17.84.105. The public comment period was originally published on February 21, 2019. There is no further public comment period on this MDNS.

APPEAL PERIOD

You may appeal this determination by filling out the appeal form and submitting it with the applicable appeal fee to the City of Mukilteo Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275 within 14 days after the date of issuance. Appeals must therefore be filed by **Monday, April 1, 2019, 4:30PM.**

At a SEPA hearing, all testimony shall be "under oath". You should be prepared to make specific factual objections. Contact the Community Development Department to read or ask about the procedures for SEPA appeals.

MDNS AVAILABILITY: Copies of the MDNS are available on the City of Mukilteo website at <https://mukilteowa.gov/land-use-action-notices/> and from the City of Mukilteo Community Development Department, 11930 Cyrus Way, Mukilteo, WA 98275, (425) 263-8000.

DOCUMENTS INCORPORATED BY REFERENCE:

In order to evaluate proposed actions, alternatives, or environmental impacts, an agency may use previously prepared environmental documents when issuing an environmental threshold determination (WAC 197-11-600 & 635). The following environmental documents, available for review at Mukilteo City Hall (address below), have been reviewed:

- Environmental Checklist prepared by Amy Summe dated January 2019
- Geotechnical Engineering Report Harbour Reach Corridor Project prepared by Shannon & Wilson, Inc. dated December 18, 2018
- Wetland/Stream Delineation Report prepared by Shannon & Wilson, Inc. dated January 11, 2017
- Wetland and Stream Mitigation Report prepared by Shannon & Wilson, Inc. dated January 15, 2019
- Harbour Reach Drive Extension Final Drainage Report prepared by Perteet dated December 2018

MITIGATION MEASURES

Issued in accordance with the substantive authority described in Mukilteo Municipal Code 17.84.160.

The following policies from the Mukilteo Comprehensive Plan form the basis for the mitigation measures:

- LU9: The City shall manage and regulate development in critical areas and the shoreline to allow reasonable and appropriate uses in those areas while protecting them against adverse effects and shall regularly evaluate these regulations and programs to ensure they continue to use the best available science to protect environmentally sensitive areas from negative impacts associated with development.
- LU9a: These wetlands and other critical areas which contribute to the City's stormwater management program should be protected by delineating their locations, adopting relevant land use regulations, purchasing of development rights, and other protective techniques.
- LU9b: Maintaining the natural hydrological functions of each watershed, and where appropriate and possible, restoring them along with freshwater and marine habitats to a more natural state and ecological functionality should be a consideration of all City of Mukilteo actions.
- UT7: Surface water management planning and operations shall comply with City, State, and Federal surface water regulations and be consistent with the City of Mukilteo Comprehensive Plan.
- UT7d: Drainage, flooding, and stormwater run-off impacts shall be minimized to the maximum extent practical in land use development proposals and City operations.
- UT8: Streams and wetlands should be an integral part of the stormwater management program, provided they are protected from the negative impacts created by altered flow regimes and pollutant sources.


The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment if the following mitigation measures are followed:

1. Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during project activities, all work in the immediate vicinity shall stop, and the area shall be secured. The Washington State Department of Archaeology and Historic Preservation (360-586-3065), the Lummi Nation Tribal Historic Preservation Officer (LNTHPO) (360-384-2298), and the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (206-764-3495) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). In the event that human remains are encountered, the LNTHPO will contact the appropriate tribal repatriation specialists. Compliance with all applicable laws pertaining to archaeological resources is required.
2. The applicant shall comply with to the Wetland and Stream Mitigation Plan prepared by Shannon & Wilson, Inc. dated January 15, 2019, for any permanent or temporary impacts to the wetlands, streams or their associated buffer, unless the mitigation plan is otherwise subsequently modified and approved by all applicable regulatory agencies.
3. Mitigation plantings shall be installed in accordance with the approved Wetland and Stream Mitigation Plan, and shall be subject the following:
 - a. The mitigation and/or buffer enhancement site(s) shall be monitored for a minimum of five (5) years. The monitoring period required by the City may be extended an additional two (2) years if the wetland or stream buffer is not performing as expected by the mitigation or enhancement plan. The monitoring reports shall be submitted on August 1st of each year during the monitoring period. Monitoring reports shall follow the recommendations contained in the Department of Ecology's publication "Guidance on Wetland Mitigation in Washington State," Part Two.
 - b. The applicant shall be responsible for ensuring that the reports are prepared, submitted, and any corrections are made as required by the reports or the City.
 - c. Prior to issuance of an engineering permit, all plantings associated with a project permit shall require the submittal of an acceptable maintenance agreement to warrant all required plantings against defects in labor and materials for a period of five (5) years after acceptance of those improvements by the City.
 - d. All plantings shall be maintained in healthy growing condition. A final inspection will be performed at the end of the five (5) year period and any dead, dying or diseased plant material shall be replaced prior to release from the agreement.
4. Minor modifications of the mitigation plans submitted may be approved by the Community Development Director if the modifications do not change the findings of fact or the conditions of approval.
5. All work within the wetland and streams shall be performed in accordance with the approved U.S. Army Corps of Engineers Nationwide Permit 14 (NWS-2018-0145) terms and conditions.
6. All work shall proceed in accordance with the approved Hydraulic Permit Approval (HPA) issued by the Washington State Department of Fish and Wildlife.
7. Construction, grading, and associated site development shall follow recommendations presented in the Geotechnical Engineering Report Harbour Reach Corridor Project prepared by Shannon & Wilson, Inc. dated December 18, 2018
8. Stormwater improvements shall be in accordance with the approved Harbour Reach Drive Extension Final Drainage Report prepared by Pertect dated December 2018.
9. Construction noise hours shall comply Mukilteo Municipal Code 9.46.080.

PROJECT CONTACT: *Linda Ritter, Senior Planner (425)263-8043*

RESPONSIBLE OFFICIAL:

*David Osaki
Community Development Director
11930 Cyrus Way, Mukilteo, WA 98275
(425) 263-8042*

Signature:  Date: 3/15/19
Responsible Official

pc: Review Agencies
Project File
Applicant/Contact Person

Tribune
CDD Director

Permit Services Personnel
Mukilteo Beacon
Parties of Interest / Record