

**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****SEP2017-00103****Date of Issuance: April 5, 2018**

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

WA State Department of Archaeology and Historic Preservation via email Gretchen Kaehler, [gretchen.kaehler@dahp.wa.gov](mailto:gretchen.kaehler@dahp.wa.gov)

SEPA Unit, WA State Department of Ecology, Olympia via email [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)

WA State Department of Ecology, via email  
Shoreline Permitting, Chad Yunge, [cyn461@ecy.wa.gov](mailto:cyn461@ecy.wa.gov)  
Biologist, Doug Gresham, [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov)  
Water Quality Certification, Kerry Carroll, [kerry.carroll@ecy.wa.gov](mailto:kerry.carroll@ecy.wa.gov)

WA State Department of Fish and Wildlife via email  
Habitat Area Biologist, Joel Ingram, via [joel.ingram@dfw.wa.gov](mailto:joel.ingram@dfw.wa.gov)  
Game Biologist, Fenner Yarborough via email [richard.yarborough@dfw.wa.gov](mailto:richard.yarborough@dfw.wa.gov)  
Assistant Regional Habitat Program Manager  
Robert Warinner, [Robert.warinner@dfw.wa.gov](mailto:Robert.warinner@dfw.wa.gov)

WA State Department of Natural Resources via email  
Rochelle Goss, [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov)  
Brenda Werden, [Brenda.werden@dnr.wa.gov](mailto:Brenda.werden@dnr.wa.gov)  
Megan Penny, [megan.penny@dnr.wa.gov](mailto:megan.penny@dnr.wa.gov)

SEPA Unit, WA State Department of Transportation, Burlington via email  
Roland Storme, [stormer@wsdot.wa.gov](mailto:stormer@wsdot.wa.gov)  
Ray McEwan, [mcewanr@wsdot.wa.gov](mailto:mcewanr@wsdot.wa.gov)

WA State Department of Transportation via email  
Judy Johnson, [johnsju@wsdot.wa.gov](mailto:johnsju@wsdot.wa.gov)

US Army Corp of Engineers  
Randal Perry via email - [randel.j.perry@usace.army.mil](mailto:randel.j.perry@usace.army.mil)

Lummi Nation Natural Resources  
Merle Jefferson, Sr. via email - [merlej@lummi-nsn.gov](mailto:merlej@lummi-nsn.gov)  
Tamela Smart, via email [tamelas@lummi-nsn.gov](mailto:tamelas@lummi-nsn.gov)

Nooksack Indian Tribe  
George Swanaset, JR via email - [george.swanasetjr@nooksack-nsn.gov](mailto:george.swanasetjr@nooksack-nsn.gov)  
Trevor Delgado via email - [tdelgado@nooksack-nsn.gov](mailto:tdelgado@nooksack-nsn.gov)

ESA Biologist United States Fish and Wildlife Service via email  
Teal Waterstrat, via email [teal\\_waterstrat@fws.gov](mailto:teal_waterstrat@fws.gov)

Aquatic Ecologist, United States Environmental Protection Agency via email  
Linda Storm, via email [storm.linda@epa.gov](mailto:storm.linda@epa.gov)

Applicant, Williams/Northwest Pipeline LLC  
c/o Edge Environmental via email  
Carolyn Last - [clast@edgeenvironmental.com](mailto:clast@edgeenvironmental.com)  
Toby Schwalbe - [toby.schwalbe@williams.com](mailto:toby.schwalbe@williams.com)

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**Mark Personius, AICP**  
Director

**SEPA Mitigated Determination of Nonsignificance (MDNS)**

**File:** SEP2017-00103

**Project Description:** Route existing 1,700 ft. of 30 inch gas pipeline deeper by adding a lowered 1,700 ft. section of 30 inch gas pipeline, removal of the existing 1,700 ft. of 30 inch gas pipeline, and removal of 1,550 ft. of previously abandoned-in-place 26 inch pipeline which will be exposed during the construction within the floodplain of the North Fork Nooksack River. Proposal includes mitigation through a combination of purchase of Lummi Wetland Credits, on-site restoration, wildlife management plans, and monitoring and quality control for impacts to ESA and PHS species, floodplain functions, 5.72 acres of wetlands, and 8 streams.

**Proponent:** Williams/Northwest Pipeline LLC

**Address and Parcel #:** 3905322320960000, 390532101034, Tribal Trust Allotment 111-5626, 3805051554740000, 380505186371, 3801763340000, 380505122740000, 3805322604740000, Tribal Trust Allotment 3805059999130000

**Zoning:** RF      **Comp Plan:** Rural Forestry      **Shoreline Jurisdiction:** Conservancy

**Lead Agency:** Whatcom County Planning & Development Services

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.

**The following documents have been reviewed prior to this Mitigated Determination of Non-Significance:**

1. SEPA Checklist (9/20/2017); SEPA Errata Sheets (5a,5c,7a2, 7a5, 2/22/2018)
2. Shoreline Substantial and Shoreline Conditional Use applications (9/20/2017)
3. Land Disturbance Permit application (9/20/2017)
4. Environmental Assessment, Biological Assessment and other attachments (USFWS 11/14/2017)
5. REVISED Wetland, Waterbody and Critical Areas Buffer Mitigation Plan, Revised March 2018
6. REVISED Mitigation Bank Use Plan Revised March 2018
7. REVISED Fish Exclusion and Relocation Plan, February 2018
8. Resource Report 1 – General Project Description Resource and REVISED Appendix 1A – Erosion Control and Revegetation Plan (Revised March 2018)
9. Resource Report 2 – Water Use and Quality
10. Resource Report 3 – Fish Wildlife and Vegetation
11. Resource Report 6 – Geological Resources
12. Resource Report 3 – Fish Wildlife and Vegetation
13. Resource Report 7 – Soils
14. Resource Report 8 – Land Use, Recreation and Aesthetics Resource
15. Report 9 – Air and Noise Quality Resource
16. Report 10 – Alternatives
17. Resource Report 11 – Reliability and Safety
18. Resource Report 12 – PCB Contamination

☒ There is no comment period for this MDNS.

☐ Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by 4:00 p.m. on \_\_\_\_\_ and should be sent to:

**Responsible Official:** Mark Personius, mpersoni@whatcomcounty.us

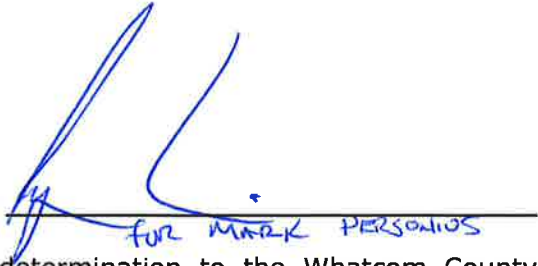
**Title:** Director

**Telephone:** 360-778-5900

**Address:** 5280 Northwest Drive  
Bellingham, WA 98226

**Date of Issuance:** April 5, 2018

**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 comment period, concluding April 16, 2018.

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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**Mark Personius, AICP**  
Director

SEP2017-00103

Mitigated Determination of Non-significance (MDNS)

**Mitigating Conditions:**

Adverse Impacts by the proposed development can be caused at the commencement of construction. Therefore, the Whatcom County SEPA Official finds that, pursuant to Substantive Authority, as allowed by WCC 16.08, the following SEPA mitigating conditions shall be required as a condition of the underlying permit:

1. Reduce impact associated with amphibian and fish salvaging and isolating and dewatering approximately 1.2 miles of Jim Creek:
  - a. The Whatcom County Planning Department Natural Resources staff is to be notified when construction starts ([epage@whatcomcounty.us](mailto:epage@whatcomcounty.us))
  - b. Personnel conducting amphibian and fish capture and handling will have the necessary training, knowledge, skills and abilities to ensure the safe handling of all ESA and PHS listed fish and amphibians.
  - c. Fish and amphibian capture operations are to be conducted only by or under the direct supervision of a trained and experience fishery and amphibian biologist.
  - d. All personnel operating electrofishing equipment will have appropriate training and experience with electrofishing techniques.
  - e. An adequate number of trained, experience personnel to conduct fish capture and removal will be available at all times during the salvage operation.
  - f. Flow diversion, work site isolation and channel dewatering will proceed at a slow and measured pace to encourage the volitional downstream movement of fish and amphibians and reduce the risk of stranding but will be completed between sunrise and sunset so that there is sufficient light to safely inspect dewatered areas and isolated pools trapped and stranded fish and amphibians
  - g. Sanctuary dip nets, beach seines, and block nets composed of soft (non-abrasive) nylon material.
  - h. Electrofishing will be used only after all means of fish capture have been exhausted (e.g., a minimum of three complete pass of the seine without fish capture).
  - i. Electrofishing will comply with NMFS' Backpack Electrofishing Guidelines (NMFS, 2000).
  - j. Fish and amphibian salvagers will regularly inspect block nets for impinged or dead fish or amphibians.
  - k. Within 90 days of completed construction provide a fish and amphibian salvage report to [epage@whatcomcounty.us](mailto:epage@whatcomcounty.us) describing fish and amphibian removal methods used, number and age/size class removed from construction site by species, number of fish and amphibians killed and number of amphibians and fish injured by species. Any explanation of the

cause of death or injury and follow up actions taken in response to death or injury.

2. Minimize impacts from clearing matures shrubs and trees in the wetlands and associated buffers. The FERC shall ensure the purchase of credits from the Lummi Wetland and habitat Mitigation Bank as described in the proposed action and provide a copy of the ledger recording the transaction to [epage@whatcomcounty.us](mailto:epage@whatcomcounty.us) or provide equivalent mitigation elsewhere in the watershed such as potential wetland enhancement sites upstream of the North Fork/South Fork confluence. FERC shall provide a post-construction report of actual acres cleared and specific mitigation action taken to [epage@whatcomcounty.us](mailto:epage@whatcomcounty.us). A copy of an approval letter from the Lummi Nation stating the correct amount of credits has been reserved for the proposed impacts.
3. Minimize take associated with down-ramping the return water. Down-ramping shall be limited to a rate of 1 to 2 inches per hour or less of surface water elevation drop (Hunter, 1992) and FERC shall ensure that a fish salvage crew is onsite working during down-ramping. Results of the fish salvage effort shall be included in the fish salvage report outlined under number 1 above.
4. During in-stream fish, amphibian and mollusk exclusion practices, the following best management practices shall be followed:
  - a. No placement of tadpoles into swift moving river areas. Tadpoles shall be relocated to wetland pasture areas with adequate sunlight and water to sustain metamorphosis
  - b. Amphibians and fish are to be kept in separate holding containers
  - c. All recommendations in the fish exclusion plan shall be followed
5. A water quality testing and monitoring protocol for groundwater de-watering and pumping shall be submitted to [epage@whatcomcounty.us](mailto:epage@whatcomcounty.us) and subsequently approved by a Whatcom County technical administrator prior to issuance of development permits from Whatcom County.
6. If an active, occupied Bald or Golden Eagle nest is found at any time, work shall stop until all chicks have fledged the nest.
7. No snags shall be felled during pileated woodpecker nesting season (March 1 to July 1)
8. Any incidental occurrence of Western Toad (*Anaxyrus boreas*) shall result in the gathering of toads or toadlets and they be moved outside of the project area.
9. Any incidental observations of PHS listed wildlife shall be recorded. If the incidental observation is indication of breeding behavior, then work shall stop and Whatcom County and WDFW shall be notified immediately of the siting.
10. All areas outside of the existing pasture area within the pipeline easement shall be re-vegetated to the density and diversity of pre-existing conditions with native trees and shrubs as shown in the approved planting plan
11. Williams pipeline has stated that they prefer to submit a final planting plan for review AFTER the ground has been disturbed and the pipeline has been lowered. This final planting plan, authored by a qualified biologist per Whatcom County Code, shall have the following components and be approved by Whatcom County Natural Resources staff prior to installation:
  - a. Goals and objectives of the restoration of all critical areas disturbed. Critical areas include WDFW PHS listed species and habitat, Species of Federal Listing, Wetlands and Associated Buffers, Streams and Associated Buffers, Shorelines of the state and associated buffers.

- b. Performance standards that, if met, demonstrate how the restoration is meeting Goals and Objectives
  - c. An itemized monetary amount for Mitigation Assurety
12. Williams shall demonstrate that it has sufficient funds and expertise for critical area mitigation contingency pursuant to WCC 16.16.260(D)(e) by sending proof of budgetary line items for planting purchase, installation, mitigation planting maintenance practices (watering, weeding), yearly monitoring and production of yearly monitoring reports, and contingency plan implementation.

**Adopted Conditions from NOAA's National Marine Fisheries Service (NMFS) Formal Consultation pursuant to section 7 of the Endangered Species Act of 1973:**

13. Reduce take associated with fish salvaging and isolating and dewatering approximately 1.2 miles of Jim Creek:
- a. The NMFS staff is to be notified when construction starts
  - b. Personnel conducting fish capture and handling will have the necessary training, knowledge, skills and abilities to ensure the safe handling of all ESA listed fish.
  - c. Fish capture operations are to be conducted only by or under the direct supervision of a trained and experience fishery biologist.
  - d. All personnel operating electrofishing equipment will have appropriate training and experience with electrofishing techniques.
  - e. An adequate number of trained, experience personnel to conduct fish capture and removal will be available at all times during the salvage operation.
  - f. Flow diversion, work site isolation and channel dewatering will proceed at a slow and measured pace to encourage the volitional downstream movement of fish and reduce the risk of stranding but will be completed between sunrise and sunset so that there is sufficient light to safely inspect dewatered areas and isolated pools trapped and stranded fish
  - g. Sanctuary dip nets, beach seines, and block nets composed of soft (non-abrasive) nylon material.
  - h. Electrofishing will be used only after all means of fish capture have been exhausted (e.g., a minimum of three complete pass of the seine without fish capture).
  - i. Electrofishing will comply with NMFS' Backpack Electrofishing Guidelines (NMFS, 2000).
  - j. Fish salvagers will regularly inspect block nets for impinged or dead fish.
  - k. Within 90 days of completed construction provide a fish and amphibian salvage report to [Janet.Curran@noaa.gov](mailto:Janet.Curran@noaa.gov) describing fish removal methods used, number and age/size class removed from construction site by species, number of fish killed and number of amphibians and fish injured by species. Any explanation of the cause of death or injury and follow up actions taken in response to death or injury.
14. Minimize take from clearing 13 acres of matures shrubs and trees in the floodplain. The FERC shall ensure the purchase of credits from the Lummi Wetland and habitat Mitigation Bank as described in the proposed action and provide a copy of the ledger recording the transaction to [Janet.curran@noaa.gov](mailto:Janet.curran@noaa.gov) or provide equivalent mitigation elsewhere in the watershed such as potential wetland enhancement sites upstream of the North Fork/South Fork confluence. FERC shall provide a post-construction report of actual acres cleared and specific mitigation action taken to Janet. [Curran@noaa.gov](mailto:Curran@noaa.gov)

15. Minimize take associated with down-ramping the return water. Down-ramping shall be limited to a rate of 1 to 2 inches per hour or less of surface water elevation drop (Hunter, 1992) and FERC shall ensure that a fish salvage crew is onsite working during down-ramping. Results of the fish salvage effort shall be included in the fish salvage report outlined under number 1 above.