

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
SEP2018-00079
Date of Issuance: October 4, 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
Stephanie Jolivet, stephanie.jolivet@dahp.wa.gov

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

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

WA State Department of Natural Resources via email
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Brenda Werden, Brenda.werden@dnr.wa.gov

Lummi Nation Natural Resources
Merle Jefferson, Sr. via email - merlej@lummi-nsn.gov
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Nooksack Indian Tribe
George Swanaset, JR via email - george.swanasetjr@nooksack-nsn.gov
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Whatcom County
Mark Personius via email - mpersoni@whatcomcounty.us
Ryan Ericson via email - rericson@whatcomcounty.us

City of Bellingham
Kurt Nabbeffeld via email - knabbefeld@cob.org
Brent Baldwin via email - bbaldwin@cob.org
Clare Fogelsong via email - cfogelsong@cob.org

Applicant
Brenin and Robyn Newberry
c/o Jay Irwin via email irwinlanduse@gmail.com

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Mark Personius, AICP
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SEPA Determination of Nonsignificance (DNS)

File: SEP2018-00079

Project Description: Replace existing dock in same footprint as previously approved dock.

Proponent: Jay Irwin

Address and Parcel #: 2881 Lake Whatcom Boulevard APN#: 380335112522

Lead Agency: Whatcom County Planning & Development Services

Zoning: UR **Comp Plan:** Urban Growth Area **Shoreline Jurisdiction:** Aquatic

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.

☐ There is no comment period for this DNS.

☒ 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 October 18, 2018 and should be sent to: Kyla Walters, kwalters@whatcomcounty.us

Responsible Official: Mark Personius, mpersoni@whatcomcounty.us

Title: Director

Telephone: 360-778-5900

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: October 4, 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 October 29, 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

**SEPA Determination of Nonsignificance (DNS)
Legal Notice**

To be published one time only on: **October 4, 2018**

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #451232

**WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA
THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN
ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD
CONCLUDING ON, October 18, 2018.**

File: SEP2018-00079

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ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive,
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J.E. "Sam" Ryan
Director

SEP 2018 - 00079

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

SEP 06 2018

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A Background

- 1 Name of proposed project, if applicable:

Newberry dock replacement

- 2 Name of applicant: Brenin and Robyn Newberry

Applicant phone number: (360) 746-4092

Applicant address: 2881 Lake Whatcom Blvd.

City, State, Zip or Postal Code: Bellingham, WA 98229

Applicant Email address:

- 3 Contact name: Jay Irwin

Contact phone number: (360) 410-6745

Contact address: 702 Kentucky St. #707

City, State, Zip or Postal Code: Bellingham, WA 98225

Contact Email address: irwinlanduse@gmail.com

- 4 Date checklist prepared: 9/4/2018

- 5 Agency requesting checklist: Whatcom County PDS

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

Construction in Winter 2018/2019

- 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:

- 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 Exemption (Whatcom County)
Hydraulic Project Approval (WDFW)
Building Permit (Whatcom County)

- 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.)

Replace existing non-conforming dock in same footprint on Lake Whatcom. Replacement pier to be pre-fabricated aluminum or steel with ThruFlow grated panels. 12 wooden pier piles to be replaced with 4 untreated steel (10" diam.) mono-piles as shown on attached plans. Portion of existing pier to be replaced with float as shown and attached w/4' x 8' aluminum float. Replacement float to be steel trussed with vinyl covered flotation to avoid contact with lake water. All decking to be replaced with ThruFlow grated panels. Float piles to be replaced with 10" diameter untreated steel. 2 float piles to be removed.

- 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.

2881 Lake Whatcom Blvd.

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)?

+/- 5%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

According to the USDA/NRCS website the soils are #159- Squalicum Urban Land Complex

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.

No fill or excavation proposed

Indicate source of fill.

N/A

Indicate where excavation material is going.

N/A

- 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)?

No impervious surfaces will be added

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

None

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)?

A work barge will be used during construction (+/- 1 week)

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

Not known

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

If so, generally describe.

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

barge motor will only run to access/maneuver on site.

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.

Lake Whatcom.

- (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.

All work to be done on/in Lake Whatcom within +/- 100' of OHW (see attached plans)

- (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 ☒

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

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.

- (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.

None

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).

None

Where will this water flow? N/A

Will this water flow into other waters? Yes ☐ No ☐

If so, describe.

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

Yes ☐ No ☒

If so, generally describe.

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

If so, describe.

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

None

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?

None

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

None known

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 known

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.

None known

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

If so, explain.

Pacific Flyway

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

Light blocking wooden decking will be replaced with light permeable ThruFlow panels which will enhance habitat conditions in the nearshore.

- e. List any invasive species known to be on or near 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.

None

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes ☐ No ☒

If so, generally describe.

- 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:

None

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.

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

None known

- (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.

None known

- (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.

None known

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

None

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

None

b. Noise

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

Low volume/residential 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.

Dock construction/pile driving work will occur in short term. No long term noise would result.

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

Pile driving to be done with vibratory hammer unless subsurface conditions require an impact hammer. If an impact hammer is used sound attenuation device (wood block between the hammer and the pile) will be employed.

8 Land and Shoreline Use

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

Single family residential as are adjacent uses

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

If so, describe.

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

If so, describe.

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?

None

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? None

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

If so, how:

c. Describe any structures on the site.

There is a single family residence and appurtenant dock on site. There is also a small shack on the site.

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

Yes ☒ No ☐

The existing dock will be demolished

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

UR

- 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?

Shoreline Residential , *AQUATIC*

- h. Has any part of the site been classified as a critical area by the city or county? Yes ☒ No ☐
If so, specify.

Lake Whatcom is a critical area

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

Project is non-habitable structure

- j. Approximately how many people would the completed project displace?
0

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

None

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

Project will comply with County SMP

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?

None

9 Housing

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

☐
☐
☐

High
Middle
Low-income

Number of Units 0

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

☐
☐
☐

High
Middle
Low-income

Number of Units 0

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

None

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?

+/- 3' above high water. Construction materials are steel/aluminum, ThruFlow/fiberglass. Flotation is vinyl.

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

None

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

None

11 Light and Glare

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

None

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

No

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

None

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

None

12 Recreation

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

Boating, fishing, swimming, etc.

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:

None

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.

- 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. ✓

None

- 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. ✓

None

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. ✓

Site is on Lake Whatcom Blvd. (public)

- 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? ✓

Don't know. N/A

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

N/A

- 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).

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

- ☐ Water,
☐ Rail, or
☐ Air transportation?

If so, generally describe.

No

- 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?

None

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

None

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.

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

None

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: _____

Date Submitted: _____

FOR OFFICE USE ONLY

Reviewed by Whatcom County Planning & Development Services Staff

KWalters

Staff Signature

9/26/18

Date



- Vicinity Map



Subject Area
APN#: 380335 112522

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AGREEMENT WITH THE FOLLOWING STATEMENT:

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September 2018

0 25 50 100 150 200 Feet

