

**NOTICE OF DECISION**

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**Applicant:** Northwest Pipeline GP  
Michael Aubele  
8907 NE 219th Street  
Battle Ground, WA 98604

**Agent:** Edge Environmental, Inc.  
Carolyn Last  
405 Urban Street, Suite 310  
Lakewood, CO 80228

**Request/File No:** Shoreline Substantial Development Permit, PL 10-0460  
Special Use Permit Modification, PL 10-461

**Location:** North of the Skagit River adjacent to River Road on Parcel  
P40345, near Sedro Woolley, within the SW1/4 Sec.29, T35N,  
R5E, W.M.

**Summary of Proposal:** Installation of a pipeline launcher/receiver to be used periodically  
to insert monitoring equipment into a natural gas pipeline to  
check its integrity.

**Shoreline Designation:** Rural

**Land Use Designation:** Agriculture-NRL

**SEPA Compliance:** Mitigated Determination of Non-Significance (MDNS) issued  
January 18, 2011. No appeals

**Public Hearing:** March 23, 2011. No public testimony. Planning and Development  
Services (PDS) recommended approval.

**Decision/Date:** Approval, subject to conditions. April 12, 2011.

**Reconsideration/Appeal:** **Shorelines:** A Request for Reconsideration may be filed with  
PDS within five days of this decision. The decision may be  
appealed to the Board of County Commissioners by filing an  
Appeal with PDS within five days of the date of the decision or  
decision on reconsideration, if applicable.

**Special Use:** A Request for Reconsideration may be filed with  
PDS within 10 days of this decision. The decision may be  
appealed to the Board of County Commissioners by filing an  
Appeal with PDS within 14 days of the date of decision or decision  
on reconsideration, if applicable.

**Online Text:** The entire decision can be viewed at:  
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

## **FINDINGS OF FACT**

1. Northwest Pipeline GP seeks permission to install a natural gas pipeline launcher/receiver. The facility will allow Northwest Pipeline to insert internal management tools (known as "pigs") into the pipeline to monitor the internal and external integrity of the 36-inch pipeline installed as part of the Evergreen Expansion Project in 2003.

2. The launcher/receiver facility will be located on Parcel 40345, located on the north side of the Skagit River on the north side of River Road, southeast of Sedro Woolley. The site is within the SW1/4 Sec.29, T35N, R5E, W.M. The property contains the southern end of the Sedro Woolley pipeline loop.

3. The parcel is about 1.95 acres in size and is owned by Northwest Pipeline. It is bounded by cultivated fields to the west, east and north. (The river lies to the south.) The subject property is zoned Agriculture-Natural Resource Land (AG-NRL), but no land will need to be permanently taken out of agricultural production for this project. There is no viable alternative that would allow locating this facility on non-natural-resource lands. The shoreline designation on the property is Rural. The Skagit River at this point is a Shoreline of Statewide Significance.

4. The facility will be situated adjacent to an anchor block located on the north portion of the parcel within a graveled and fenced area of about 100 feet by 30 feet. Proceeding south inside the enclosure, approximately 62 feet of 36-inch pipe will be located above ground. Then approximately 245 feet of pipeline will be installed below ground to connect to the existing pipeline. The anchor already in place is for the guy-wires on the existing natural gas pipeline span across the Skagit River.

5. The above-ground elements of the launcher/receiver facility will be visible from adjacent parcels but will not detract from existing views. The roughly 3000 square feet of graveled and fenced area will be located about 1,000 feet from the nearest structure.

6. Installation will be accomplished with conventional construction methods. A track hoe or rubber-tired hoe will be used for excavation of the trench. Clearing and grading will employ a bulldozer, grader or similar equipment. Welding rigs will be mounted on pickup trucks. Pipe fabrication will involve using a track hoe and/or a side boom. Welds will be inspected via an x-ray rig mounted on a pickup.

7. Trench dewatering will be accomplished with a pump and hose and the water will be filtered into a dewatering structure to provide sediment and erosion control. The pipeline trench will be backfilled with the material removed from the trench.

8. The insertion of the pigs will occur at the above-ground portion of the installation to be located more than 200 feet from the Ordinary High Water Mark of the river and thus, outside of shoreline jurisdiction. The buried portion of the project will terminate within designated shoreline, at the point of connection with the existing pipeline. This connection point will be well

inland from the river bank. At that point, a below-ground valve in a box, with a stem to allow operation at the surface, will be installed to permit putting the pigs into the existing pipeline and removing them.

9. The monitoring accomplished with the pigs will be required only once every seven years. The facility is being installed now because that much time has elapsed since the original installation of the pipeline. Because of the long intervals between monitoring efforts, access to the site will be infrequent. When needed, access will be through Northwest Pipeline property. No parking area will need to be provided.

10. The pigs will contain data relay equipment. Use of the pigs will enable remote monitoring of density and corrosion along the pipeline for about an 11 mile length north of the insertion point. The process was described as a sort of "pipeline MRI." Pigs inside the pipe will be locatable at any moment through the use of GPS equipment.

11. The site is located within an A10 flood hazard zone and within a designated floodway. The existing anchor block will serve as a debris barrier. The proposal will be built more than 300 feet from potential wetlands. Above-ground features will be more than 200 feet from any stream.

12. Construction plans include a Spill Prevention, Containment and Countermeasures Plan, a Stormwater Pollution Prevention Plan, an Upland Erosion Control, Revegetation and Maintenance Plan, and a plan detailing Wetland and Waterbody Construction and Mitigation Measures. Also included in the application is a General Cultural Resources Discovery Plan.

13. Notice of Development Application was posted and published on November 11, 2010, and was mailed to property owners within 300 feet. No comments were received during the comment period.

14. A Mitigated Determination of Non-Significance (MDNS) for the project was issued under the State Environmental Policy Act (SEPA) on January 20, 2011. No comments were received. No appeals were filed. The conditions of the MDNS are incorporated into the conditions of approval listed below.

15. The application was circulated to various County departments. None had any concerns that cannot readily be dealt with through conditions of approval. No critical areas issues are present, so long as the project is engineered to ensure no threat from possible liquefaction of the onsite soils.

16. The application was reviewed for compliance with the local Shoreline Master Program (SMP) and with the criteria for Special Use Permit approval. The Staff Report details this review and it is the Staff's conclusion that the project, as conditioned, will comply with both the SMP and the applicable special use criteria. The Hearing Examiner concurs with this analysis and adopts the same. The Revised Staff Report is by this reference incorporated herein as though fully set forth.

17. The proposed facility will not damage or adversely affect natural resources or other uses in the area. It will be compatible with adjacent agricultural uses. It will help to ensure public health, safety and welfare. Shoreline values will not be harmed or diminished.

18. No public comment was received on this application. There was no public testimony at the hearing.

19. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding. Because the proposal is the expansion of an existing major utility development, located within an Ag-NRL zone, an administrative Special Use Permit is required. SCC 14.16.400(3). Because the proposal is a substantial development occurring, in part, within 200 feet of the OHWM, a Shoreline Substantial Development Permit is required. The application approval process for these two permits has been consolidated for a single hearing before the Examiner under SCC 14.06.060.

2. The requirements of SEPA have been met.

3. The applicant has met its burden of proof.

4. The proposal is consistent with the policies of the Shoreline Management Act, the regulations of the Department of Ecology, and policies and regulations of the local SMP. It meets the criteria for approval of a Shoreline Substantial Development permit. SMP 9.02.

5. The proposal is consistent with the criteria for approval of a Special Use Permit and thus meets the requirements for modification of previously issued SUP #PL03-0019. SCC 14.16.900(1)(b)(v).

5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### **CONDITIONS**

1. The project shall be constructed and operated in accordance with the application materials submitted, except as the same may be altered by these conditions.

2. Except as they may conflict with this approval, the conditions of #PL 01-0845, #PL 02-0716, and #PL 03-0019 shall remain in effect.

3. The project shall be engineered to ensure there is no threat from the possible liquefaction of the soils onsite.

4. Fill materials, including drilling muds, shall remain onsite.
5. All requirements for construction in a floodway, imposed under Grading Permit BP10-0593, shall be met.
6. Temporary erosion/sedimentation control measures, as approved by Skagit County Public Works, shall be in place prior to the disturbance of the site. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall remain in place until completion of the project.
7. All Northwest Clean Air Agency requirements shall be met.
8. All provisions of applicable County regulations shall be met, including but not limited to:
  - a) Chapter 14.32 SCC (drainage)
  - b) Chapter 14.24 SCC (critical areas)
  - c) Chapter 14.16 SCC (zoning)
  - d) Chapter 14.26 SCC (shoreline management)
9. Applicable Fire Code standards shall be met.
10. All provisions of applicable State regulations shall be met, including but not limited to:
  - a) Chapter 173-201A WAC (surface water quality)
  - b) Chapter 173-200 WAC (groundwater)
11. The applicant shall receive all required State and Federal permits before beginning any phase of construction.
12. The project shall comply with submitted plans, including:
  - a) General Stormwater Pollution Prevention Plan, dated October 2010
  - b) Spill Plan for Oil and Hazardous Materials, dated October 2010
  - c) Upland Erosion Control, Revegetation and Maintenance Plan, dated 12/2/94
  - d) Wetland and Waterbody Construction and Mitigation Procedures (undated)
  - e) General Cultural Resources Discovery Plan, dated October 2010
13. Construction shall commence within two years of issuance of all required permits and shall be completed within five years thereof.
14. Failure to comply with any condition may result in permit revocation.

## DECISION

The applications for a Shoreline Substantial Development Permit (#PL10-0460) and for a Special Use Permit Modification (#PL10-0461) are approved, subject to the conditions set forth above.

**DONE** this 12th day of April, 2011.

  
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Wick Dufford, Hearing Examiner