

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
And NOTICE OF DECISION**

For
Olympic Pipe Line Company
File # **BP18-0221**

PROJECT DESCRIPTION: Notice is hereby given that on April 30, 2018, Skagit County Planning and Development Services approved the State Environmental Policy Act (SEPA) checklist review completed in conjunction with Grading Permit application #BP18-0221 for the MP 48.4 Fisher Creek Channel Relocation Project. The project proposes to relocate and stabilize Fisher Creek at the pipeline crossing at MP 48.4. Periods of heavy rain over the last few years have caused high flows in Fisher Creek. The high flows have caused Fisher Creek to erode into the fill area of existing pipeline right-of-way (ROW) and expose both the 16- and 20-inch pipelines. The existing creek channel is approximately 15 to 20 feet north of its previous location. Approximately 156 linear feet of the stream channel will be relocated to its original position and stabilized so that the depth of cover over the two pipelines will be restored to a minimum thickness of about 24 inches. The project proposal will include the placement of approximately 600 cubic yards of material and the excavation of approximately 150 cubic yards of material. The proposed project is located within the Rural Reserve (RRv) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 5, 2016 and as thereafter amended.

PROPONENT: Olympic Pipeline Company, c/o Ernest Falcon, 600 SW 39th Street, Suite 275, Renton, WA 98057. Property Owner: Richard Bertelsen, 20679 Starbird Road, Mount Vernon, WA 98274.

PROJECT LOCATION: The project is located approximately 2,114 feet (.40 miles) north of Starbird Road, north of 20909 Starbird Road, Mount Vernon, within a portion of Section 33, Township 33, Range 4E W.M., situated within Skagit County, Washington. (P17425)

LEAD AGENCY: Skagit County Planning and Development Services.

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 (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 14.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater Management Ordinance. Said measures shall remain in place until completion of the project.
2. The applicant shall comply with Northwest Clean Air Agency requirements.
3. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
4. The applicant shall comply with Fire Code Standards.
5. An engineered soils compaction report shall be required for all structures placed on fill material.

6. The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).
7. This project will be subject to one of Ecology's National Pollutant Discharge Elimination Systems (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715- 5200.
8. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured of adequate size to protect it from further disturbance until the State provides a notice to proceed. Within 24 hours, of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. The discovery of any human skeletal remains must be reported to law enforcement immediately. If following consultation with the above parties it is determined that further archaeological and cultural resource assessments are required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

The Lead Agency previously issued a comment period for this proposal under the Optional DNS process outlined under WAC 197-11-355.

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the threshold determination.

Appeals must be submitted no later than: **May 17, 2018**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services
CONTACT PERSON: Brandon Black, Senior Planner – Team Supervisor
MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273.
PHONE: (360) 416-1320

Date: 5-1-18 Signature Brandon Black.
On behalf of Hal Hart
Planning and Development Services Director

cc: WDOE, Public Works, NW Clean Air Agency, Fire Marshal, WSDF&W, Skagit River Systems Coop, DAHP, Upper Skagit Indian Tribe, Samish Indian Nation, Army Corps., Applicant

Please Publish: 5-3-18

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