

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
And NOTICE OF DECISION
For
Shell Puget Sound Refinery (PSR)
File # BP21-0280**

PROJECT DESCRIPTION: Notice is hereby given that on May 18, 2021, Skagit County Planning and Development Services approved the State Environmental Policy Act (SEPA) checklist review completed in conjunction with Grading permit application #BP21-0280 for the expansion of an existing impoundment basin. The existing impounding basin serves a dual purpose: temporary storage in the event of a crude release and detention of stormwater runoff from the adjacent hillslope to the east. The impoundment has filled close to its maximum design capacity several times in recent years after heavy rain events, with the pump operating at its maximum flow rate. Shell studied various options for mitigating the risk of water levels overflowing the top of the basin, including installing a new pump sized for a 100-year storm event, and determined the expanding the basin would provide the greatest reliability and mitigation of risk. The existing basin is approximately 280 feet long by 65 feet wide (18,000 square feet) and has a capacity of approximately 3,200 cubic yards of storage. The impounding basin will be expanded by approximately 15,000 square feet, providing additional capacity of approximately 2,000 cubic yards of storage. The expansion will require the excavation of approximately 2,372 cubic yards of material and the placement of approximately 29 cubic yards. The proposed project is located within the Anacortes UGA Urban Development District (A-UD) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 5, 2016 and as thereafter amended. The City of Anacortes classifies the site as HM Heavy Manufacturing.

PROPONENT: Shell Puget Sound Refinery, c/o Mark Boger, 8505 South Texas Road, Anacortes, WA 98221.
Project Contact: AECOM, c/o Jeff Walker, 1111 3rd Avenue, Suite 1600, Seattle, WA 98101.

PROJECT LOCATION: The project is located at the Shell PSR, 8505 South Texas Road, Anacortes, within a portion of Section 33, Township 35N, Range 2E W.M., situated within Skagit County, Washington. (P33502)

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 16.12. 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. The project shall comply with the State call-before-you-dig laws (Chapter 19.122 RCW). Call 811 prior to the start of construction.
8. 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.
9. 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. 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. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is 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: **June 3, 2021**

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: 5-18-21 Signature Brandon Black .

On behalf of Hal Hart

Planning and Development Services Director

cc: WDOE, Public Works, NW Clean Air Agency, Fire Marshal, Stormwater and Critical area review staff, Water review staff, WSD&W, Skagit River Systems Coop, DAHP, Army Corps., Public Health, Upper Skagit Indian Tribe, Samish Indian Nation, City of Anacortes, WSDOT, Cascade Natural Gas, Applicant, Parties of Record

Please Publish: 5-20-21