



PLANNING & DEVELOPMENT SERVICES

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SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES MITIGATED DETERMINATION OF NONSIGNIFICANCE

GRADING PERMIT APPLICATION BP06-0669 AND SHORELINE SUBSTANTIAL DEVELOPMENT/CONDITIONAL USE PERMIT PL06-0607

PROJECT DESCRIPTION: Clear Valley Environmental Farm, LLC filed applications for a Grading Permit and Shoreline Substantial Development/Conditional Use Permit for proposed wetland restoration activities on approximately 396 acres of property. The proposed restoration is intended to be utilized as a wetland mitigation bank. In addition, a native seed and plant nursery is also proposed. The project would occur in three phases.

Phase 1 is proposed to include the restoration of wetland and floodplain hydrology to the majority of the site by filling all of the existing drainage ditches on the wetland site and constructing three engineered log jams (ELJ), one in Nookachamps Creek and two in East Fork Nookachamps Creek.

Phase 2 will include constructing four high flow back channels off Nookachamps Creek and the East Fork of Nookachamps Creek, regrading the restoration site and planting native vegetation across the site. Phase 3 will involve the removal of temporary access roads throughout the restoration site and converting them to a mix of forested wetland and upland habitats.

Phase 3 will also include additional grading of the site as warranted by the hydrology established onsite in Phases 1 and 2. If grading does occur in Phase 3, the disturbed areas would also be planted with native vegetation. The proposal is intended to raise groundwater levels and restore floodplain hydrologic conditions on the restoration site.

Backfill material will come from the excavation associated with ELJ construction and from existing earthen berms adjacent to the drainage ditches. Excavation materials from Phase 1 are estimated at 1,490 cubic yards. Fill material from Phase 1 is estimated at 12,449 cubic yards. Excavated materials for Phase 2 are estimated at 1,025,440 cubic yards. The quantity of fill material required for Phase 2 is estimated at approximately 289,900 cubic yards. The proponents intend to stockpile the excess material in areas on their property, but off the restoration site. Hydraulic and hydrologic conditions on and adjacent to the project site were evaluated by the proponents and are described in a document entitled *Hydrologic and Hydraulic Basis of Design Report* (Herrera 2006) and an updated HEC-RAS hydraulic model. The phased construction allows the proponents to monitor and evaluate their actions on the hydrologic conditions of the restoration site.

PROPONENT: Clear Valley Environmental Farm, LLC, 14067 McLaughlin Extension Road, Mount Vernon, WA, 98273

LOCATION OF PROPOSAL: Located just east of the Mount Vernon city limits, the property is bordered generally by State Route (SR) 538 to the south, SR 9 and Babcock Road on the east and Swan Road on the northern end. Located within a portion of Sections 10, 11, 14 and 15, Township 34 North, Range 4 East, W.M., Skagit County, Washington.

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. The information may also be found at www.skagitcounty.net/WMB.

This determination is subject to the conditions 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 reissued.

1. The applicant shall comply with all applicable provisions of the Skagit County Code including but not limited to, Chapter 9.50 Noise Control, 14.32 Drainage Ordinance, 14.24 Critical Areas Ordinance, 14.26 Shoreline Management Master Program, 14.34 Flood Damage Prevention Ordinance and 15.04 International Codes.
2. The applicant shall comply with all applicable requirements of the Washington State Department of Fish and Wildlife to protect fisheries and wildlife resources.
3. The applicant shall comply with all applicable requirements of the Washington State Department of Ecology under Section 401 of the Clean Water Act certification process.
4. The applicant shall comply with the applicable requirements of the Washington State Department of Archaeology and Historic Preservation. If cultural resources are discovered during project activities, proper procedures and notification protocols shall be implemented.
5. The applicant shall comply with the applicable requirements of the Northwest Clean Air Agency.
6. Temporary erosion, sedimentation and drainage control measures shall be in accordance with local, state and federal requirements. Such measures shall be in place prior to commencement of soil disturbance, and shall be maintained for the life of the construction activities.
7. Nookachamps and East Fork Nookachamps Creeks are included on the 303(d) list for failure to meet water quality standards. In the document titled *Skagit Environmental Bank Response to Skagit County and Public Comments, January 2007*, the proponents have outlined various aspects of their project designed to improve water quality. In addition to the techniques proposed, the proponents shall coordinate with the Washington State Department of Ecology and Skagit County to develop implementing strategies under the Total Maximum Daily Load (TMDL) Study for the Lower Skagit River Tributaries for the proposed project site.
8. Prior to construction, the applicant shall notify Puget Sound Energy and Skagit Public Utility District #1 of their proposal and incorporate their recommendations for the protection of their utility easements through the site.
9. When the native seed and plant nursery becomes operational, the proponents shall submit a harvesting management plan to agencies with jurisdiction to determine harvest limit areas, to allow native vegetation to establish in height and density to offer riparian shading in order to reduce water temperature in the riparian areas.
10. The applicant shall furnish Skagit County Planning and Development Services copies of all required monitoring and management reports, as outlined in the supporting documents. In addition, the proponents shall furnish Skagit County with all applicable as-builts, in accordance with the objectives and performance standards for the proposed wetland mitigation bank.
11. The applicant shall comply with the requirements set forth in the mitigation banking instrument, technical appendices and plans.

This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the date of issuance.

Written comments must be received no later than 4:30 P.M. on March 13, 2008.

Email correspondence will not be accepted.

You may appeal this threshold determination in accordance with Chapters 14.06 and 14.12 of the Skagit County Code, filing said appeal with the Skagit County Department of Planning and Development Services for service to the SEPA Responsible Official within fourteen (14) calendar days of the end of the comment period of the threshold determination. Appeals must be submitted no later than 4:30 P.M. on March 27, 2008.

RESPONSIBLE OFFICIAL: Gary Christensen, AICP, Director
Skagit County Planning and Development Services

CONTACT PERSON: Betsy Stevenson, AICP, Senior Planner, Team Supervisor
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Date: 2/28/08

Signature: Betsy Stevenson