



Drive just east of the bridge crossing Rock Creek. In total, about 6 miles of new water main will be added to the existing City of Black Diamond water system along a 2.5 mile length.

**Proponent:** BD Village Partners, LP

**Lead Agency:** City of Black Diamond, Community Development/Natural Resources Department

**Supplemental Environmental Documents Supplied with Current Application:** American Forest Management Tree Inventory, submitted on July 21<sup>st</sup>, 2014 SEPA Environmental Checklist (date prepared and signed July 18<sup>th</sup>, 2014 and revised version prepared January 5, 2015, received January 21, 2015), Site Plan and Drawings (Triad Associates, received July 16<sup>th</sup>, 2014 and revised December 16, 2014), Storm Water Management Map of Morgan Kame Mine (Received from Palmer Coking Coal on October 9<sup>th</sup>, 2014, Tree Inventory Report (American Forest Management, received July 21<sup>th</sup>, 2014), Sensitive Area Study-Buffer Restoration Plan (Wetland Resources, Inc., received July 21<sup>st</sup>, 2014 and revised November 5<sup>th</sup>, 2014), Hydrological Memorandum (RH2, dated March 23, 2015), and other information on file with the lead agency. These documents are accessible to the Public by visiting the City of Black Diamond's website at [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us), within the permitting section of the webpage. The project number is needed in order to get to these documents (PLN14-0037).

**Findings:** The Applicant submitted a Public Works Infrastructure Civil Public Works Permit/Clearing and Grading Permit application (PUB 14-0032), level II Tree Cutting Permit Application (PLN14-0039) and a completed SEPA checklist to the City of Black Diamond on July 21<sup>st</sup>, 2014 for the Villages MPD Offsite Watermain Extension Project.

This project application has been submitted to the City of Black Diamond to meet requirement #50 of the approved Villages Master Plan Development (September 14, 2010) and Hearing Examiner recommendation (May 11, 2010) which states:

“Complete the 850 loop in Pipeline Road (FEIS Mitigation Measure).”

On September 10<sup>th</sup>, 2014, the Director of the Master Planned Development Review Team deemed the application complete. In accordance with Black Diamond Municipal Code Section 18.08.130, these project applications have been consolidated in order to process them concurrently to address cumulative impacts associated with these actions.

On November 10<sup>th</sup>, 2014, a Notice of Application was issued in accordance with BDMC 19.04.180 (C), requesting comments on the proposed application and its' associated materials. At the close of the comment period, three (3) comments were received and City has replied to these comments at the end of this document.

In addition, the approved Development Agreement (December 12, 2011) specifies the Villages MPD Conceptual Water Plan (Figure 7.2A) and specific water system design and construction standards, identified within section 7.2.2 of said agreement. These requirements have been evaluated by the Master Planned Development Review Team.

**Mitigated Determination of Nonsignificance:** After review of the completed environmental checklist, The Villages Offsite Waterline Extension application and environmental documents listed above, the lead agency has determined the proposal will not have a probable significant adverse impact on the environment if the mitigation measures set forth below are implemented. Therefore, neither a new environmental impact statement (EIS) nor a supplemental environmental impact statement (SEIS) is required under RCW 43.21C.030 (2) (c) or WAC 197-11-600.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures are being addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158, with the exception of these mitigation measures:

**Noise/Light and Glare**

1. Short term Construction Noise shall be addressed through BDMC Chapter 18.78. (FEIS Mitigation Measure)
2. All equipment required to use backup alarms shall utilize ambient-sensing alarms that broadcast a warning sound loud enough to be heard over background noise, but without having to use a preset, maximum volume. Alternatively, use broadband backup alarms instead of typical pure tone alarms. (FEIS Mitigation Measure)
3. Operators shall be required to lift, rather than drag materials in order to reduce the impacts of noise based on these activities. Heavy materials that will be lifted, rather than dragged include "Earth" materials, piping and associated waterline apertures. (FEIS Mitigation Measure)
4. Electric pumps shall be used whenever pumps are required as they generate less noise than gasoline driven pumping devices. (FEIS Mitigation Measure)
5. The Applicant shall continue the operation of the "Noise Control Hotline" to allow neighbors affected by noise to contact both the City and the construction contractor to ask questions or to complain about violations of the noise reduction. (Ordinance #10-946 - Conditions of Approval Item #41)
6. Noise attenuation shall be adhered to in accordance with the approved "Short-Term Construction Noise Mitigation Plan" as reviewed by the Noise Review Committee and approved by the Master Plan Review Team. As determined by the City, subsequent revisions or modifications to this plan will be reviewed by the Noise Committee, with recommendations made to the Master Planned Review Team, for which final approval will be made and implemented. (Ordinance #10-946 - Conditions of Approval Item #45)
7. Stationary construction equipment and light shall be located away from the sensitive areas wherever possible. Where this is infeasible, or where noise and or light impacts would still be likely to occur, portable barriers shall be placed around the equipment (pumps, compressors, welding machines, etc.) and/or light sources and directed away from the sensitive area. (FEIS Measure)

**Stormwater Management**

1. A copy of the Ecology-approved Surface Water Pollution Prevention Plan (SWPPP) shall be supplied to the City when approved. (Ordinance #10-946 - Conditions of Approval Item #70)

**Plants/Trees**

1. Payment or Bonding of removed trees will be required prior to permit issuance and the bonding amount shall be reduced if new trees are planted onsite and health monitoring requirements are met in accordance with BDMC. (Chapter 19.30 Tree Preservation)
2. Wetland buffer impacts shall be restored in accordance with BDMC chapter 19.10. (Ordinance #10-946 - Conditions of Approval - Item #149)

**Transportation**

1. All earthen materials must be stored on site, including all excavated materials. In order to limit truck traffic on City roads, bedding materials must be stockpiled, in advance, or readily available onsite. (FEIS Mitigation Measure)

**Other**

1. A designated maintenance and fueling area and employee parking area must be established to eliminate potential spills of petroleum products and other hazardous substances.

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**Other Consolidated Permit Applications:** Clearing and Grading Permit (PUB14-0030) and Tree Removal Permit (BLD14-0059)

**Responsible Official:** Aaron C. Nix, MPA

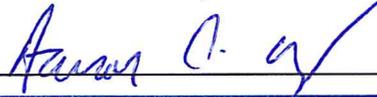
**Position/Title:** Community Development/Natural Resources Director **Phone:** (360) 886-5700 Ext. 5720

**Email Address:** [mdrt@ci.blackdiamond.wa.us](mailto:mdrt@ci.blackdiamond.wa.us)

**Lead Agency Address:** P.O. Box 599, 24301 Roberts Drive, Black Diamond, WA 98010

**Date:** March 31<sup>st</sup>, 2015

**Signature:** \_\_\_\_\_



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**Appeals Notice:** This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen (14) days from the date above. Comments must be submitted by April 14<sup>th</sup>, 2015. Comments on this MSDS may be submitted by first class mail or delivered (via email, in person or phone) to the responsible official, Aaron C. Nix, MPA, at the above lead agency address.

You may appeal this determination at the Community Development Department, 24301 Roberts Drive, Black Diamond, no later than 5:00 p.m., April 14<sup>th</sup>, 2015 by completing the proper appeal form and paying an appeal fee of \$250.00. The appeals process is identified within Black Diamond Municipal Code Section 19.04.250 Appeals. Contact the Community Development Department at (360) 886-5700 to read or ask about the procedures for SEPA appeals.

Questions/Answers to Comments Received from the Public on the  
Villages Offsite Waterline Notice of Application, Published  
November 10, 2014

1. More information is needed regarding the proposed crossing of Rock Creek. The environmental checklist notes that Rock Creek will be crossed in two locations where there are existing bridge spans. However, the Critical Areas Report (page 8) notes only one crossing of Rock Creek over an existing culvert. Please clarify how many times Rock Creek will be crossed by the new water main lines and how the water main will cross Rock Creek. If there is an existing culvert that will be crossed, then this culvert should be assessed to verify that it is fish passable based on WDFW's stream simulation passage criteria. If the culvert is not fish passable, then the water main design should be such that would allow for a new culvert structure that is fish passable meeting WDFW's stream simulation design. In other words, the new water main pipeline should not be the reason that a fish passable stream crossing on Rock Creek cannot be designed or constructed.

**Staff Response:**

*Engineering plans submitted by the applicant indicate the proposed water main will cross Rock Creek in two locations: 1) at an existing concrete box culvert along a gravel road in the existing Palmer Coking Coal operation; and 2) at an existing concrete box culvert along Roberts Drive. The water main is proposed to be placed on top of the existing culvert in each location. No modifications to the culverts are proposed to occur as part of this project; however, all infrastructure has a lifecycle and will need to be replaced eventually. The provision of the water main above the culverts shall not preclude any eventual replacement of the culverts.*

2. The Critical Areas Study notes that 10,380 square feet of buffer adjacent to Rock Creek will be "temporarily" impacted. The Study goes on to note that the only native shrubs will be planted to avoid future root/pipe conflict. The Buffer restoration plan on page 10 confirms that only shrubs and vine maple will be planted in the Rock Creek buffer. This mitigation approach will cause a permanent loss of riparian functions, particularly for shade and future wood recruitment because trees will not be planted within the regulated buffer where the pipeline occurs. The project will need to provide additional mitigation to address this impact to Rock Creek. Further, if there are any trees that are 4 inches in diameter or greater and within 200 feet of Rock Creek that are removed as part of the project should be placed back into Rock Creek as partial mitigation for the loss of future wood recruitment.

**Staff Response:**

*The species diversity of vegetation replanted due to buffer impacts was increased at the request of the City's MDRT wetland scientist. In proximity to Rock Creek, the area of disturbance was evaluated and is primarily an existing roadside condition with native shrub vegetation and without substantial existing trees.*

3. Since I have made substantial comments regarding concerns about the bodies of water, water quality, following the BDMC, the SAO and HPA and SEPA requirements, I will keep my comment brief but I assume that those previous water quality and wildlife protection comments related to Rock Creek Bridge apply.

My biggest concerns is that all these land use actions are coming in pieces and appear to be intentionally broken down to smaller tasks/actions to possibly bypass more stringent SEPA requirements. You are required under SEPA to look at the cumulative impacts of ongoing and impending projects/land use actions.

**Staff Response:**

***This project is an offsite utility improvement and is being evaluated under the same SEPA rules and provisions of the Black Diamond Municipal Code as the Villages MPD was. This land use action is subject to no less-stringent review.***