

**CITY OF OAK HARBOR**  
**MITIGATED DETERMINATION OF NONSIGNIFICANCE**

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**Description of proposal** *The City of Oak Harbor is proposing to replace the current wastewater treatment facility with a new 3.9 million gallon per day treatment facility in the vicinity of Windjammer Park. The new facility will occupy approximately 4 acres. The exact location of the facility has not been determined at the time of this review.*

*The new treatment facility will replace the existing rotating biological contactor (RBC) facility that is nearing the end of its useful life. The new facility is designed to provide reliable wastewater treatment service while meeting high standards for water quality.*

*The proposed project will also replace the existing outfall which is currently non functional. The proposal is to build a new outfall next to the existing outfall and abandon the existing 2100 foot long outfall in place. The new outfall will be a 30-inch high density polyethylene (HDPE) or a concrete coated steel diameter pipe. The new outfall will be fully buried from the shoreline to the diffuser.*

*The scope of the current proposal is limited to building a new treatment plant and a new outfall in the Windjammer Park vicinity. The project has a potential of increased scope if the navy chooses to connect to the new proposed facility since the connections will have impacts not identified in this SEPA checklist. If the navy chooses to connect to the proposed new treatment facility, an addendum to this determination and/or a separate SEPA checklist, review and determination will need to be completed.*

**Proponent** *City of Oak Harbor*

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**Location of proposal.** *Windjammer Park, Oak Harbor, Island County, WA.*

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**Lead Agency** *City of Oak Harbor*

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The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment, and an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c), so long as certain mitigating conditions are applied to this action. These conditions are described below. 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.

- X This mitigated DNS is issued under WAC 197-11-340(2) with a fourteen day comment period ending on September 26, 2013; provided there are no substantive comments provided the MDNS will become final on that date. There will be a 15 day appeal period ending October 11, 2013.

## MITIGATION MEASURES:

1. All mitigation measures provided in the SEPA checklist are incorporated into this determination by reference. These mitigation measures include, but are not limited to, those specified below:
  - a. A site specific geotechnical report must be prepared once the site has been chosen
  - b. All local, state and federal permits that are required and identified (A.10) in the SEPA checklist must be obtained prior to commencing construction
  - c. Obtain an Order of Approval to Construct from Northwest Clean Air Agency (NWCAA) for construction and operation of the treatment plant.
  - d. Shoreline Master Program
    - i. A habitat impact statement along with mitigation measures must be prepared as part of the shoreline permitting process for the outfall.
    - ii. A view analysis must also be done and incorporated into the site design and building layout with the intention of preserving and or creating view corridors from and beyond the site.
  - e. If any wetlands will be impacted based on the eventual site selection, a critical areas report in accordance with OHMC 20.24.040 shall be prepared. Any wetland impacts must be mitigated in accordance with local, state, and federal permit requirements.
  - f. A comprehensive erosion and sediment control plans must be developed and implemented for each phase of construction in accordance with the 2012 Stormwater Management Manual for Western Washington (Ecology, 2012) or updated versions as they become available. The plans must include elements for site stabilization, slope protection, drainage way protection, and sediment retention. Additional measures listed in the SEPA checklist related to erosion and sediment control have been listed below.
    - i. A temporary erosion and sedimentation control plan (TESC) that meets the requirements of DOE and the City of Oak Harbor will need to be approved prior to construction. TESC measures must be included as part of the project design and construction.
    - ii. Best Management Practices (BMPs) consistent with requirements of DOE and the City's regulations will be employed to minimize the amount of erosion and sediment leaving the site.
    - iii. Turbid water and debris from construction must not be permitted to run directly into Oak Harbor Bay.
    - iv. Following construction, disturbed areas will be paved or hydroseeded promptly.
    - v. BMPs must be implemented to minimize equipment related materials and sediment from leaving the site and potentially entering surface and ground waters.
    - vi. Spill and erosion prevention and sediment control plans, as well as observance of all applicable safety and environmental regulations for

handling chemicals, must be in place to minimize risks. A Spill Prevention Countermeasure and Control (SPCC) plan to address the potential release of hazardous materials must be developed and implemented as necessary.

- vii. Straw bales or silt fences must be used to reduce runoff velocity in conjunction with collection, transport, and disposal of surface runoff generated in the construction zone.
  - viii. A silt/turbidity curtain must be used to confine turbidity within the immediate work area when constructing the in-water portion of the outfall.
  - ix. During construction, monitoring programs are required to ensure compliance with the site erosion control plan and with local regulatory requirements. The construction contractor and/or City staff must measure parameters such as turbidity, temperature, and pH of surface water discharge and visually monitor the site for signs of erosion and for correct implementation of control measures per these plans.
  - x. To the extent possible, equipment must be stored and staged a minimum of 200 feet from surface waters when not in use.
  - xi. Refueling of equipment must take place a minimum of 200 feet from surface waters.
  - xii. In water work must be conducted in accordance with hydraulic code rules (Chapter 220-110 WAC), including approved in-water work windows for tidal reference area 8 (WAC 220-110-240), which typically corresponds to times when listed fish and forage species are least likely to be present (Corps, 2012). A hydraulic project approval (HPA) from WDFW must be obtained for the proposed action.
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- g. To minimize impacts to air quality during construction, measures shall be taken to water construction surfaces to prevent dust, sprinkling the project site with approved dust palliatives, and use of temporary stabilization practices upon completion of grading.
  - h. Construction vehicles to be well maintained to reduce vehicle emissions.
  - i. When possible, use local materials to reduce impact of transportation.
  - j. Critical facilities constructed within the base floodplain should have the lowest floor elevated to three feet or more above the base flood elevation of the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
  - k. Access routes to all critical facilities wherever possible must be elevated to or above the level of base floodplain.
  - l. Measures to elevate or improve existing streets must be addressed if the final location impacts existing elevations
  - m. Construction must be scheduled and planned to limit noise impacts to occur during the weekday daytime hours of 7:00 am to 9:00 pm. Should nighttime construction be necessary, approvals from the Building Official is required and

residents must be notified well in advance of any nighttime construction activity.

- n. The lighting for the facility and associated parking areas will be aimed downward with full cut-off shields to reduce the potential for light or glare impacts on adjacent properties.
- o. The construction site shall be well lit to prevent vandalism, increase public safety and provide surveillance.
- p. Any new access roads must be built to City standards. Existing streets adjacent to the site, if impacted, must be built to City standards.

2. Archaeological and Cultural resources impact:

- a. An Archaeological Site Alteration and Excavation Permit (Permit) from the Washington State Department of Archaeology and Historic Preservation (DAHP) as per RCW 27.44 and RCW 27.53 must be obtained prior to any site work.
- b. An archaeological survey, data recovery, monitoring and an inadvertent discovery plan must be developed in advance of project commencement and in consultation with DAHP and the interested tribes. The plan should include processes for interim reporting and ongoing consultation with interested parties during project construction.
- c. If federal funds are used for the project, Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36CFR800, must be followed. This process requires formal government-to-government consultation with the affected tribes and DAHP.
- d. A mitigation plan must be developed with additional data provided after the final selection for the location of the Wastewater Treatment Plant is completed. The additional data must include the results of subsurface testing by both machine and hand excavations. This testing must be implemented to the depth and areal extent of the proposed development. The data must include the extent of both intact and disturbed archaeological deposits of both historic and/or pre contact components, in the footprint of the proposed development and the calculations of how much cultural material will be disturbed by the proposed development. The mitigation plan must include all the components of the process up to and including data collection, analysis, reporting and curation.
- e. A Monitoring Plan must be part of the mitigation plan with a detailed contingency plan that would include the infield plan for every kind of cultural resource that can reasonably be expected to be encountered including both the pre contact and historic components. This must be a detailed plan up to and including analysis and curation that should parallel the original mitigation plan and will deal with all resources encountered during the professional archaeological monitoring of the construction of the Wastewater Treatment Plant.

- f. A Plan for the Treatment of Human Remains must be prepared to outline the procedures to be followed if human remains are identified during testing or construction
  - g. All excavated soils from the project shall be deposited in a single location and retained until the construction of the new facility is completed
3. The final site selection shall determine if any of the city's developed park property is being disposed of for the treatment facility. Disposing of developed city park property shall follow the procedures set forth in OHMC 1.30.010.
  4. A plan to keep access to the waterfront trail must be developed with development permits for any portion of this project. Signage to mark detours and duration of closure must be in place during construction of the project.
  5. Any existing park facility, structure, equipment, access etc. that will be impacted during the construction and the eventual siting of the facility must be replaced with new facilities, structures, and equipment that meet the current codes. Replacement of these facilities must be done in consultation with the Parks Division.
  6. Work below the Mean Higher High Water (MHHW) line must be completed "in the dry" or at low tide whenever possible.
  7. Any moved beach material (gravel and sand, rock) will be stockpiled in a manner that does not impact water quality (including turbidity requirements) of the bay.
  8. Move only enough driftwood along the beach berm and shoreline that will be required to complete the Project. Any removed driftwood must be replaced once the work in that area has been completed.
  9. Driftwood and riprap rock must not be dragged along the beach.
  10. To minimize erosion, any disturbed upland landscaping will be replaced as soon as practically possible following construction.
  11. Any necessary replacement landscaping will be designed to maintain visual aesthetics of the site consistent with the surrounding area. Additionally, native grasses and plants will be used whenever appropriate along the beach berm area.
  12. The facility must incorporate the City's design guidelines into the design of the facility and site plan. A detailed landscape plan prepared by a landscape architect that includes information on existing landscaping to be preserved and well as newly proposed landscaping must be included as part of the development permits process. Native vegetation, where feasible, must be used.
  13. Access to the site will be maintained for local fire, police, aid units or ambulance response if required for construction related accidents or injuries.
  14. Install temporary fencing around the project site as a measure of public safety.
  15. The project must adhere to all other environmental and/or archeological conditions and mitigation measures that may result from the project review and permitting by State and Federal agencies and adhere to all conditions and mitigation measures outlined in the SEPA checklist for this project.
  16. All required permits from the State and Federal agencies must be obtained prior to any construction.

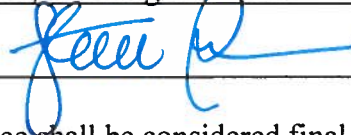
Responsible Official: Steve Powers

Position/Title: Director of Development Services Phone: (360) 279-4512

Address: 865 SE Barrington Drive, Oak Harbor, Washington 98277

Date: September 11, 2013

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



This mitigated determination of nonsignificance shall be considered final unless subsequently modified by a major amendment to the proposed project or as a result of comments received by September 26, 2013. You may appeal this determination at Oak Harbor City Hall, 865 SE Barrington Drive, Oak Harbor, WA, 98277 within fifteen days of the date set out above, or no later than close of business October 11, 2013.