



NOTICE OF APPLICATION AND INTENT TO ISSUE A MITIGATED DETERMINATION OF NON-SIGNIFICANCE

The City of Ferndale has received application(s) from the applicant referenced below for a proposed development project within the city limits. Based on review of the materials submitted, the development applications have been determined to be complete. The City has received and reviewed a SEPA checklist for probable adverse environmental impacts associated with the proposed project and expects to issue a Mitigated Determination of Non-Significance (MDNS) for this project.

Pursuant to Title 14 of the Ferndale Municipal Code the following notice is provided to inform the community of the City's receipt of the development applications. The public and affected agencies are invited to comment on the environmental impacts of the proposed project and receive copies of the subsequent Threshold Determination (the MDNS), if requested. This may be the only opportunity to comment on the environmental impacts of the proposal.

APPLICANT: Katy Radder, City of Ferndale

APPLICATION NUMBER (S): 19019-SE

DATE OF APPLICATION: September 19, 2019

PROJECT LOCATION: Sections 17, 18, 19, and 20 of Township 39 North, Range 2 East. Approximately at 48.8629 N lat./ - 122.5901 W long. Thornton Street right of way and parcel 390217155055. From Malloy Avenue on the west to Portal Way/Second Avenue roundabout on the east.

PROJECT DESCRIPTION: The City of Ferndale is proposing to connect Thornton Street from Malloy Avenue on the west to the roundabout at Second Avenue on the east near Interstate 5 (I-5). This will be completed by constructing a 365-foot bridge over the BNSF railroad tracks supported by earthwall embankments. The bridge consists of a three-span concrete bridge founded on concrete drilled shafts with a maximum depth of 100 feet. Wick drains will be installed under sections of the earthwall embankment. An access street will be built east and west of the railroad tracks under the proposed bridge to connect existing residences and businesses adjacent to Thornton Street to the new roadway. A section of Thornton Street east of the railroad tracks will be realigned. Curb, gutter, water mains, sanitary sewer mains, and stormwater

conveyance will also be installed for this project. A stormwater pond will be built southwest of the bridge. 62,000 cubic yards of fill are expected.

The project activities exceed 1,000 cubic yards, therefore a SEPA checklist is required.

For more information visit

www.cityofferndale.org/thorntonoverpass

REQUESTED ACTION(S): The applicant requests a SEPA Determination from the City of Ferndale.

THE CITY INTENDS TO ISSUE A: Mitigated Determination of Non-Significance

PUBLIC COMMENT PERIOD: October 2 – October 16, 2019

CONTACT: Haylie Miller, SEPA Administrator
hayliemiller@cityofferndale.org
P.O. Box 936
Ferndale, WA 98248
(360) 685-2367

Required permits and approvals include, but may not be limited to:

1. SEPA Threshold Determination, City of Ferndale
2. Critical Areas Ordinance Approval, City of Ferndale
3. Land Disturbance Permit, City of Ferndale
4. Demolition Permit, City of Ferndale
5. Tank Abandonment Permit, City of Ferndale
6. Demolition Permit, Northwest Clean Air Agency
7. Section 106 Concurrence, State Historic Preservation Office / Department of Archaeology and Historic Preservation
8. Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife
9. NPDES Permit, Department of Ecology
10. NEPA (CE) Approval, Washington State Department of Transportation
11. Coastal Zone Management (CZM) Certification, Washington State Department of Ecology
12. JARPA, U.S. Army Corps of Engineers
Section 401 Water Quality Certification, Department of Ecology
Section 404, U.S. Army Corps of Engineers
13. Overpass Agreement, BNSF Railway

The lead agency for this proposal has determined that the project does not have a probable adverse impact on the environment, mitigation measures will be covered through the City of Ferndale regulations and review process.

In addition to compliance with current City regulations, the following mitigation measures were

identified relative to the proposed project:

EARTH:

During construction, the contractor will install all appropriate measures and Best Management Practices (BMPs) will be in place to prevent erosion as required by the City of Ferndale, including mechanisms such as silt fences and straw wattles that are designed to capture sediment. Compliance with the City's Stormwater Pollution Prevention Plan (SWPPP) for soil stabilization is required.

AIR:

Erosion and sediment control best management practices will be used during construction. Spraying the disturbed soil with water will limit the amount of dust. Idling of work vehicles will be reduced or eliminated. Measures to reduce or control emissions include shutting off engines when not in use, covering dump trucks, and performing regular inspections on vehicles.

ENVIRONMENTAL HEALTH:

All construction activities will be limited to daylight hours, generally between 7 am and 10 pm.

Any potential spills during construction activities and subsequent daily use will be addressed immediately in accordance with City of Ferndale and Washington State Department of Ecology standards and requirements.

Any hazardous materials onsite during construction or as part of subsequent daily use must be stored in accordance with adopted State and local regulations. The City reserves the right to require that the quantity and type of materials be identified.

Construction equipment will be closely monitored when onsite to identify any possible leaks.

PLANTS:

The site development will incorporate landscaping plans per City of Ferndale regulations.

WATER:

Stormwater will be treated according to current standards in the 2019 Stormwater Management Manual for Western Washington and the Highway Runoff Manual.

Contractor will implement Temporary Erosion and Sediment Controls (TESC) and Best Management Practices (BMP) and construct an engineered storm water management system designed to meet current (2014) Department of Ecology manual requirements.

All runoff will be routed to an underground infiltration trench, treated by means of rock and amended soil mix, then into native ground. No runoff will be conveyed offsite.

Any wetland/critical area work must comply with the City's Critical Areas Ordinance.

CULTURAL RESOURCES:

Inadvertent Discovery of Archaeological Resources:

Should archaeological resources (e.g. shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Stephanie Jolivet, Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-312-2253) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.

Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055)

"If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains" (DAHP).