



SEPA Mitigated Determination of Non-Significance (MDNS)

Date:

June 27, 2023

Description:

The City of Burlington is proposing to acquire an interruptible water right to irrigate sports fields and landscaping at Skagit River Park. Water will be used to irrigate approximately 71 acres of park land. Construction of the associated irrigation system will involve excavation, trenching, and the installation of approximately 5,660 feet of pipe along with associated pumps, generators, and water intakes. Two intake locations are proposed.

Permit Number(s):

SEPA 1-22

Proponent:

City of Burlington, Public Works Department

Location:

1150 South Skagit Street, Burlington (Skagit River Park)

Lead Agency:

City of Burlington, Community Development Department, 833 South Spruce Street, Burlington, Washington 98233

Permits and Project Documents:

A Hydraulic Project Approval (HPA) may be required from the Washington State Department of Fish and Wildlife (WDFW). Shoreline and grading permits will be required from the City of Burlington. In addition the project will require the preparation of a floodplain habitat assessment, fish and wildlife habitat conservation area assessment, and an inadvertent discovery plan for archaeological and historic resource protection. Water right application S1-29456 is pending with the Washington State Department of Ecology.

Threshold Determination:

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 be 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 following conditions:

Conditions:

1. The City relies on adopted municipal code requirements to ensure project impacts are mitigated to a level of non-significance. Full compliance with all applicable Burlington Municipal Code requirements shall be required.
2. The City relies on laws and regulations adopted by Washington State and the federal agencies to ensure project impacts are mitigated to a level of non-significance. Full compliance with all applicable Washington State and federal regulatory requirements shall be required.
3. This project is located in a floodplain. The National Marine Fisheries Service has determined that development in floodplains can negatively impact species protected by the Endangered Species Act (ESA). In order to mitigate any fish and wildlife impacts to a level of non-significance the development shall comply with the following conditions a flood plain habitat assessment and mitigation plan shall be prepared and submitted to the City of Burlington Community Development Department for approval. The floodplain habitat assessment shall be consistent with FEMA Region 10 guidelines. All mitigation measures, design specifications, and practices identified in the approved floodplain habitat assessment shall be fully implemented and adhered to. No grading or shoreline permits shall be issued until a floodplain habitat assessment has been submitted to, and approved by, the City of Burlington Community Development Department.
4. Portions of the proposed work will occur in areas designated by the City as Fish and Wildlife Habitat Conservation Areas (FWHCAs). In order to ensure any potential impacts to fish and wildlife habitat are mitigated to a level of non-significance no grading or shoreline permits shall be issued until a FWHCA assessment and mitigation plan and been submitted to, and approved by, the City of Burlington Community Development Department. The FWHCA assessment shall be fully consistent with Chapter 14.15 BMC and Title 18 BMC (The Burlington Shoreline Master Program).
5. Information provided in the SEPA checklist indicates this project has a low probability of impact archaeological or historic resources. However any project involving extensive excavation or trenching has the potential to impact archaeological or historic resources. In order to ensure any potential impacts are mitigated to a level of non-significance an inadvertent discovery plan consistent with Washington State Department of Archaeology and Historic Preservation (DAHP) shall be submitted to, and approved by the City of Burlington Community Development Department. No grading or shoreline permits shall be issued until an inadvertent discovery plan has been approved.

6. Information provided in the SEPA checklist indicates gas or diesel powered generators or pumps may be used. Such equipment can produce emissions and impact air quality. In order to ensure any potential impacts are mitigated to a level of non-significance permits or statements of exemption shall be obtained from the Northwest Clean Air Agency.
7. Development activities occurring on, or within 300 feet of, property owned by a diking district shall obtain approval from the appropriate diking district in order to ensure diking and flood control improvements are not negatively impacted.

Appeals:

You may appeal this determination in accordance with the procedures identified in Title 14A BMC. Appeals must be filed with the Community Development Director within 14 days of this determination. This determination was issued on June 27, 2023. Appeals shall be mailed, emailed, or delivered in person to Brad Johnson, Community Development Director at 833 South Spruce Street, Burlington, WA 98233 or emailed to bradmj@burlingtonwa.gov.