

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

SEPA Distribution List
SEP2013-00029
Date of Issuance: July 5, 2013

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 676-6907. Please submit your response by the comment date noted on the attached notice of determination.

SEPA Unit, WA State Department of Ecology, Olympia, via email
sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife, via email
Joel Ingram, joel.ingram@dfw.wa.gov

WA State Department of Natural Resources, via email
Rochelle Knust, sepacenter@dnr.wa.gov

SEPA Unit, WA State Department of Transportation, Burlington, via email
stormer@wsdot.wa.gov

WA State Department of Archaeological and Historic Preservation

Lummi Nation
Attn: Natural Resources Department
Attn: Cultural Resources Department

Nooksack Indian Tribe
Attn: Natural Resources Department
Attn: Cultural Resources Department

Applicant
Whatcom County Council

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SEPA Determination of Nonsignificance (DNS)

File: SEP2013-00029

Project Description: Legislative amendment to the comprehensive plan and zoning code regarding MRL designation process and process for surface mining permit applications.

Proponent: Whatcom County Council

Address and Parcel #: County-Wide

Lead Agency: Whatcom County Planning & Development Services

Zoning: Rural (R), Agriculture (AG), Rural Forestry (RF), Commercial Forestry (CF), Mineral Resource Lands Special District (MRL)

Comp Plan: Rural Forestry (RF), Commercial Forestry (CF), Mineral Resource Lands (MRL)

Shoreline Jurisdiction: N/A

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by July 19, 2013 and should be sent to: Joshua Fleischmann

Responsible Official: Tyler Schroeder

Title: Planning Manager

Telephone: 360-676-6907

Address: 5280 Northwest Drive
Bellingham, WA 98226

Date of Issuance: July 5, 2013

Signature: _____

A handwritten signature in blue ink, appearing to read "Tyler Schroeder", is written over a horizontal line.

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding July 29, 2013.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.

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SEPA Determination of Nonsignificance (DNS)
Legal Notice

To be published one time only on: **July 5, 2013**

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #048867

WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD CONCLUDING ON, July 19, 2013.

File: SEP2013-00029

Project Description: Legislative amendment to the comprehensive plan and zoning code regarding MRL designation process and process for surface mining permit applications.

Proponent: Whatcom County Council

Address and Parcel #: County-Wide

Lead Agency: Whatcom County Planning & Development Services

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Comp Plan: Rural Forestry (RF), Commercial Forestry (CF), Mineral Resource Lands (MRL)

Shoreline Jurisdiction: N/A

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY CURRENT PLANNING DIVISION LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.

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SEPA Environmental Checklist

SEP 2013-00029

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." In addition, complete the supplemental sheet for non-project actions (part C).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A Background

- 1 Name of proposed project, if applicable:
Mineral Resource Lands (MRL) Procedural Amendment
- 2 Name of applicant: Barbara Brenner and Carl Weimer
Applicant phone number: 360-676-6690
Applicant address: 311 Grand Avenue, Bellingham, WA 98225
- 3 Contact name: same as applicant
Contact phone number:
Contact address:
- 4 Date checklist prepared: December 9, 2012
- 5 Agency requesting checklist: Whatcom County
- 6 Proposed timing or schedule (including phasing, if applicable):
Docket decision - March 2013; amendment completed in 2013 docket cycle
- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes No
If yes, explain:
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
none
- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes No
If yes, explain.
- 10 List any government approvals or permits that will be needed for your proposal, if known.
none

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is a legislative amendment to the comprehensive plan and zoning code regarding MRL designation process and process for surface mining permit applications.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The MRL designation and zone are overlays that can take place throughout Whatcom County.

B Environmental Elements

1 Earth

- a. General description of the site:

- Flat
 Rolling
 Hilly
 Steep Slopes
 Mountainous
 Other various

- b. What is the steepest slope on the site (approximate percent slope)?

non-project action

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

non-project action

- d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes No

If so, describe.

non-project action

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.

non-project action

Indicate source of fill.

non-project action

- f. Could erosion occur as a result of clearing, construction, or use?
Yes No

If so, generally describe.

non-project action

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

non-project action

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, or industrial wood smoke) during construction and when the project is completed?

non-project action

If any, generally describe and give approximate quantities if known.

non-project action

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes No

If so, generally describe.

non-project action

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

3. Water

a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes No

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

non-project action

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes No

If yes, please describe and attach available plans.

non-project action

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of fill material. non-project action

- (4) Will the proposal require surface water withdrawals or diversions? Yes No

Give general description, purpose, and approximate quantities if known.

non-project action

Does the proposal lie within a 100-year floodplain?

Yes No

If so, note location on the site plan.

non-project action

(5) Does the proposal involve any discharges of waste materials to surface waters?

Yes No

If so, describe the type of waste and anticipated volume of discharge

non-project action

b. Ground

Will ground water be withdrawn, or will water be discharged to ground water? Yes No

Give general description, purpose, and approximate quantities if known.

non-project action

(1) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

non-project action

c. Water runoff (including stormwater):

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

non-project action

Where will this water flow? non-project action

Will this water flow into other waters? Yes No

If so, describe.
non-project action

(2) Could waste materials enter ground or surface waters?

Yes No

If so, generally describe.
non-project action

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

4 Plants

a. Check types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation non-project action

b. What kind and amount of vegetation will be removed or altered?

non-project action

c. List threatened or endangered species known to be on or near the site.

non-project action

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

5. Animals

- a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

- | | |
|---|-------------------------------------|
| <input type="checkbox"/> Hawk, | <input type="checkbox"/> Heron, |
| <input type="checkbox"/> Eagle, | <input type="checkbox"/> Songbirds; |
| <input checked="" type="checkbox"/> Other: non-project action | |

Mammals:

- | | |
|---|----------------------------------|
| <input type="checkbox"/> Deer, | <input type="checkbox"/> Bear, |
| <input type="checkbox"/> Elk, | <input type="checkbox"/> Beaver; |
| <input checked="" type="checkbox"/> Other: non-project action | |

Fish:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> Bass, | <input type="checkbox"/> Salmon, |
| <input type="checkbox"/> Trout, | <input type="checkbox"/> Herring, |
| <input type="checkbox"/> Shellfish; | <input checked="" type="checkbox"/> Other: non-project action |

- b. List any threatened or endangered species known to be on or near the site.

non-project action

- c. Is the site part of a migration route? Yes No

If so, explain.

non-project action

- d. Proposed measures to preserve or enhance wildlife, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

non-project action

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes No

If so, generally describe.

non-project action

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

non-project action

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes No

If so, describe.

non-project action

- (1) Describe special emergency services that might be required.

non-project action

- (2) Proposed measures to reduce or control environmental health hazards, if any:

non-project action

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

non-project action

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

non-project action

- (3) Proposed measures to reduce or control noise impacts, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

8 Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

non-project action

- b. Has the site been used for agriculture? Yes No
If so, describe.

non-project action

- c. Describe any structures on the site.

non-project action

- d. Will any structures be demolished? Yes No
If so, what?

non-project action

- e. What is the current zoning classification of the site?

Mineral Resource Lands Special District (MRL)

- f. What is the current comprehensive plan designation of the site?

Mineral Resource Lands

- g. If applicable, what is the current shoreline master program designation of the site?

non-project action

- h. Has any part of the site been classified as an "environmentally sensitive" area? Yes No

If so, specify.

non-project action

- i. Approximately how many people would reside or work in the completed project?

non-project action

- j. Approximately how many people would the completed project displace?

non-project action

- k. Proposed measures to avoid or reduce displacement impacts, if any:

non-project action

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Amendments proposed to ensure compatibility and consistency.

9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

non-project action

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

non-project action

- | | |
|--------------------------|------------|
| <input type="checkbox"/> | High |
| <input type="checkbox"/> | Middle |
| <input type="checkbox"/> | Low-income |

c. Proposed measures to reduce or control housing impacts, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

10 Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

non-project action

b. What views in the immediate vicinity would be altered or obstructed?

non-project action

c. Proposed measures to reduce or control aesthetic impacts, if any:

non-project action

11 Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

non-project action

b. Could light or glare from the finished project be a safety hazard or interfere with views?

non-project action

c. What existing off-site sources of light or glare may affect your proposal?

non-project action

d. Proposed measures to reduce or control light and glare impacts, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

12 Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

non-project action

- b. Would the proposed project displace any existing recreational uses? If so, describe.

non-project action

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

13 Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

non-project action

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

non-project action

- c. Proposed measures to reduce or control impacts, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

14 Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

non-project action

- b. Is site currently served by public transit? Yes No

If not, what is the approximate distance to the nearest transit stop?

non-project action

- c. How many parking spaces would the completed project have? How many would the project eliminate?

non-project action

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? Yes No
If so, generally describe (indicate whether public or private).

non-project action

- e. Will the project use (or occur in the immediate vicinity of)
 Water,
 Rail, or
 Air transportation?

If so, generally describe.

non-project action

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

non-project action

- g. Proposed measures to reduce or control transportation impacts, if any:

The amendments would require additional evaluation of such impacts prior to MRL designation.

15 Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?
Yes No
If so, generally describe.

non-project action

- b. Proposed measures to reduce or control direct impacts on public services, if any.

The amendments would require additional evaluation of such impacts prior to MRL designation.

16 Utilities

- a. Check utilities currently available at the site:

Electricity,
 Water,
 Telephone,
 Septic system,

Natural gas,
 Refuse service,
 Sanitary sewer,
 Other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

non-project action

SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: 12/21/12

C Supplemental Sheet for Non-project Actions

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1 How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal primarily affects the process for MRL designations and surface mining permit applications.

Proposed measures to avoid or reduce such increases are:

The purpose of the proposal is to require evaluation of the likely impacts prior to MRL designation, and to require a public hearing on the surface mining application.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal primarily affects the process for MRL designations and surface mining permit applications. The proposal does include consideration of noxious weeds in buffers of surface mines.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The purpose of the proposal is to require evaluation of the likely impacts prior to MRL designation, and to require a public hearing on the surface mining application.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal primarily affects the process for MRL designations and surface mining permit applications.

Proposed measures to protect or conserve energy and natural resources are:

The purpose of the proposal is to require evaluation of the likely impacts prior to MRL designation, and to require a public hearing on the surface mining application.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal primarily affects the process for MRL designations and surface mining permit applications.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The purpose of the proposal is to require evaluation of the likely impacts prior to MRL designation, and to require a public hearing on the surface mining application.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal primarily affects the process for MRL designations and surface mining permit applications.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The purpose of the proposal is to require evaluation of the likely impacts prior to MRL designation, and to require a public hearing on the surface mining application.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal primarily affects the process for MRL designations and surface mining permit applications.

Proposed measures to reduce or respond to such demand(s) are:

The purpose of the proposal is to require evaluation of the likely impacts prior to MRL designation, and to require a public hearing on the surface mining application.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal has been reviewed for consistency with the Growth Management Act, including the procedural criteria for designation of mineral resource lands.