

**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  
SEP2013-00040  
Date of Issuance: August 6, 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.

WA State Department of Archaeology and Historic Preservation via email  
Gretchen Kaehler, gretchen.kaehler@dahp.wa.gov

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

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

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

Applicant  
Nooksack Salmon Enhancement Association

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**J.E. "Sam" Ryan**  
Director

## SEPA Determination of Nonsignificance (DNS)

**File:** SEP2013-00040

**Project Description:** Replace existing concrete hardened crossing on Fishtrap Creek with a pre-fabricated bridge to continue access to an agricultural use.

**Proponent:** Nooksack Salmon Enhancement Association

**Address and Parcel #:** 2445 East Bakerview Road APN#: 400303120477

**Lead Agency:** Whatcom County Planning & Development Services

**Zoning:** Agriculture      **Comp Plan:** Agriculture  
**Shoreline Jurisdiction:** Resource & Aquatic

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 August 20, 2013 and should be sent to: Sam McDaniel

**Responsible Official:** Tyler Schroeder

**Title:** Planning Manager

**Telephone:** 360-676-6907

**Address:** 5280 Northwest Drive  
Bellingham, WA 98226

**Date of Issuance:** August 6, 2013

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

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 August 30, 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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**J.E. "Sam" Ryan**  
Director

**SEPA Determination of Nonsignificance (DNS)  
Legal Notice**

To be published one time only on: **August 6, 2013**

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

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**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, August 20, 2013.**

**File:** SEP2013-00040

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**Shoreline Jurisdiction:** Resource & Aquatic

**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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Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
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RECEIVED  
J.E. Sam Ryan  
Director  
JUL 22 2013

Whatcom County P&DS

SEP 2017 - 40

## SEPA Environmental Checklist

### 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:  
Mallhi Fishtrap Creek Crossing Replacement
- 2 Name of applicant: Nooksack Salmon Enhancement Association (NSEA)  
Applicant phone number: 360-715-0283  
Applicant address: 2445 E Bakerview Rd Bellingham WA 98226
- 3 Contact name: Darrell Gray  
Contact phone number: Same  
Contact address: Same
- 4 Date checklist prepared: 6/26/2013
- 5 Agency requesting checklist: WDFW
- 6 Proposed timing or schedule (including phasing, if applicable):  
Construction August or September 2013
- 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 known
- 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.  
HPA, Land Disturbance Permit, Shorelines Exemption

- 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.)

Replace a concrete hardened crossing in Fishtrap Creek with a pre-fabricated bridge for agricultural use. Parcels are 100 acres. Zoning and use is Ag.

- 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.

9700 block of Northwood Rd, Lynden, WA 98264  
NW 1/4 of Section 3, Township 40N, Range 3E.  
48.990170 -122.418469  
See attached maps

## B Environmental Elements

### 1 Earth

- a. General description of the site:

- Flat  
 Rolling  
 Hilly  
 Steep Slopes  
 Mountainous  
 Other

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

10% (stream bank)

- 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.

Shalcar Muck 143, Pangborn Muck 116, , Hale Silt Loam 62, , Lynden Sandy Loam 99 Clipper Silt Loam 31. All prime farmland.

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

If so, describe.

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

Approximately 160 cy of gravel fill will be imported to construct bridge approaches.

Indicate source of fill.  
from a commercial supplier

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

If so, generally describe.

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

0

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

Any disturbed soils will be protected with an erosion control seed mix and straw.

## 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?

Normal short term emissions from construction equipment.

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

2-3 day work project

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

If so, generally describe.

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

does not apply

### 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.

Fishtrap Creek, a tributary of the Nooksack River

- (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.

Remove concrete crossing from stream channel, install pre-fabricated bridge over stream channel.

- (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. 5 cy concrete removed.

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



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

Does the proposal lie within a 100-year floodplain?

Yes  No

If so, note location on the site plan.

(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

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.

(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.

Does not apply

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).

Does not apply

Where will this water flow?

Will this water flow into other waters? Yes  No

If so, describe.

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

Yes  No

If so, generally describe.

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

Work will take place during the dry summer months. Work footprint will be kept very small. BMPs will be in place to prevent any exposed soils from eroding into the stream channel.

#### 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

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

Limbs may be removed from two existing trees.

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

None known

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

The riparian areas has been planted with native trees and shrubs as part of an earlier NSEA riparian enhancement project.

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

Mammals:

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

Fish:

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

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

Steelhead

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

If so, explain.

Several species of salmon and trout utilize the stream for migration, spawning and rearing.

General area is also used by migratory waterfowl.

- d. Proposed measures to preserve or enhance wildlife, if any:  
Purpose of the project is to remove instream access for farm equipment, and remove the hardened crossing from the streambed allowing more natural stream flow and sediment transport. +

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.

Does not apply

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

If so, generally describe.

- 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:

Does not apply

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.

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

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

b. Noise

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

Does not apply

- (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.

Short term noise from construction equipment. 2-3 day work window during normal work hours.

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

None

8 Land and Shoreline Use

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

Berry crops

- b. Has the site been used for agriculture? Yes  No

If so, describe.

Berry crops

- c. Describe any structures on the site.

One old shed

- d. Will any structures be demolished? Yes  No

If so, what?

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

AG

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

Agriculture

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

Resource

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

If so, specify.

Fishtrap Creek is a critical area

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

Does not apply

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

Does not apply

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

Does not apply

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

Crossing is needed for continued agricultural uses.

## 9 Housing

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

Does not apply

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

Does not apply

- High  
 Middle  
 Low-income

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

Does not apply

## 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?

Does not apply

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

None

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

Does not apply

## 11 Light and Glare

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

None

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

No

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

Does not apply

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

Does not apply

## 12 Recreation

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

None

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

No

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

None

### 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.

None known

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

None known

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

NRCS archeologist has surveyed the site and will continue to monitor during construction.

### 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.

Site is accessed from Northwood Rd via a farm access lane.

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

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

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

does not apply



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).

e. Will the project use (or occur in the immediate vicinity of)

- Water,
- Rail, or
- Air transportation?

If so, generally describe.

Does not apply

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

Does not apply

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

None

## 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.

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

None

## 16 Utilities

a. Check utilities currently available at the site:

- |   |  |
|---|--|
| <input type="checkbox"/> Electricity,   | <input type="checkbox"/> Natural gas,    |
| <input type="checkbox"/> Water,         | <input type="checkbox"/> Refuse service, |
| <input type="checkbox"/> Telephone,     | <input type="checkbox"/> Sanitary sewer, |
| <input type="checkbox"/> Septic system, | <input type="checkbox"/> Other.          |

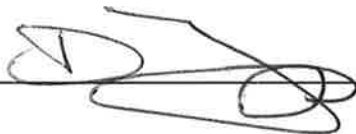
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Does not apply

**SIGNATURE**

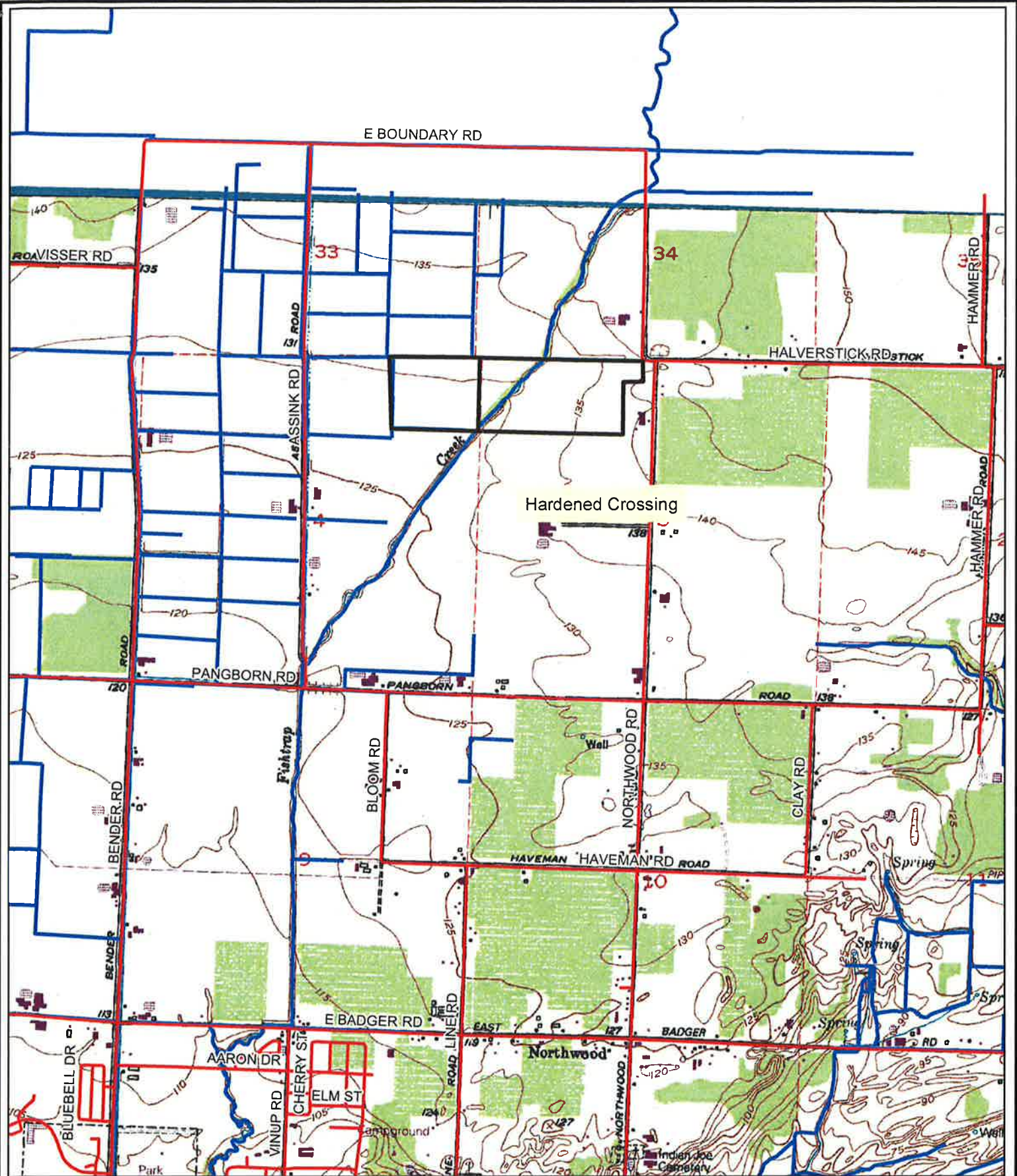
The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

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

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, written over a solid horizontal line.

Date Submitted: \_\_\_\_\_

7/2/2013

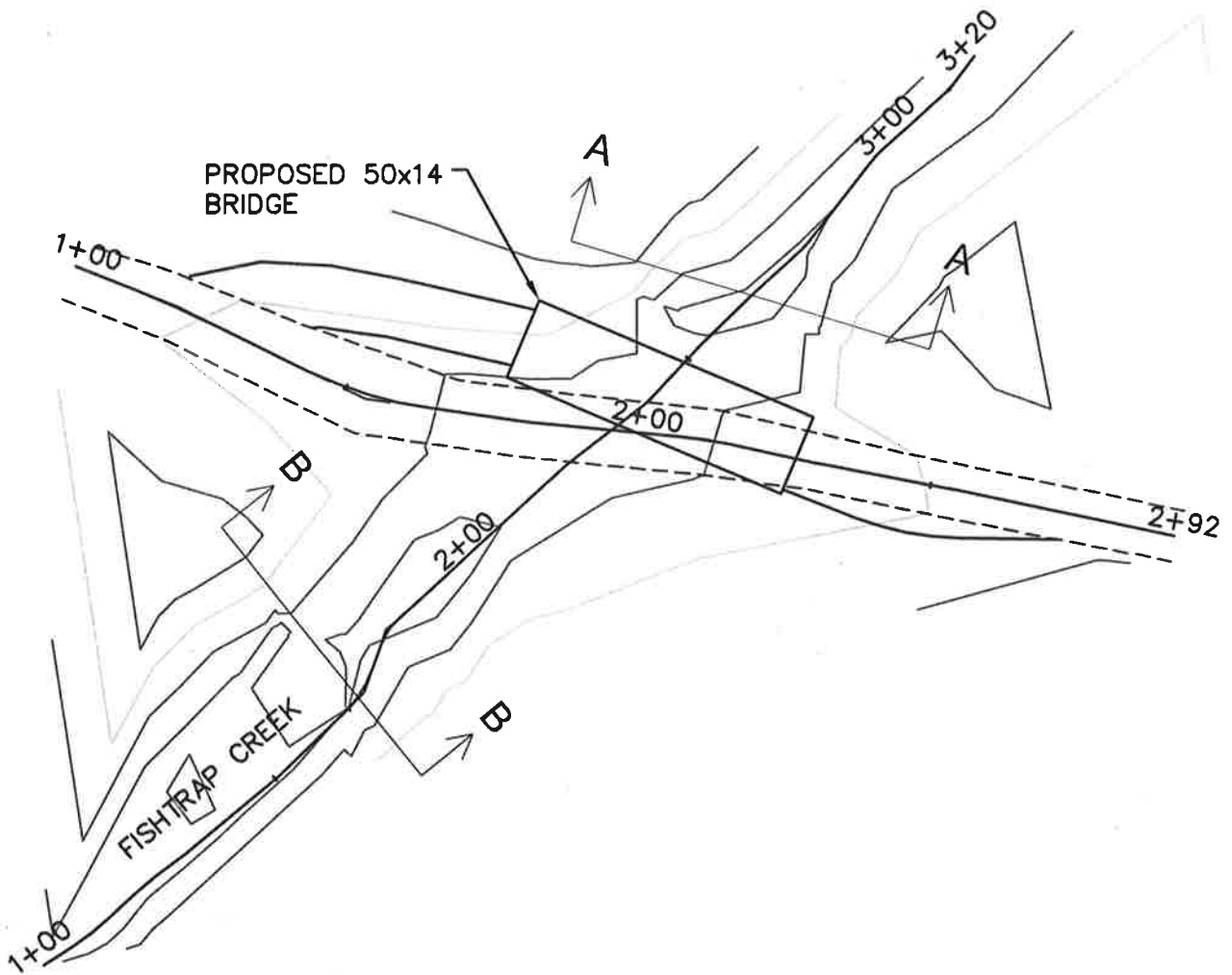


**Mallhi Berry Farm Instream Crossing  
Vicinity Map**

- Malhi\_Parcels
- Rivers & Streams

1:24,000





WRIA: 01-  
WHATCOM COUNTY, WA  
PROPOSED: BRIDGE PLACEMENT  
PURPOSE: HABITAT ENHANCEMENT

### SITE PLAN

APPLICANT: NOOKSACK SALMON ENHANCEMENT ASSOCIATION

LANDOWNER: MALHI

WATERWAY: FISHTRAP CREEK

DATE: 7-22-2013

SHEET: 1 OF 5