



## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

210 Lottie Street, Bellingham, WA 98225

Telephone: (360) 778-8300 Fax: (360) 778-8302 TTY: (360) 778-8382

SEP2010-00027

### Mitigated Determination of Non-Significance (MDNS)

**Date of Issuance of Threshold Determination:** September 29, 2010

**Description of Proposal:** Construction of an over-water walkway (OWW) approximately 2,350-feet in length and 14-feet in width (18.5-feet in width for resting 'bump-outs') including approximately 96 twenty-four inch steel pilings (50-feet on center), approximately 1,500 square feet of grated decking to allow light penetration in near shore areas. Height of the OWW will be approximately 8-feet above the elevation of mean higher high water. Railings and low-level lighting are included. Construction of walkway abutments and landings to be ADA accessible. The 5,600 sq.ft. landing / abutment at Boulevard includes placement of approx. 600 cyds of material and construction of wing-walls. The 12,300 sq.ft. landing / abutment at Cornwall includes placement of approx. 800 cyds of material and wing-walls as well as additional heavy material for slope and bank protection. Demolition of an existing timber pier (877 sq.ft.), an existing timber wharf (2,455 sq.ft) and its 87 creosote pilings and removal of 9 isolated creosote pilings are also proposed.

This project requires a City Shoreline Conditional Use Permit. Shoreline CUP's require a public hearing before the Hearing Examiner. The Hearing Examiner considers public comments and the application materials and then forwards her decision to the Department of Ecology for final approval. (**A Hearing Examiner public hearing date has not yet been scheduled.**)

**Applicant:** Derek Koellmann, Anchor QEA, 360-733-4311 x221 or email: [dkoellmann@anchorenv.com](mailto:dkoellmann@anchorenv.com) authorized agent for the City of Bellingham Parks and Recreation Department.

**Location of Proposal:** Boulevard Park, Area 6, South Hill Neighborhood and Cornwall Avenue Landfill, Area 21 CBD Neighborhood. Conservancy II, III, Urban Maritime shoreline designations.

**Lead Agency:** City of Bellingham, Planning and Community Development Department (PCDD)

**Permits / approvals required for this proposal:** W.D.F.W. Hydraulic Project Approval, D.N.R. Lease Approval, U.S.C.G. Individual Permit, D.O.E. 401 Water Quality Certification and Shoreline CUP, City Building Permits.

#### **Mitigating Conditions Required for this Proposal:**

1. Grated decking shall be installed on walkway bents that cover bed-lands up to a depth of minus 15-feet MLLW.
2. Trees greater than 6-inches diameter at breast height that are removed shall be replaced at a ratio of 2:1 and shall be similar or native species. Replacement trees shall be installed within the shoreline jurisdiction anywhere within Boulevard Park.
3. A shoreline erosion and sediment transport evaluation based upon the proposed alignment of the over-water-walkway shall be provided to the PCDD by a qualified professional prior issuance of public noticing for the Hearing Examiner public hearing. Erosion and sediment transport at the two landings, the shoreline reach between landings and reaches approximately 300-feet beyond each landing shall be included in the evaluation.

4. A revised Mitigation and Monitoring Plan shall be approved by WDFW, DNR and the City of Bellingham prior to issuance of any site work or building permits with the exception of any permits required for exploratory borings. Revised Plan shall include elements pertaining to acquisition of pre-project baseline data on macro-algae presence along proposed centerline of OWW and post project monitoring of eelgrass colonization at each end of the OWW to be consistent with WDFW guidelines. All other existing mitigation and monitoring elements within the Plan are satisfactory.
5. A staging and construction / access plan shall be submitted and approved by the PCDD for each of the two abutments prior to issuance of any site work or building permits with the exception of any permits required for exploratory borings.
6. Mitigation and monitoring as required by other Local, State and Federal agencies shall be implemented as required.

#### **Environmental Information Considered:**

1. Shoreline CUP Application (JARPA), June 11, 2010 by AnchorQEA LLC including site plans, schematics.
2. SEPA Checklist, June 11, 2010.
3. Boulevard / Cornwall Overwater Pedestrian Walkway Mitigation Report, June 2010 by AnchorQEA LLC.
4. Biological Assessment, June 2010, AnchorQEA LLC.
5. SMP Consistency Report, June 2010, AnchorQEA LLC.
6. Coastal Engineering Analysis, Technical Memorandum, April 16, 2010, Coast & Harbor Engineering.
7. Geo-technical Exploration Summary, December 8, 2009, Geo Engineers.
8. Archaeological Survey, April 2010, Wessen & Associates, Inc.
9. Eelgrass Survey, July 14, 2008, Grette Associates LLC.
10. Feasibility Report, Boulevard Park Shoreline and Overwater Walkways, September 22, 2009, Reid Middleton.
11. City of Bellingham Shoreline Characterization & Inventory, November 2004, Northwest Ecological Services LLC.
12. Overwater Structures: Marine Issues, A White Paper by University of Washington, June 2001, prepared for Washington State Transportation Commission and the F.H.A.

The lead agency for this proposal has determined that the project does not have a probable adverse impact on the environment. An environmental impact statement is not required under RCW 43.21.C.030(2) c. This decision was made after review of a completed environmental checklist on file with the lead agency. This information is available to the public on request.

**( X ) This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for at least 14 days from the date of issuance. Anyone wishing to comment on this threshold determination is invited to submit written comment(s) to the PCDD by 5:00 p.m. on Wednesday, October 13, 2010.**

#### **Responsible Official:**

Jeff Thomas, Assistant Director  
Planning and Community Development Department  
210 Lottie Street, Bellingham, WA 98225

Signature

Date 9-29-2010

**Staff Contact:**

Steven Sundin, Planner. Email: [ssundin@cob.org](mailto:ssundin@cob.org)  
Planning and Community Development Department  
210 Lottie Street, Bellingham, WA 98225  
(360) 778-8359

**Appeal rights:** Pursuant to BMC 16.20.210(B)(2), this determination may be appealed, within 14 days of the date of issuance, to the City of Bellingham Hearing Examiner in accordance with BMC 21.10.250.

The City of Bellingham seeks to comply with the American Disabilities Act. If you have special needs, please call (360) 778-8300 (voice) or (360) 676-6883 (TDD).