



DEVELOPMENT SERVICES

**Mitigated Determination of Nonsignificance (MDNS)
W.A.C. 197-11-970**

Environmental Review Application No.: PL-SEPA-16-0014

Parcel Number: 5970000244

Action: Shoreline Substantial Development Permit, Site Plan Review, Conditional Use Permit, Shoreline Variance, Design Review, Design Alternatives, Alternative Landscape Plan, Flood Hazard Permit and Critical Areas Review

Proposal: The project involves the development of a public park and upland, one-story, 3,000 square foot storage building for non-motorized watercraft. A public restroom facility would be located within the building and a roof-top public viewing area would be provided at the Harborview Drive street level of the proposed structure. Approximately 936 cubic yards of fill would be placed landward of the site's Ordinary High Water Mark (OHWM) and 175 cubic yards would be placed below or water ward of the OHWM. Improvements to the Harborview Drive right-of-way; utilities, lighting and landscaping are also proposed in conjunction with the project.

Also proposed is the development of a new marine bulkhead along the length of the site's shoreline frontage; the restoration and improvement of two existing marine stormwater outfalls; the demolition, reconstruction and expansion of the Ancich overwater pier; the restoration and improvement of the Ancich Net Shed; and the restoration of the Jerkovich overwater pier.

Location: 3658 Harborview Drive

Proponent: Katrina Knutson, Parks Project Administrator, c/o City of Gig Harbor Public Works Department, 3510 Grandview Street, Gig Harbor, WA 98335

I. INCORPORATION BY REFERENCE:

The following documents contain information, studies and analysis that have been used in the review of this proposal and are hereby incorporated into this threshold determination by reference:

1. SEPA Environmental Checklist prepared July 25; 2016;

2. Critical Areas Report dated July 21, 2016;
3. Critical Areas/Shoreline No Net Loss Report Addendum 1 signed August 8, 2016;
4. Biological Evaluation dated July 20, 2016;
5. Geotechnical Report dated September 2016;
6. Geotechnical Report Addendum I dated October 27, 2016;
7. Letters dated October 21 and November 28, 2016 from the Department of Ecology;
8. Electronic mail from Steve Roberts, PND Engineers regarding Department of Ecology recommendation for soil sampling at Ancich Park;
9. SEPA review and recommendation memorandum from Emily Appleton, P.E., Senior Engineer, Public Works Department, Engineering Division;
10. Parking Analysis dated December 13, 2016 from Katrina Knutson, Parks Project Administrator; and,
11. Electronic mail dated December 21, 2016 from Emily Appleton, Senior Engineer/Traffic Engineer, Public Works Department, Engineering Division.

II. ANALYSIS:

A. Toxic Soil Cleanup: The proposed project and subject site is located within an area that may have been contaminated with heavy metals due to the air emissions originating from the old Asarco Smelter in north Tacoma. Soil contamination from the former smelter poses a risk to human health and the environment. Children are at high risk because they can play in contaminated soil and ingest it, and construction workers, landscapers, gardeners and others who work in the soils are also at the risk.

By letters dated October 21 and November 28, 2016 the Department of Ecology (Ecology) advised the city of the site's potential to contain contaminated soils due to air pollution associated with the operation of the ASARCO Smelter in north Tacoma, and recommended that the soils be sampled and analyzed for arsenic and lead contamination. In its letter dated October 21, 2016 Ecology advises of the protocol it will use to address the contamination issue depending upon whether the soils exceed or don't exceed Model Toxic Control Act (MTCA) cleanup levels.

The applicant has volunteered to do the testing (see electronic mail dated November 28, 2016 from Steve Roberts, PND Engineers, Inc.) and, thus, the lead agency for the project issues this MDNS subject to the following mitigation measure:

1. Prior to the issuance of building permits for the project, the applicant shall sample the soils within the project area pursuant to the soil sampling requirements of Ecology. If the soils are found to be contaminated above MTCA cleanup levels, the applicant shall contact the Tacoma Smelter Plum Technical Assistance Coordinator at the Southwest Regional Office, Eva Barber, at 360-407-7094 for technical assistance, and comply with Ecology's protocol for soils remediation set forth in its letter of October 21, 2016.

B. Plants & Animals: The subject site contains a 300 square foot Category II Wetland and a 1,810 square foot Category IV Wetland. The site is located adjacent to Gig Harbor Bay, a designated Critical Fish and Wildlife Habitat Area per the Gig Harbor Shoreline Master Program. Further, the site is located within a FEMA-designated Special Flood Hazard Area. The site's uplands are currently undeveloped, except for two driveways that provide access to the site. The uplands of the site are retained by an existing, dilapidated wood bulkhead that is in a failing condition. The existing Ancich net shed and overwater pier are located along the north end of the site's shoreline frontage and the existing Jerkovich pier and moorage facility is located along the southerly portion of the shoreline frontage.

Per the applicant's Critical Areas Study dated July 21, 2016, both wetlands provide minimal habitat, water quality or hydrologic functions. Removal of both from the site is expected to have little impact on wildlife, water quality or flood control.

However, the applicant has prepared a conceptual mitigation plan to address the loss of the two wetlands and impacts to their associated regulated buffers. See Critical Areas Study dated July 21, 2016. The goal of the plan is to provide no net loss of wetland function and to strive for net resource gain in wetlands over present conditions. In this regard, mitigation will be provided through on-site habitat improvements and nearby off-site mitigation.

Using the substantive SEPA authority provided by GHMC Subsection 18.04.210.D.3.m, the city adopts by reference the critical area requirements of the

Gig Harbor Shoreline Master Program and requires the following mitigation measure to address the project's impact to the wetlands and associated buffers:

2. The applicant's mitigation plan shall be implemented consistently with the representations set forth in Section 5.0 (Conceptual Mitigation Plan) of the July 21, 2016 Critical Areas Study.

C. Transportation & Circulation: The Public Works Department memorandum dated December 12, 2016 that is referenced above addresses the review of potential transportation impacts associated with the project and identifies mitigation measures that are required for the project to meet the city's adopted goals of creating an effective road and sidewalk system to serve its residents, and maintaining level of service standards on city streets. See Goal 12.1-Create An Effective Multi-Modal Street Network and Goal 12.4-Levels of Service Standards 2015 Comprehensive Plan. Both goals have been adopted by the city as a basis for SEPA mitigation (see GHMC subsection 18.04.210.D.3.I).

The departments' memorandum of December 21, 2016 addresses its review of the parking and loading stalls proposed to serve the site and concludes that the on-street parking and loading stalls proposed to serve the site, together with off-street loading areas provided within the access driveways serving the site, and the transportation-related improvements addressed in its memorandum dated December 12, 2016 will adequately address the parking needs of the proposed park.

Based on the preceding, the following mitigation measure is required to address transportation impacts associated with the proposal:

3. The applicant shall implement all transportation improvements proposed for the Ancich Park project as set forth in the Public Works Department memorandum dated December 12, 2016.

IV. THRESHOLD DETERMINATION:

Lead Agency: City of Gig Harbor

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment, provided the mitigation measures specified above are imposed. An environmental impact statement (EIS) is not 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 upon request.

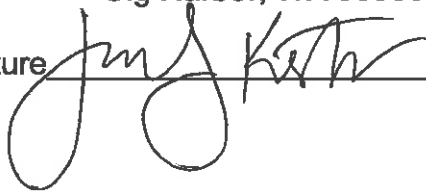
[x] This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of this document. **Comments must be submitted by January 5, 2017.**

Any interested person may appeal the adequacy of this SEPA Threshold Determination to the City of Gig Harbor Hearing Examiner pursuant to the procedures set forth under Chapter 18.04 of the Gig Harbor Municipal Code if a written request for appeal is received within 21-days after the issuance of this MDNS, or January 12, 2017, whichever is later. The written appeal must be submitted with a filing fee of two hundred seventy five dollars (\$275.00).

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Signature  Date: 12/22/16