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**NOTICE OF MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**  
**City of Bainbridge Island**

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**Date of Issuance:** May 10, 2019  
**Project Name:** Lapinski Dock  
**Project Number:** PLN51157 SSDP SVAR  
**Project Type:** Shoreline Substantial Development Permit (SSDP)  
Shoreline Variance (SVAR)  
**Project Site Address:** 6150 NE Eagle Harbor Dr., Bainbridge Island  
**Parcel Number:** 3425012-1-008-2005

**Project Description:** Construct a new 154-foot (overwater) pier, ramp, float, and boat lift. Replace 50% of the existing shoreline bulkhead and create a new pocket beach as mitigation on the remaining 50% of shoreline frontage. A shoreline variance is requested for that portion of the dock exceeding 100 feet in length.

**SEPA Decision:** The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment if measures to mitigate the proposal are used. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination 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.

**Responsible Official:** Gary R. Christensen, AICP  
Director of Planning and Community Development  
**Address:** City of Bainbridge Island  
Department of Planning and Community Development  
280 Madison Avenue North  
Bainbridge Island, WA 98110  
(206) 780-3750

Signature: 

Date: 5/10/19

**Appeal:** This SEPA determination may be appealed by filing a written appeal and paying a \$530.00 filing fee to the City Clerk at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 2.16.020 and/or 16.04.170. **An appeal must be filed no later than 4:00 p.m., May 28, 2019. You should be prepared to make specific factual objections.**

**If you have any questions, contact:**

**David Greetham, Senior Planner**

City of Bainbridge Island

Department of Planning & Community Development

280 Madison Avenue North

Bainbridge Island, WA 98110

(206) 780-3765 or pcd@bainbridgewa.gov

**Mitigation Measures for the Lapinski Dock SEPA Determination:**

The SEPA comment period previously occurred concurrent with the notice of application published October 12, 2018. Public comments were received including but not limited to stated concerns regarding the dock design and the proposal to install a buoy further waterward in Eagle Harbor. The applicant has subsequently agreed to modify the proposal to not include buoy installation.

A threshold determination under the State Environmental Policy Act (SEPA) does not authorize construction work to commence without appropriate construction permits. Mitigation measures become conditions of approval for the permit. In addition to the mitigation measures listed below, development activities will be conditioned for compliance with applicable City codes, including but not limited to Shoreline Master Program standards for dock construction.

1. Buoy installation shall be prohibited unless the dock size is reduced to a length not requiring a variance (100' or less). In such case, a buoy may be applied for in accordance with Shoreline Master Program standards. (Basis: BIMC 16.12.050.C.3.b)
2. All in-water and over-water installation and construction activities shall adhere to authorized work windows established by the Washington Department of Fish and Wildlife provisions found in WAC 220-660-330 and specified in the conditions of the HPA issued for the project.
3. Construction material shall be towed to the site with a towboat and a barge at high tide. Pile drivers shall use constructed work platforms (e.g. the barge). If deemed infeasible, documentation proving the infeasibility and alternative method shall be submitted and approved by the City prior to using alternative pile installation methods.
4. The vibratory method of pile installation shall be used for all piles, unless proven infeasible. If deemed infeasible, documentation proving the infeasibility and alternative method shall be submitted and approved by the City prior to using alternative pile installation methods.
5. Equipment shall operate in a manner that minimizes the suspension of particulates. All equipment used in or around waters shall be clean and inspected daily before use to ensure that the equipment has no fluid leaks. Should a leak develop during use, the leaking equipment will be removed from the site immediately and not used again until it has been adequately repaired. Equipment should be stored and/or fueled at least 100 feet from any surface water where possible.
6. Flotation for the float shall be fully enclosed and contained in a shell (e.g. polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation and/or abrasion caused by rubbing against piling and/or waterborne debris.
7. The float stop collars shall be installed to keep the floats a minimum of one foot above the tidelands.
8. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.



9. New piling shall be steel. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all the different components of overwater structures during all tidal elevations.
10. Use of arsenate compounds or creosote-treated members is prohibited. Piles, floats, or other components in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol.
11. Extreme care shall be taken to prevent petroleum products, chemicals, or other toxic or deleterious materials from entering the water and degrading water quality. If a spill does occur, or if oil sheen or any distressed or dying fish are observed in the project vicinity, work shall immediately cease, and Washington Department of Ecology shall be notified of such conditions. Contact: Northwest Regional Spill Response Section at (206) 649-7000.
12. To avoid degradation of existing water quality, no over-water application of paint, preservative treatment, or other chemical compounds shall be permitted at any time.
13. Any treated wood lumber to be used for the project shall meet or exceed the standards established in "Best Management Practices for the Use of Treated Wood in Aquatic Environments" developed by the Western Wood Preservers Institute, revised July 1996. All ACZA (e.g. Chemonite) treated wood pilings and lumber shall be treated by the manufacturer per the Post Treatment Procedures outlined in "BMP Amendment #1 – Amendment to the Best Management Practices for the Use of Treated Wood in Aquatic Environments: USA Version- Revised July 1996", by the Western Wood Preservers Institute or current revision.
14. Prior to construction, the applicant shall provide the City with evidence that all the treated wood lumber to be used in the dock construction was properly treated in accordance with condition #13, above.
15. All foreign material removed from the site shall be permanently disposed of in an upland location so as not to be re-introduced in waters of the state.
16. The applicant shall notify City staff within 48 hours of project completion to allow for field inspection and document compliance with the conditions of approval.
17. If any historical or archaeological artifacts are uncovered during excavation or construction, work shall immediately stop, and the Department of Planning and Community Development and the Washington State Office of Archaeology and Historic Preservation shall be immediately notified. Construction shall only continue thereafter in compliance with the applicable provisions of law.

