
NOTICE OF MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

The City of Bainbridge Island has made a decision concerning the following land use application:

Date of Issuance: September 16, 2016
Project Name & Number: **WATERFRONT PARK DOCK PLN11084C SSDP**
Project Type: Shoreline Substantial Development Permit
Applicant: Mark Epstein
Owner: City of Bainbridge Island
Project Site & Tax Parcel: 301 Shannon Drive, TA# 41140020010000

Project Description: Dock renovation and expansion to include float demolition, piling removal and construction and installation of new floats and pilings. Utilities will also be installed on the new float system.

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. This MDNS is issued under WAC 197-11-340 (2) & WAC 197-11-350. This determination was made and mitigation measures were applied 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. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) c.

Responsible Official:

Address: James R. Weaver, AICP, CBO, Acting Director
City of Bainbridge Island
Department of Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110, (206) 842 - 2552

Signature:  Date: 09/16/16

APPEAL:

You may appeal this determination by filing a written appeal and paying the \$530.00 appeal 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 16.04.170 by no later than **4:00 p.m. Friday, September 30, 2016. You should be prepared to make specific factual objections**

If you have any questions, contact:

Heather Wright, Senior Planner

City of Bainbridge Island

Department of Planning & Community Development

280 Madison Avenue North

Bainbridge Island, WA 98110

206-780-3754 or pcd@bainbridgewa.gov

Mitigation measures for WATERFRONT PARK DOCK SEPA Determination

This threshold determination is for file number PLN11084C SSDP. A threshold determination under the State Environmental Policy Act in no way allows construction work to commence without appropriate construction permits, such as a building or grading permit. Mitigation measures become conditions of approval for the permit.

Mitigation measures to ensure no probable adverse environmental impact will occur during project construction include:

1. The 23 existing creosote treated pilings shall be removed using vibratory extraction to the greatest extent practical. Piles shall be removed slowly to minimize sediment disturbance and turbidity in the water column. Piles which cannot be extracted shall be cut below the mudline.
2. In order to minimize creosote release during extraction, extraction equipment shall be kept out of the water where possible to avoid "pinching" piles below the water line.
3. All manmade construction debris shall be collected and prohibited from entering the waters of the state. All construction debris shall be disposed of at an approved upland site.
4. 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.
5. All equipment used in or around waters shall be clean and inspected daily before use to ensure there are no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until adequately repaired. Equipment shall be stored and/or fueled at least 100 feet from any surface water where possible.
6. The existing solid decking floats shall be replaced with floats that have 55% functional grating.
7. New floats shall be manufactured off site. 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.
8. The float stop collars shall be installed to keep the floats a minimum of one foot above the tidelands.
9. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
10. The 26 new pilings shall be galvanized steel to reduce impacts on the substrate caused by leaching of creosote into the intertidal substrate. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.
11. 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.
12. 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 cease immediately and Washington Department of Ecology shall be notified of such conditions. Contact: Northwest Regional Spill Response Section at (206) 649-7000.

13. No over-water application of paint, preservative treatment, or other chemical compounds shall be permitted at any time.
14. All materials that may come in contact with surface water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals.
15. Wood that is treated with creosote, copper chromium arsenic (CCA) or pentachlorophenol (PCP) is prohibited.
16. All treated wood products in this project shall be produced in compliance with the "Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments" (BMPs) published by the "Supporting Organizations, November 1, 2011 or the most current version including published amendments: http://www.wwpinstitute.org/documents/BMP_Revise_4.3.12.pdf.
17. Prior to building permit issuance, the applicant shall provide the City with assurance that all treated wood has been produced in compliance with the BMPs noted in Condition 16. Assurance will be in the form of a written certification document or the material may be stamped or tagged with the BMP Mark pursuant to the Western Wood Preservers Institute quality assurance program.
18. Project managers, contractors and sub-contractors on this project shall be familiar with and apply as appropriate the Installation and Maintenance Guidelines of treated wood as outlined in the BMPs noted in Condition 16.
19. The applicant shall notify City staff within 48 hours of project completion in order to allow for field inspection and document compliance with the conditions of approval.
20. To mitigate impacts to the aquatic habitat, the estimated 1,088 square feet of rip rap debris shall be removed as provided in Attachment 3 of the Waterfront Park Dock Renovation and Expansion Project Biological Evaluation, prepared by Marine Surveys and Assessments, unless amended by the Army Corps of Engineers and approved by the City of Bainbridge Island. Pursuant to Attachment 3 titled: *Debris Removal Mitigation Details*, photographs shall be taken before and after the clean-up process. Details and photographs shall be provided to the City. Material that can be recycled shall be and material that cannot be recycled shall be taken to an approved landfill. A final report shall be prepared and provided to the City once the removal process is complete.
21. Work shall immediately stop and the Department of Planning and Community Development and the Department of Archaeology and Historic Preservation shall be immediately notified if any historical or archaeological artifacts are uncovered during excavation or construction. Construction shall only continue thereafter in compliance with the applicable provisions of law.