

**STATE ENVIRONMENTAL POLICY ACT (SEPA)  
MITIGATED DETERMINATION OF NONSIGNIFICANCE**  
(Optional DNS Process)

**Proposal: Northwest Maritime Center repairs, beach nourishment and boulders** - The proposal is to repair storm damage to exposed foundation of the concrete pathway and beach stairs at the plaza and to protect the first and second floor deck supports and main building. Project activities include beach nourishment and placement of boulders which constitute “shoreline defense works” requiring a Shorelines Substantial Development and Conditional Use Permit.

**File Reference:** LUP23-023 and -024

**Proponent:** Northwest Maritime Center

**Location:** The NWMC is located at 431 Water Street between Monroe Street and the Point Hudson Marina within Block 4 of the Original Townsite of Port Townsend, Southwest Quarter, Section I , Township 30 North, Range I West in the City of Port Townsend, Jefferson County, Washington. Assessor’s Parcel Numbers: 989700401, 402 and 403

**Lead Agency:** City of Port Townsend

**Threshold Determination:** This is a Mitigated Determination of Non-Significance (MDNS). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment provided the proposal complies with applicable City codes and the mitigation measures set forth in this MDNS. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after independent review of a SEPA Checklist and NEPA Categorical Exclusion Documentation and other supporting information on file with the lead agency. This information is available by appointment at Port Townsend City Hall, Planning and Community Development Department, 250 Madison Street. This MDNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date of issuance.

**Comment & Appeal Deadline:** This MDNS is issued in accordance with the Optional DNS Process of WAC 197-11-355, after notice was provided for a 30-day public comment period from May 10, 2023, through June 9, 2023. As such, no additional comment period is provided. SEPA appeals shall be delivered to PCD with the appropriate fee and received within the proscribed 21-day appeal period and postmarked by 4:00 p.m. on the last day of the appeal, hereby noted as September 19, 2023. The Appeal Form can be found on the PCD department’s webpage at: [Forms](#)

**Responsible Official:** Emma Bolin, AICP

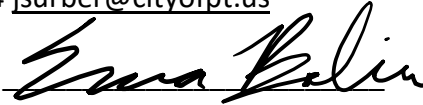
**Position/Title:** Planning & Community Development Director

**Address:** 250 Madison Street Port Townsend, WA 98368

**Staff Contact:** Judy Surber (360) 379-5084 [jsturber@cityofpt.us](mailto:jsturber@cityofpt.us)

ISSUANCE DATE: 8/29/23

SIGNATURE:



TO: All Permit and Review Authorities

**ENVIRONMENTAL RECORD**

The environmental review consisted of analysis based on the following documents included in the environmental record.

**DOCUMENTS/REFERENCES:**

- Exhibit A: JARPA Application
- Exhibit B: SEPA Checklist (LUP 23-024)
- Exhibit C-1: Project Narrative
- Exhibit C-2: Permit Plans
- Exhibit D: Flood Development Review Application
- Exhibit E: Critical Areas Permit Application
- Exhibit F: Grading Permit Application
- Exhibit G: Coastal Geologic Report 3/15/23 by Coastal Geologic Services, Inc.
- Exhibit H: Habitat Assessment 9/17/21 by Marine Surveys and Assessments
- Exhibit I: Biological Evaluation 9/17/21 by Marine Surveys and Assessments
- Exhibit J: Federal Permit Process and Approval Verification
  - J-1: email from Bill Kerschke, Deputy Environmental Officer, FEMA Region X
  - J-2 NOAA NMFS confirms this action as implementation of FESP consultation
  - J-3: USFW concurrence on ESA determination
  - J-4: Department of the ARMY USACOE Nationwide Permit 3 and 13
- Exhibit K: Cleanup Site Details
- Exhibit L: Notice of Application and Pending SEPA Threshold Determination
- Exhibit M: Public Comment Letter from Ecology
- Exhibit N: Notice of Public Hearing
- Exhibit O: Letter from Jamestown S'Klallam Tribe to USACOE
- Exhibit P: Hold Harmless Indemnification Covenant – FEMA SFHA – AFN656008
- Exhibit Q: FEMA Region X – Puget Sound BiOp Floodplain Habitat Assessment Worksheet
- Exhibit R: Critical Areas Analysis
- Exhibit S: Federal Permit Process and Approval Verification Addendum on Revised Project
- Exhibit T: Addendum to Habitat Assessment by Marine Surveys and Assessments

City of Port Townsend Comprehensive Plan  
City of Port Townsend Shoreline Master Program  
City of Port Townsend Municipal Code  
City of Port Townsend Engineering Design Standards  
City of Port Townsend Non-Motorized Transportation Plan

Unless otherwise noted, the above information is available by appointment at Port Townsend City Hall, Development Services Department, 250 Madison Street Suite 3, between the hours of 8

am to 4 pm Monday through Thursday. Select documents are also available online at [land-use-projects-under-review](#)

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## RESPONSIBLE OFFICIAL'S AMENDMENTS TO THE ENVIRONMENTAL CHECKLIST

The following sections correspond with related categories of the environmental checklist submitted for the proposal (Exhibit B) and clarify, amend, or add to that document.

### I. PROPOSAL DESCRIPTION

The applicant, Northwest Maritime Center, seeks approval of a Shoreline Substantial Development and Conditional Use permit to repair the exposed foundation of the concrete pathway and beach stairs at the plaza and to protect the first and second floor deck supports and main building (Exhibit A. JARPA Application). Concrete foundations will be repaired. To protect against future scour, upper beach sediment will be excavated 1.75 feet below existing grade, a minimum of 1.5 feet cobble-gravel will be introduced, and 0.5 feet of excavated beach sediment set atop the newly placed cobble. Large boulders will be placed strategically, to reduce wave and debris impact to deck and pier supports on the uppermost beach.

All project actions will occur within the FEMA Special Flood Hazard Area (SFHA). Measures have been incorporated into the design to mitigate impacts to protected habitats and species as summarized in the JARPA application (Exhibit A) and described in the supporting documents (Exhibit G Geologic Report, Exhibit H Habitat Assessment, Exhibit I Biological Evaluation) Design measures are briefly summarized as follows:

- a. Remove rock boulders from the upper beach just NE of the NE end of the concrete stairway near the plaza – move to the eroded low bank immediately adjacent above elevation +11 ft MLLW.
- ~~b. Remove a portion of the armor rock on the intertidal surrounding the stormwater culvert along the SW end of the site.~~
- c. Revegetate 356 sf in the upper most beach/backshore with American dune grass (*Elymus mollis*).

**Revision:** During review of the shoreline permit, city staff noted that the stormwater culvert (Item b) is a city-owned facility located within the Monroe Street right-of-way. After discussing conditions of the removal, the applicant elected to eliminate this item from the project scope. The City requested and received documentation from federal agencies with authority that the revised proposal does not change their ESA Section 7 findings (Exhibit S). In addition, the City received confirmation from the consultants that the revision did not change their prior findings Exhibit G Geologic Report 8/21/23; Exhibit T. Addendum to the Habitat Assessment).

**Construction Methods and Timing:** Construction is anticipated to take between 30-90 days to complete. Equipment and materials will access the site from the upland side of the project area; a barge will not be used. Work will be conducted within the recommended 25-foot work corridor in the upper intertidal zone<sup>1</sup>. The contractor will complete the concrete work in the dry and will try to time the work so that it occurs during a low tide series in the summer to ensure wet concrete will not come in contact with seawater for at least seven days. If this is not possible, then plastic sheeting secured with sandbags may be used to keep the wet concrete from coming in contact with seawater while it cures for seven days. (Note: Nationwide Permit Authorization,

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<sup>1</sup> (Exhibit I, Habitat Assessment page 21, Section 4.2.3)

Exhibit J-3, Special Conditions limit timing of construction. Any additional work windows required by WDFW in the Hydraulic Permit Approval should be followed).

## II. PERMITS/APPROVALS REQUIRED PRIOR TO CONSTRUCTION

- City of Port Townsend Grading Permit, Building Permit, Flood Development & Critical Areas Review
- City of Port Townsend/Ecology - Substantial Development and Conditional Use Permit
- U.S. Army Corps of Engineers Section 10 (NWP 3 and NWP 13)
- Washington Department of Fish and Wildlife: Hydraulic Project Approval (HPA)
- Washington State Department of Ecology: Section 401 Water Quality Certification
- FEMA ESA Section 7 Consultation and Magnuson-Stevens Fisheries Conservation and Management Act Essential Fish Habitat Consultation
- FEMA Region X: National Environmental Policy Act (NEPA); Section 106 of the National Historic Preservation Act (NHPA)
- FEMA NEPA review

FEMA conducted review under the National Environmental Protection Act (NEPA) under their agency's Categorical Exclusions. Per FEMA: (Exhibit J email from Bill Kerschke, Deputy Environmental Officer, FEMA Region X) - *"The National Environmental Policy Act (NEPA) provides for each agency to develop a list of categories of actions that are determined through agency experience to typically have no significant environmental impact, and thus may generally be excluded from detailed documentation. The applicable CatExs included N5, N 7, and N12...."*

USFWS concurs that the proposal "may affect but is not likely to adversely affect" federally listed species(Exhibit J-3).

USACOE has authorized the project subject to compliance with *Terms and Conditions* of Nationwide Permit (NWP) 3 and NWP 13 and special conditions set forth in their letter of October 7, 2022 (Exhibit J-4). Special conditions include but are not limited to:

- Limit construction work to specified work windows
- Conduct a forage fish survey within 2 weeks of construction
- Implement and abide by the Biological Evaluation (Exhibit I) in its entirety

The NWP authorization concludes "the authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone management (CZM) consistency determination decision for this NWP. No further coordination with Ecology for WQC and CZM is required."

**Revision:** The City requested and received documentation from federal agencies with authority that the revised proposal does not change their ESA Section 7 findings (Exhibit S).

## III. PUBLIC COMMENT

Notice of Application and Pending SEPA Threshold Determination was published, posted on-site, and mailed to adjacent property owners within 300 feet, consistent with the public notice requirements of the Port Townsend Municipal Code (PTMC) 20.01.160 and Optional DNS Process of PTMC 19.04.125 (Exhibit L, Public Notice). One public comment letter, from the Washington State Department of Ecology (Ecology), was received in response to the Notice of Pending

Threshold Determination (Exhibit M, Public Comment Letter from Ecology). Ecology’s comments are summarized below and addressed by this MDNS:

Shoreline permit(s) are required -	NWMC has submitted application for a Shoreline Substantial Development and Conditional Use Permit (LUP23-023)
Solid waste	See Section G. Environmental Health
Toxics Cleanup	See Section G. Environmental Health
Water Quality	See Section C. Water

#### IV. RESPONSIBLE OFFICIAL’S AMENDMENTS TO THE SEPA CHECKLIST

The following analysis is intended to supplement the SEPA Checklist (Exhibit B) and USACOE Nationwide Permit 3 and 13 (Exhibit J-4) and should be read in conjunction with those documents.

##### A. EARTH

On-site impacts: The SEPA Checklist and supporting documents adequately describe on-site conditions and potential impacts. As summarized in the JARPA application and SEPA Checklist (Exhibits A and B), the project design incorporates measures to minimize and mitigate environmental impacts including Best Management Practices for erosion and sediment control .

Work must be performed in accordance with the USACOE NWP 3 and NWP 13 *Terms and Conditions* and special conditions set forth in their letter of October 7, 2022 (Exhibit J-4).

All project activities must be conducted in accordance with the City’s Engineering Design Standards including but not limited to preparation of a Temporary Erosion & Sediment Control. By following the NWP conditions and City’s EDS measures concerning earth and erosion control, no adverse impacts to earth are anticipated and no mitigation measures are necessary for on-site activities.

Off-site impacts: While the SEPA Checklist includes a detailed description of on-site impacts, there is the potential for off-site impacts associated with construction access points and staging areas; the location of which has not been determined. To address potential adverse impacts related to off-site construction impacts, the following mitigation measures are necessary:

- The applicant shall insert language into the project bid documents that require the selected contractor to obtain a City Clearing and Grading permit for any areas of project staging that take place on adjoining private lands. Any such work that will occur must be done via separate agreement between the project contractor and the private landowner(s). Included with any necessary Clearing and Grading permit must be a Temporary Erosion & Sediment Control Plan prepared in accordance with the City’s *Engineering Design Standards* (EDS) and the Department of Ecology’s *Stormwater Management Manual for the Puget Sound Basin* (SWMM).

- All staging areas must be approved by the City of Port Townsend and must occur on uplands that do not contain wetlands and/or wetland buffers.

## B. AIR

The checklist description is adequate. Upon project completion, automotive traffic to and from the site would return to pre-project levels. No long-term air emission impacts resulting from the project are anticipated.

In accordance with the City's Engineering Design Standards (EDS) Best Management Practices (BMPs), vehicle idling during construction will be minimized. If the City's EDS measures are adhered to, no adverse impacts to Air are anticipated and no mitigation measures are necessary.

## C. WATER

As described in the SEPA checklist, the work will occur adjacent to Port Townsend Bay in areas mapped by FEMA as Special Flood Hazard Area (SFHA). The proposal is for repair and protection of existing structures. No new impervious surface will be created.

As noted in the Project Narrative (Exhibit C) and JARPA application (Exhibit A):

- Concrete work will be completed in the dry and will try to time the work so that it occurs during a low tide series in the summer to ensure wet concrete will not come in contact with seawater for at least seven days. If this is not possible, then plastic sheeting secured with sandbags may be used to keep the wet concrete from coming in contact with seawater while it cures for seven days. (Note: Nationwide Permit Authorization, Exhibit J-4, Special Conditions limit timing of construction).
- Upper beach sediment will be excavated and reused.

The NWP authorization also concludes "the authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone management (CZM) consistency determination decision for this NWP. No further coordination with Ecology for WQC and CZM is required."

If constructed in accordance with the project design, conditions of the USACOE Nationwide Permit authorization (Exhibit J-4) and City's EDS, no water impacts are anticipated.

## D. PLANTS and ANIMALS

The SEPA Checklist (Exhibit B) and USACOE NWP (Exhibit J-4), together with the Habitat Assessment and Biological Evaluation (Exhibits H, I and T), are adequate to conduct environmental review. Impacts to plants, animals and their associated habitats is reviewed by several jurisdictions under various authorizations:

FEMA and USACOE coordinated on Section 7 Endangered Species Act (ESA) consultation and Magnuson Stevens Act, and Essential Fish Habitat (EFH) consultation for the proposed activity (National Marine Fisheries Service reference WCRO-2016-00019-4412). In issuing the USACOE NWP authorization, the USACOE determined "this project will comply with the requirements of this law provided you comply with all of the permit conditions" (Exhibit J-4).

ESA Consultation is required when a project with a federal nexus may affect either a species listed as threatened or endangered under the Act, or any critical habitat designated for it. After review of a site-specific Biological Evaluation (Exhibit I), the responsible federal agencies concluded the project “may affect, but is not likely to adversely affect” the following federally listed species:

- Bull trout (*Salvelinus confluentus*)
- Marbled Murrelet (*Brachyramphus marmoratus*)

and will have “no effect” on additional listed species and designated critical habitat that are known to occur in Jefferson County. The determination of “no effect” to listed resources rests with the federal action agency.

The City of Port Townsend SEPA Official accepts FEMA’s ESA Section 7 determination for *federally* listed species and the associated terms and conditions of the USACOE NWP authorization (Exhibit J-4). No additional mitigation is required for the protection of federally listed species.

City’s Flood Damage Prevention Ordinance (Codified in PTMC 16.08), applications for projects located within the SFHA shall include a habitat impact assessment prepared in accordance with PTMC 19.05.080(J), Special Report Required<sup>2</sup>. Projects within the protected area must be inherently designed to avoid adverse impacts to floodplain functions that support ESA listed species.

The applicant has provided Special Reports: a Biological Evaluation focused on federally protected species (Exhibit I) and a Habitat Assessment which addresses state protected species and lands/waters containing documented habitats for plant and animal species listed in the Washington Department of Fish and Wildlife’s Priority Habitats and Species Program List. (Exhibit H). An Addendum to the Habitat Assessment was prepared to address revisions to the project (i.e., eliminating removal of a portion of the armor rock on the intertidal surrounding the stormwater culvert).

As documented in the BE, HA and HA Addendum (Exhibits H, I and T) and federal ESA Consultation documents (Exhibits J and S), the project has been inherently designed to avoid adverse impacts to floodplain functions that support ESA listed species.

State Shoreline Management Act (SMA) and the City’s Shoreline Master Program (SMP), projects within shorelines jurisdiction shall:

- achieve “no net loss” of shoreline ecological functions (Policy 6.3.3)  
The Habitat Assessment and associated Addendum (Exhibits H and T) conclude that the NWMC repair project will not result in additional loss of habitat or ecological functions.

Meet the requirements of the City’s Critical Areas Ordinance 3198, May 21, 2018, and codified in Chapter 19.05 PTMC, Critical Areas in addition to the requirements of this Master Program (Policy 6.5.3). Exhibit R analyzes the project’s compliance with the applicable performance standards. In sum, the project as designed has demonstrated compliance with all applicable CA performance standards.

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<sup>2</sup> PTMC 16.08.130 Flood Damage Prevention: Application Submittal and Contents

- The applicant has submitted a Habitat Assessment (Exhibit H and T) prepared by a qualified professional in accordance with the city’s Critical Areas Ordinance. The Habitat Assessment (HA) and associated Addendum adequately address potential impacts to state listed species and their associated habitats. As documented in the HA and HA Addendum, critical saltwater habitat or fish and wildlife conservation areas (FWHCAs) as defined under PTMC 19.05.080 were identified or are likely to be found within the action area. Queries of the Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) data are summarized in Table 1. WDFW PHS query results:

**Table 1. WDFW PHS query results**

Species or Habitat	Priority Area/Occurrence Type	Action Area	Project Footprint
Waterfowl concentrations-Port Townsend Shoreline	Regular concentration: Brant & Harlequin feeding areas	Y	Y
Estuarine and Marine Wetland	Aquatic habitat	Y	N
Pacific Sand Lance	Breeding area (~0.5 mi away)	N	N
Waterfowl concentrations-Hudson Point, Port Townsend	Regular concentration: waterfowl wintering & migration areas	Y	N
Purple martin ( <i>Progne subis</i> )	Breeding area	Y	N

The HA and HA Addendum concluded no impacts are anticipated for: eelgrass, kelp, commercial or recreational shellfish areas. In regards to marine nearshore habitat designated under the City’s Shoreline Master Program, the report concludes no adverse effects to floodplain functions.

Direct, indirect and cumulative impacts are analyzed in the HA and HA Addendum. All project impacts are expected to be minor, temporary disturbances associated with construction. Mitigation has been incorporated into the project design (see Project Description above). With implementation of the conditions set forth in the USACOE NWP Authorization (Exhibit J-4), the Habitat Assessment Biological Evaluation (Exhibits H, I and T), no significant adverse impacts to protected plants and animal species and their associated habitats are anticipated.

**F. ENERGY AND NATURAL RESOURCES**

The SEPA Checklist is adequate. No adverse impacts are anticipated related to Energy or Natural Resources; therefore, no mitigation measures are necessary.

**G. ENVIRONMENTAL HEALTH**

Consistent with the City’s Engineering Design Standards (EDS):

- Best Management Practices would be employed during construction to minimize the risk of environmental health hazards including explosion and the release of hazardous materials (Exhibit A, JARPA Application Item 8d).
- Standard construction and traffic control measures consistent with the City’s EDS will be employed throughout the construction project.



Beach nourishment includes excavation and reuse of existing upper beach sediment. As noted in the SEPA Checklist, the site is at the location of cleanup site CSID: 2291 Texaco Bulk Plant Thomas Oil site. The site status was changed to no further action in 2004 (Exhibit K, Site Cleanup). In a public comment letter (Exhibit M), Washington State Department of Ecology identifies two other cleanup sites within approximately 750 feet of the project area. In response to ECY comments, the applicant shall include the following language in construction specification documents:

"Contaminated material is not known to be present within the scope of work, as the site was cleaned up under the original construction of the Center. However, if petroleum-contaminated material is encountered within the excavation, an approved Contaminated Media Management Plan will be put in place prior to further excavation or media removal."

If any contamination is unexpectedly encountered, the applicant shall report it to ECY via the online ERTS. All construction debris/excess materials (e.g., beach sediment) shall be disposed of at an approved location.

As conditioned no significant adverse impacts to environmental health are anticipated.

#### H. NOISE

The environmental checklist, coupled with the analysis contained in the Habitat Assessment (HA) and Biological Evaluation (BE) (Exhibits B, H, I and T) regarding potential noise impacts is adequate to conduct SEPA review. According to the BE and HA, *Work will occur in the dry at low tide so in-water noise levels are not expected to be affected. However, in-air noise levels will be increased during equipment use and may have temporary behavioral impacts to birds and other wildlife, such as avoidance of the area. Work will occur only during daylight hours to comply with local noise ordinances.*

During construction (estimated 30-90 days), surrounding properties would be subject to construction traffic and heavy equipment noise. Construction hours would be limited to 7:00 am to 6:00 pm Monday –Friday per City Engineering Design Standards. Limited exceptions may be granted by the Public Works Director in coordination with the Planning and Community Development Director. These short-term impacts do not rise to the level of significance.

There will be no increase in long-term noise impacts.

#### I. LAND AND SHORELINE USE

Following supplements, the environmental checklist. No change in use is proposed. No adverse environmental impacts related to land use have been identified and no mitigation measures are necessary. Following identifies the City's applicable land use regulations.

Zoning: The underlying zoning is C-III Historic Commercial; however, the NWMC is also within several overlay districts. Where a project is within an overlay district, it is subject both to its zone classification regulations and to the additional requirements imposed for the overlay district. In the case of conflicts, the provisions of an overlay district prevail. In any case where the use provisions of the Port Townsend Shoreline Master Program (SMP) conflict with the use provisions of the underlying zone, the use provisions of the SMP shall govern.<sup>3</sup>

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<sup>3</sup> PTMC 17.26.020

### Shoreline Master Program (SMP)

The proposal lies within 200 feet of Port Townsend Bay and is therefore subject to the City's Shoreline Master Program (SMP). NWMC was permitted as a "Scientific and Educational Facility" (LUP05-067). It was reviewed under the 1994 SMP with structures adhering to a 15-foot minimum setback. It is now considered a legal, non-conforming structure with respect to the current minimum 25' setback from the OHWM.<sup>4</sup>

Project activities are planned to occur landward of the extreme low tide and therefore not in an area designated as "shoreslines of statewide significance."<sup>5</sup> Project activities will occur in the following shoreline designations:

- Aquatic<sup>6</sup> – all areas waterward of the ordinary high-water mark (OHWM)
- Point Hudson, Maritime Heritage Corridor subdistrict<sup>7</sup>– all area landward of the OHWM

The current proposal includes repair and construction of "shoreline defense works". Repair alone may have been exempt from a Shoreline Substantial Development Permit<sup>8</sup> however, repair in concert with shoreline defense work constitutes Substantial Development. Given that the work will be waterward of the OHWM, the City's SMP classifies the work as "major"<sup>9</sup>. In addition, "shoreline defense works" are a conditional use in the Aquatic designation.<sup>10</sup> As part of the required Shoreline permitting, an open record public hearing before the City's Hearing Examiner will be conducted. The Hearing Examiner's decision on the matter is forwarded to Washington State Department of Ecology for a final decision.

### Critical Areas Ordinance (CAO)

The proposed construction site also involves several Critical Areas designations as defined by the City's Critical Areas Ordinance – Chapter 19.05. According to the City's Critical Area (CA) maps, the site site/immediate vicinity is mapped:

- a. Aquifer Recharge – The proposal is not a regulated development in terms of aquifer recharge; no action is required.
- b. Seismic/Liquefaction susceptibility/Tsunami Inundation – No new structures are proposed; no action is required.
- c. Frequently Flooded Area:  
FEMA Special Flood Hazard Area (SFHA):      Zone AE      BFE=13

The purpose of the NWMC repair project is to repair storm damage and minimize future flood/storm damage. No structures or utilities are proposed. Application materials include proposed pre- and post-development terrain and quantities of cut and fill. A habitat assessment (HA) and HA Addendum have been prepared in accordance with PTMC 19.05.080 Special Reports. The application includes documentation that the applicant has applied for all necessary permits required by federal, state, or local law (Exhibit A JARPA). The project complies with PTMC 16.08 Flood Damage Prevention. 2. Permits shall be valid

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<sup>4</sup> SMP DR 11.3

<sup>5</sup> Exhibit G, Coastal Geologic Report

<sup>6</sup> SMP Section 5.6

<sup>7</sup> SMP Section 5.13

<sup>8</sup> SMP Section 2.4 (2)

<sup>9</sup> SMP Section 10.5.1b

<sup>10</sup> SMP DR 5.6.4 Aquatic, Table 5

for a period of one year from the date of issuance and shall expire at the end of that time if they are not acted upon, unless a longer or shorter period is specified by the director upon issuance of the permit.

- d. Fish and Wildlife Habitat - A Habitat Assessment (HA) and Biological Evaluation, and HA Addendum (Exhibits H, I and T) have been prepared in accordance with PTMC 19.05.080 D, F, G, J, K, and M and Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010.

Special Height Overlay District. (PTMC 17.28.030). The Special Height Overlay District (SHOD) is not applicable as the building height is not being changed.

Historic Design Review (PTMC 17.30.020) - The scope of work does not include exterior building alterations and, thus, the proposal is exempt from HPC review.

#### J. HOUSING

The environmental checklist description with regards to housing is adequate. There are no housing units on site, and none will be created. The project is designed to protect the existing NWMC structure. No impacts to housing have been identified and no mitigation measures are needed.

#### K. AESTHETICS

The environmental checklist description concerning aesthetics is adequate. Views of the completed project from adjacent upland areas, the water or surrounding properties will not be adversely impaired or altered. The project uses beach nourishment and boulders that provide both function and aesthetic appeal. No adverse impacts to Aesthetics have been identified and no mitigation measures are necessary.

#### L. LIGHT AND GLARE

The checklist is adequate. No adverse impacts related to Light and Glare have been identified from the project and no mitigation measures are warranted.

#### M. RECREATION

The checklist is adequate. Temporary displacement of recreational activities and non-motorized public access along the beach and adjacent upland areas will occur; however, these impacts are short term and not considered significant. Proposed landscape boulders, placed to protect the existing public boardwalk, will be directly waterward of the public boardwalk and above the MHHW. Upon project completion, recreational opportunities and public access will be restored. As such, no impacts to recreation would result from the completed project and no mitigation measures are necessary.

#### N. HISTORICAL AND CULTURAL PRESERVATION

The checklist is adequate. FEMA Region X, acting as lead agency for review under the National Environmental Policy Act (NEPA) conducted review under Section 106 of the National Historic Preservation Act (NHPA).

As noted in Exhibit J-4, National General Condition 21, *Discovery of Previously Unknown Remains and Artifacts*, found in the NWP *Terms and Conditions*, details procedures that must be followed should an inadvertent discovery occur.

Native American Tribes with an interest in the area were provided notice of the City's Pending SEPA Threshold Determination and previously by USACOE as part of their permit process. In response to USACOE, Jamestown S'Klallam Tribe requested their archeology staff be present to observe construction (Exhibit O). The applicants have agreed to the request.

Terms and Special Conditions of the NWP adequately mitigate for potential impacts to historical and cultural resources.

#### O. TRANSPORTATION

The proposal will have no long-term traffic impacts. As described in the checklist, construction traffic will access from land via Water Street. In accordance with the City's EDS:

- The contractor shall provide a traffic control plan(s) for review and approval by the City Engineer in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

With implementation of the required traffic control plan, no adverse impacts to the Transportation system have been identified and no mitigation measures are needed.

#### P. PUBLIC SERVICES

No adverse impacts to Public Services have been identified and no mitigation measures are needed.

#### Q. UTILITIES

No adverse impacts to Utilities have been identified and no mitigation measures are needed.

## REQUIRED MITIGATION MEASURES FOR

### Northwest Maritime Center Repairs (LUP23-023, LUP23-024)

The environmental review indicates a probability of significant adverse environmental impacts from the proposal, which could be mitigated. The following mitigation measures are intended to mitigate adverse environmental impacts disclosed during SEPA review.

The proponent agrees to the following mitigation measures and therefore it is appropriate for the Lead Agency, the City of Port Townsend, to issue a Mitigated Determination of Non-Significance.

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#### PRIOR TO ISSUANCE OF A DEVELOPMENT PERMIT

1. **Staging:** The applicant shall insert language into the project bid documents that require the selected contractor to obtain a City Clearing and Grading permit for any areas of project staging that take place on adjoining private lands. Any such work that will occur must be done via separate agreement between the project contractor and the private landowner(s). Included with any necessary Clearing and Grading permit must be a Temporary Erosion & Sediment Control Plan prepared in accordance with the City's *Engineering Design Standards* (EDS) and the Department of Ecology's *Stormwater Management Manual for the Puget Sound Basin* (SWMM). All staging areas must occur on lands that do not contain wetlands and/or wetland buffers.

#### PRIOR TO START OF CONSTRUCTION

2. The applicant shall apply for and receive approval of a City Street Development Permit for work within public rights-of-way and a Clearing and Grading Permit for work on private land.
3. The applicant shall apply for and receive approval of a City Building Permit for work on the stairs.
4. The applicant shall provide copies of the required federal, state, and local permits or letters stating that a permit is not required. (PTMC 16.08.130).

#### DURING CONSTRUCTION

5. Construction shall be completed in substantial conformance to the plans contained within the submitted application (Exhibit A), except where modified by this decision. Conditions of any other city approvals obtained for the project must also be complied with during construction and continue to be in effect once the use is in operation.
  - a) Submitted Project Narrative and Permit Plans (Exhibit C)
  - b) USACOE NWP 3 and NWP 13 *Terms and Conditions* and *special conditions* set forth in their letter of October 7, 2022 (Exhibit J-4).
  - c) Biological Evaluation (Exhibit I) in its entirety
  - d) Habitat Assessment and HA Addendum (Exhibits H and T) in its entirety

e) City's Engineering Design Standards

6. Due to the potential concern for residual contamination to be encountered, the applicant shall include the following language in construction specification documents:

"Contaminated material is not known to be present within the scope of work, as the site was cleaned up under the original construction of the Center. However, if petroleum-contaminated material is encountered within the excavation, an approved Contaminated Media Management Plan will be put in place prior to further excavation or media removal.

If any contamination is unexpectedly encountered, the applicant shall report it to ECY via the online ERTS. All construction debris/excess materials (e.g., beach sediment) shall be disposed of at an approved location."

7. **Timing:** All construction shall be limited to the work windows specified in the Nationwide Permit Authorization, Exhibit J-4, Special Conditions limit timing of construction. Any additional work windows required by WDFW in the Hydraulic Permit Approval should be followed.