MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)
MARY OLSON FARM LIVESTOCK & PEDESTRIAN BRIDGE & TRAIL IMPROVEMENTS
SEP15-0013, BLD15-0130 & STM15-0130

Project Permit Applications were filed with the City of Auburn Community Development & Public Works Department on May 14, 2015. The applications were determined complete on June 12, 2015. The City is issuing a Mitigated Determination of Non-significance (MDNS) for the proposal. This may be the only opportunity to comment on the environmental impacts of the proposal. The proposal includes mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. Following is a description of the applications and the process for review. The permit applications and listed studies may be reviewed at the offices of the Community Development & Public Works Department at One East Main Street, Auburn, WA 98001.

Description of Proposal: Permits for site preparation and construction of a pedestrian and livestock bridge to span a Class 2 stream (Olson Creek) and a Category 3 wetland. The bridge is proposed to consist of a 5–foot wide deck consisting of hollow core concrete slab covered with rough sawn planks and be 40 feet in length and construction of trail approaches at an existing historic farm park site.

Project Proponent: Jamie Kelly, Parks Planning & Development Manager
Parks, Arts, and Recreation Dept. City of Auburn
25 West Main Street
Auburn, WA 98001

Project Location: The approximate 67 acre site is located on the east side of Green River Road SE. The City-owned park, a historic farm site is located at the 28728 Green River Road SE within the SW ¼ of the SW ¼ of Section 5-21-05 and the NW ¼ of the NW ¼ of Section 32-22-05 Parcel Number: 3222059032.

Studies/Plans Submitted with Application:
Wetland and Stream Delineation, Mary Olson Farm Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015.

Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015.

Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015.

Bridge Plan, Elevation & Notes & Details, Mary Olson Farm Bridge, Sheet C-1, Rupert Engineering, Inc. April 15, 2015, Revised May 21, 2015.

Technical Memorandum – Mary Olson Farm Bridge Environmental Permit Raedeke Associates, Inc., June 27, 2014.

Geotechnical Engineering Study – Proposed New Pedestrian Bridge Mary Olson Farm, Geotech Consultants, Inc. February 11, 2015.

Other Permits, Plans, and Approvals which may be Required: City of Auburn - Building Permit, Storm Drainage Permit, Floodplain Permit & Shoreline Permit; (as applicable); Washington Department of Fish and Wildlife Hydraulic Project (HPA) Approval (as applicable)

Lead Agency: City of Auburn

The Responsible Official of the City of Auburn, the lead agency, hereby makes the following Findings of Fact based upon impacts identified in the environmental checklist and the "Final Staff Evaluation for Environmental Checklist No. SEP15-0013", and Conclusions of Law based upon the Auburn Comprehensive Plan, and other Municipal policies, plans, rules and regulations designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act Rules pursuant to RCW 43.21C.060.

Findings of Fact:

Proposed Action:

1. The proposed action is issuance of permits and approvals for the site preparation and construction of a pedestrian and livestock bridge to span a Class 2 stream (Olson Creek) and a Category 3 wetland (Wetland 1). The bridge is proposed to consist of a 5–foot wide deck consisting of hollow core concrete slab covered with rough sawn planks and be 40 feet in length. The project also includes grading construction of trail approaches. No in-water construction is proposed.

2. According to the report: Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015 the proposed construction more specifically includes a 40-foot-long span with a 5- to 8-foot-wide surface, comprising of a 12- inch hollow core slab, rough sawed planks, and a 3.5-foot-tall hand rail with mesh or wire strand siding. The footings for the slab would be six feet wide, poured-in-place grade beam held in place with two or three pin piles. The ends of the bridge slab would rest on the grade beams and be attached in place. The approaches to the north end of the bridge will be via gravel to be placed for a trail or ramp leading up to the elevation of the bridge deck on a 1:12 slope or less to allow handicap access on the north. The south end of the bridge is not proposed to be handicapped accessible, and therefore, would be more steeply sloped to minimize changes in grade and earthwork impacts to the stream buffer.

3. According to the report: Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015 the proposed construction access for the bridge will be from the existing access road on the north side of the creek, or from the south, through the pasture, without any equipment in or the crossing of the creek.

4. According to the responses provided within the completed environmental checklist application, the purpose of the project is provide designated and formalized location for controlled crossing of the creek and wetland for persons visiting the farm and for livestock crossing, both of which are part of the educational programs of the park.

Land Use:

5. The approximately 67-acre site is designated as “Public and Quasi-Public” by the city’s Comprehensive Plan and is zoned P1, Public Use district. The current use as a public park is allowed by the current comprehensive plan designation and zoning classification and will not be changed (ACC Table 18.35.030) by this proposal. The project, if permitted, constructed, and operated in compliance with all city, state and federal regulations has the potential to enhance the educational, recreational, historical, and ecological amenities of the site. While current use of the site is as a park, and not an “agricultural use”, a primary purpose of the park is to educate visitors of its historic agricultural uses.

Location, existing conditions, wetland and stream critical areas:

6. The proposed location is within the southern part of an approximately 67-acre municipal park operated under contract to the White River Valley Museum. The site is bisected by a westerly flowing creek (Olson Creek) discharging to the Green River. The park is a historic farm site that is designated on the National Register of Historic Places, and is a King County and City Landmark property. While portions of the site have received official designation and recognition, according to the environmental checklist application response, the stream and areas surrounding the bridge are not identified as part of the listing of historical significance. Contrary to the checklist response, the

bridge is a re-creation and not maintenance or replacement of a historic foot bridge and designed to appear much like the historic bridge in location and appearance. The bridge has not existed since at least 1993, when the city acquired the property.

7. The "Study Area" or "Project Area" described in the environmental checklist application lists the area extending 100 feet upstream and downstream of the proposed bridge location and within 200 feet of the bridge and approach to the bridge on each side. The same "Project Area" is described in the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015.

8. The report: Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015, describes the characteristics of the area. The project site encompasses the area of the bridge crossing, nearby upstream and downstream riparian and stream environments, adjacent riparian habitat Impact Zone and the Green River whose habitats are used by listed salmonids. Within this more expansive "Project Area", the existing vegetative community consists of approximately a 20- to 30-foot-wide riparian community on both banks with balsam poplar *(Populus balsamifera),* Douglas fir *(Pseudotsuga menziesii),* and planted red osier dogwood *(Cornus a/bus),* intermixed with cutleaf and Himalayan blackberry *(Rubus laciniatus and R. armenicus)* and other shrubs. The over-story is up to 60 feet in height on the east side of the project site (primarily cottonwood trees), and up to 15 feet in height on the west side of the project (primarily one small cedar and red osier dogwood planted in the habitat restoration area). Within the immediate riparian community, the proposed bridge lies across a narrow clearing in the riparian zone.

9. As identified in the report: Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015, the proposed bridge location lies across Olson Creek approximately 250 feet upstream from its confluence with the Green River at river mile 28.5. The Olson Creek basin encompasses approximately 1,022 acres, with approximately three miles of defined stream channel. Most of this stream system lies on the upland plateau between 350 and 500 feet in elevation. Williams et al. (1975) identified two tributaries (09.0064 and 09.0063) to the Creek. Olson Creek is formed from surface water of two wetlands within this upland plateau. A third wetland drains into the combined flow of the first two at a series of constructed ornamental ponds at RM 1.08 just before the creek descends steeply through Olson Canyon to the valley floor (Kerwin and Nelson 2000). The project site lies adjacent to the Mary 0lson Farm within this lower valley floor portion of the stream. Stream flows in Olson Creek are 44, 121, and 174 cubic feet per second (cfs) for the 2-year, 25-year, and 100-year flows, respectively under conditions current at the time of publication of Booth et study.

10. As identified in the report: Wetland and Stream Delineation, Mary Olson Farm Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015 accompanying the environmental checklist application, the Creek (Olson Creek) is a Class 2 stream. Per ACC 16.10.080, "Classification and rating of critical areas", the classification is applied to natural streams that are either perennial and or intermittent and have one or more of the following characteristics:

    - Contain fish habitat;
    - or has significant recreational value as determined by the director;

11. As identified in the report: Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015, as a tributary to the Green river , Olson Creek is within the range of the three federally listed fish species, each listed as "Threatened" status.

12. Per City regulation ACC 16.10.090 "Buffer areas and setbacks", the following is required.

    > "A. . . . The establishment of on-site buffers, buffer areas or setbacks shall be required for all development proposals and activities in or adjacent to critical areas. The purpose of the buffer shall be to protect the integrity, function, value, and resources of the subject critical area. Buffers shall typically consist of an undisturbed area of native vegetation retained or established to achieve the purpose of the buffer. No buildings or structures

shall be allowed within the buffer unless as otherwise permitted by this section. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved enhancement plan. Buffers shall be protected during construction by placement of a temporary barricade, notice of the presence of the critical area and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to provide long-term preservation and protection of buffer areas.

B. Required buffer widths shall reflect the sensitivity of the particular critical area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity proposed to be conducted on or near the critical area."

The City regulations require enhancement and protection of undisturbed buffers typical for Class 2 streams for a minimum of 75 feet. The report notes that the city may increase the stream buffer by a maximum of 50% in response to site-specific conditions; which include conditions such as those found in Olson Creek, with habitat for threatened, endangered or sensitive fish species. These circumstances exist in the Project Area.

City regulations at 16.10.090(E)(2) also provide:

"Stream buffer widths may be reduced by the director on a case-by-case basis by up to 35 percent if an applicant demonstrates that a reduction will not result in any adverse impact to the stream. Further, if an existing buffer is vegetated, a buffer enhancement plan may be required to demonstrate how the function and values of the buffer and stream will be improved. If the existing buffer has been disturbed and/or is not vegetated, an enhancement plan shall be required that identifies measures to enhance the buffer functions and values and provide additional protection for the stream function and values."

13. As identified in the report: Wetland and Stream Delineation, Mary Olson Farm Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015, the Project Area contains two wetlands:

    Wetland 1 is located entirely within the Ordinary High Water Park (OHWM) of Olson Creek on several vegetated sandbars, just east and upstream of the proposed bridge location. The wetland extends approximately 150 feet upstream to a point where sandbars are not present and the stream channel consists solely of pools and riffles. Wetland vegetation in the vicinity of the proposed bridge crossing consists of red alder *(Alnus rubra)* trees and an understory of salmon raspberry *(Rubus spectabilis),* subarctic lady fern *(Athyriumfilixfemina),* common velvet grass *(Holcus lanatus),* Kentucky blue grass *(Poa pratensis),* creeping buttercup *(Ranunculus repens),* and small enchanter's nightshade *(Circaea alpina).*

    Wetland 2 is a seep area, south of 0lson Creek, east and south of the proposed bridge crossing. Wetland 2 is separated from Olson Creek by a small natural levee along the east and south banks of the creek. The wetland extends approximately 300 feet south from the natural levee on the south bank of the creek and is located east of a pasture within the southern portion of the Mary Olson Farm. Wetland vegetation in the vicinity of the bridge crossing consists of red alder primarily of Himalayan blackberry *(Rubus armeniacus)* and reed canarygrass *(Phalaris arundinacea).* Portions of the wetland farther to the east and extending south along the base of a slope include forested and emergent vegetation communities.

14. As identified in the report: Wetland and Stream Delineation, Mary Olson Farm Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015 accompanying the environmental checklist application, the Category 3 wetlands Per ACC 16.10.080, "Classification and rating of critical areas", the classification is applied to natural wetlands that are not Category I or II wetlands, and which meet the following criterion:

- Provide moderate levels of functions, scoring between 30 – 50 out of 100 points (DOE Wetlands Rating System, 2004).

Per ACC 16.10.090, protective, undisturbed buffers typical for Category 3 wetlands range from 25 to 50 feet.

15. As a tributary to the Green River, Olson Creek is within the range of three fish species, listed under the authority of the federal Endangered Species Act (ESA) as "Threatened" status. These include Puget Sound distinct population segment (DPS) steelhead trout (Oncorhynchus mykiss), Puget Sound evolutionarily significant unit (ESU) Chinook salmon (Oncorhynchus tshawytscha), and Coastal-Puget Sound distinct population segment bull trout (Salvelinus conjluentus). The report: Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015, notes that while NOAA Fisheries does not specifically list Olson Creek as critical habitat, its confluence with the Green River (which is formally designated as critical habitat) 250 feet downstream of the project, subjects Olson Creek to similar protection.

    The Magnuson-Stevens Fishery Conservation and Management Act (MSA) includes a mandate that NOAA Fisheries must identify essential fish habitat (EFH) for federally managed marine fish, and federal agencies must consult with NOAA Fisheries on all activities, or proposed activities, authorized, funded, or undertaken by the agency that ay adversely affect EFH. The Pacific Fishery Management Council (PFMC) has designated EFH for the Pacific salmon fishery, federally managed ground fishes, and coastal pelagic fisheries (NOAA fisheries 2014). The majority of EFH is marine-based, though EFH is also designated for inland portions of the range for anadromous Pacific salmon. In addition to Chinook salmon, other EFH fish present in Olson Creek include Coho salmon (0. kisutch) and pink salmon (0. gorbuscha). EFH is defined by the MSA as "those waters and substrate necessary to fish for spawning, rearing, feeding, or growth to maturity." Further, according to the Pacific Fishery Management Council (1999), "the geographic extent of freshwater EFH is specifically defined as all currently viable waters and most of habitat historically accessible to salmon."

16. The Green River in the vicinity is identified on the Washington State Department of Ecology listing of water quality impaired waters pursuant to Washington State's obligation under the federal Clean Water Act (CWA) §303(d) and §305(b) to identify polluted waters (known as the 303(d) list) and to report on the status of water quality statewide, where data is available. The Green River is impaired for temperature, dissolved oxygen, and bacteria.

Other Critical Areas:

17. In accordance with the city's classification of '"Wildlife Habitat Areas' (ACC 16.10080(E)), the regulations provide three types as follows:

    "Wildlife habitat areas shall be classified as critical, secondary or tertiary according to the criteria in this section:
    1. "Critical habitat" are those habitat areas which meet any of the following criteria:
    a. The documented presence of species or habitat listed by federal or state agencies as "endangered," "threatened," or "sensitive"; or
    b. The presence of unusual nesting or resting sites such as heron rookeries;
    c. Category I wetlands, as defined in these regulations; or
    d. Class I streams, as defined in these regulations."

    In accordance with this classification, Olson Creek would be regulated at a "critical habitat" requiring the highest degree of protection. The analysis of "critical habitat" is missing from accompanying reports.

18. The Applicant's project is located within the critical area known as Ground Water Protection Zone 4, the City's lowest category of protection. As required by this designation, the Applicant is required to

implement best management practices for water resource protection per ACC 16.10.120.E.2. Best Management practices apply to the construction and ongoing operations.

19. The City of Auburn (2015a) municipal code defines the regulatory floodplain as the area of the special flood hazard area (a.k.a. the base flood or the 100-yr flood plain) and the protected areas. The base flood identified for the site is elevation 52 feet elevation (NGVD 29) (FEMA 1995), and the applicable protected area includes the riparian habitat zone 200 feet from the stream for fish bearing streams. Because the apparent upstream edge of the base flood elevation was in the vicinity of the bridge crossing, a consultant was retained to study stream sectional profile across the stream banks and stream channel at the location of the bridge crossing in relation to the flood elevation. Parametrix Inc. was contracted to conduct a controlled ground survey of the crossing. Results of the study indicate the bridge will span, but will not encroach into, the upper extent of the Green River base flood. The project is located within the protected area of the Riparian Habitat Zone of Olson Creek. The potential for stream bank erosion and stream channel instability will be addressed within the floodplain permit, as appropriate.

20. The Farm site, situated in a west facing stream valley, contains the following geologic hazard areas: erosion hazard, seismic hazard and landslide hazard areas. Earthwork at the base of the hillside or alteration of vegetation in flatter areas such as previously identified for construction of a future trail connection to an "historic road grade" has the potential to affect the stability of the nearby hillside and prior to commencing such work, a critical areas report is necessary to be prepared to address risk and the report submitted for review. The bridge construction itself is set over 65 feet away from the toe of the steep slopes that occupy the eastern side of Mary Olson Farm property according to the Geotechnical Engineering Study – Proposed New Pedestrian Bridge Mary Olson Farm, Geotech Consultants, Inc. February 11, 2015.

    While not designated as a regulated geologic hazard area, there is evidence of past instability of the Olson Creek channel within the farm site, especially due to seasonal fluctuations in stream flow. Past stream bank stabilization projects have been constructed between the proposed bridge location and Green River Rd. Stream bank stability will be addressed within the subsequent floodplain permit, as appropriate.

Cumulative, direct, and indirect Impacts:

21. The proposed construction project will increase disturbance and intrusions to the wetland and stream and buffers that would not exist under normal conditions that conformed to city regulations. While the bridge is proposed to span the stream and wetland, the construction and then permanent placement will result in both temporary impacts to the wetland, stream and associated buffers and permanent impacts to the associated buffers. The project's critical area reports do not sufficiently quantify and characterize impacts consistent with the city's critical area regulations.

22. To evaluate and reduce impacts from the proposed development, the Applicant has prepared a "conceptual" mitigation plan titled: Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015. This conceptual mitigation proposal is not fully consistent with city critical area requirements. A final mitigation plan addressing impact assessment, mitigation and monitoring will be required to be provided to support floodplain permit, SEPA and shoreline permit processing (as applicable).

23. In response to the checklist application question on the project description, the project is characterized as having the ecological benefits of avoiding the cattle and ponies that are used in education program associated with the farm from walking through the stream channel daily to access between the "south pasture" and the barn and livestock pen on the north side of the Creek. However, this current activity of crossing of the stream and wetland critical areas (including buffers) by a few livestock is contrary to the city's adopted critical area regulations contained in ACC 16.10. While the public park use does not constitute an "agricultural use", and even if it were, it is not exempt under the city's regulations because it has not been continuous.

The City's critical area regulations in the following definition provide that in order for the agricultural practices of livestock management to be exempt from the city's critical area regulations, the agricultural use must have been in existence on July 1, 1990 and not have been discontinued for a period of longer than five years. The City applied for and received King County Conservation Futures funding to purchase the historic Mary Olson Farm in 1993. The funding stipulates that the Farm can be developed for passive recreation and open space use only. The approximately 60-acre Farm is on the National Register of Historic Places, and is a King County Landmark property. In the year 2000 a Master Plan was developed for the Farm, and in 2004 an Operations Plan was developed. The Farm was first opened to the public in year 2011 in a limited capacity and full public access in in 2014. There were not livestock operations between the time the city purchased in 1994 and the first public opening of the farm (17 years) and likely even earlier. A greater ecological benefit as described in the checklist would be achieved by enforcement of city regulations.

> "ACC 16.10.020, Definitions
> "Existing and ongoing agricultural activities" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock. Such activity must have been in existence as of July 1, 1990 (the effective date of the Growth Management Act). The definition includes, but is not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities or crops, and normal operation, maintenance or repair of existing serviceable structures, facilities, or improved areas. Activities, which bring an area into agricultural use from a previous nonagricultural use, are not considered part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition."

24. Temporary construction impacts from clearing and grading for the installation of concrete footings outside the ordinary high water mark of the stream and wetland. According to the Bridge Plan, Elevation & Notes & Details, Mary Olson Farm Bridge, Rupert Engineering, Inc. April 15, 2015, revised May 21, 2015 a temporary construction disturbance area measuring 10 feet by 23 feet is shown on each side of the bridge and surrounded by silt fencing. The approximate area of this temporary land clearing and earthwork is 460 square feet (10 feet x 23 feet x two locations is 460 square feet).

25. The bridge will result in permanent reduction in riparian buffer that has historically been impaired. As identified in the Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015, the bridge is located and aligned through a thinning between existing trees to avoid removal of trees greater than 4 inches in diameter (one tree to be removed) and to minimize removal of native understory vegetation. However, the bridge location and vegetation has already been degraded by site operation and vegetative management practices. Without the management practices the riparian corridor for Olson Creek would more closely resemble in-tact riparian conditions described in the: Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015, than the more disturbed conditions described in the Wetland and Stream Delineation, Mary Olson Farm Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015. The described vegetative conditions therefore do not represent appropriate baseline conditions.

26. Direct permanent impacts include covering of the regulated critical areas; the stream and wetland by the solid deck bridge. According to Figure 3, of the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015, the distance from the ordinary high water mark on the north and south sides of the stream channel in the area of the bridge construction is approximately 22 feet (22 feet x approx. 5 feet in width is 110 square feet). So impacts as described in the checklist application response do not accurately describe the impacts from both the construction and operation of a permanent covering over Olson Creek and Wetland 1 since they are described as "buffer impacts" and not characterized as impacts to the regulated critical

area, itself. The permanent covering has the potential to result in the permanent reduction of riparian habitat and vegetation as well as water quality impacts.

27. Water quality impacts can occur from bacteria and pathogens in manure that enters Olson Creek from the bridge. Manure is not the only source of water quality problems that can be caused by livestock. Livestock trampling also denude and compact riparian areas soils and destabilized stream banks. These livestock impacts in turn, decrease infiltration rates, and increase runoff, sedimentation and back sloughing and retreat. A degraded riparian area also loses it natural ability to filter pollutants and stabilize the soil. Increased overland flow encourages transport of pathogens and nutrients. This increasing flow can also impact the structure of the stream by increasing stream velocity, sediment loading, and the erosive power of the stream. These impacts increase the distance that pollutants can be transported from pollutant sources. The farther the pollutants travel, the more likely they will compound other pollutant problems and impair water quality. State water quality laws prohibit the discharge of pollutants without a state permit. Water quality impacts have been occurring from practices of livestock walking through the creek.

    Future operation impacts to water quality of Olson Creek can include, but are not limited to, impacts from fecal coliform discharge to the stream from daily livestock crossing and from periodic maintenance of the wood or other components of the bridge structure.

28. Project will result in direct and permanent impacts of construction of the north side and south side gravel approaches to the bridge with the regulated stream and wetland buffer.

    - North - According to Figure 3, of the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015, the project proposes connecting the north side of the bridge to the existing gravel farm road, a distance of approximately 40 feet from the ordinary high water mark (5 foot gravel trail width x 40 foot length is 200 square feet).

    - South - According to Figure 3, of the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, on the south side the trail would extend the full width of the Class 2 stream buffer of 75 feet. Assuming an reduced stream buffer (a reduction of 35% as allowed with buffer enhancement per ACC 16.10.090.E.2.d) the trail connection would have a distance of 48.75 feet (Approx. 5 foot gravel trail width x 48.75 foot length is 244 square feet).

29. The response to this question on the project description identifies that the south side of the bridge is intended to be part of a future trail connection to an “historic road grade”. While the location, construction and amount of area involved is not described and not shown by any plans or reports accompanying this environmental checklist application, portions of this connection are located within the regulated buffer of Wetland #2, where disturbance is not allowed by the City’s critical area regulations (ACC 16.10) and where protective buffers composed of native vegetation over a minimum buffer distance are required at the time of the proposal (ACC 16.10.090).

30. As documented in the “Final Staff Evaluation”, this area of Olson Creek has been the subject of previous city approvals for riparian restoration.

    - An environmental checklist application and issuance of a Mitigated Determination of Non-Significance (MDNS) (File # SEP05-0011) for relocating approximately 1,000 lineal feet of gravel access roadway to the farm site approximately 5-10 feet north away from the Olson Creek. Also installation of a new gravel access road of approximately 350 feet leading to the caretakers’ quarters (mobile home). Drainage patterns were not proposed to be modified. The MDNS identified three conditions related to: 1) dust control, 2) preparation of a vegetative restoration plan for the area bordering the creek, and including and maintenance plan, and 3) a qualified archeologist onsite during earthwork activities.

- Grading permit (City File # GRA07-0024) (King County Capital Improvement Project (CIP) # 300205) for construction of off-site mitigation for impacts on Lea Hill by King County Roads Division and proposed to be mitigated by construction of riparian restoration of 200 lineal feet of Olson Creek by King County.

Under the current proposal, mitigation Area A shown in the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015, is proposed in the same location as the previous riparian restoration projects listed above. Also mitigation should be provided consistent with city regulations and not segmented into small isolated areas.

31. The mitigation proposal is not consistent with City critical area regulations the project has temporary and permanent impacts that are not identified and compensated for commensurate with the degree or protection appropriate for "critical habitat" and threatened species. While mitigation ratios are not applied to buffers, the city's critical areas regulations require the establishment of on-site buffers, buffer areas or setbacks for all development proposals and activities in or adjacent to critical areas (ACC 16.10.090). The purpose of the buffer shall be to protect the integrity, function, value, and resources of the subject critical area (in the case of wetlands and streams). Buffers shall typically consist of an undisturbed area of native vegetation retained or established to achieve the purpose of the buffer. Generally no buildings or structures are allowed within the buffer, unless as otherwise permitted by this section. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved enhancement plan.

    While the reports provided in support of the environmental checklist application indicate that 2,525 sq. ft. of mitigation is proposed, this is not accurate. Approx. five percent (5%) of the mitigation proposal consists of planting four trees within a 140 sq. ft. area. Sixty-thee percent (63%) of the mitigation proposed consists of removal of invasive Himalayan Blackberry without no re-establishment of vegetation to prevent re-infestation of invasives; The removal of invasives without replacement vegetation is not buffer enhancement meeting city critical area standards. And approx. 31 percent (31%) consists of riparian vegetation re-establishment by planting 8 trees and 32 shrubs. (The total plant quantity is a total of 12 trees and 32 shrubs). By area, the mitigation proposal represents approximately 8.4% of the Project Area required to be provided as enhanced riparian buffer as required by city laws (Two stream banks with 75-foot buffers on each side over 205 feet length of stream channel identified as the "Project Area".)

32. In addition, short and long term protective mechanisms are required to ensure continuation of required buffers. A native growth protective demarcation with identification signage are required at the buffer boundary. Additionally, prior to approval of the mitigation inspection, an instrument shall be created that identifies all critical areas at the park, their buffers, and mitigation boundaries and restrictions so that regulators and park management are operating off of the same map, limitations and allowances.

33. In addition, proper financial assurances or other equivalent commitments will be required to guarantee the success and survival of buffer plantings and protective measures for the duration of the monitoring period as required by City regulations. This is not addressed in the submitted critical area reports or mitigation plan.

34. The proposal will not have significant adverse environmental impacts on fish and animals, water, noise, air quality, environmental health, public services and utilities, and land and shoreline use provided the conditions of approval, listed below are met.

35. Public water and sanitary sewer service are not available in the vicinity and not proposed to required, changed or affected by the project construction.

36. Pursuant to ACC Chapter 15.74 and City of Auburn Design Standards, construction plans and specifications will require a Temporary Erosion and Sedimentation Control Plan (TESCP) to reduce

and avoid discharge of sediment material to surface waters and natural areas. Potential adverse environmental impacts associated with erosion and sedimentation from the development is anticipated to be adequately mitigated through compliance with this regulation.

37. The subject site is within a groundwater protection Zone 4. Pursuant to ACC Section 16.10.120(E)(2) the Applicant shall implement best management practices for water resource protection.

CONCLUSIONS OF LAW:

Staff has concluded that an MDNS is to be issued. This is based upon the environmental checklist and its attachments, and the "Final Staff Evaluation for Environmental Checklist". The MDNS is supported by plans and regulations formally adopted by the City for the exercising of substantive authority under SEPA. The MDNS also takes note of the extent to which many local, State and Federal regulations and permit requirements will govern the project to mitigate its potential impacts, in accordance with WAC 197-11-158 and RCW 43.21C.240. The following are City adopted policies, which support the MDNS:

1. The City shall seek to minimize degradation to surface water quality and aquatic habitat of creeks, streams, rivers, pond, lakes, and other water bodies for contract recreation and fishing and to preserve and enhance the aesthetic quality of such waters by requiring the use of current best management practices for control of stormwater and non-point runoff. (Policy EN-3, ACP)

2. The City will regulate any new storm water discharges to creeks, streams, rivers, ponds, lakes and other water bodies with the goal of no degradation of the water quality or habitat of the receiving waters, and where feasible seek opportunities to enhance the water quality and habitat of receiving waters. (Policy EN-4, ACP)

3. The City will seek to ensure that the quality of water leaving the City is of equivalent quality to the water entering. This will be accomplished by emphasizing prevention of pollution to surface and ground waters through education programs and implementation and enforcement of Best Management Practices. (Policy EN-11, ACP)

4. The City shall consider the impacts of new development on water quality as part of its environmental review process and require any appropriate mitigating measures. Impacts on fish resources shall be a priority concern in such reviews. (Policy EN-13, ACP)

5. The City shall require the use of Best Management Practices to enhance and protect water quality as dictated by the City's Developer Design Manual and the Washington State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin. In all new development, approved water quality treatment measures that are applicable and represent the best available science or technology shall be required prior to discharging storm waters into the city storm drainage system or environmental sensitive areas (e.g. wetlands, rivers, and groundwater). (Policy EN-14, ACP)

6. The City recognizes the important biological and hydrological roles that wetlands play in providing plant and animal habitat, protecting water quality, reducing the need for man-made flood and storm drainage systems, maintaining water quality, and in providing recreational, open space, educational and cultural opportunities. The City will consider these roles and functions in all new development and will also pursue opportunities to enhance the existing wetland system when these multiple benefits can be achieved. (Policy EN-27, ACP)

7. The City recognizes that wetlands provide varying degrees of biological and hydrological functions and values to the community depending on the size, complexity and location of the individual system, and that the overall degree of functions and values should be considered when reviewing proposals which impact wetlands. In a similar manner, the levels of protection afforded to a wetland shall be consistent with its existing function and values. The City shall continue to

promote policies and practices of enhancing the wetlands that are hydraulically connected to the river systems to improve fish resources and aquatic habitat. (Policy EN-28, ACP)

8. The City shall consider the impacts of new development on the quality of wetland resources as part of its environmental review process and shall require appropriate mitigation and monitoring measures of important wetland areas. Such mitigation may involve conservation, enhancement or restoration or replacement of important wetlands, and provisions for appropriate buffering. The goal of the mitigation should be no net loss of wetland functions and values. A permanent deed restriction shall be placed on any wetlands created or enhanced to ensure that they are preserved in perpetuity. (Policy EN-29, ACP)

9. Wetlands which are associated with a river or stream, or provide significant plant and animal habitat opportunities are recognized by the City as the most important wetland systems, and shall receive the highest degree of protection and mitigation through conservation, enhancement or relocation measures. Wetlands, which are limited in size, are isolated from major hydrological systems or provide limited hydrological or plant and animal habitat opportunities may be considered by the City for development and displacement in conjunction with appropriate mitigation. (Policy EN-30, ACP)

CONDITIONS

The Responsible Official has determined that the proposal does not have a probable significant impact on the environment, and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c), only if the following conditions are met. This decision was made after review of a completed environmental checklist, other information on file with the City of Auburn, and existing regulations. This information is available to the public on request. These mitigation measures are required as authorized under the Substantive Authority of SEPA in accordance with the guidelines contained in Chapter 16.06 ACC and shall be implemented by the Applicant:

1. Prior to City approval of a Building Permit, Storm Permit, Floodplain Permit & Shoreline Permit (as applicable) and the hydraulic Project approval by the WA State Dept. of Fish and Wildlife, the Applicant shall provide a “complete” site plan for what has been defined as the “Project Area” in the corresponding application listed below and supporting reports which identifies the following information a scale of 1inch to 20 feet or greater in order to be accurately scalable:

    - Boundary of the “Project Area” as follows:
        - For the Building Permit, Storm Permit, & Shoreline Permit (as applicable) as follows: the project area extending 100 feet upstream and downstream of the proposed bridge location and within 200 feet of the bridge and approach to the bridge on each side as identified in the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015.
        - For the Floodplain Permit as follows: the project site consists of the area containing the area of the bridge crossing, nearby upstream and downstream riparian and stream environments, adjacent riparian habitat Impact Zone and the Green River adjacent habitats used by listed salmonids as identified in the Floodplain Habitat Assessment, Mary Olson Farm Auburn WA, Raedeke Associates, Inc., May 6, 2015.
    - Ordinary high water mark (OHWM) of the Olson Creek and its distance and relationship to the OHWM of the Green River.
    - Wetland boundaries as delineated in the Wetland and Stream Delineation, Mary Olson Farm Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015
    - Stream and wetland buffer boundaries in compliance with City critical area regulations to the wetlands and stream identified in the Wetland and Stream Delineation, Mary Olson Farm

Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015

- The plan shall show the location of the previous stream mitigation to avoid mitigation being proposed in the same location as previous required and approved and thus "double counting".
- The special flood hazard area (a.k.a. the base flood or the 100-year flood plain elevation) and the protected areas including riparian habitat zone as defined in ACC Chapter 15.68 “Flood Hazard Areas”.
- Identify temporary and permanent project disturbance and construction areas within the full extent of the city’s regulated critical areas as follows:
  - Class 2 stream buffer of 75 feet. Assuming an reduced stream buffer (a reduction of 35% as allowed with buffer enhancement per ACC 16.10.090.E.2.d) the trail connection would have a distance of 48.75 feet.
  - Per ACC 16.10, protective, undisturbed buffers typical for Category 3 wetlands range from a minimum width of 25 to 50 feet.

This “complete” site plan may be combined with another other required drawings needed to support the appropriate permit application.

2. Future trail construction. The response to environmental checklist application Question A.11 says that the south side of the bridge is intended to be part of a future trail connection to an “historic road grade”. While the location, construction and amount of area involved is not described and is not shown by any plans accompanying the environmental checklist application, portions of this connection are located within the regulated buffer of Wetland #2 where protective buffers composed of native vegetation over a minimum distance are required (ACC 16.10.090) and proximate to the toe of inventoried landslide hazard areas. Prior to the use of the trail any disturbance for this trail construction located within 25 feet of the boundary of Wetland #2 as depicted in report: Wetland and Stream Delineation, Mary Olson Farm Bridge Reconstruction Auburn WA, Raedeke Associates, Inc., May 30, 2014, Revised May 12, 2015 the location, construction and amount of area involved shall be identified as part of the storm permit a critical areas report shall be prepared in accordance with the city’s critical area regulations to assess the resource, classification, impacts and mitigation, consistent with the city’s critical area regulations. A determination of critical areas exemption shall be obtained or a mitigation plan shall be submitted for review and approval by the planning director prior to undertaking any use, earthwork, construction or clearing for this trail.

3. Identification of wetland and stream buffers and enhancement in compliance city‘s critical area regulations. Prior to City approval of a Building Permit, Storm Permit, Floodplain Permit; the Applicant shall be responsible for preparation of a ‘final critical areas mitigation plan’ showing the following:

   - To provide a comprehensive and unified mitigation proposal, the mitigation plan shall encompass the proposed “Project Area” extending 100 feet upstream and downstream of the proposed bridge location and within 200 feet of the bridge and approach to the bridge on each side as identified in the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015.

     a. With the “Project Area” the plan shall identify Class 2 stream buffer consisting of a minimum of 75 feet from the Ordinary High Water Mark of Olson Creek (ACC 16.10.090(C)). The stream buffer may be reduced on each side of the creek within the “Project Area” buffer to provide a reduction of up to 35 percent if an applicant undertakes measures approved by the director to enhance or restore the entire reduced buffer within the identified “Project Area” (ACC 16.10.090(A)). The restoration or enhancement may include, but is not limited to, planting of native trees or shrubs (including live stakes), increasing the diversity of plant cover types and replacing of invasive species with native

species which approximate in composition a naturally occurring riparian plant community. The existing main gravel access drive leading to the house is already located within this buffer even considering the 35% reduction and will be allowed to remain in its current location within the stream buffer and without the need for provision of buffer on the north side of the main gravel access driveway.

b. Within the "Project Area" the 'final mitigation plan' shall identify protective, undisturbed buffers required for Category 3 wetlands ranging from a minimum width of 25 to 50 feet for Wetland #1 and Wetland #2 whose located is shown in the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015. The enhancement of buffer for Wetland #1 is contained with the stream buffer and therefore will be addressed by the stream buffer enhancement. Wetland #2 is not proposed to be impacted, so identification of the buffer is sufficient.

c. To accomplish buffer enhancement, the plan may identify any phasing for the planting and re-establishment of the above described buffers. If phasing is proposed and approved, the monitoring period shall be adjusted to provide a three-year minimum monitoring of each phase and ensure that all portions of the buffer are monitored for a minimum of three years (to include three full growing seasons) after installation in compliance with ACC 16.10.110, "Mitigation standards, criteria and plan requirements."

d. If phasing is proposed and approved, at a minimum the entire buffer area required by this condition shall marked in the field by permanent critical area fencing or other permanent demarcation alternative to be shown and approved in the 'final mitigation plan' and native growth protection signage approved by the city and consistent with the intent of ACC 16.10.120, "Performance standards for mitigation planning" as part of the first phase. The existing main gravel access drive leading to the house and the approaches to each side of the bridge will be allowed exceptions to the buffer fencing.

e. If phasing is proposed and approved, at a minimum, 2,500 square feet of buffer construction shall be installed as a first phase. If phasing is proposed and approved, all phases shall be completed within three years of the final inspection of the bridge construction.

f. The Applicant shall request City inspection of the planting installation (first phase or entire buffer area) and the Planning Director or designee shall inspect and find that the installation is satisfactory prior to final inspection of the bridge (ACC 16.10.110 & 16.10.120).

4. Plan to reduce/avoid future water quality and habitat impacts from bridge. To minimize the future water quality impacts from the completed bridge structure to Olson Creek and it discharge to the Green River and to minimize habitat impacts on endangered fish species in these surface waters, prior to City approval of a Building Permit, Storm Permit, Floodplain Permit; the Applicant shall be responsible for preparation of plan for the future normal repair and maintenance of the bridge structure. This plan shall be submitted for review and approval by the planning director or designee. The plan shall identify bridge features and materials necessary to prolong the life of the structure and minimize the need for potential maintenance and further disturbance in the wetland, stream and buffer crossing areas and identify that when maintenance is required, the methodology to be used to avoid spills and releases affecting water quality and fish habitat impacts within the critical areas. The plan shall also identify bridge features designed or methodologies employed to minimize or avoid manure in the creek and wetland.

5. Critical area conservation easement or alternative instrument prepared, reviewed and approved. The Applicant shall be responsible for preparation of a wetland and stream conservation easement the "Project Area" as identified in the Conceptual Mitigation Plan, Mary Olson Farm Olson Creek Pedestrian Bridge Auburn WA, Raedeke Associates, Inc., May 12, 2015 and submitting the easement for City review. For a conservation easement, the City shall review for suitability and upon city's finding that it is satisfactory the Applicant shall have the easement recorded and provide evidence of

recording to the city prior to final inspection of the bridge (ACC 16.10.120). The existing main gravel driveway and approaches to the bridge will be allowed exceptions to the easement. Alternatively, a delineation of all on site critical areas, buffers, and mitigation areas may be prepared that enumerates restrictions and allowances may be prepared prior to final inspection of the wetland mitigation installation which will serve as a master document for park management and regulators to utilize in the protection of sensitive areas. The delineation may be comprised of both technical documents that contain formal delineations as well as approximate boundaries based on map and field observations. This plan will be prepared by the Applicant and reviewed by the City for concurrence. The plan shall serve as a component or addendum to the Farm Management Plan or the Park Management Plan.

6. Financial security and wetland and stream monitoring period. Prior to final inspection of the bridge, a maintenance and monitoring financial security is required to be provided or other alternative assurances acceptable to the planning director to guarantee compliance with the success of the approved mitigation over the duration of monitoring period in accordance with ACC 16.10.130 "Monitoring program and contingency plan". The amount of the performance security shall equal 125 percent of the cost of the mitigation project (cost of live stakes, wetland seed, buffer demarcation, installation, maintenance, and monitoring) for the length of the (3) three-year monitoring period (unless phasing is proposed that extends the monitoring period in which case it shall be increased to correspond). At the conclusion of the three-year monitoring period, the Applicant shall request City inspection of the planting installation, buffer demarcation and the City shall inspect and find that the installation is satisfactory prior to release of financial security or equivalent. Because this is a City project and the City cannot provide itself a traditional financial security, the applicant may provide confirmation that there is a City budget line item that is available for implementation of the monitoring and contingency plan.

This MDNS is issued under 197-11-350; the lead agency will not act on this proposal for 15 days from the date of issuance. Comments must be submitted by 5:00 p.m. on **September 8, 2015.**

Any person aggrieved of the City's determination may file an appeal with the City Clerk's office within 14 days ending 5:00 p.m. on **September 22, 2015**.

RESPONSIBLE OFFICIAL: Jeff Tate
POSITION/TITLE: Assistant Director of Community Development
ADDRESS: 25 West Main Street
Auburn, Washington 98001
(253) 931-3090

DATE ISSUED: **August 24, 2015** SIGNATURE: ***Signature on File***

Note: This determination does not constitute approval of the proposal. Approval of the proposal can only be made by the legislative or administrative body vested with that authority. The proposal is required to meet all applicable regulations