

Diana Dupuis
Director



STATE OF WASHINGTON
WASHINGTON STATE PARKS AND RECREATION COMMISSION

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**STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NON-SIGNIFICANCE**

Date of Issuance: September 12, 2024

Project Name: Mystery Bay Pier Repairs

Proponent: Washington State Parks and Recreation Commission

Lead agency: Washington State Parks and Recreation Commission

Description of proposal: The Washington State Parks and Recreation Commission (State Parks) proposes maintenance and repair on the pier at Mystery Bay State Park. The maintenance work includes work includes pile support repairs as well as replacing pile caps. Pile repair work is planned on five creosote-treated piles at Bents 2, 4, 5, 7, by cutting the existing pile, approximately two feet below the mudline, and installing a steel pile post on top of the existing pile. The steel pile post will be connected to the pile stub through the placement of concrete and a steel drift pin. A stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete. Construction will be completed at low tide in the dry.

Pile caps will be replaced at bents 1, 2, 3, 5, 6, 7, 12, 13, and 14 using hand tools. The existing pile caps are creosote-treated and will be replaced with ACZA-treated timber pile caps of similar dimension. The exposed ends of the proposed pile caps will be covered with roofing felt (wood cellulose-based material often used to protect exposed timber members in waterfront structures) to prevent leaching from direct contact with precipitation. Four sets of cross braces at bents 7, 9, 12, and 13 will be replaced using hand tools. The existing creosote-treated cross braces will be replaced with steel cross braces.

Location of Proposal: The pier is located at 7875 Flagler Rd, Nordland, WA 98358 in Jefferson County. Parcel number 021294012. Section 29 Township 30 N Range 1 E. Latitude 48.05814 N by longitude -122.694625.

Threshold Determination: After a review of the completed environmental checklist, the lead agency for this proposal (Washington State Parks and Recreation Commission) has determined that it does not have a probable significant adverse impact to the environment, nor does it need mitigation to avoid significant adverse environmental impacts.

The determination is based on the following findings and conclusions:


1. The work is maintenance and repair. All work is taking place within the footprint of existing facilities.
2. The project will comply with the in-water work window for the project area (anticipated to be July 16 through February 15). Forage fish work windows may also apply and compliance with these windows will be determined during the permitting process.
3. Equipment washing, servicing, and refueling will only be allowed at designated upland locations. Appropriate best management practices will be used to ensure no spills of petroleum products or other hazardous substances take place during these activities.
4. No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil, or petroleum products will be allowed to enter jurisdictional waters, or placed where it will be subject to erosion by rain, wind, or waves and enter into jurisdictional waters.
5. ACZA-treated replacement pile caps will be covered with roofing felt to prevent leaching from precipitation.
6. A stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete during the curing process so that it does not come into contact with water.
7. Waddles and/or silt fencing will be properly installed adjacent to work zones to protect existing nearshore vegetation and prevent any excessive siltation runoff from entering intertidal critical areas.
8. Ground protection mats will be used for equipment access on the beach.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **September 27, 2024** or they may not be considered.

Responsible Official: Kira Swanson

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September 12, 2024
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Position/Title: Environmental Planner
Phone: (360) 522-2287
Address: 220 N Walnut Street
Burlington, WA 98233-1138
Email:  kira.swanson@parks.wa.gov

Date: September 12, 2024

Signature: 

"All Washington State Parks are developed and maintained for the enjoyment of all persons regardless of age, sex, creed, ethnic origin, or physical limitations."

There is no agency SEPA appeal; however, all comments are welcome and will be thoroughly considered.

SEPA¹ Environmental Checklist

A. Background

[Find help answering background questions](#)²

1. Name of proposed project, if applicable:

Mystery Bay State Park Pier Maintenance

2. Name of applicant:

Washington State Parks and Recreation Commission

3. Address and phone number of applicant and contact person:

Hannah Ross, Environmental Planner

Washington State Parks and Recreation Commission

1111 Israel Rd SW / P.O. Box 42650

Olympia, WA 98504-2650

Hannah.ross@parks.wa.gov

(360)790-8842

4. Date checklist prepared:

July 2024

5. Agency requesting checklist:

Washington State Parks and Recreation Commission (Parks)

6. Proposed timing of schedule (including phasing, if applicable):

Summer – Fall 2025

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The repairs proposed and reviewed through this SEPA process are short-term repairs. A long-term replacement is being considered. A future replacement project would be reviewed through a separate SEPA process if pursued and funded.

¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Joint Aquatic Resources Permit Application form

High Tide Line Technical Memorandum for Mystery Bay State Park – Moffatt and Nichol
June 2022

Habitat and Critical Areas Report – The Watershed Company November 2023.

Facility Condition Assessment Report – Moffatt and Nichol January 2021

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are no known pending governmental approvals of other proposals directly affecting the property.

10. List any government approvals or permits that will be needed for your proposal, if known.

Federal:

US Army Corps of Engineers Section 10 Authorization

Coastal Zone Management Act Consistency Determination

State:

Hydraulic Project Approval – Washington Department of Fish and Wildlife

SEPA Review and Determination

County:

Shoreline Exemption – Jefferson County.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

State Park proposed to repair and maintain the pier at Mystery Bay State Park. The access pier is approximately 270-foot-long and is supported by sixteen pile bents. Each bent is constructed of two, approximately 12-inch-diameter, creosote-treated timber piles and two creosote-treated timber cross braces. An aluminum pedestrian gangway provides access from the pier to the floating dock. The floating dock is constructed of timber structural members with polystyrene floatation billets and measures approximately 325 feet long by 12 feet wide. The floating dock is held in place by eight timber-pile dolphins.

An above-water and underwater investigation of the pier on November 17, 2020, by Moffatt and Nichol and a follow up investigation on October 6, 2023 found severe damage to several piles, pile caps, and cross braces. Due to severity of the damage to structural elements, the pier has been temporarily closed to protect public safety.

Five existing creosote-treated piles at Bents 2, 4, 5, 7, and 9 will be repaired by cutting the existing pile, approximately two feet below the mudline, and installing a steel pile post on top of the existing pile. The steel pile post will be connected to the pile stub through the placement of concrete and a steel drift pin. A stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete. Construction will be completed at low tide, in the dry, using a mini excavator and hand tools.

Nine pile caps at bents 1, 2, 3, 5, 6, 7, 12, 13, and 14 will be replaced using hand tools. The existing pile caps are creosote-treated and will be replaced with ACZA-treated timber pile caps of similar dimension. The exposed ends of the proposed pile caps will be covered with roofing felt (wood cellulose based material Often used to protect exposed timber members in waterfront structures) to prevent leaching from direct contact with precipitation. Four sets of cross braces at bents 7, 9, 12, and 13 will be replaced using hand tools. The existing creosote-treated cross braces will be replaced with steel cross braces.

The project will comply with all conditions of the Salish Sea Nearshore Programmatic (SSNP). The proposed repairs will be completed in the dry and at low tide. Work will begin once all necessary local, state, and federal permits and/or approvals are obtained. Project duration including mobilization and demobilization is anticipated to take up to two months. The project will comply with the in-water work window for the project area (anticipated to be July 16 through February 15). Forage fish work windows may also apply and compliance with these windows will be determined during the permitting process.

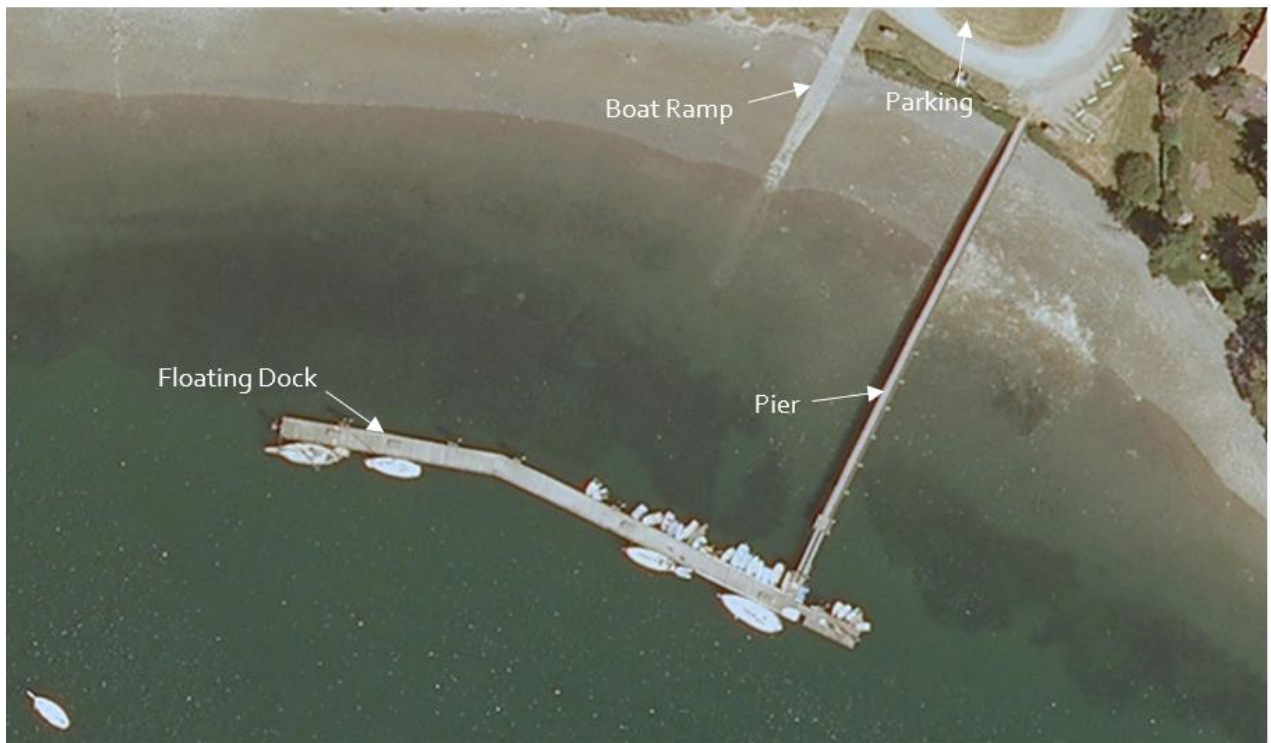


Figure 1. Overview of the facilities at Mystery Bay State Park.



Figure 2. Shoreline Conditions.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The pier is located at 7875 Flagler Rd, Nordland, WA 98358 in Jefferson County. Parcel number 021294012. Section 29, Township 30 N, Range 1 E. Latitude 48.058184 N by longitude -122.694625 W.



Figure 3. Project Vicinity.

B.Environmental Elements

1. Earth

[Find help answering earth questions](#)³

a. General description of the site:

The shoreline consists of native vegetation, maintained grassy areas near the shoreward portion of the boat ramp, and a small area of riprap around the pier abutment. The substrate along the shoreline consists of sand with shall fragments including an oyster bed adjacent to the pier.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, **other: Over Water/Aquatic**

b. What is the steepest slope on the site (approximate percent slope)?

The shoreline adjacent to the pier consists of a three-to-five-foot vegetated bluff.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any

³ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Work is taking place within the footprint of the current pier. Soils near the site include mucky ocean floor and according to Web Soil Survey (USDA NRCS accessed on July 12, 2024), the uplands include Whidbey gravelly sandy loam.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

No.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Excavation:

There will be minimal excavation required for the pile repairs. Excavation includes digging around the existing piles, approximately two feet below the mudline, with a mini excavator with a maximum of 16" bucket. The area of excavation will not exceed 25 square feet around each pile.

Fill:

Fill is minimal for this project. The total approximate fill is 1.5 cubic yards for all 5 piles. Fill will be from concrete used to secure the steel pile posts.

- f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

It is possible that erosion may occur as a result of construction activities. Erosion would be expected to be minor and have temporary impacts. At a minimum, Best Management Practices (BMPs) as outlined in the Washington Department of Ecology (ECY) Stormwater Manual will be employed to control erosion these may include waddles and/or silt fencing.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

All work is maintenance and repair and no impervious surfaces will be added or altered as part of this project.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

Best Management Practices as outlined in the Ecology Stormwater Manual will be employed to control erosion if it were to occur. These may include but are not limited to:

- All removed construction debris will be collected, transported to, and disposed of at an appropriate upland facility.
- Project construction will be completed in compliance with Washington State Water Quality Standards (WAC 173-201A).

- The contractor will prepare a Spill Prevention, Control, and Countermeasure (SPCC) plan. A copy of the plan will be maintained at the work site.
 - The SPCC plan will outline BMPs, responsive actions, and notification and reporting procedures in the event of a spill or release. The plan will also outline management elements, such as personnel responsibilities, Project site security, site inspections, and training.
 - The SPCC plan will outline the measures to prevent the release or spread of hazardous materials found on site (if any) and encountered during demolition but not identified in contract documents, including any hazardous materials that are stored, used, or generated at the site during demolition.
 - Applicable spill response equipment and material designated in the SPCC plan will be maintained at the job site.
- All construction materials will be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
- Equipment washing, servicing, and refueling will only be allowed at designated upland locations. Appropriate best management practices will be used to ensure no spills of petroleum products or other hazardous substances take place during these activities.
- Equipment will be checked for leaks and other problems that could result in the discharge of petroleum-based products or other hazardous material into waterways.
- No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil, or petroleum products will be allowed to enter jurisdictional waters, or placed where it will be subject to erosion by rain, wind, or waves and enter into jurisdictional waters.
- Oil-absorbent materials will be present on site for use in the event of a spill or if any oil product is observed in the water.
- Protective measures will be used to prevent accidental discharges to waters during fueling, cleaning, and maintenance.
- Proper BMPs such as temporary erosion and sediment controls will be used to prevent sediment deposition in the riparian area, wetlands, or water body.
- Waddles and/or silt fencing will be properly installed adjacent to work zones to protect existing nearshore vegetation and prevent any excessive siltation runoff from entering intertidal critical areas.
- A stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete.

- ACZA-treated replacement pile caps will be covered with roofing felt to prevent leaching from precipitation.
- Ground protection mats will be used in any areas where equipment will access the beach.

2. Air

[Find help answering air questions](#)⁴

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Construction activities may create temporary equipment exhaust. No new emissions will be generated as a result of the project. Elevated emissions from construction equipment would occur for a short duration and be temporary.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

No; the only off-site sources of emissions are from recreational boaters and vehicles in the area. Off-site sources of emissions will not impact this project.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

There are no emission reduction measures proposed for this project. The project will not result change or in increases to emissions.

3. Water

[Find help answering water questions](#)⁵

- a. Surface:**

[Find help answering surface water questions](#)⁶

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

The proposed project is entirely located within Mystery Bay on Marrowstone Island in the Salish Sea.

⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes, all work will take place on the pier which is located in Mystery Bay in the Salish Sea. All repair work is below Ordinary High Water Mark (OHWM) and High Tide Line (HTL).

Five existing creosote-treated piles at Bents 2, 4, 5, 7, and 9 will be repaired by cutting the existing pile, approximately two feet below the mudline, and installing a steel pile post on top of the existing pile. The steel pile post will be connected to the pile stub through the placement of concrete and a steel drift pin. A stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete. Construction will be completed at low tide in the dry using a mini excavator and hand tools.

Nine pile caps at bents 1, 2, 3, 5, 6, 7, 12, 13, and 14 will be replaced using hand tools. The existing pile caps are creosote-treated and will be replaced with ACZA-treated timber pile caps of similar dimension. The exposed ends of the proposed pile caps will be covered with roofing felt (wood cellulose based material Often used to protect exposed timber members in waterfront structures) to prevent leaching from direct contact with precipitation. Four sets of cross braces at bents 7, 9, 12, and 13 will be replaced using hand tools. The existing creosote-treated cross braces will be replaced with steel cross braces.

Please see attached plans and figures for detailed project description.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Approximately 1.5 cy of fill will be included in this project. Fill will be concrete around the base of each of the five piles to be repaired. The steel pile post will be connected to the pile stub through the placement of concrete and a steel drift pin. A stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete.

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

No, the proposed project will not require any surface water withdrawals or diversions.

During the curing process for the placement of concrete around the steel pile post, a stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No. The project is entirely below OHWM and HTL.

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No. The repair and maintenance work is on a creosote structure. During construction the BMPs will be implemented to limit erosion and any potential for discharge to surface waters. See above BMPs listed in section 1. Earth question h.

b. Ground:

[Find help answering ground water questions](#)⁷

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.

No groundwater will be withdrawn, and no water will be discharged to groundwater.

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material will be discharged as there are no sources of waste material within the project footprint associated with the pier structure being repaired.

c. Water Runoff (including stormwater):

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The project will not result in changes to runoff. All water on the site currently sheet flows off the pier and will continue to do so.

2. Could waste materials enter ground or surface waters? If so, generally describe.

No. The project is to repair piling supports and pile caps of an existing structure.

3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No, ~~t~~he project is to repair an existing structure in the same footprint without expansion of materials or footprint. The proposed work does not alter existing drainage patterns in the vicinity of the project site.

⁷ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Parks has implemented many BMPs to ensure water quality is not impacted during and after the maintenance and repair of the pier including:

- Project construction will be completed in compliance with Washington State Water Quality Standards (WAC 173-201A).
- The contractor will prepare a Spill Prevention, Control, and Countermeasure (SPCC) plan. A copy of the plan will be maintained at the work site.
 - The SPCC plan will outline BMPs, responsive actions, and notification and reporting procedures in the event of a spill or release. The plan will also outline management elements, such as personnel responsibilities, project site security, site inspections, and training.
 - The SPCC plan will outline the measures to prevent the release or spread of hazardous materials found on site (if any) and encountered during demolition but not identified in contract documents, including any hazardous materials that are stored, used, or generated at the site during demolition.
 - Applicable spill response equipment and material designated in the SPCC plan will be maintained at the job site.
- All construction materials will be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
- Equipment washing, servicing, and refueling will only be allowed at designated upland locations. Appropriate best management practices will be used to ensure no spills of petroleum products or other hazardous substances take place during these activities.
- Equipment will be checked for leaks and other problems that could result in the discharge of petroleum-based products or other hazardous material into waterways.
- No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil, or petroleum products will be allowed to enter jurisdictional waters, or placed where it will be subject to erosion by rain, wind, or waves and enter into jurisdictional waters.
- Oil-absorbent materials will be present on site for use in the event of a spill or if any oil product is observed in the water.
- Protective measures will be used to prevent accidental discharges to waters during fueling, cleaning, and maintenance.
- Proper BMPs such as temporary erosion and sediment controls (silt fencing, tarps for debris, wattles) will be used to prevent sediment deposition in the riparian area, wetlands, or water body.

- Waddles and/or silt fencing will be properly installed adjacent to work zones to protect existing nearshore vegetation and prevent any excessive siltation runoff from entering intertidal critical areas.
- An impervious stay-in-place form/sleeve will be placed around the interface between the existing pile and the steel pile post to confine the concrete and keep it from coming in contact with water for 7 days or until cured.
- ACZA-treated replacement pile caps approved for use in the aquatic environment by the Western Wood Preservers Institute will be covered with roofing felt to prevent leaching into surface waters from precipitation.

4. Plants

[Find help answering plants questions](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other**
- evergreen tree: fir, cedar, pine, other**
- shrubs**
- grass**
- pasture**
- crop or grain**
- orchards, vineyards, or other permanent crops.**
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
- water plants: water lily, eelgrass, milfoil, other**
- other types of vegetation**

There is no vegetation present at the project site. The area is sandy/mucky substrate with oyster beds adjacent to the pier.

b. What kind and amount of vegetation will be removed or altered?

No vegetation will be removed or altered. There is no vegetation within the project area.

c. List threatened and endangered species known to be on or near the site.

There are no threatened or endangered species known on this site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

The project is located in the marine environment and no landscaping is proposed.

e. List all noxious weeds and invasive species known to be on or near the site.

There are no noxious weeds or invasive plant species known to occur on or near the site.

5. Animals

[Find help answering animal questions](#)⁸

- a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other: Forage Fish (herring, smelt, sand lance)

- b. List any threatened and endangered species known to be on or near the site.

The Washington Department of Fish and Wildlife's PHS on the Web map (accessed August 30, 2024) indicates the following species and habitats occur within the project area: Pacific Sand Lance (*Ammodytes hexapterus*) breeding areas, Surf Smelt (*Hypomesus pretiosus*) breeding areas, Hardshell Clam presence, Pacific Herring (*Clupea pallasii*) (Georgia Basin DPS), Waterfowl Concentrations, Estuarine and Marine Wetlands, and occurrences of Big Brown Bat (*Eptesicus fuscus*) within the township.

The U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website (accessed August 20, 2024) and NOAA Fisheries West Coast Region Species and Habitat App (Accessed August 30, 2024) indicates the following species and habitats may occur within the project area:

- Marbled Murrelet *Brachyramphus marmoratus* (no critical habitat at this location)
- Yellow-billed cuckoo *Coccyzus americanus* (no critical habitat at this location)
- Northwestern pond turtle *Actinemys marmorata* (no critical habitat at this location)
- Bull trout *Salvelinus confluentus* (no critical habitat at this location)
- Monarch Butterfly *Danaus Plexippus* (no critical habitat at this location)
- Puget Sound/Strait of Georgia Chum *Oncorhynchus keta* occurrence and critical habitat

⁸ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

- Hood Canal summer-run Chum *Oncorhynchus keta* occurrence and critical habitat
- Puget Sound/Strait of Georgia Coho *Oncorhynchus kisutch* occurrence and critical habitat
- Southern Resident DPS Killer Whale *Orcinus orca* occurrence and critical habitat
- Puget Sound-Georgia Basin DPS Bocaccio Rockfish *Sebastes paucispinis* occurrence and critical habitat
- Puget Sound ESU Chinook Salmon *Oncorhynchus tshawytscha* occurrence and critical habitat
- Steelhead *Oncorhynchus mykiss* occurrence and critical habitat

No impacts to upland species are anticipated as the project will take place within the marine environment. For aquatic species listed above the proposed work will follow the best management practices listed in question B.5.d to avoid and minimize potential impacts.

c. Is the site part of a migration route? If so, explain.

Yes, the project area is situated within the Pacific Flyway and is part of a migration route for salmon. The Pacific Flyway is a route for migratory birds which includes the entire west coast of North America reaching from northern Alaska and Canada to the southern tip of Mexico.

d. Proposed measures to preserve or enhance wildlife, if any.

The project will comply with all conditions of the Salish Sea Nearshore Programmatic (SSNP) (see Section 3 of attached document). The proposed repairs will be completed in the dry and at low tide. Work will begin once all necessary local, state, and federal permits and/or approvals are obtained. Project duration including mobilization and demobilization is anticipated to take up to two months. The project will comply with the in-water work window for the project area (anticipated to be July 16 through February 15). Forage fish work windows may also apply and compliance with these windows will be determined during the permitting process.

e. List any invasive animal species known to be on or near the site.

There are no known invasive species on or near the site.

6. Energy and natural resources

[Find help answering energy and natural resource questions⁹](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

None. The project is maintenance and repair of a pier that does not have any energy sources or demands. Work will be done using a mini excavator and hand tools.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No. The project is maintenance and repair of a pier and does not change the footprint of the structure.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

No energy conservation features are proposed as the project is maintenance of a facility that does not have existing energy demands.

7. Environmental health

[Health Find help with answering environmental health questions](#)¹⁰

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

It is possible that an accidental spill or leak of fluids from construction equipment could potentially occur. BMPs, such as proper maintenance of vehicles and inspection for leaks prior to use will be implemented to prevent such an occurrence.

1. Describe any known or possible contamination at the site from present or past uses.

The Washington Department of Ecology's What's in My Neighborhood: Toxics Cleanup site (accessed August 30, 2024) indicates there are no known cleanup sites within the park and the nearest mapped cleanup site is located approximately 2,000 feet away near the south end of Mystery Bay.

The pier is creosote and therefore a known contamination within the project site.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The pier is constructed of creosote treated wood. Creosote leaches toxins into the water and is therefore an existing hazardous material within the project area. The project includes the removal of creosote from the pier and replacing it with steel piles and ACZA treated timber.

¹⁰ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Construction vehicles and equipment will contain associated fuels and chemicals; best management practices, such as daily inspections for leaks and ensuring they are in good working order will be required. Standard maintenance-related equipment and associated fuels and/or chemicals may be stored in the nearby maintenance building. Any equipment or materials stored within the facility will be properly stored and maintained. As described above the pier is constructed with creosote treated timber. Some creosote will be removed during this project and disposed of at an approved upland disposal.

4. Describe special emergency services that might be required.

No additional or special emergency services are anticipated for this proposal. Park staff has training in providing certain levels of these types of services. See also section B.15 Public Services.

- **Proposed measures to reduce or control environmental health hazards, if any.**

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise in the area is minimal and that common with public park use and is not anticipated to affect the project.

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?

Temporary construction-associated noise from construction vehicles and equipment during normal workday hours for the entrance improvements and the culvert replacements will be expected.

3. Proposed measures to reduce or control noise impacts, if any:

No noise impacts are anticipated as a result of this proposal; temporary noise produced during construction will be temporary and will occur during daylight work hours.

8. Land and shoreline use

[Find help answering land and shoreline use questions](#)¹¹

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The area is currently used as a State Park that includes marine access and shell fishing. Adjacent properties are used as residences.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

No.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No.

- c. Describe any structures on the site.**

Amenities at Mystery Bay State Park include a parking lot, restrooms, access pier, floating dock, and boat ramp. The access pier is approximately 270-foot-long and is supported by sixteen pile bents. Each bent is constructed of two, approximately 12-inch-diameter, creosote-treated timber piles and two creosote-treated timber cross braces. An aluminum pedestrian gangway provides access from the pier to the floating dock. The floating dock is constructed of timber structural members with polystyrene floatation billets and measures approximately 325 feet long by 12 feet wide. The floating dock is held in place by eight timber-pile dolphins. The boat ramp consists of reinforced concrete and measures approximately 180 feet long by 12 feet wide.

The shoreline at Mystery Bay State Park adjacent to the pier and boat ramp is characterized by a three to five-foot vegetated bluff. The shoreline consists of native vegetation, maintained grassy areas near the shoreward portion of the boat ramp, and a small area of riprap around the pier abutment.

- d. Will any structures be demolished? If so, what?**

No. The project is for maintenance and repair of existing structures and no structures will be demolished.

- e. What is the current zoning classification of the site?**

Current zoning is Rural Residential.

¹¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

- f. What is the current comprehensive plan designation of the site?**
Comprehensive plan designation for the site is rural residential.
- g. If applicable, what is the current shoreline master program designation of the site?**
Shoreline Residential.
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**
Yes, the area is within shoreline and in vicinity of wetlands.
- i. Approximately how many people would reside or work in the completed project?**
None.
- j. Approximately how many people would the completed project displace?**
None.
- k. Proposed measures to avoid or reduce displacement impacts, if any.**
None.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**
The proposed project will not change existing uses and will allow for continued use of the State Park.
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**
The project will not have impacts on agricultural or forest lands as it is entirely below OHWM.

9. Housing

[Find help answering housing questions](#)¹²

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**
None.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**
None.
- c. Proposed measures to reduce or control housing impacts, if any:**
None. Not applicable to this project.

¹² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

10. Aesthetics

[Find help answering aesthetics questions](#)¹³

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

The tallest height of existing structures is the pier which is approximately +22 ft MLLW. The project will not alter the existing height.

- b. What views in the immediate vicinity would be altered or obstructed?**

No views will be altered or obstructed. This project is maintenance and repair of the existing structure.

- c. Proposed measures to reduce or control aesthetic impacts, if any:**

None. The project is repair and maintenance without changes to the footprint of the structure. There will be incorporation of different materials however they are minimal and not impact that aesthetics of the pier facility.

11. Light and glare

[Find help answering light and glare questions](#)¹⁴

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

None. The project is repair and maintenance. The timber framing will be changed to concrete and steel, these materials will not generate additional light or glare.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

No, the project will not generate glare.

- c. What existing off-site sources of light or glare may affect your proposal?**

No off-site sources of light or glare will affect this project.

- d. Proposed measures to reduce or control light and glare impacts, if any:**

There are no measures to reduce or control light glare as they are not anticipated to be a factor or change as a result of maintenance and repair activities.

¹³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

¹⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

12. Recreation

[Find help answering recreation questions](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?**

The project location is a facility within Mystery Bay State Park. Mystery Bay State Park offers recreation opportunities including beach exploration, crabbing, boating, fishing, kayaking, bird watching, shellfishing, paddleboarding, and more.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

The pier and floats at Mystery Bay State Park are currently closed to all access due to the deterioration of the pier. This project will address the areas of the pier needed repaired and allow for public access to the pier.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

The project will improve the site for recreational users by reopening the pier for public use.

13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions](#)¹⁵

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

The Mystery Bay Pier is over 45 years of age and will be inventoried and evaluated for National Register of Historic Places eligibility as part of the project.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

No cultural resource surveys have been completed within the project footprint.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

The project is subject to Section 106 of the Historic Preservation Act. The U.S. Army Corps of Engineers, as the lead agency, will be responsible for the assessment of potential impacts to cultural and historic resources on or near the project site.

¹⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

The project is subject to Section 106 of the Historic Preservation Act. Therefore, as the lead agency, the U.S. Army Corps of Engineers is responsible for decisions about measures to avoid, minimize, or compensate for loss, changes to, and disturbances of resources. State Parks plans to provide an archaeological monitor during all ground discovery activities. A State Parks Inadvertent Discovery Plan will be on site and reviewed by all contractors and crew members before project implementation.

14. Transportation

[Find help with answering transportation questions](#)¹⁶

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The project is located off Flagler Road in Nordland, Washington. There is no proposed work occurring within the roadways near the project.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Jefferson County public transit offers routes to Fort Flagler State Park which is north of Mystery Bay State Park.

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

No. The project is repair and maintenance of existing marine structures including the pier.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No. The project will use the existing road system to access the site.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

No vehicular trips will be generated by the completed project.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

¹⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

No. The proposal will not interfere with or otherwise affect or be affected by the movement of agricultural and forest products.

g. Proposed measures to reduce or control transportation impacts, if any:

None. This project is repair and maintenance only.

15. Public services

[Find help answering public service questions¹⁷](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No. The project is repair and maintenance only. Park rangers will provide active enforcement and patrol activities within the park boundaries and park staff will continue to coordinate emergency response with local fire, police, and EMS as necessary.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None. The project is repair and maintenance only and no public service impacts are anticipated.

16. Utilities

[Find help answering utilities questions¹⁸](#)

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other: marine pumpout

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

No utilities are proposed for the project or needed as a result of the project.

¹⁷ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

¹⁸ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

C. Signature

[Find help about who should sign](#)¹⁹

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X

Type name of signee: Hannah JB Ross

Position and agency/organization: Environmental Planner, Washington State Parks and Recreation Commission

Date submitted: 9/12/2024

¹⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>