



## STATE ENVIRONMENTAL POLICY ACT (SEPA) MITIGATED DETERMINATION OF NON-SIGNIFICANCE

NW 9<sup>th</sup> Avenue Sewer Extension (File # 2022-019-SEPA)

**Description of proposal:** The applicant proposes to extend an existing sewer line from W. Hummingbird Place located in Kays Subdivision north across parcel 986058858 and NW Pacific Highway to serve future development on parcels 258921000 and 25890200. The project area encompasses 3,289 square feet.

**SEPA Determination:** NOTICE IS HEREBY GIVEN that the City makes the following findings and conclusions based upon a review of the environmental checklist; other information on file with the City of La Center and other public agencies; and the policies, and regulations designated by the City as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) pursuant to Chapter 43.21C WAC. Based on a review of the available documents submitted by the applicant, the City of La Center hereby issues a **Mitigated Determination of Non-Significance (MDNS)** for this proposal pursuant to WAC 197-11-340 and the La Center Municipal Code (LCMC 18.310). An Environmental Impact Statement is not required under RCW 43.21c.031(1).

A public comment period was held under the optional DNS procedures.

**Application:** NW 9<sup>th</sup> Avenue Sewer Extension (File # 2022-019-SEPA)

**Application date:** May 25, 2022

**Technically Complete:** June 16, 2022

**Proponent/Applicant:** Representative: Travis Johnson, PLS Engineer. 604 W Evergreen Boulevard, Vancouver, WA 98660. Applicant: Dan Wisner and Danny Martin, Osprey Homes. 33901 NW Pacific Highway, La Center, WA 98629.

**Property owner:** Parcel 986058858 (Silver Buckle Homes LLC), City of La Center (NW Pacific Highway right-of-way), Parcels 258921000 and 258902000 (IBAR TRUST FBO Daniel Wisner 3521830 ETAL)

**Location of proposal:** Parcel 986058858, adjacent NW Pacific Highway right-of-way and parcels 258921000 and 258902000.

**Public Hearing:** Not applicable. A public hearing will not be required.

**Existing Environmental Documents relied upon:** The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts be conducted. City staff and interested agencies reviewed the proposal for compliance with applicable state requirements and city codes. Through this process, a determination was made as noted under the following statement of determination.

The following environmental documents were relied upon in the City's assessment of a likely determination of non-significance: SEPA Environmental Checklist dated, February 14, 2022; Archaeological Predetermination Survey for Parcels 258921000 and 258902000; Archaeological Predetermination Survey for the WARAC LLC (Kays Subdivision); and NW 9<sup>th</sup> Avenue Subdivision engineering plans dated January 13, 2022.

**Statement of Determination:** As lead agency under the State Environmental Policy Act (SEPA) rules [Chapter 197-11, Washington Administrative Code] the City of La Center must determine if there are potential significant adverse environmental impacts associated with this proposal. The options include the following:

- Determination of Significance – (DS) The impact cannot be mitigated and therefore requires the preparation of an Environmental Impact Statement (EIS).

- Mitigated Determination of Nonsignificance – (MDNS) The impact can be mitigated through conditions of approval, or;
- Determination of Nonsignificance – (DNS) The impacts can be addressed by applying the city codes.

**Approval Standards/Applicable Laws:** The following standards will apply to the application: 18.310 Environmental Policy; and 18.360 Archaeological Resource Protection.

**Mitigation Measures:** The applicant will be required to comply with all applicable approval standards and laws in addition to the following project-specific mitigation measures:

1. General: Prior to construction, the applicant shall obtain engineering approval from the City.
2. General: The applicant shall construct the project in conformance with the NW 9<sup>th</sup> Avenue Subdivision engineering plans and specifications approved by the City.
3. General: The applicant shall construct the sewer protecting the existing home being constructed adjacent to the sewer on the private property.
4. Earth: The applicant shall comply with the City's erosion control and stormwater requirements in LCMC 18.320 (Stormwater and Erosion Control) and shall obtain approval of an erosion control plan prior to construction.
5. Air: Construction equipment shall have manufacturer's standard emissions equipment.
6. Air: The contractors shall implement standard best management practices such as watering to control dust during construction.
7. Water: The applicant shall comply with the City's erosion control and stormwater requirements in LCMC 18.320 (Stormwater and Erosion Control) and shall obtain approval of an erosion control plan prior to construction.
8. Water: The applicant shall provide a spill prevention, control, and countermeasure plan (SPCC) to the City and shall receive approval for the SPCC prior to construction.
9. Environmental Health: The applicant shall protect the existing natural gas pipeline, telephone, water line, and existing force main during construction by the contractor.
10. Environmental Health: The applicant shall prepare and implement a spill control plan, which will include the proper use and storage of hazardous materials, and a hazardous material spill response and clean up protocol, in the event of a mishap.
11. Environmental Health (Noise): Construction shall be limited to City-approved working hours
12. Historic and cultural preservation: In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstance) must stop and the following actions taken:
  - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
  - b. Take reasonable steps to ensure confidentiality of the discovery site; and,
  - c. Take reasonable steps to restrict access to the site of discovery.

The applicant shall notify the concerned Tribes and all appropriate county, city, state, and federal agencies, including the Washington Department of Archaeology and Historic Preservation and the City of La Center. The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the applicant regarding actions to be taken and disposition of material. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable state laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

Copies of the above inadvertent discovery language shall be retained on-site while project activity is underway.

| Contact   | Information  |
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| Cowlitz Indian Tribe, Nathan Reynolds, Interim Cultural Resources Manager | Phone: 360-575-6226; email: nreynolds@cowlitz.org  |
| City of La Center, Bryan Kast, Public Works Director                      | Phone: 360-263-2889; email: <a href="mailto:bkast@ci.lacenter.wa.us">bkast@ci.lacenter.wa.us</a> |
| Office of the Clark County Medical Examiner (for human remains)           | Phone: 564-397-8405; email: medical.examiner@clark.wa.gov  |
| Washington DAHP, Dr. Allison Brooks, Ph.D, Director                       | Phone: 360-586-3066; email: Allyson.Brooks@dahp.wa.gov   |

13. Transportation: The applicant is required to implement a traffic control plan during construction to ensure that NW Pacific Highway remains open.

**Responsible Official:** Bryan Kast, Public Works Director

**Date:** August 9, 2022

**Signature:**  \_\_\_\_\_

**Issued:** August 9, 2022



Southwest Washington Regional Transportation Council  
Clark Regional Wastewater District

Libraries: Fort Vancouver Regional Library, La Center (Mail)

Fire Districts: Clark County Fire & Rescue

Media: The Columbian

Other Interested Parties: Clark County Natural Resources Council (Email)  
NW Natural (Mail)  
Vancouver Wildlife League (Mail)