



NOTICE OF APPLICATION AND INTENT TO ISSUE A MITGATED DETERMINATION OF NON-SIGNIFICANCE

The City of Ferndale has received application(s) from the applicant referenced below for a proposed development project within the city limits. Based on review of the materials submitted, the development applications have been determined to be complete. The City has received and reviewed a SEPA checklist for probable adverse environmental impacts associated with the proposed project and expects to issue a Mitigated Determination of Non-Significance (MDNS) for this project.

Pursuant to Title 14 of the Ferndale Municipal Code the following notice is provided to inform the community of the City's receipt of the development applications. The public and affected agencies are invited to comment on the environmental impacts of the proposed project and receive copies of the subsequent Threshold Determination (the MDNS), if requested. This may be the only opportunity to comment on the environmental impacts of the proposal.

APPLICANT:

Peter Frye, Lummi Nation

DATE OF APPLICATION:

April 25, 2014

PROJECT LOCATION:

The 11-parcels for the proposed clearing project are located south of Slater Road, west of I-5, north of Ferndale city limits and east of Silver Creek in Ferndale, WA. Parcel numbers are as follows:

380204364485, 380204364470, 380204360428,
380204408483, 390204432443, 380204523463,
380204496463, 380204506443, 380204523443,
380204486442, 380203086420.

PROJECT DESCRIPTION:

The applicant proposes to clear trees, brush, and stumps and proposes grading to fill stump holes. Existing housing units on the 11-parcels have or will be demolished.

REQUESTED ACTION(S): The applicant requests a SEPA Threshold Determination and a clearing/land disturbance permit from the City of Ferndale. If wetlands are found to exist within the 100-Year Floodplain of the Nooksack River and associated with the Silver Creek Shoreline, a Shoreline permit will also be required.

THE CITY INTENDS TO ISSUE A: Mitigated Determination of Non-Significance

PUBLIC COMMENT PERIOD: April 30 – May 14, 2014

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Required permits and approvals include, but may not be limited to:

1. SEPA Threshold Determination, City of Ferndale
2. Land clearing/ fill and grade permit, City of Ferndale
3. Wetland mitigation plan (if necessary, based on wetland delineation)
4. Shoreline permit, if wetlands within the 100-Year floodplain are to be impacted.

The following mitigation measures were identified relative to the proposed project:

EARTH:

Erosion potential will be minimized by using Best Management Practices and proper construction procedures to control and prevent erosion and sedimentation during clearing and grading activities.

AIR:

Erosion and sediment control best management practices will be used during clearing and grading activities.

WATER:

All work within shoreline jurisdiction shall be conducted in accordance with the City of Ferndale's Shoreline Master Program and all state/federal requirements. All work within critical areas and/or their associated buffers shall be conducted in accordance with the City's Critical Areas Ordinance and all state/federal agency requirements. All work within the FEMA 100-year floodplain shall be conducted in accordance with all City and state/federal agency requirements. All work shall be in compliance with City of Ferndale, Ferndale Municipal Code, including the City of Ferndale Critical Areas Ordinance and the Shoreline Master Program.

Applicant will install or preserve measures to comply with the DOE guidelines and the NPDES permit.

NOISE:

Working hours will be limited to daylight hours during clearing and grading activities. Project will comply with City noise ordinance.

PLANTS:

Cleared areas will be re-seeded with grass or appropriate vegetation pursuant to an approved mitigation plan, where applicable.

CULTURAL RESOURCES:

Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during project activities, all work in the immediate vicinity shall stop, and the area shall be secured. The contractor/owner shall contact the state Office of Archaeology and Historic Preservation (OAHP) at 360-586-3065, the Lummi Nation Tribal Historic Preservation Office (LNTHPO) at 360-384-2298, and the Nooksack Tribe at 360-592-9065 in order to help assess the situation and determine how to preserve the resource(s). In the event that the find includes human remains the Ferndale Police Department shall be called immediately at 360-384-3390. Regarding human remains, the LNTHPO will contact the appropriate tribal repatriation specialists. Compliance with all applicable laws pertaining to archaeological resources is required.