



CITY OF DUPONT

Department of Community Development
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STATE ENVIRONMENTAL POLICY ACT
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
DUPONT INDUSTRIAL PARK

City File Nos. PLNG 2018-008, -009, -047

Description of proposal: Construct one office/warehouse building totaling approximately 255,000 square feet on approximately 25.29 acres of vacant land. The proposal includes extending Sequelitchew Drive to the north through the property and dedication of the right of way to the City, effectively creating two parcels, one on each side of the right of way. Following dedication the east parcel will be approximately 5 acres and the west parcel will be approximately 16.91 acres. The proposed building and all associated improvements are located on the west side of Sequelitchew Drive with no improvements planned to the east. The project will include grading, drive aisles and vehicular parking areas, landscaping, water and sanitary sewer extensions, stormwater collection and infiltration facility, and franchise utility improvements. Tree removal will be required including removal of one landmark Oregon white oak tree located within the proposed right of way of Sequelitchew Drive.

The proposal will include the relocation of a portion of the existing Sequelitchew Creek Trail that is currently (informally) located on the property, to the location of an existing public trail easement. The new trail segment will be paved and fenced, restricting public access outside of its path, and dedicated to the City for ongoing ownership and maintenance.

The property is the location of a designated historical area and marker and there may be other potentially significant historical or cultural resources on the site or in vicinity. The applicant will dedicate approximately 1.53 acres to the City and construct a historical commemorative area adjacent to the new trail segment for public viewing.

The property is known to contain contaminated soil above current MTCA Method A cleanup levels for unrestricted land use. It is subject to the terms of a Consent Decree between Washington State Dept. of Ecology and Weyerhaeuser Company and DuPont Company entered by Thurston County Superior Court on July 22, 1991 pertaining to cleanup of the contamination on the property. It is also subject to a Restrictive Covenant that limits the use of the property.

Proponent: Eric Cederstrand, DuPont Industrial Partners, LLC

Location of proposal: 1700 Center Drive, tax parcel no. 011926-2019, in the NW ¼ of Sec. 26, Twn. 19N, Rg 1E, W.M. in Pierce County, Washington.

Lead agency: City of DuPont

The Responsible Official hereby makes the following findings and conclusions based on a review of the environmental checklist and attachments; comments received from City Departments; other information on file with the City and the policies, plans and regulations designated by the City of DuPont as a basis for the exercise of substantive authority under RCW 43.21C.060. The Optional DNS process in WAC 197-11-355 is being used. A Notice of Application was issued on August 22, 2018 with a 14-day comment period. Comments

received from agencies and the public were reviewed and considered in the findings and conclusions of this Determination.

The lead agency has determined that the requirements for environmental analysis and protection have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158, and/or mitigating measures have been applied that ensure no significant adverse impacts will be created.

Responsible Official: Jeffrey S. Wilson, AICP
Community Development Director
City of DuPont

Contact Information: City of DuPont | 1700 Civic Drive, DuPont, WA 98327 | 253-912-5393

FINDINGS

This determination is based on the following findings and conclusions:

1. The site is currently vacant land comprised of one tax parcel totaling 25.29 acres. The proposal will create two lots through the dedication of right of way. The portion of the property west of the future right of way comprises the development footprint, which is approximately 16.3 acres (usable area).
2. Earth – The site is largely flat in the central areas and contains steep slopes greater than 40% along the south. The steep slopes are classified as a critical slope/geologic hazard area and require a 50-foot setback from the top of the slope. All industrial development is located outside of the setback with the exception of a retaining wall foundation. A portion of the relocated trail (in existing easement area) falls within the 50-foot slope setback. The soil type is Spanaway (41a) according to the Soil Survey of Pierce County. Approximately 9,800 CY of cut and 42,000 CY of fill will be used to prepare the site for building construction. Approximately 24,000 CY of stripping material will be removed from the site. Approximately 75 percent of the site (80 percent of the usable area) will be impervious surfaces. The City will require a temporary erosion and sedimentation control plan (TESC) be prepared with site development permits to control erosion on the site. Design and construction will be required to follow the recommendations of the geotechnical engineer. Additional geotechnical engineering recommendations are needed for new trail construction within the steep slope setback.
3. Air – Emissions during construction are related to construction vehicles and dust. Emissions post construction will be related to truck and vehicular traffic. The City will require construction equipment be maintained and in good working condition. Watering down areas during construction will assist in controlling dust.
4. Water – The property is adjacent to the north of Sequelitchew Creek, a fish-bearing stream. The proposed building, parking and access driveways are located outside of the City code-required 100-foot buffer.

A small portion of the new trail segment falls within the 100-foot Sequelitchew Creek buffer. The alignment largely follows an existing trail easement that was established in 1990. DuPont Code 25.105.050.B.2(c) provides regulations for trail construction within stream buffers and requires that buffer expansion is provided equal to the amount of buffer disturbance. A Critical Areas Report will be required to be prepared by a qualified professional, which addresses the buffer disturbance/expansion and provides recommendations to ensure no net loss of stream functions due to approved alterations. The required TESC plan will provide mitigation measures to ensure construction activities do not cause erosion impacts to the stream.

Stormwater runoff will be collected and conveyed through catch basins and storm pipe for water quality treatment prior to entering the proposed infiltration system. The improvements will be designed following the requirements of the Department of Ecology Stormwater Management Manual for Western Washington (2012 version with 2014 amendments), as adopted by the City of DuPont.

Department of Ecology commented on the proposal on September 12, 2018 with specific recommendations for erosion control. The recommendations are included in the SEPA Mitigation Measures.

5. Plants – The property contains, grass, shrubs, and deciduous and evergreen trees, including Douglas fir and Oregon white oak trees. Vegetation around the building and parking areas will be removed and the new development will be landscaped in accordance with the City’s landscaping requirements. The applicant submitted a Landscaping and Tree Retention, Removal and Replacement Plan set prepared by Barghausen Consulting Engineers that depicts tree locations, identifies trees proposed for removal and provides new landscaping and tree replacement. The applicant also provided a Tree Retention Plan prepared by Washington Forestry Consultant’s (WFC). There are approximately 774 trees on the site; 76 are landmark trees (Oregon white oak, Pacific yew, and Pacific madrone 24 inches DBH and larger, or Douglas-fir, western redcedar, bigleaf maple, and western hemlock that are 30 inches DHB and larger). The proposal plans to retain approximately 27 healthy landmark trees and remove 49 landmark trees because they are unhealthy or located within the proposed development area or roadways. No tree removal is proposed on the remnant parcel east of the Sequelitchew Drive extension. One of the landmark trees to be removed is an Oregon white oak tree that is located within the proposed right of way of the roadway extension. Landmark oak tree removal is required to follow a Type III land use process with a decision ultimately made by the City’s Hearing Examiner. Tree protection measures are required per City code, in addition to those included in the WFC Tree Retention Plan.

Parking lot landscaping is provided and screening landscaping is provided between Sequelitchew Drive and the building and parking areas. Additional landscaping is required to buffer and mitigate impacts to the public trail, abutting residential areas and adjacent critical areas.

6. Animals – Washington Dept. of Fish and Wildlife lists several priority habitats and species as being located within or adjacent to the property. None of the species are federally-listed as endangered or threatened. Priority Habitat Species include the Big brown bat, Little brown bat, and Yuma myotis bat. Associated with Sequelitchew Creek are Coho salmon, Cutthroat trout, Resident coastal cutthroat trout, and Summer chum salmon. Additional information regarding potential nesting locations of Priority Habitat Species and Habitats onsite or within the vicinity is needed. If nests are found, WDFW shall be consulted prior to any site development for construction-related mitigation measures required for their protection.
7. Environmental Health – The site is the former location of the DuPont Powder Works Company and is located within the Asarco plume boundary. Excavation and remediation of contaminated soils has been completed at the project site in accordance with the terms outlined in the 1991 Department of Ecology Consent Decree No. 91-2-01703-1. The cleanup of the soils has resulted in residual concentrations in portions of the property of hazardous substances which exceed the soil and groundwater cleanup levels specified in the Washington Model Toxics Control Act (“MTCA”). Land use of the property is therefore limited to industrial purposes per the 1999 Department of Ecology Restrictive Covenant (Recording #9910290750).

The proposed extension of City ROW (Sequelitchew Drive) will incorporate historical commemorative signage along the Sequelitchew Creek trail that is within the Consent Decree/Restrictive Covenant area. The trail will be paved, fenced and signed to restrict users to stay on the paved trail.

Department of Ecology commented on the proposal in their letter dated Sept. 12, 2018. Ecology recommends a soil remediation plan and entrance into the Voluntary Cleanup Program prior to issuance of site development permits, followed by obtaining a No Further Action Letter from Ecology.

8. Noise – On a short term basis, noise from construction activities would be present from approximately 7 am to 6 pm, Monday through Friday, as regulated by DuPont Municipal Code (DMC) Chapter 9.09. Construction noise will likely be audible to the public from the Sequalitchew Creek Trail. Construction equipment will be required to be maintained and the project shall meet the City’s noise ordinance limitations. Restrictions on weekend construction will be required.

On a long term basis, noise from vehicular and truck traffic to and from the site, and truck maneuvering onsite, will likely be audible to the public trail users during possible operation hours of 24 hours per day, 7 days a week. The adjacent and onsite trees and landscaping will buffer some noise impacts created by the development.

A noise study should be completed to determine if additional noise mitigation measures are required to mitigate noise impacts to the trail users and wildlife from development. A sound wall and additional landscaping may be required as well as other operational limitations to ensure noise-generating activities are restricted to the interior of the building only. Truck back-up beepers are required to be minimized to the greatest extent possible while ensuring safety and meeting federal requirements.

9. Land Use – Property to the north is a gravel mine. To the west is vacant land and Sequalitchew Creek. To the south is Sequalitchew Creek. To the west is the Creekside Apartments, a large residential community. The proposal is a permitted use within the Manufacturing and Research Park (MRP) zoning district and is the type of use contemplated in the City of DuPont Comprehensive Plan and the 1999 Department of Ecology Restrictive Covenant. According to the SEPA Checklist, approximately 90 employees will work at the completed development.
10. Light and Glare – Building and parking lot lighting is proposed, however lighting details were not provided. Lighting shall be mitigated so as minimize to the greatest extent possible impacts to the use and enjoyment of the Sequalitchew Creek Trail. Lights shall have full cut-offs and shields and be directed downward and inward. A photometric analysis shall be provided demonstrating no light spill to the trail or outside of the developed portion of the property caused by onsite development. Exceptions shall be made for impacts caused by the street lighting of Sequalitchew Drive that is necessary for safety. Depending on the results of the photometric analysis, the height of light poles may need to be limited on the southern boundaries of the property.
11. Historic and Cultural Preservation – The site has been the subject of numerous archaeological and cultural resources studies due to the documented history of events and activities that occurred either on the site or nearby. It currently contains a historical marker commemorating the location of the c.1840-1842 Methodist Mission. Historical events that are known to have occurred either onsite or within the immediate vicinity that are listed in the Cultural Resources Report dated April 14, 2011 by Parus Consulting (Parus Study) include, among others:

- Historic 1843 Fort Nisqually
- Historic DuPont munitions plant, ca. 1906
- Historic Hudsons’s Bay house, ca. 1845-1869
- Pre-Contact Nisqually Indian Burial Site
- Historic 1840-1842 Methodist Episcopal Mission
- Historic 9th U.S. Cavalry Bivouac, Camp Nisqually, 1904

Archaeological monitoring occurred during soil remediation between 2001 and 2004. The Parus study included archaeological pedestrian and subsurface surveys to include 125 shovel probes and 22

geological test pits. The work was monitored by the Nisqually Tribe and produced minimal evidence. The study concluded that no significant cultural properties will be affected by the proposed project and no further cultural resource action is warranted with the exception of implementation of an Unanticipated Cultural Resources Discovery Plan for construction activities, which was provided as Exhibit E to the Parus Study.

The City received several comments during the public comment period on the application regarding the protection of historic and cultural resources. The Nisqually Tribe commented on August 28, 2018 that they have no further information or concerns and wished to be informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials. The Tribe also commented after the conclusion of the comment period that the areas cultural resources, and others in the area, need to be recognized, documented, and protected both during project planning and any subsequent development. The Tribe will continue to consult with the City on planning and development issues that impact these resources. Washington State Department of Archaeological and Historic Preservation (DAHP) commented on the proposal after the close of the comment period on September 14, 2018 with questions regarding relocation of the Methodist Mission marker and interpretive signage proposals commemorating the 9th U.S. Calvary Buffalo Soldiers. They also questioned plans for retaining a section of narrow gauge railroad that is located on the property.

The applicant convened a stakeholder group of interested parties, including the Nisqually Tribe and DAHP, to discuss interest in permanent commemoration of the history onsite. The applicant is proposing to provide 1.53 acres to the City, a portion of which would be for a historical plaza that contains seating and signage commemorating the site's historical and cultural significance. The applicant would relocate the Methodist mission marker, provide benches for seating and viewing that would extend from the Sequelitchew Creek Trail and be visible from the future Sequelitchew Drive right of way. The applicant would also provide area for construction of a replica of the Methodist mission school to be completed by others. The land for the interpretive area would be dedicated to the City as part of the Sequelitchew Road right of way. The concept for the proposal was provided and is part of the SEPA record.

Signage is to be provided commemorating the six historical and cultural significant events listed above with final review and approval by the City in consultation with DAHP and the Nisqually Tribe. The applicant, City, the DuPont Historical Society and one recognized representative from each of the associations representing the historical events, will collaborate to develop the appropriate historical details and design of the signage.

The proposal entails new excavation of soil; therefore, the measures identified in the Memorandums of Agreement (MOAs) between (1) Weyerhaeuser Real Estate Company (WRECO), the City of DuPont, and the Washington State Historic Preservation Office (now DAHP) regarding the discovery of cultural resources within the City of DuPont, and (2) WRECO and the Nisqually Tribe regarding the discovery of Native American burials. The proponent shall follow the provisions of the MOAs during all construction phases of the development.

12. Transportation – The proposal will extend Sequelitchew Drive from the existing cul de sac northerly along the property frontage. Access will be provided via a single driveway from Sequelitchew Drive, which extends westerly from Center Drive. Sequelitchew Drive is a three lane, east-west roadway with curb, gutter and sidewalk that borders the east side of the property. Sound Transit currently stops at DuPont Station, approximately 2 miles east of the site.
 - a. The proposal will provide approximately 215 vehicular parking spaces.
 - b. A Traffic Impact Analysis (TIA) was prepared by Heath and Associates dated March 2018. The proposal will generate approximately 444 vehicular trips during the typical weekday with 43 trips during the AM peak hour and 49 trips during the PM peak hour. Approximately 39 to 129

heavy truck trips are anticipated on a typical weekday. The TIA does not recommend any mitigation measures for the proposal.

- c. The TIA was peer reviewed by GERALYN REINART, PE, the City's Traffic Engineering Consultant. In her memorandum dated June 6, 2018 she concludes that the impacts for the project will be fairly limited, i.e., the number of trips generated is relatively small thereby limiting the impacts to adjacent intersections. She recommends that an exclusive left-turn lane be provided on Sequelitchew Drive at the site access to serve the proposal's entering vehicles. Pedestrian signage and markings for crossing Sequelitchew Drive are also recommended.

13. **Public Services** – All utilities are available to serve the proposal. Fire impact fees, stormwater and water system development charges and new fire hydrants will reduce impacts to public services. Relocating and paving the Sequelitchew Creek Trail will provide needed access for emergency vehicles to the Trail, the Puget Sound Shoreline, and the Burlington Northern Railroad located adjacent to the shoreline.

MITIGATION MEASURES

1. The project design and construction shall comply with the recommendations of the Geotechnical Engineer as described in the October 2011 Geotechnical Report and May 11, 2018 Addendum, and as subsequently amended. The May 2018 Geotechnical Report Addendum shall be amended to provide recommendations for trail construction within the steep slope buffer. The May 11, 2018 memo shall also be updated to identify the City's current stormwater manual and to update any stormwater recommendations from the 2011 report.
2. Construction of the project shall ensure that at no time will any segment of the Sequelitchew Creek trail be closed to public access and at all times the trail will be safe for public use. The following is required:
 - a. The new trail alignment shall be constructed and open for use prior to any site work.
 - b. The new trail alignment shall be fully fenced and signed prior to opening to public use.
3. A noise study shall be prepared. Prior to construction the existing ambient noise levels shall be measured. Within six months of occupancy, the noise study shall be updated to include measurements taken from three points along the trail. Noise at the property line shall not exceed the existing ambient noise levels post development. If needed, additional sound mitigation measures may be required as recommended and approved by the City. Operational requirements include keeping bay doors closed, requiring all Industrial activities that generate noise to occur inside the building, and limiting the use or volume of rear back-up beepers on trucks to the greatest extent possible while meeting safety and federal requirements.
4. The area proposed for development is within an area that was the site of several significant historical and cultural events/activities and may contain both tribal and nontribal cultural resources. Together with the dedication of road right of way, approximately 1.53 acres to the west of Sequelitchew Drive shall be dedicated to the City as right of way (ROW) for the development of a public historic commemorative area consistent with the Right of Way Dedication Exhibit dated November 28, 2018. Dedication of the right of way and historic area shall occur prior to application of the site development/civil permit.

The following mitigation measures shall be provided for in the final design plans and approved by the City prior to issuance of any site development/construction permits:

5. The applicant has included in their proposal dedication of approximately 1.53 acres of land for a public historic commemorative area that will be viewed from the Sequelitchew Creek Trail. The following requirements pertain to the design and use of the commemorative area:

- a. Public use of the historical commemorative area and trail will require additional parking. At least four of the onsite parking spaces shall be allowed for public use for trail commemorative plaza parking, with one of the spaces meeting ADA requirements. These parking spaces shall be located outside of the site's secured area for public access. Denote the public parking areas on the plans.
 - b. In the historical commemorative area, a 4-foot tall split rail fence shall be designed to accommodate viewing and support of the commemorative signage. The fence detail and design provided in the Historic Mitigation Exhibit shall be revised. The fence shall incorporate enlarged posts made of a solid base such as concrete or river rock to support the commemorative plaques. The fence slats shall be wood or wood in appearance, not galvanized chain. The fence detail, design and materials shall be submitted to the City for approval prior to issuance of the site development permit.
 - c. At least four benches shall be provided in the historical commemorative area. They shall be designed to reflect the historic and natural environment and materials of a type that minimize damage from vandalism. The design and materials shall be submitted to the City for approval prior to issuance of the site development permit.
 - d. The historical marker for the Methodist Mission shall be relocated from its existing location to the historical commemorative area where it can be easily viewed from the trail. The applicant shall work with DHAP regarding the relocation of the monument. A location for a future historical school house shall be provided, however the cost of construction will be provided by others. Per DMC 25.80.030, the Methodist Mission marker must be located greater than 50 feet from a road, structure or utilities. As a future structure, the location for the future school house will also need to be located at least 50 feet from the marker. Note that the definition of structure does not include walls or fences less than 6 feet in height.
 - e. Washington State Department of Historical and Archaeological Preservation has indicated an interest in retention of a section of narrow gauge railroad track that is located on the property. The track must be removed from the property for safety purposes. The applicant shall work with the DuPont Historical Society and DAHP for the relocation/removal of the track.
6. The following requirements pertain to the Sequelitchew Creek Trail design:
- a. The Sequelitchew Creek trail shall be paved from the point it connects to the new Sequelitchew Drive extension to the existing improved City trail section and shall match the width of the existing paved trail. The trail shall be widened at its connection point with the sidewalk in Sequelitchew Drive to incorporate the remnant area to the south. Provide a trail cross section on the plans. The new trail design and construction shall follow any recommendations provided in the Critical Areas Report for protecting Sequelitchew Creek Trail and area wildlife from being impacted.
 - b. The new segments of the Sequelitchew Creek trail shall be fenced on both sides with a permanent 4-foot wide split rail fence made of wood or materials with a wood appearance to be reflective of the historical character and sensitive area. The fence details shall be provided by the applicant for approval by the City.
 - c. As determined by the City, the applicant may be required to install construction fencing to protect the public during site construction.

- d. Any part of the construction site that is visible from the trail shall be screened by a 6-foot high sight obscuring chain link fence. Fence type shall be determined during the review of the project plans.
 - e. Signage shall be placed on either side of the trail denoting “Environmentally Sensitive Area, Do Not Enter” at intervals to be approved by the City. The signage details shall be submitted to the City for review and approval prior to issuance of the site development permit.
7. The following requirements pertain to protection of critical areas:
- a. A Critical Areas Report shall be prepared by a qualified professional to address and calculate the stream buffer disturbance/expansion area required by trail construction and provide recommendations to ensure no net loss of stream buffer functions due to approved alterations. The report shall also address priority habitats and species within and adjacent to the development area including nests. If priority species nests are located on the property construction shall meet the recommendations provided by Washington Department of Fish and Wildlife. Buffer expansion areas shall be cleared of invasive species and planted with native vegetation. Plantings are encouraged adjacent to the edge of the trail to keep the public on the trail. The report shall include construction methods and equipment needed to mitigate impacts to the buffer area. The least impactful construction techniques and equipment shall be used. The report shall be reviewed and approved by the City prior to issuance of permits for trail construction.
 - b. As an alternative to the preparation of the Critical Areas Report and expansion area plantings, the proponent may propose relocating the trail so that it falls entirely outside of the stream buffer and within the area to be dedicated to the City. The alternative alignment shall be provided to the City for review and approval, and any other affected agencies, prior to issuance of the site development permit.
 - c. No disturbance or activity shall occur in the stream buffer, with the exception of the proposed trail construction, trail fencing and signage and the installation, maintenance and monitoring of the mitigation plantings (as recommended by a qualified biologist and as approved by the City).
 - d. The following best management practices are required to minimize development impacts to Sequalitchew Creek and shall be provided for in the TESC and final design:
 - i. All new, untreated runoff shall be routed away from the stream and slopes.
 - ii. Channelized flow from landscaping shall be prevented from entering the stream buffer.
 - iii. New runoff from impervious surfaces and new landscaping shall be infiltrated, treated, detained and/or dispersed. No runoff from the trail may cause erosion.
 - iv. Dust control measures shall be in place prior to construction.
8. To mitigate noise and light impacts to the users of the Sequalitchew Creek Trail and wildlife, screening and buffering of the project from the historic placard area and the trail shall be provided in the form of an 8-foot tall solid wall along the southern boundary of the easterly parking lot and drive aisle where the industrial activities will be visible and audible. The design and materials for the wall shall blend in with the natural environment. Wall heights shall be reduced to six feet where they are located either on the property line or within setbacks. Landscaping shall be provided to soften the appearance of the wall in the form of hedge-like trees and shrubs. The wall and landscaping shall extend from the driveway at Sequalitchew Drive to the point where the trail extends off-site, a distance of approximately 500 feet. Wall details and location shall be reviewed and approved by the City. Alternatively, the applicant may

propose other measures for noise and light mitigation for City approval that provides equivalent mitigation for light and noise impacts.

9. Site lighting shall not encroach outside of the hard surface area of site development. No light spill shall be allowed to the trail or outside of the development footprint, other than spill caused by street lighting on Sequalitchew Drive. Lights shall be LED and fixtures shall have full cut-offs and shields and be directed downward and inward to the site development. A photometric analysis shall be provided depicting light locations and light spill levels at the trail and development footprint. Depending on the results of the photometric analysis, the height of light poles on the southern boundaries of property may need to be limited to protect the trail from light spill caused by on-site lighting. The City shall approve the site lighting plan to ensure that no light spill occurs outside of the hard surface of site development.
10. City code requires tree retention adjacent to the right of way and residential areas. Tree retention adjacent to critical areas is also vital. Additional plantings are required between the south property line and the 10-foot grading buffer. The type of native vegetation to be provided shall be recommended by a qualified biologist.
11. Retained trees are to be protected following the measures outlined in the WFC Tree Retention Plan dated August 9, 2018 (or as updated) and as amended by the City, below. These mitigation measures shall be placed on the civil plans and the landscape plans:
 - a. Trees to be saved (“save trees”) must be protected during construction by a six foot high temporary chain link fence, located 5 feet outside of the drip line of the trees. Signage shall be placed on the fencing every 50 feet indicating the words, “No Trespassing- Protected Trees”. The individual critical root zones (CRZ) are a radius of one foot for each one inch of diameter at breast height (DBH) (6 feet minimum), unless otherwise delineated by WFCI or the City arborist.
 - b. Tree protection fences should be erected after logging but prior to the start of clearing. The fences should be maintained until the start of the landscape installation.
 - c. There should be no equipment activity (including rototilling) within CRZ. No irrigation lines, trenches, or other utilities should be installed within the CRZ. No irrigation lines, trenches, or other utilities should be installed within the CRZ. Cuts or fills should impact no more than 25% of a tree’s root system. If topsoil is added to the root zone of a protected tree, the depth should not exceed 2 inches of a sandy loam or loamy fine sand topsoils and should not cover more than 25% of the root system.
 - d. If roots are encountered outside the CRZ during construction, they should be cut cleanly with a saw and covered immediately with moist soil. Noxious vegetation within the critical root zone should be removed by hand. If a proposed Save Tree must be impacted by grading or fills, then the tree should be re-evaluated by WFCI to determine if the tree can be saved with mitigating measures, or if the tree should be removed. No Save Trees may be removed without prior City approval.
12. The following requirements pertain to roadway improvements:
 - a. An exclusive left-turn lane shall be provided on Sequalitchew Drive at the site driveway to serve entering vehicles. The locations and design shall be reviewed and approved by the Public Works Director.
 - b. A pedestrian crossing of Sequalitchew Drive shall be provided at the west end of the existing cul-de-sac. The location and design shall be reviewed and approved by the Public Works Director prior to issuance of site development permit.

- c. Directional signage for the trail shall be provided on Sequalitchew Drive. The signs and their locations shall be reviewed and approved by the Public Works Director prior to issuance of site development permit.
 - d. Signage shall be provided at the intersection of Sequalitchew Drive and Center Drive restricting truck traffic exiting Sequalitchew Drive from turning right onto Center Drive (Left Turn only). The signage and locations shall be reviewed and approved by the Public Works Director prior to issuance of site development permit.
 - e. An Autoturn Analysis shall be provided demonstrating that truck turning movements entering and exiting Sequalitchew Drive can be accommodated without impacting the Center Drive or Sequalitchew Drive center medians. If impacts are unavoidable, revisions to the median(s) are required to accommodate truck turning radius.
13. A note shall be placed on the civil plans informing the contractor that construction activities are subject to the Unanticipated Cultural Resources Discovery Plan, Appendix E, of the Cultural Resources Report prepared by Parus Consulting dated April 14, 2011. The signs and their locations shall be reviewed and approved by the Public Works Director.

The following mitigation measures shall be in place prior to issuance of site development permits:

14. A haul route plan for the clearing and grading shall be approved by the City prior to issuance of construction permits.
15. A temporary erosion control plan will be prepared per City of DuPont standards and implemented for the project to reduce and control erosion impacts. The recommendations in the Department of Ecology letter dated September 12, 2018 shall be addressed.
16. The project will be required to obtain a Construction Stormwater General Permit (CSWGP) from the Washington State Department of Ecology. When applying for coverage under the CSWGP, check the appropriate boxes for known contamination of soil and groundwater on the Notice of Intent (CSWGP application) and provide Ecology with the additional information outlined in their letter dated September 12, 2018.
17. A five-year maintenance, monitoring and contingency plan shall be prepared by a qualified biologist for the stream buffer enhancement plantings and shall contain the following elements:
- a. General goals of the mitigation/stream buffer replacement plan including a discussion of the function and values of impact and enhancement areas;
 - b. Approximated site topography before and after alteration;
 - c. Location of proposed mitigation area (include a north arrow and scale);
 - d. General hydrologic patterns on the site before and after construction;
 - e. General plant selection and justification, planting instructions, and approximate planting sequencing and schedule;
 - f. A maintenance plan;
 - g. A monitoring and contingency plan. Monitoring is to occur a minimum of five years.
 - h. Estimated costs for the installation, maintenance, and monitoring phases of the project. Separate estimates shall be prepared for the installation phase and monitoring and maintenance phase of the project; and
 - i. Address and phone number of person or organization responsible for monitoring requirements.

18. The applicant shall post a maintenance and monitoring financial guarantee in a form and amount determined sufficient to guarantee satisfactory performance of the mitigation plan. The city shall release the security upon determining that the effectiveness and success of the mitigation plan has been completed satisfactorily.
19. The following measures are required prior to issuance of site development permits or the initiation of grading, filling, or clearing:
 - a. Develop soil remediation plan and enter into the Voluntary Cleanup Program with Ecology. For more information on the Voluntary Cleanup Program, visit Ecology website at: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>.
 - b. Obtain an opinion letter from Ecology stating that the proposed soil remediation plan will likely result in no further action under MTCA. The applicant shall provide to the local land use permitting agency the opinion letter from Ecology.
 - c. Prior to finalizing site development permits, provide the City a copy of the “No Further Action” determination from Ecology indicating that the remediation plans were successfully implemented under MTCA. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC). For further information about soil disposal.

The following mitigation measures shall be in place during construction:

20. Construction activity will be audible from the Sequatchew Creek Trail, which is heavily used. No construction activity will be allowed on the weekends without prior City approval. Request shall be submitted at least two weeks in advance and if approved, the site posted with weekend construction hours at least one week in advance.
21. Best Management Practices to minimize dust during construction shall be used, including temporary paving of certain roads, street sweeping, and watering the site as needed.
22. Construction equipment shall be maintained to meet emission standards. Construction vehicles shall be turned off when not in use to limit emissions caused by idling and unnecessary noise.
23. The Applicant shall fully implement the Memorandum of Agreement dated August 7, 1989, between Weyerhaeuser Real Estate Company (WRECO), the City of DuPont and the Washington State Historic Preservation Officer regarding the discovery of cultural resources within the City of DuPont, customary professional standards for archaeology, and applicable state and federal laws.
 - a. The Applicant shall provide a professional archaeologist to monitor onsite soil disturbance activities.
 - b. The Project Archaeologist shall notify and allow a Nisqually Indian Tribe representative to be present during soil disturbance activities.
 - c. The Project Archaeologist shall notify the Nisqually Indian Tribal representative if Native American cultural resources are discovered during any soil disturbance activities. Construction activities that might disturb or affect such resources are to stop until the Tribal representative has had the opportunity to examine the find.
 - d. If the Tribal representative cannot be reached through reasonable efforts or does not come to the construction site within a reasonable period of time after being notified, construction does not need to stop. However, archaeological work shall to follow the 1989 Memo of Agreement, customary professional standards for archaeology, and applicable state and federal laws.

- e. The City of DuPont requests Native American artifacts recovered during construction activities be donated to the Nisqually Indian Tribe. Hudson's Bay Company-era artifacts should be donated to the Fort Nisqually Living History Museum, located in the City of Tacoma's Point Defiance Park. DuPont-era artifacts should be donated to the DuPont Historical Museum.
 - f. The Project Archaeologist shall forward a closing report to the City of DuPont. The report shall discuss contact with the Nisqually Indian Tribe, implemented procedures and observed conditions and be submitted prior to issuance of any permanent Certificate of Occupancy for the project.
24. The Unanticipated Cultural Resources Discovery Plan shall be implemented by the contractor during site clearing and grading activities.
 25. Installation of the stream buffer expansion area plantings shall be completed no later than 30 days of completion of trail construction. An extension of an additional 30 days may be granted due to conditions outside of applicant control, such as weather. The extension is to be approved by the City.
 26. The trail construction shall follow any recommendations provided in the Critical Areas Report for protecting Sequelitchew Creek Trail and area wildlife from being impacted.

The following mitigation measures shall be in place prior to issuance of building permits:

27. All applicable Fire Impact fees (per DMC 26.05) and Storm and Water System Development Charges assessed for the proposed development will be required to be paid prior to the issuance of building permits for the proposed structures.

The following mitigation measures shall be in place prior to issuance of Certificate of Occupancy:

28. The proponent, at their sole expense, shall construct signage adjacent to the trail in the historic commemorative area, a minimum of one sign for each of the 6 the historical and cultural events/time periods which occurred on and near the site. The signage shall be designed in coordination with the applicant, the City of DuPont, the DuPont Historical Society and one recognized representative from each of the associations representing the historical events to develop the appropriate historical details and design (including but not limited to images and narratives) for each of the signs. The signage shall be made of durable, vandal-proof materials and placed in the locations identified in the Right of Way Dedication Exhibit. The signage design and details shall be reviewed and approved by the City of DuPont Community Development Department in consultation with Department of Archaeological and Historic Preservation (DAHP) and Nisqually Tribe. The signage, fencing and seating will become the personal property of the City and will be maintained by the City. The City may allow for a financial guarantee for the completion of these improvements.

CONCLUSIONS OF THE RESPONSIBLE OFFICIAL: The Responsible Official has determined, with the mitigation measures listed above, that the proposal will not have a probable significant adverse impact on the environment, and an Environmental Impact Statement is not required under RCW 43.21c.030(2). The mitigation measures described are recommended as conditions of project approval.

APPEAL PERIOD: This DNS is issued under WAC 197-11-355. You may appeal this determination to Jeffrey S. Wilson, Community Development Director/SEPA Responsible Official, at 1700 Civic Center, DuPont, WA 98327, by filing a written appeal citing the specific reasons for the appeal with the required appeal fee, by no later than 5:00 pm **March 6, 2018**. You should be prepared to make specific factual objections. Contact Jeff Wilson to read or ask about the procedures for SEPA appeals.

SEPA Responsible Official Signature:



Jeffrey S. Wilson, AICP
Community Development Director
City of DuPont

2/14/2019

February 14, 2019

Issue Date: February 20, 2019
End of Appeal Period: March 6, 2019