



April 18, 2023

Samantha Loyuk
Senior Planner – Development Services Dept.
City of Kenmore
18120 68th Ave NE
Kenmore, WA 98028

Re: Shoreline Substantial Development Permit Exemption (SSDX), State Environmental Policy Act (SEPA) Exemption and Critical Areas Exemption for Maintenance Dredging at CalPortland's Concrete Plant - Kenmore, WA

Dear Ms. Loyuk:

Glacier Northwest, Inc. does business in the northwest as CalPortland and owns and operates a concrete plant and construction aggregate distribution yard in Kenmore at 6423 NE 175th St (See Site Map). Construction aggregates are typically brought to the site by a barge. The barge is moored in an established berth on the south side of the property where the material is offloaded onto a conveyor for transport to the upland portion of the site using a conveyor.

Maintenance dredging of the berth is proposed to provide safe access for vessels and barges to the terminal. The material to be dredged is comprised primarily of clean construction aggregates that was deposited in the berth after dredging was last completed in 2004 and prior to 2010 when the hopper and conveyor used to offload barges was reconfigured to minimize spillage.

Shoaling in the Kenmore channel prevented fully loaded barges from reaching the berth until the maintenance dredging was completed in the channel. Now Glacier proposes to maintain the berth back to its previously maintained depth to accommodate fully loaded barges.

PERMIT EVALUATION

A State Environmental Policy Act (SEPA) checklist and Joint Aquatic Permit Application (JARPA), Biological Evaluation and Water Quality Management Plan prepared for the project are included with this application.

State Environmental Policy Act (SEPA)

The proposed project is an "Action" as defined by WAC 197-11-704 (2)(a):

(2) Actions fall within one of two categories:

*(a) **Project actions.** A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:*

(i) License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.

Dredging over 50 cubic yards is not categorically exempt under SEPA WAC 197-11-800(3)(a):

*(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:*

(a) Dredging of over 50 cubic yards of material;

...

Therefore, a threshold determination is required WAC 197-11-310(1):

(1) A threshold determination is required for any proposal which meets the definition of action and is not categorically exempt,

We ask that the City please forward the threshold determination once complete because we need to provide it to other agencies so they can complete their permit decisions

Shoreline Management Act (SMA)

The project qualifies for a Shoreline Substantial Development Permit Exemption under criteria outlined in WAC 173-2-040(2)(b).

(2) *The following developments shall not require substantial development permits:*

(a) *Any development of which the total cost or fair market value. . . ;*

(b) *Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;*

The project is normal maintenance of the existing established berth.

Critical Areas

The proposed project qualifies for a City of Kenmore Critical Areas Exemption under the criteria outlined in KMC 18.55.150 which says.

18.55.150 Exemptions.

Exempt activities shall avoid impacts to critical areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense to prior condition or better.

B. Operation, Maintenance or Repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair.

The proposed project is required to maintain the existing berth and will not increase the previously maintained footprint or depth of the berth. Best management practices will be employed to avoid impacts and minimize turbidity outside of the berth area as described in the Biological Evaluation and Water Quality Management Plan. Dredged material will be transferred to a contained upland portion of the site and none of the dewatering water will be allowed to reenter the lake.

The proposed project is exempt under KMC 18.55.150(A)(3) because it is normal maintenance of commercial structures that legal exist on the site. The project will not increase the previously approved building footprint.

If you have questions or require additional information regarding the project, please call me at 206-764-3036 or e-mail pstoltz@calportland.com.

Sincerely,

CalPortland



Pete Stoltz

Sr. Manager of Permitting & Government Affairs

