

Memorandum

From: Jim Dougherty, Environmental Planner, Gray & Osborne, Inc.

To: Andy Galuska, Planning Director, City of Sultan, Washington

RE: Wastewater Treatment Plant Upgrade Shoreline Substantial Development and Conditional Use Permit Applications

Shoreline Development Standards:

The Shoreline Environment Designation Table on Page 12 of Chapter 5: Shoreline Environments in the City of Sultan Shoreline Master program indicates that Utilities are either Allowed or Allowed as a Conditional Use in the Shoreline Residential Environment, which may apply to portions of the City's Wastewater Treatment Facility. The WWTF outfall site is located in the Urban Conservancy Environment in which Utilities are Allowed as a Conditional Use.

The Shoreline Development Standards, Shoreline environment Designation Table on Page 13 of Chapter 5 Shoreline Environments indicates that there is a 150-foot Riparian Setback required from the shoreline for development projects in either the Shoreline Residential or Urban Conservancy Environments and a Building Setback of 20 feet measured from the end of Riparian Setback in both of these Environmental Designations. The Sultan WWTF is located more than 200 feet from both the Sultan and Skykomish Rivers. However, portions of this facility are located within the 100-year floodplain associated with these rivers.

New structures proposed in the 100-year floodplain include a third secondary clarifier (concrete & 40 ft. diameter) and new concrete aerobic digesters (25' x 50'). A second oxidation ditch (50'x 130') is proposed on the site of the original oxidation ditch, which is protected from flooding by the access roadway berm. No jurisdictional wetlands have been identified on the site of the Sultan WWT.

There are no known jurisdictional wetlands at the site of the outfall to the Skykomish River. No disturbance of vegetation is proposed associated with replacement of the WWTF outfall to the Skykomish River, as all staging and construction activities will be accomplished within the existing 10-foot-wide gravel access roadway without disturbing adjacent vegetation.

Criteria for Granting Shoreline CUPs (Chapter 7, Section IV, B.3)

- a. RCW 90.58.020: ...The proposed improvements to the Sultan WWTF and replacement of the WWTF outfall support the following shoreline management preferences:
 1. The WWTF Improvements & outfall replacement protect water quality in the Skykomish River a designated "Water of the State."
 2. The natural character of the Shoreline will not be significantly changed, as the new outfall will be installed in the same alignment as the existing outfall pipe, but increased in size to accommodate increased flows from the upgraded Sultan WWTF. The shoreline character at the outfall installation site will be improved by the removal of non-native blackberries and replanting with native vegetation as mitigation for the outfall installation project. Staging of the new outfall pipe will occur within the existing access roadway from the Sportsman's Park parking lot and no vegetation along the route (other than the mitigation project) will be impacted.

3. Upgrading the Sultan WWTF and replacing the outfall will protect water quality in the Skykomish River and provide adequate wastewater treatment and disposal for the community through 2039, which is a long-term project benefit.
4. The proposed WWTF improvements will protect water quality and critical spawning and rearing habitat for Puget Sound Chinook salmon, steelhead and bull trout, all of which are listed as "Threatened" under the Endangered Species Act. Further, use of the proposed float and sink outfall installation method will minimize any adverse impacts to designated Critical Habitats for each of these species present in the Skykomish River.
5. The proposed WWTF upgrades will not interfere with public access to shorelines of the state. Installation of the new outfall structure will reduce public access to the Skykomish River at the construction site for approximately 2 weeks during the WDFW In-water Work Window, which extends from August 1 to August 14. Upland site conditions will be enhanced by a mitigation project that will remove 100 square feet of non-native blackberries and replant the site with native riparian vegetation. Shoreline access will return to pre-construction conditions once the outfall replacement and revegetation projects are completed.
6. As mitigation for installation of the new 80-foot-long outfall pipe, 100 square feet of non-native blackberries along the access roadway to the outfall construction site on the Skykomish River will be removed and replaced with native riparian vegetation, which will improve environmental conditions and enhance public access to the Skykomish River shoreline.
7. In support of the City's Shoreline Master Program, the City and its Consulting Engineer are in the process of consulting with all applicable regulatory agencies to acquire permits to allow the proposed upgrades to the Sultan WWTF and replacement of the outfall to the Skykomish River. Applications have been initiated to the US Army Corps of Engineers for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers & Harbors Act for work in Navigable Waters of the US. The City has also applied to the Washington Department of Fish & Wildlife and consulted with their Habitat Biologists in the process of acquiring Hydraulic Project Approval. The City has completed a Joint Aquatic Resources Permit Application in support of the Corps application. The City has initiated Shoreline Substantial Development and Conditional Use Permit reviews, as well as floodplain development review. The City has consulted with the Department of Natural Resources regarding modifications to the outfall in their easement and JARPA Attachment E will be submitted to the Washington Department of Natural Resources for work on the outfall within the DNR easement. The City has completed a No-Rise Analysis and consulted with Floodplain Management professionals from the Department of Ecology and the Federal Emergency Management Agency to minimize flood potential for the new wastewater treatment infrastructure.

The purpose of the proposed WWTF Upgrade and Outfall Replacement Project is to increase the capacity of the Sultan WWTF to accommodate increasing influent flows through 2030 and through 2039 with WWTF improvements scheduled for 2030. Materials reviewed and collected during permitting for the project have included plans, studies and inventories to satisfy federal, state and local agencies. Further, as part of the State Environmental Review Process (SERP) required by the proposed State Revolving Fund Loan from the Washington Department of Ecology, the City of Sultan will conduct public meetings to educate the public regarding the environmental impacts and benefits

associated with the project, and will obtain (and respond to) any public comments regarding any concerns they may have associated with project implementation. The project will be designed and conducted to minimize any damage to the ecology and the environment of the Skykomish River and will minimize any interference with the public's use of these waters.

- b. The proposed WWTF improvements will not interfere with normal public access to the Shorelines of the Skykomish or Sultan Rivers. The outfall replacement project will reduce public access to the work area for approximately two weeks during the WDFW In-Water Work Window extending from August 1 through August 14 at the confluence of the Skykomish and Sultan Rivers. Once construction is complete there will be no further disturbance of public access at the project site or at other beach access points at Sportsman's Park.
- c. The proposed improvements at the Sultan WWTF will largely occur within the footprint of the existing facility with new structures to be installed on an adjacent city-owned parcel to the west along Marcus Street. The proposed improvements will expand capacity of the WWTF to accommodate anticipated wastewater flows through 2030 initially and through 2039 with planned improvements in 2030. The proposed outfall replacement will not change shoreline uses at this site, as the project replaces the existing outfall with a larger pipe to accommodate increased flows from the upgraded WWTF. Public access to the Skykomish River shoreline in the project area will return to current conditions, once the outfall replacement project is complete. Providing adequate wastewater treatment and disposal for the community and maintaining compliance with the National Pollutant Discharge Elimination System Permit for the WWTF is consistent with the goals and policies of the Sultan Comprehensive Plan.
- d. Upgrades to the Sultan WWTF will ensure adequate wastewater treatment and disposal for the service area (City of Sultan) through 2030 initially and through 2039 with anticipated upgrades in 2030. Replacement of the outfall pipeline with a larger diameter pipe in the current outfall location will improve and help to maintain operational efficiency at the Sultan WWTF as flows increase through the planning period. The larger diameter outfall will reduce effluent velocities during high flows, which will improve dilution compared to current conditions, which will benefit fish habitat in the Skykomish River. Once installation of the new outfall is completed, public access and use of the shoreline environment at the outfall site will return to existing recreational conditions associated with the City's Sportsman's Park.
- e. Implementation of the proposed Sultan WWTF Upgrade and Outfall Replacement Project will improve wastewater treatment and disposal for the service area through 2030. These wastewater infrastructure improvements will be implemented without adversely impacting access or use of shorelines in the project vicinity. With anticipated improvements to the Sultan WWTF in 2030, these improvements will provide adequate wastewater treatment and disposal through 2039. Aside from minor, short-term (two weeks) shoreline access disruptions associated with construction, the public interest will suffer no substantial detrimental effects associated with the Sultan Wastewater Treatment Facility Upgrade and Outfall Replacement Project.

Sultan Municipal Code Section 17.10.150 Buffer Requirements for Streams.

Both the Sultan and Skykomish Rivers are Type S Streams with 150-foot stream buffers. Proposed improvements to the Sultan Wastewater Treatment Facility will occur more than 200 feet from both the Sultan and Skykomish Rivers. Proposed replacement of the WWTF outfall will occur within 150 feet of the Skykomish River. However, this work will involve the removal of the existing 6-inch outfall and installation of a new 12-inch diameter outfall to accommodate increased flows from the upgrade of the Sultan WWTF; this work could be regarded as Maintenance and potentially exempted from Shoreline permitting requirements.

The new outfall will be staged and assembled on the existing ten-foot wide access roadway from the Sportsman's Park parking lot to the Skykomish River, prior to being floated off-shore into the river and guided into alignment with assistance from divers. There will be no disturbance of vegetation associated with staging of the new outfall or removal of the old 6-inch outfall pipe. Also, there will be no in-water excavation associated with the outfall replacement. No permanent structures associated with this project (other than the replacement outfall pipe) are proposed within 150 feet of the Skykomish River shoreline.

It should be noted that during negotiation of the WDFW Hydraulic Project Approval for the outfall replacement project, removal of 100 square feet of non-native Himalayan blackberries and replanting the cleared area with native riparian vegetation has been proposed as mitigation for the placement of the 80-foot-long 12-inch diameter HDPE outfall on the bottom of the Skykomish River. This is consistent with the 1:1.25 mitigation ratio for site disturbances from the *City of Sultan Shoreline Master Program: Shoreline Modification Regulations-General* associated with shoreline modification activities, #7 "All losses in riparian vegetation or wildlife habitat shall be mitigated at a ration of 1:1.25 (habitat lost to habitat replaced)" *Sultan Shoreline Master Program Page 55, Chapter 6: Shoreline Policies and Regulations, Effective Date: July 11, 2019.*