

1 2. The project site is located on SR 101, Mile Post 170.09 to
2 170.82, Sections 13 and 24, Township 26 North, Range 13 West, W.M., in
3 Jefferson County, Washington. The site is between Forks and Kalaloch
4 at Nolan Creek.

5 3. The site is located along Nolan Creek, which is designated
6 "Conservancy."

7 4. The project includes construction of a new bridge over Nolan
8 Creek, removal of the existing bridge, and realignment of the highway
9 in the vicinity of the bridge. The new alignment will situate the
10 bridge east of its current alignment with new construction consisting
11 of excavation and embankment, surface placement, asphalt concrete, new
12 guardrail, landscaping the slopes, and installation of large woody
13 debris.

14 5. The proposal is to realign approximately 0.73 miles of SR 101
15 including the Nolan Creek Bridge. The proposal stems from heavy
16 damage to the bridge resulting in bridge closures.

17 6. The proposed new bridge will be constructed 100-feet to the east
18 of the current bridge. It will be sited above a 25-foot head scarp.

19 7. The existing bridge will not be removed until after the new one
20 is constructed, allowing traffic to use the old alignment during
21 construction. Removal of the old bridge will require some work within
22 the high water level of Nolan Creek.

23 8. The application was determined to be substantially complete on
24 March 27, 2002.

25 9. Washington State Department of Transportation issued a Final
26 Determination of Non-Significance on 12/29/00. An addendum to the
27 original SEPA document was prepared in accordance with WAC 197-11-
28 600(4) (c) to address the disturbance of approximately 7,165-square
29 feet of Category II Wetlands.

1 10. The Jefferson County Comprehensive Plan designates the site as
2 "Rural Residential" with a density of one dwelling unit per twenty
3 acres.

4 11. The Staff Report contains additional facts regarding development
5 approvals, permits required, decisions made to date and applicable
6 Jefferson County Ordinances. The Staff Report also contains findings
7 regarding the project. The Examiner has reviewed that report, raised
8 questions in public hearing and now determines that the Staff Report
9 is accurate.

10 12. WADOT representatives testified that the Staff recommended
11 conditions were acceptable.

12 **REVIEW CRITERIA**

13 The Jefferson County Shoreline Management Master Program [SMMP]¹
14 constitutes the main policy document and review criteria. UDC Section
15 6.20 assigns to the Hearing Examiner the responsibility to apply the
16 SMMP and the Shoreline Management Act.

17 **CONCLUSIONS OF LAW**

18 1. WADOT is proceeding in proper way by programming the bridge
19 replacement before a significant emergency occurs. By starting the
20 process now, work can be scheduled during the best months of a season
21 rather than under emergency conditions when significant environmental
22 damage could occur.

23 2. In response to questions by the Examiner regarding support work
24 by contractors, namely whether there would be work on land outside the
25 scope of the permit. WADOT responded that additional land would not
26 be impacted. Concrete batching will occur in Forks. Debris would be
27 taken to an approved disposal site.

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29 ¹ Adopted March 7, 1989 and last amended February 6, 1998, and codified in the
Jefferson County Unified Development Code in Section 5.

1 3. The need to move the location of the bridge upstream is evident
2 from the testimony and WADOT reports. In response the questions by
3 the Examiner regarding findings from the inclinometers that he had
4 observed along the existing roadbed, WADOT explained that there
5 continues to be earth movement. An upland location for the highway
6 and bridge would be more stable. In addition, the topography will
7 allow a longer span, which also will avoid any in-stream structures.

8 4. WADOT is working with the Washington Department of Fish and
9 Wildlife and Department of Ecology to devise methods to remove the
10 existing bridge without environmental damage to Nolan Creek.

11 5. The Staff Report contains a detailed analysis of the proposal's
12 compliance with adopted County Policies and Regulations. The Examiner
13 now adopts the "Staff Comments" that accompany Staff Findings and
14 Conclusions 5 through 12 at pages 4 - 9 as his own Conclusions.

15 16 **DECISION**

17 Based upon the testimony presented at the Public Hearing, a site visit
18 by the Examiner on June 3, 2002, the documents and exhibits admitted
19 into the record, and the above Findings of Fact and Conclusions of
20 Law, it is hereby the decision of the Hearing Examiner that the
21 Shoreline Conditional Use Substantial Development permit application
22 by WADOT for the Nolan Creek Bridge Replacement, be **APPROVED** for this
23 project subject to the following conditions:

- 24 1. The applicant shall follow all conditions of the Hydraulic
25 Permit Approval (HPA) issued by the Department of Fish and
26 Wildlife
27 2. As a condition of the required Jefferson County Stormwater
28 Management Permit associated with the proposal, the
29 applicant shall submit a Temporary Erosion and Sediment
Control Plan prior to commencing construction.

- 1 3. Construction shall be in substantial compliance with the
2 submitted site plan as it exists now or is hereafter
3 amended by Jefferson County and/or the Department of
4 Ecology.
- 4 4. Submit and have approved a Spill Prevention Control and
5 Countermeasures Plan addressing hazardous materials
6 containment and storage.
- 6 5. Prior to the bridge demolition and rip rap removal the
7 applicant shall tightline the creek through the project
8 area through a temporary culvert, WSDOT biologists will
9 remove any fish which may be present (Log Item No. 6, Page
10 5).
- 10 6. Stream banks and the construction corridor shall be
11 replanted with native vegetation as stipulated through the
12 Restoration Plan (Log Item).
- 12 7. All trash, food waste, and other items shall be picked up
13 and removed from the project area on a daily basis, for
14 projects in or within 1.0 mile of suitable or critical
15 marbled murrelet nesting habitat.
- 15 8. Best Management Practices (BMPs) shall be used to ensure
16 that no foreign material such as oil or fuel from
17 construction equipment will enter any wetlands, flowing or
18 standing water.
- 18 9. Road drainage shall be designed to control the dispersal of
19 surface runoff from roads and exposed soils in order to
20 minimize turbid water from draining into waterways.
- 20 10. Earthworks shall be designed to provide waste and borrow
21 areas that will produce a minimum of erosion, water
22 turbidity, and aesthetic damage.
- 22 11. Cut and fill slopes shall be designed at the normal angle
23 of repose or less.
- 23 12. Waterway crossings shall be designed so the integrity of
24 the naturally occurring geohydraulic process is maintained.
- 24 13. Waterway crossings shall be designed to provide minimal
25 disturbance to banks.
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1 14. Roads, bridges, culverts, and similar devices shall afford
2 maximum protection for fisheries resources.

3 15. Excess material shall be deposited in stable location and
4 not into stream corridors where such materials degrade
5 water quality, impede floodwaters, or alter naturally
6 occurring geohydraulic processes.

7 16. The applicant shall be responsible for stormwater
8 monitoring all fill material being deposited offsite.

9 **Chemical Applications**

10 17. Mechanical apparatus, rather than chemicals, shall be used
11 for brush clearing maintenance wherever practicable.

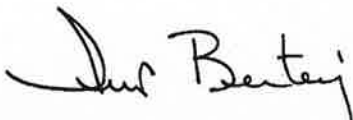
12 18. Equipment used for transportation, storage, or application
13 of chemicals shall be maintained in leak-proof condition.
14 If there is evidence of chemical leakage, the further use
15 of such equipment must be suspended until the deficiency
16 has been satisfactorily corrected.

17 19. Pesticides shall be used, handled, and disposed in
18 accordance with provisions of the Washington State
19 Pesticide Application Act (RCW 15.57) and the Washington
20 State Pesticide Application Act (RCW 17.21) unless the
21 provision of this Master Program are stringent, in which
22 case the higher standard will apply.

23 20. Whenever water is taken from any waterway or water
24 impoundment for use in the mixing of chemicals, precautions
25 shall be taken to prevent contamination of the water
26 source. A portable pump shall be used with the necessary
27 suction hose and check valves to supply water from streams;
28 such a pump is to be used only for water.

29 21. Application of fertilizers shall assure that no fertilizer
is deposited into waterways.

DATED this 17th day of June 2002.



Irv Berteig
Jefferson County Hearing Examiner
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2 Transmitted by the Jefferson Count Permit Center to the following:

3 DATE TRANSMITTED: *June 18, 2002*

4 John Hart, Project Engineer, WSDOT,

5 4801 Olympic Hwy, Aberdeen, WA 98520

6 Tom Whitney, Senior Environmental Engineer, WSDOT,

7 PO Box 47447, Olympia, WA 98504

8 Stacie Kelsey, WSDOT, PO Box 47447, Olympia, WA 98504

9 Bonnie Jamieson, WSDOT, 4801 Olympic Hwy, Aberdeen, WA 98520

10 Jeff Young, WSDOT, 4801 Olympic Hwy, Aberdeen, WA 98520

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