

**PLANNING DIVISION**

**CERTIFICATE OF EXEMPTION**

**FROM SHORELINE SUBSTANTIAL DEVELOPMENT**

**DATE:** May 15, 2015

**PROJECT NUMBER:** LUA15-000185, SME

**PROJECT NAME:** Cedar River Maintenance Dredging Project

**PROJECT MANAGER:** Vanessa Dolbee, Current Planning Manager

**APPLICANT:** City of Renton  
1055 S Grady Way  
Renton, WA 98057

**CONTACT:** Hebe C. Beranardo  
1055 S Grady Way  
Renton, WA 98057

**PROJECT LOCATION:** Extends from the mouth of the Cedar River at Lake Washington upstream approximately 6,500 feet to the Williams Street Bridge.

**PROJECT DESCRIPTION:** The applicant has requested a Shoreline Exemption for the Cedar River maintenance dredging project. The maintenance dredging is required for the existing Lower Cedar River Section 205 Flood Hazard Reduction Project, as required per the USACE Project Cooperation Agreement and project operation and maintenance manual, to maintain the flood protection benefits of the federally constructed flood control project. The threshold for periodic maintenance dredging was based on ensuring flood protection against the 100-year recurrence interval event, with at least 90 percent reliability.

The maintenance dredge would occur from the mouth of the Cedar River at Lake Washington upstream 1.23 miles to the Williams Ave. Bridge. The project is located in both Reach A and B of Cedar River which is designated Shoreline High Intensity. The maintenance dredge would remove up to four feet of sediment deposition with a 1-foot over dredge maximum allowance and is estimated to remove 125,000 cubic yards of sediment. An additional 10,840 cubic yards of material would be needed for bank stabilization and 55,000 cubic yards of dredged sediment material would be needed for temporary construction berms. In addition to the dredging, the project also includes maintenance and repair of existing bank stabilization structures, stormwater outfalls and new stabilization as necessary to conduct the dredge.

Two wetlands would be impacted which are proposed to be mitigated through mitigation bank credits. In addition, compensatory mitigation to offset impacts to fisheries and associated habitat resources are included in the proposal. Vegetation would be removed where necessary in the river and on river banks, including 6 trees. All temporary construction impacts to riparian vegetation would be replanted upon project completion.

Environmental Review (SEPA) was completed on the project in 1998 via the adoption of the NEPA EIS for the Cedar River Section 205 Flood Damage Reduction Project, LUA97-192. For more information please see the attached Notice of Existing Environmental Document.

The project reach includes the Williams Avenue South Bridge as the upstream (southern) limits and the mouth of the Cedar River at Lake Washington as the downstream (northern) site boundary. The Renton Municipal Airport is located west of the site and the Boeing Company's 737 production plant is located east of the site. A linear park corridor, Cedar River Park, is located along the east bank of the site between the river and the Boeing 737 plant site. In addition, several other commercial/industrial developments are presently adjacent to the project areas.

The applicant submitted a Wetland and Stream/Riparian Habitat Report, a Mitigation Plan, Mitigation Bank Use Plan, and a Biological Assessment all prepared by GeoEngineers, dated September 13, 2013, December 4, 2014, November 25, 2014 and December 9, 2014 respectively (attached). The three reports describe the subject project and the proposed mitigation in great detail, including proposed BMP's and methodologies for completion of the project maintenance dredge.

Based on the provided reports, the wetland, river and riparian habitats are currently degraded and beneficial functions are compromised. Within the project reach, the Cedar River is a constructed channel that historically has required continuous maintenance dredging for flood protection. The river is channelized through the project reach and the banks are armored in numerous areas with riprap concrete and/or wood retaining walls. Vegetation along the stretch of the Cedar River is generally limited to invasive species, including Japanese Knotweed, reed canarygrass, Himalayan blackberry, and Scotch broom in the understory. Several native tree species are also located within the riparian zone including red alder, Pacific willow, Sitka willow and black cottonwood. The native vegetation communities are dominant along the right bank of the river within the Cedar River Park.

GeoEngineers identified and delineated seven wetlands within the project reach, identified as Wetlands A – G. Wetlands A, B, C, F, and G are located on the east bank of the river and Wetland D and E are located on a gravel bar along the west bank. These wetlands are characterized as palustrine seasonally flood wetlands. Wetlands D and E contain emergent vegetation, Wetlands A and C are scrub/shrub-dominated and Wetlands B, F, and G are forested. Wetlands A, B, C, F, and G are rated as Category II wetland requiring 75-foot buffers and Wetlands D and E are rated as Category IV wetland requiring 50-foot buffers.

The proposed project would result in impacts to the riparian vegetation, the stream channel, and wetlands. Page 15, of the attached mitigation plan, provides additional details of the impacts to the site, which includes but is not limited to, riparian vegetation removal, bank armoring, channel adjustment, altered flow characteristics, and wetland impacts. Included within the mitigation plan is a set of mitigation goals and objectives. The goal of the provided mitigation plan is to provide adequate mitigation to compensate for the cumulative effects of the project. The original project (1998 Section 205 Flood Damage Reduction Project) and subsequent actions induced the following mitigation:

1. 1998: Groundwater Side Channel (destroyed by Nisqually earthquake in 2001)
2. 1999: Maplewood Large Woody Debris Levee Project
3. 2000: Elliott Spawning Side Channel (1998 Corps over-dredging mitigation, not originally including in the SEPA/NEPA EIS)
4. 1999-2000: Lower Cedar River riparian plantings
5. 2001 to 2011: Landsburg mitigation (annual gravel supplementation, except 2008)
6. 2010: Royal Hills Replacement Spawning Channel (replaced Groundwater Side Channel, not included in the original SEPA/NEPA EIS)
7. 2012: Elliott Spawning Channel flood damage repaired

Additional mitigation proposed for the maintenance dredge includes the following (additional details can be found on Page 22 of the attached mitigation plan):

1. Invasive species management (onsite)
2. Native vegetation plantings (onsite)
3. Filling void space in riprap (onsite)
4. Lower Cedar River reach gabion removal (onsite)
5. Spawning channel maintenance and monitoring (offsite)
6. Lighting impacts reduction (onsite and offsite)
7. A scour monitoring study
8. Acquisition of wetland mitigation bank credits (offsite)

The provided mitigation plan concludes that the goal of the proposed mitigation is to result in “no net loss” of habitat functions in the lower Cedar River by maintaining the existing mitigation features that were identified and constructed as part of the original USACE 205 flood project (1998), and providing additional mitigation to compensate for impacts not identified in the original project. GeoEngineer’s continue to state that the maintenance dredging of the USACE 205 project was not needed in the timeline (3 years) that was assessed in the original environmental documents and mitigation plan. As of today, it has been more than 16 years since the last dredge cycle, as such the temporal loss of habitat functions and cumulative impacts that were identified for the 1998 project have been significantly reduced. The mitigation plan concludes that the features identified in the provided report would continue to compensate for the loss of habitat function into the future, as well as subsequent maintenance dredging that would occur in the future (See Table 4. Summary of Proposed Mitigation and Net Functional Effects, in the attached report).

**The proposed maintenance dredging project includes dredging, shoreline stabilization, and wetland impacts. Below is Staff’s analysis of the project’s compliance with the Shoreline Master Program related to the above three portions of the proposed maintenance project.**

**Dredging/Shoreline Stabilization:**

Pursuant to RMC 4-3-090F.3.b. *Dredging Limited*, dredging is permitted only in cases where the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions and when proposed for flood control purposes, when a part of a publicly adopted flood control plan. The maintenance dredging is required for the existing Lower Cedar River Section 205 Flood Hazard Reduction Project, as required per the USACE Project Cooperation Agreement and project operation and maintenance manual, to maintain the flood protection benefits of the federally construction flood control project. As mentioned above, if the proposed mitigation plan is implemented the project would result in “no net loss” of shoreline ecological functions.

RMC 4-3-090F.3.d, establishes review criteria for dredging projects, the applicable criteria is addressed below:

1) All proposed dredging operations shall be designed by an appropriate State-licensed professional engineer. A stamped engineering report and an assessment of potential impacts on ecological functions shall be prepared by qualified consultants and shall be submitted to the Renton Planning Division as part of the application for a shoreline permit.

*Staff Comment: Project is compliant with the above standard, see attached reports and drawings.*

2) The responsibility rests solely with the applicant to demonstrate the necessity of the proposed dredging operation.

*Staff Comment: The maintenance dredging is required for the existing Lower Cedar River Section 205 Flood Hazard Reduction Project, as required per the USACE Project Cooperation Agreement and project operation and maintenance manual, to maintain the flood protection benefits of the federally construction flood control project. The federally constructed flood control project protects the adjacent land uses from flooding including, but not limited to, the Renton Municipal Airport and the Boeing 737 manufacturing plant.*

3) The responsibility rests solely with the applicant to demonstrate that:

(a) There will be no net loss of ecological functions including, but not limited to, adverse effect on aquatic species including fish migration.

*Staff Comment: The provided Biological Assessment concludes that the project would alter habitat within and adjacent to the Cedar River. The project would include removal of suitable spawning substrate and associated benthic invertebrates within the Cedar River, removal of riparian vegetation, and temporary impacts to water quality. These identified impacts directly affect salmon Essential Fish Habitat (EFH) as well as habitat which support salmon prey. Although the substrate exposed by dredging would be of similar composition as that removed, and proposed project-specific mitigation is anticipated to offset impacts to fish habitat, the study concludes that the appropriate determination for Pacific salmon EFH is “may adversely*

*affect”, “likely to adversely affect” for Puget Sound ESU Chinook salmon and Puget Sound DPS steelhead trout, and designated critical habitat for Chinook salmon and steelhead (should they be designated prior to completion of the project). However, the BA concludes that the project is “not likely to adversely affect” bull trout critical habitat. Moreover, the applicant has proposed mitigation for the identified impacts to fish and their critical habitat, and the proposed mitigation plan concludes the project would result in “no net loss” of shoreline ecological functions, and therefore the project is not anticipated to result in permanent impacts to fish migration.*

(b) There will be no adverse impact on recreational areas or public recreation enjoyment of the water.

*Staff Comment: The maintenance project would not change public access. However, during dredging operations some work would occur from Cedar River Park located along the east bank. Recreational boaters would not be able to utilize this reach of the river during dredging operations as the conditions would not be safe. The overall maintenance dredging would result in temporary impacts during construction to recreation at Cedar River Park and non-motorized boaters on the Cedar River. However, the project would not result in adverse impacts on recreational areas or public recreation and enjoyment of the water.*

#### 4) Adjacent Bank Protection:

(a) When dredging bottom material of a body of water, the banks shall not be disturbed unless absolutely necessary. The responsibility rests with the applicant to propose and carry out practices to protect the banks.

*Staff Comment: Bank stabilization is a necessary component of the proposed maintenance dredge project, and is only proposed for essential flood control project features. Existing banks within the project reach have been armored with timber bulkheads, rock revetments, concrete slabs, and gabions. Much of the existing bank armoring is failing. Bank stabilization is limited to those areas of the flood control project requiring stabilization (levees and floodwalls) based upon engineering analysis and design standards set forth by the USACE. The GeoEngineers team identified those areas critical to stability of the flood control project and other critical infrastructure within the project limits. To address areas where bank protection is failing or never installed and is now needed, the project proposes repair, maintenance and some limited new bank protection (see attached reports for more details on bank stabilization, Table 1. Proposed Bank Stabilization Areas). GeoEngineers indicated that the bank stabilization proposed for the project would include a combination of rigid works and flexible defense works. Rigid works are necessary for the protection of existing flood control infrastructure due to its critical function at the project location, and the limited amount of lateral space between levees/l-walls and the river bank. Rigid works also reduce the footprint of the necessary bank stabilization towards the riverbed. The report concludes that it is therefore not possible to follow a “no action” alternative or to install features that are entirely or primarily flexible in nature. However, as a minimization measure for the impacts of revetments on natural riverine processes and habitat function, bioengineered flexible components would be incorporated into the design. The primary flexible component that would be incorporated into bank stabilization*

areas would include a top dress of the armoring with topsoil and the installation of native vegetation plantings where allowed by USACE standards and FAA guidelines and/or grass within the Vegetation Free Zone (VFZ).

(b) If it is absolutely necessary to disturb the adjacent banks for access to the dredging area, the responsibility rests with the applicant to propose and carry out a method of restoration of the disturbed area to a condition minimizing erosion and siltation.

*Staff Comment: Bank impacts are proposed both for stabilization work and temporary impacts to access the dredging area. Table 4. In the provided mitigation plan identifies impacts from both reduced riparian cover from access and bank stabilization at 67,514 SF and new stabilized banks at 184 linear feet. The applicant has proposed mitigation for these impacts by planting enhanced riparian vegetation with shrubs and trees for 51,447 SF and enhanced riparian plantings with native grass for 60,823 SF. The new/maintained bank stabilization is proposed to be mitigated by applying bioengineering treatment to new, maintained and repaired rock armoring by filling void spaces with topsoil amended dredge material for a total of 1,709 linear feet of bioengineered treatment. Overall, the mitigation plan indicates that the net functional effects of the proposed project impacts and associated mitigation would result in restoration/enhancement planting with a net increase of 44,756 SF of native riparian vegetation and 1,525 linear feet of existing hard armoring that would be maintained or repaired with bioengineered treatments.*

5) Avoidance of Adverse Effects: The responsibility rests with the applicant to demonstrate the proposed dredging will avoid conditions that may adversely affect adjacent properties including:

(a) Creating a nuisance to the public or nearby activity.

*Staff Comment: Overall, the dredge project would be temporary in nature, with most of the work occurring June 15 through August 31, due to fish windows. Some of the proposed mitigation work may occur outside the fish window (past August 31). The applicant has indicated that all construction would adhere to working hours as specified in Renton Municipal Code (RMC) and haul routes would be restricted to arterial streets. However, the applicant has indicated a noise variance may be requested to allow the contractor to haul material beyond the permitted haul hours per RMC. The subject site is primarily surrounded by commercial and industrial development including, but not limited to, the Boeing Plan Site, Renton Municipal Airport, and Renton Memorial Stadium. The Boeing 737 Plant and the Renton Municipal Airport operates 24 hours a day, both of which are adjacent to a large segment of the project reach. Due to the land uses in the area (industrial and commercial) the construction noise and possible extended haul hours are not anticipated to adversely affect adjacent properties. The applicants have indicated that the maintenance dredging work would be coordinated with both the Renton Municipal Airport and the Boeing Company, in order to minimize disturbance to their operations. Furthermore, the applicant has indicated that the Cedar River Park, which is located along the right bank, would generally remain open to the public. Finally, the applicant will be requiring the contractor to develop a Dredge Work Plan. This Plan would identify methods, procedures, and equipment that would be used, describe how water quality impacts*

would be minimized during dredging and disposal activities, and notification information. It is anticipated that the Dredge Work Plan will become a condition of the DOE 401 Certification. The applicant has agreed to provide a copy of the Dredge Work Plan to the Planning Division upon completion. Based on the existing land uses, compliance with RMC construction hours, anticipated coordination with the Airport and Boeing, and limited impacts to recreation, the maintenance dredge is not anticipated to create a nuisance to the public and/or nearby activities.

(b) Damaging property in or near the area.

*Staff Comment: The project has been designed by a professional engineer and it is not anticipated that the dredging would result in any damage to property in or near the area.*

(c) Causing substantial adverse effect to plant, animal, aquatic or human life in or near the area.

*Staff Comment: See response above under 3.a.*

(d) Endangering public safety in or near the area.

*Staff Comment: The maintenance dredging operations would occur both from in the river via floating dredge techniques and the banks with an excavator. The majority of the bank work would occur along the west bank accessing from the Renton Municipal Airport Perimeter Road. However, some of the work would occur from the east bank from areas within the Cedar River Park. To ensure that the public is notified and public safety is observed, staff recommends, as a condition of approval, that a public notification and safety plan (traffic control and pedestrian safety) is prepared prior to commencement of the maintenance dredge work.*

6) The applicant shall demonstrate control of contamination and pollution to water, air, and ground through specific operation and mitigation plans.

*Staff Comment: The submitted Biological Assessment (BA) addressed Best Management Practices (BMP's) that are intended to reduce the environmental effects of the maintenance dredging project. Specifically Page 15, section 2.6.2 identifies mitigation measures to protect water quality. The BA has identified the potential for short-term impacts to water quality as a result of increased turbidity during construction activities. The BA has indicated that turbidity impacts to the river and lake would be controlled, to the extent feasible, by implementing the above mentioned construction stormwater BMPs defined in a CSWPPP. However, the BA indicated that it would not be possible for the project to completely prevent elevated turbidity levels during construction. The BA stated that due to the scale and extent of the proposed dredging project, the 300-foot river mixing zone allowed under WAC 173-201A-200(1)(i) would not be sufficient, as such, the project proponents will be asking for a custom mixing zone to be applied to the subject project. This request would be forwarded to DOE in accordance with WAC 173-201A-410. Furthermore, it should be noted that a National Pollution Discharge Elimination System (NPDES) permit and a 401 Water Quality Certification would be required for the subject project, and compliance with the water quality standards would be monitored during*

*construction as specified in the required state permits. Based on the proposed BMP's in the BA and the required state and federal permits, the applicant has demonstrated that the project would control pollution to water, air, and ground.*

7) Disposal of Dredge Material: The applicant shall demonstrate that the disposal of dredged material will not result in net loss of ecological functions or adverse impacts to properties adjacent to the disposal site.

(a) The applicant shall provide plans for the location and method of disposing of all dredged material.

*Staff Comment: The applicant has indicated that the disposal of the dredged material is planned to occur within an existing permitted upland disposal area. This disposal area could include existing, permitted sand and gravel processing facility, a permitted temporary re-handling site or a permitted upland construction site. Therefore, the applicant has not identified a disposal location as it would be the bid winning contractor's responsibility to ensure that the disposal site is permitted and compliant with any necessary regulations. Moreover, it is not anticipated that any dredge material would be disposed of within a shoreline, with the exception of re-used dredge material for project mitigation.*

(b) Dredged material shall not be deposited in a lake, stream, or marine water, except if approved as habitat enhancement or other beneficial environmental mitigation as part of ecological restoration, a contamination remediation project approved by appropriate State and/or Federal agencies, or is approved in accordance with the Puget Sound Dredged Disposal Analysis evaluation procedures for managing in-water-disposal of dredged material by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval.

*Staff Comment: See comment above under 7(a).*

(c) In no instance shall dredged material be stockpiled in a shoreland area that would result in the clearing of native vegetation. Temporary stockpiling of dredged material is limited to one hundred eighty (180) days.

*Staff Comment: The applicant has indicated that onsite re-handling areas consist of mowed grass areas and invasive shrubs, which would be cleared and then re-planted or re-seeded with native plants in accordance with dredge plans and levee restrictions. Temporary stockpiling would not occur for more than 180 days. In addition, the applicant has indicated that temporary stockpiles will be protected against erosion using standard Best Management Practices (BMPs). In addition to this Shoreline Exemption, the applicant will be required to obtain a construction permit from the City of Renton. This permit shall include details related to TESC and SWPPP.*

(d) If the dredged material is contaminant or pollutant in nature, the applicant shall propose and carry out a method of disposal that complies with all regulatory requirements.

*Staff Comment: A Dredge Material Characterization Report was completed in December 2014 to evaluate the suitability of the material that will be generated from maintenance dredging. Sampling occurred from August 11-12, 2014. The results of the conventional and chemical analyses are presented in Tables 4-7 of the Dredge Material Characterization Report, which was provided to the USACE. The result of the sampling indicated that the proposed dredge material is suitable for both in-water and upland reuse/disposal. The USACE determination regarding suitability of dredge material for unconfined open water placement or in water beneficial use was received on December 4, 2014. See additional comments above under 7(a).*

(e) Permanent land disposal shall demonstrate that:

(1) Shoreline ecological functions will be preserved, including protection of surface water and groundwater.

(2) Erosion, sedimentation, flood waters or runoff will not increase adverse impacts to shoreline ecological functions or property.

(3) Sites will be adequately screened from view of local residents or passersby on public rights-of-way.

(4) The site is not located within a channel migration zone.

*Staff Comment: Staff Comment: See comment above under 7(a).*

**Wetlands (RMC 4-3-090D.2.d.x.):**

Activities that adversely affect wetlands and/or wetland buffers shall include mitigation sufficient to achieve no net loss of wetland function and values. Compensatory mitigation shall be provided for all wetland alteration and shall re-establish, create, rehabilitate, enhance, and/or preserve equivalent wetland functions and values.

1) Mitigation sequencing shall take place in the prioritized order provided for in section RMC 4-3-090D.2.a.iii.

*Staff Comment: The applicant provided an analysis of mitigation sequencing in the provided Mitigation Bank Use Plan, prepared by GeoEngineers, dated November 25, 2014 (see page 2). Seven small wetlands were identified within the project area for a total wetland area of 11,761 SF. The dredge prism has been designed to avoid impacts to five of seven wetlands. Most of the wetlands have been delineated along the fringes of the river, so variations in the width of the dredge prism allows the project to avoid these wetland areas. The provided Mitigation Bank Use Plan identifies that avoidance was effective to reduce the impacts from 11,761 SF to 2,701 SF. There are two small wetlands located within the River where the opportunity to avoid impacts was not feasible. The unavoidable impacts to wetlands are anticipated for these two small vegetated gravel bars (Wetland D and E, Category IV) located within the river channel. The wetlands that are proposed to be impacted are identified as transient features consisting of seasonally vegetated gravel bars that shift in extent and location through time. Temporary fill would be placed in these wetlands during dredging operations to construct temporary access berms. This fill would be subsequently removed and the river bed graded and dredged, and the margins planted as specified on the restoration plans (JARPA sheets 22 and 25). The Mitigation*

*Bank Use Plan concludes that although the fill is temporary, the square footage of the impact is proposed to be mitigated as permanent, due to dredging impacts and to compensate for potential future impacts due to the need for recurrent cyclical dredging in the Cedar River channel. The applicant has indicated that the mitigation for these impacts would be through the use of mitigation bank credits at the Springbrook Creek Wetland and Habitat Mitigation Bank. The report concludes that the use of mitigation bank credits would adequately offset wetland functions impacted by the project and is preferable to on-site mitigation due to anticipated ongoing need for cyclical dredging to maintain the flood control benefits of the project.*

2) Wetland alterations: Compensation for wetland alterations shall occur in the following order of preference:

- (A) Re-establishing wetlands on upland sites that were formerly wetlands.
- (B) Rehabilitating wetlands for the purposes of repairing or restoring natural and/or historic functions.
- (C) Creating wetlands on disturbed upland sites such as those consisting primarily of nonnative, invasive plant species.
- (D) Enhancing significantly degraded wetlands.
- (E) Preserving Category I or II wetlands that are under imminent threat; provided, that preservation shall only be allowed in combination with other forms of mitigation and when the Administrator of the Department of Community and Economic Development or designee determines that the overall mitigation package fully replaces the functions and values lost due to development.

*Staff Comment: See comments above under section 1., Mitigation Sequencing. The Mitigation Bank is the preferred option for the subject project due to ongoing dredging needs.*

3) Special Requirements for Mitigation Banks: Mitigation banks shall not be subject to the replacement ratios outlined in RMC 4-2-090D.2.d.iv, but shall be determined as part of the mitigation banking agreement and certification process.

*Staff Comment: The Mitigation Bank Instrument for the Springbrook Mitigation Bank, specifies that 0.70 credits are required per impact acre to Category IV wetland. Therefore the total allocation of credits proposed to offset project impacts is 0.044. See Table 3. Proposed Mitigation Bank Credits in the Mitigation Bank Use Plan attached.*

4) Location: Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success; provided, that mitigation occurs as close as possible to the impact area and within the same watershed sub-basin as the permitted alteration.

Staff Comment: *See comments above under section 1., Mitigation Sequencing*

5) Protection: All mitigation areas whether on or off-site shall be permanently protected and managed to prevent degradation and ensure protection of critical area functions and values into perpetuity. Permanent protection shall be achieved through deed restriction or other protective covenant in accordance with RMC 4-3-050E4.

Staff Comment: *See comments above under section 1., Mitigation Sequencing*

6) Timing: Mitigation activities shall be timed to occur in the appropriate season based on weather and moisture conditions and shall occur as soon as possible after the permitted alteration.

*Staff Comment: The Springbrook Creek Wetland Mitigation Bank currently has sufficient credits available to offset wetland impacts proposed in the subject project. The applicant has indicated that the purchase and transfer of the credits would happen upon approval of all permits and prior to construction of the dredge project. Proof of transfer is proposed to be provided to permitting agencies prior to concoction.*

7) Wetland Mitigation Plans Required: Wetland mitigation plans shall be prepared in accordance with RMC 4-3-050M16. All compensatory mitigation projects shall be monitored for a period necessary to establish that performance standards have been met, but generally not for a period less than five (5) years. Reports shall be submitted quarterly for the first year and annually for the next five (5) years following construction and subsequent reporting shall be required if applicable to document milestones, successes, problems, and contingency actions of the compensatory mitigation. The Administrator of the Department of Community and Economic Development or designee shall have the authority to modify or extend the monitoring period and require additional monitoring reports for up to ten (10) years.

*Staff Comment: The applicant provided both a mitigation plan and associated plan sets (JARPA) that are designed to result in no net loss of shoreline ecological functions. The subject project requires both Federal and State permits beyond the locate Shoreline Exemption. Based on past experience the mitigation monitoring requirements employed by both the Federal and State level are more restrictive and for a longer duration than Renton Municipal Code would require. It is advantageous to allow the project to conduct one maintenance and monitoring schedule for all levels of permitting for the subject project (i.e. Local, State, and Federal). As such, staff recommends as a condition of approval that the City of Renton Planning Division receive a copy of any and all mitigation maintenance monitoring reports that are to be provided to either the State and/or Federal permitting agencies.*

**SEC-TWN-R:** SE07, 17, and 18 Township 23N Range 05 E

**LEGAL DESCRIPTION:** None Available – See Vicinity Map (attached)

**WATER BODY / WETLAND: Cedar River (7 wetlands)**

An exemption from a Shoreline Management Substantial Development Permit is hereby **approved with conditions** on the proposed project in accordance with Maintenance and Repair: Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.

- a. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.
- b. "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 the shoreline resource or environment.
- c. 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 and for the following reasons:

The subject project is a maintenance dredge and therefore would be considered regular maintenance and repair.

**Conditions of Approval:**

- 1. To ensure that the public is notified and public safety is observed the applicant shall prepare a public notification and safety plan for review and approval by the City of Renton Current Planning Project Manager and Community Services prior to commencement of the maintenance dredge work.
- 2. The applicant shall provide the City of Renton Planning Division copies of any and all mitigation maintenance monitoring reports that are to be provided to either the State and/or Federal permitting agencies.

The proposed development is Consistent or Inconsistent with:

- Consistent** Policies of the Shoreline Management Act.
- Consistent** The guidelines of the Department of Ecology where no Master Program has been finally approved or adapted by the Department.
- Consistent** The City of Renton Shoreline Master Program.

**SIGNATURE & DATE OF DECISION:**



---

**Jennifer Henning, Planning Director**

May 15, 2015

**Date**

**Attachments:** Vicinity/Neighborhood Detail Map  
Mitigation Plan (JARPA, Wetlands and Stream Report, and Mitigation Bank Use Plan)  
Biological Assessment  
Notice of Existing Environmental Documents

**cc:** City of Renton / Applicant



Path: \\lact\Projects\010693073\GIS\MXD\069307300\_SHEX\_FIG1.mxd Map Revised: 26 February 2015 dconlin

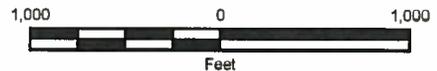
**Legend**

-  Project Boundary
-  Parcels

**RECEIVED**

**MAR 23 2015**

**CITY OF RENTON  
PLANNING DIVISION**



Data Source: Imagery obtained from Microsoft Bing Maps 2013.  
 Projection: WGS 1984 Web Mercator Auxiliary Sphere

Notes:  
 1. The locations of all features shown are approximate.  
 2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

**Vicinity Map**

**Cedar River Maintenance Dredge Project  
Renton, Washington**



**Figure 1**