

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

Shoreline Substantial Development/Variance Permit PL13-0468
& Forest Practice Conversion Permit PL14-0079
For Shell Puget Sound Refinery

PROJECT DESCRIPTION: Shell Puget Sound Refinery proposes to build a rail spur from the existing adjacent Burlington Northern Santa Fe mainline onto Shell PSR property with equipment to pump oil from rail cars into the refinery. The crude brought in by rail would replace some supply currently brought in by ship and would serve to maintain current production, not increase capacity. The project is located within Anacortes Urban Development zoning/comprehensive plan designated areas as indicated in the Skagit County Comprehensive Plan.

PROPONENT: Shell Puget Sound Refinery, c/o Tom Rizzo, PO Box 622, Anacortes, WA 98221. Project Contact: URS Corporation, c/o Jeff Walker, 1501 4th Avenue, Suite 1400, Seattle, WA 98101.

PROJECT LOCATION: The project is located at 8505 South Texas Road, within a portion of Sections 33 & 34, Township 35 N, Range 2 E, W.M. and a portion of Section 4, Township 34 N, Range 2 E W.M., situated within Skagit County, Washington.

LEAD AGENCY: Skagit County Planning and Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 14.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. The applicant shall receive and comply with all permits and approvals from Northwest Clean Air Agency requirements.
2. The applicant shall receive and comply with the Eagle Non-purposeful Take Permit and Eagle Nest Take Permit from U. S. Fish and Wildlife prior to disturbance of any bald eagle nest tree.
3. The applicant shall receive and comply with all permits and approvals from the Washington State Department of Fish and Wildlife including but not necessarily limited to the Hydraulic Project Approval.
4. The applicant shall receive and comply with all permits and approvals from the Washington State Department of Ecology, including but not limited to the 401 Water Quality Certification and Coastal Zone Management Consistency.
5. The applicant shall receive and comply with all permits and approvals from the U. S. Army Corps of Engineers including but not necessarily limited to the Section 404 Individual Permit.
6. The applicant shall comply with applicable provisions and regulations of the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration.
7. The applicant shall comply with all applicable provisions of Skagit County Code (SCC) 14.24, the Critical Areas Ordinance.
8. The applicant shall comply with all applicable provisions of SCC 14.32, the Drainage Ordinance.
9. The applicant shall comply with the International Building Code.
10. The applicant shall comply with the International Fire Code.

This MDNS is issued under 197-11-340(2). The lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by **May 9, 2014**.

You may appeal this threshold determination by addressing those criteria as set forth in SCC 14.12.210 and then by filing per Section 14.06.110 such with Skagit County Planning and Development Services for service to the SEPA responsible official(s).

Appeals must be submitted no later than: **May 23, 2014**.

RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Leah Forbes, Senior Planner

MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273.

PHONE: (360) 336-9410

Date: 4-24-14 **Signature:** Leah Forbes, AICP

On behalf of Dale Pernula AICP, Planning and Development Services Director

cc: WDOE, Public Works, NW Clean Air Agency, Fire Marshal, WDFW, US Army Corps of Engineers, Skagit River System Cooperative, Samish Tribe, Applicant, parties of record

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