



Community Development Department

Director: Lauren Prentice

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https://www.co.walla-walla.wa.us/residents/community_development/index.php

FINAL SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

File(s):	SEPA23-009
Description of Proposal:	Peppers Bridge Road Widening. Walla Walla County Public Works Department proposes to reconstruct a portion of Peppers Bridge Road from Old Milton Highway Road south to match into the Peppers Bridge Road work done at JB George Road in 2013. Peppers Bridge Road will be widened to provide paved shoulders, and two vertical curves reconstructed to meet current sight distance standards. Culverts will be lengthened and/or beveled with proper end treatments.
Proponent:	Walla Walla County Public Works 990 Navion Ln Walla Walla, WA 99362
Owner(s):	Walla Walla County Po Box 1506 Walla Walla, WA 99362
Location of Proposal:	The site is located on Peppers Bridge Road, from MP .36, north of JB George Road, to MP 1.16, the intersection of Peppers Bridge Road and Old Milton Hwy.

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.

The MDNS is based on the project as proposed and reflected in the following:

- Washington State Department of Fish & Wildlife Comments dated 6/28/2023
- Public Comments, Sandra Shelin, dated 6/15/2023
- Google Street View Swallow Colony evidence, 2019
- SEPA Environmental Checklist (SEPA23-009), dated 4/11/2023
- Cultural Resources Survey, dated 8/1/2020
- Washington State Department of Archeology & Historic Preservation (DAHP) letter (2020-05-03104), dated 10/7/2020
- Applicant letter regarding Critical Areas, dated 4/17/2023
- Preliminary Plan Set, dated 2/9/2023
- Washington State Department of Ecology Map of Contaminated Sites, submitted 4/18/2023
- US Fish & Wildlife IPaC Resource List, submitted 4/18/2023

- Elevation Cross Sections, dated 1/28/2020
- Right-of-way acquisition map, dated 2/21/2023
- Critical Areas Permit Application (CAP23-016), submitted 5/12/2023
- Critical Areas Report dated 5/12/2023
- Vicinity Map dated 10/19/2018
- Plan labeled Slope Exhibit (CAP23-016), submitted 5/12/2023

This MDNS is issued after using the optional DNS process in WAC 197-11-355. **There is no further comment period on this MDNS.**

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency is requiring additional mitigation measures under SEPA to protect Cultural Resources.

This MDNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); if there is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or if the MDNS was procured by misrepresentation or lack of material disclosure.

Mitigation Measures:

1. **Background:** Bank Swallows nest in the project area. A permit from US Fish and Wildlife Service is required to 'take' migratory birds under the Migratory Bird Act, of which Bank Swallows are a protected species. Walla Walla County Department of Public Works has not obtained such a permit. The following mitigation is based on information and advice from the Washington State Department of Fish & Wildlife.
2. **Mitigation Measures:**
 - a. No construction activity related to the Peppers Bridge Road Widening project, including the removal of power poles, shall take place within 50 yards of the Bank Swallow nesting site, the nesting site extending along Peppers Bridge Road from approximately MP .63 to MP .75 during nesting season from April 15 to August 31 annually.
 - b. No construction activity related to the Peppers Bridge Road Widening project, including the removal of power poles, shall take place within 50 yards of the bank swallow nesting site, the nesting site extending on Peppers Bridge Road from approximately MP .63 to MP .75 during the month of September unless a qualified professional engaged by the Applicant has determined by onsite investigation that no living Bank Swallows remain at the project site/all living Bank Swallows have migrated from the project site and the determination of the qualified professional has been accepted by the Walla Walla County Community Development Department.
 - c. If Bank Swallows are observed nesting in any other banks along Peppers Bridge Road in the Peppers Bridge Road Widening project area extending from JB George Road to Old Milton Highway, the Applicant must inform the Community Development Department and cease construction activity within 50 yards of the nesting site during nesting season from April 15 to August 31 annually; and cease construction activity during the month of September unless a qualified professional engaged by the project Applicant has determined by onsite investigation that no living Bank Swallows remain at the project

site/all living Bank Swallows have migrated from the project site and the determination of the qualified professional has been accepted by the Walla Walla County Community Development Department.

- d. Language to the effect of conditions a through c above shall be included in the contract between the project Applicant and construction company contracted to undertake the project.

Lead Agency: Walla Walla County Community Development Department

Responsible Official: Lauren Prentice, Community Development Director

Address: 310 W Poplar Street, Suite 200
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Email: planning@co.walla-walla.wa.us

Issue Date: 7/20/2023



Signature: _____ **Date:** 7/19/2023

Staff Contact: Jennifer Ballard, Senior Planner, 509-524-2626

Per WWCC 18.04.170 this determination may be appealed to the CDD no later than fourteen days from the date of issue. Chapter 14.11 outlines the County's appeal procedure. Submit an [Appeal Application](#) by the end of business (5 PM) on **August 3, 2023** by email to planning@co.walla-walla.wa.us, or by postal mail or in-person delivery to 310 W. Poplar St, Suite 200, Walla Walla, WA 99362 and \$1,715.98 (\$1,666 Application Fee and 3% Technology Fee) payable by cash, check made out to Walla Walla County, or credit/debit card. This Appeal will be heard and decided by the County's Hearing Examiner.