

APPENDIX D – Permit Analysis

# Permit Analysis

## Shoreline Area

The western and northern portions of the park site lie within the 200 foot area subject to review under the Shoreline Management Act (SMA). Therefore the majority of the redevelopment at the site will be subject to the terms and conditions specified in the Shoreline Substantial Development Permit (Shoreline Permit). Project work landward of the Mean Higher High Water line is not subject to state and federal permits other than the Shoreline Permit.

The proposed Draft Master Plan proposes no new park development waterward of the Mean Higher High Water line of Puget Sound. The existing boat launch pier will be overlaid with a new pedestrian pier. No new intrusion is proposed into the shoreline area or below the Mean Higher High water line (Elevation 8.0) of Puget Sound. As anticipated in the Draft Master Plan, no state or federal permits, other than the review under the Shoreline Permit, are likely to be required for conversion of the boat dock to a pedestrian pier.

## Wetlands and Wetland Buffer

See Appendix E - Wetland Delineation Report for a summary of permitting requirements associated with the two Type III wetlands.

## Outfall structure replacement

We understand that the city is considering altering the location of the stormwater outfall from its existing location to the south of the existing boat launch. Installation of new storm outfalls, particularly to meet municipal discharge requirements is subject to permits and regulations imposed by many state and federal agencies in addition to full compliance with federal Endangered Species Act (ESA) requirements. The design and permitting process is very lengthy and likely would significantly delay construction of the Mukilteo Lighthouse Park. We would suggest that the city consider development in two phases: Phase 1, park improvements and Phase 2, new outfall. We believe that the permits for the two phases could be processed independently through the agencies, enabling the park work to proceed as the simplified permitting allows.

Environmental permits and agency reviews that could be required for the new stormwater outfall would include:

- USCOE (Likely Section 10, Harbors and Rivers and possibly Nationwide Permit)
  - United States Fish and Wildlife Service (USFWS) ESA species impact opinion
  - National Marine Fisheries Service (NMFS) ESA species impact opinion
  - Native American tribal comment
- Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA) permit
- Washington Department of Natural Resources (WDNR) aquatic submerged lands permit
- Washington Department of Ecology (WDOE),
  - Section 401 Water Quality Certification
  - Individual NPDES permit (Stormwater Discharges from Municipal Separate Storm Sewer Systems)
- City Shoreline permits: Shoreline Substantial Development Permit, Sensitive Areas compliance

## Light Station Property

In 2001, the United States Coast Guard transferred the Mukilteo Light Station property to the City of Mukilteo. The Deed requires the City, prior to the initiation of any construction, alteration, remodeling or demolition, to obtain the approval of the Washington State Historic Preservation Officer (SHPO).