



Community and Economic Development

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MITIGATED DETERMINATION OF NONSIGNIFICANCE
SEPA/Case No. 24-0040 (Ecology No. 202401022)

Description of Proposal: Proposal to develop two hotels (128 rooms and 98 rooms) with associated infrastructure, parking, and open space. The proposal also includes a short subdivision to create a lot for future commercial development.

Proponent: Golden Nugget Investment Group LLC – Antony Chung

Location of Proposal: 2315 Hogum Bay Rd NE, Assessor's parcel 11811120800, located in a portion of Section 11, Township 18N, Range 1W, W.M. Lacey, Thurston County, Washington

Lead Agency: City of Lacey Community & Economic Development Department

Threshold Determination: As provided by RCW 43.21C.240 and WAC 197-11-158, the lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the applicable development regulations and comprehensive plan adopted under Chapter 36.70A RCW and in other local, state, or federal laws or rules. Therefore, with mitigation measures identified below, this proposal is not likely to have a significant adverse impact upon the environment, an Environmental Impact Statement is not required under RCW 43.21C.030. This decision was made after review of an Environmental Checklist and other information on file with the City. This information is available to the public upon request.

There is no comment period for this DNS.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days. Comments must be submitted by [date]

The comment period, pursuant to WAC 197-11-355, was combined with the Notice of Application comment period, using the Optional DNS Process. The comment period closed on March 25, 2024.

1. Prior to site disturbing work the soils on site shall be sampled and analyzed for arsenic and lead. The soil sampling results shall be sent to the Department of Ecology (ECY) for review.
2. If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (WAC 173-340) the owners, potential buyers, construction workers and others shall be notified of their occurrence. The applicant shall also contact the Environmental Report Tracking System Coordinator at the Ecology Southwest Regional Office at (360)407-6300. The MTCA cleanup level for arsenic is 20 ppm and lead is 250 ppm.
3. If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, prior to grading permit issuance the applicant shall:
 - a) Enter into the Voluntary Cleanup Program with Ecology prior to issuance of any site development or disturbance permits;
 - b) Obtain an opinion letter from Ecology stating that the proposed soil remediation will likely result in no further action under MTCA;
 - c) Provide the City with written verification from Ecology that development permits are consistent with the cleanup action plan developed under the requirements of the Voluntary Cleanup Program.
4. If soils are found to be contaminated with arsenic, lead or other contaminants, extra precautions shall be taken to avoid escaping dust, soil erosion, and water pollution during grading and site construction. Site design shall include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas.
5. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (WAC 173-350). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.
6. Traffic Mitigation Fees to offset impacts to Thurston County roads in the total amount of \$67,111, shall be paid to the City of Lacey prior to building permit issuance. The City of Lacey will remit to Thurston County the collected mitigation fees.
7. All mitigation measures volunteered by the developer and described within each element of the submitted environmental checklist shall be implemented into the design and/or development of the proposed development.

Findings of Fact:

1. During the notice period for the current proposal and notice to adopt existing

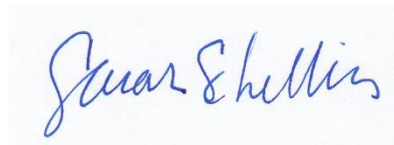
documents, the Washington State Department of Ecology (Ecology) submitted comments dated August 27, 2024, that identified this property on its Tacoma Asarco Smelter Plume maps as one that is likely contaminated with heavy metals due to the air emissions originating from the former Asarco smelter in Tacoma. Additionally, nearby properties have identified contaminants originating from the Asarco Smelter.

2. Soil contamination from the former Asarco smelter poses a risk to human health and the environment. Construction workers, landscapers, gardeners, and others who work in the soils are at risk.
3. Based on information from the Department of Ecology's ongoing Tacoma Smelter Plume Toxics Cleanup Program the Responsible Official has determined that there is potential for soils contaminated with lead and/or arsenic to be located on the subject site. The potential identified probable significant adverse impacts to site development workers and future residents will be mitigated with soil sampling, analysis and a cleanup plan if contamination is found.
4. Thurston County Public Works Department provided comments dated July 24, 2024 identifying six (6) County road projects that will be impacted by traffic generated by this proposal.
 - a. One (1) pm peak hour trip will impact County Road Project No. 61338 Meridian Rd NE from Martin Way E to Interstate 5, with a proportionate per trip cost of \$806;
 - b. Three (3) pm peak hour trips will impact County Road Project No. 61477 Pacific Avenue SE from Union Mills Rd to SR 510 with a proportionate per trip cost of \$769 per trip per trip;
 - c. Nine (9) pm peak hour trips will impact County Road Project No. 61478 Marvin Rd SE from Pacific Ave SE/SR 510 to Mullen Rd SE with a proportionate per trip cost of \$6,452 per trip;
 - d. One (1) pm peak hour trip will impact County Road Project No. 61335 15th Ave NE & Draham St NE with a proportionate per trip cost of \$2,581 per trip;
 - e. One (1) pm peak hour trips will impact County Road Project No. 61364 Johnson Point Rd and Hawks Prairie Rd Intersection Improvements with a proportionate per trip cost of \$1,852;
 - f. One (1) pm peak hour trips will impact County Road Project No. 61563 Marvin Rd NE and 56th Ave NE intersection improvements with a proportionate per trip cost of \$1,500;
5. Based on the review of the application materials and comments received from Thurston County, it is determined that the identified probable significant adverse impact to the Thurston County road system will be mitigated with the payment of

traffic mitigation fees to Thurston County prior to building permit issuance for each building.

6. No other probable significant adverse impacts were identified through the review of the environmental checklist and application materials that would not be addressed and/or governed by the provisions of the Lacey Municipal code.

Assigned Staff Person: Samra Seymour, AICP, Senior Planner
Responsible Official: Vanessa Dolbee, Community and Economic Development Director
Address: 420 College Street SE, Lacey, WA 98503
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Sarah Schelling, AICP, Current Planning and
Economic Development Manager acting on behalf
of Vanessa Dolbee, Responsible Official
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October 10, 2024
Date

Appeal Deadline: 5:00 p.m. on October 24, 2024

NOTE: Pursuant to RCW 43.21.C.075 and Lacey City Code 14.24.170(A), a project denial based upon environmental information, and a conditioned or mitigated Determination of Nonsignificance (DNS) may be appealed by any agency or aggrieved person. Appeals are filed either with the Community Development Department when there is also an underlying governmental action or with the City Council if there is no underlying governmental action. Appeals to the City Council must be filed within fourteen (14) days of the issuance of the written decision (refer to the Lacey City Code for time periods on appeals filed with the Community Development Department).

cc: Department of Ecology