APPENDIX E

Permits

SPECIAL AUTHORIZATION TO DISCHARGE

SPECIAL AUTHORIZATION
TO
DISCHARGE TO THE CITY OF TACOMA'S
SANITARY SEWER SYSTEM

In accordance with Tacoma Municipal Code section 12.08.365 and subject to the conditions contained in Chapter 12.08 and in this Authorization, the entity specified herein is authorized to discharge to the City of Tacoma's (City) *sanitary sewer system*:

18-008 5/7/18
SAD No. Received by Date

Port of Tacoma Carol Rhodes, 253-592-6703
Name of Responsible Company, Authorized Representative, Phone No.

P.O. Box 1837, Tacoma, WA 98401
Address of Company, Street, City, State, ZIP

Port of Tacoma
Name of Property Owner, Phone number

P.O. Box 1837, Tacoma, WA 98401
Address of Property Owner, Street, City, State, ZIP

3400 Taylor Way, Tacoma 98421
Address of Discharge Location, Street, City

A. PURPOSE OF DISCHARGE:

This Special Approved Discharge Authorization (SAD or Authorization) regulates the disposal of contaminated ground and/or surface water, from construction activities of the new Auto Import Terminal Project. All captured water must be kept in tanks and held for analytical testing. Port of Tacoma (Authorized Discharger) must provide enough tankage to accommodate the length of time necessary for a contract laboratory to analyze the sample and provide preliminary analyses. Discharging will be on a **batch** basis after permission has been granted by the City. This is a for-fee authorization.

B. DISCHARGE CONDITIONS:

1. Flow Limitations and Monitoring Requirements:

   Based on the sanitary systems, the Authorized Discharger is limited to a flow rate based on specific manholes (MH); please see **Discharge Location**, for requirements.

   The Authorized Discharger must visually observe the discharge to prevent an overburden condition. If an overburden condition does arise, the discharge must be immediately discontinued and the City notified at (253) 591-5595 and 253-502-2222.

2. Quality Limitations and Monitoring Requirements:

The Authorized Discharger must meet the following limitations in order to discharge to the City's municipal sanitary sewer system:

City of Tacoma Municipal Code – Chapter 12.08.020; Chapter 12.08.040; and 40 CFR Part 136.3

POLLUTANT	DISCHARGE LIMIT		APPROVED ANALYTICAL METHOD		
			EPA Method	*Standard Method*	*ASTM*
Total Arsenic	0.1	mg/L	200.5; 200.7; 200.8; 200.9		
Total Cadmium	0.25	mg/L	200.5; 200.7; 200.8		
Total Chromium	1.0	mg/L	200.5; 200.7; 200.8; 200.9		
Hexavalent Chromium	0.25	mg/L			
Total Copper	1.0	mg/L	200.5; 200.7; 200.8; 200.9		
Total Cyanide	0.64	mg/L		4500B; 4500C	
Free Cyanide	0.2	mg/L			D7237-10; D4282-02
Total Lead	0.4	mg/L	200.5; 200.7; 200.8; 200.9		
Total Mercury	0.05	mg/L	245.1; 245.2; 245.7; 1631E		
Total Molybdenum	1.0	mg/L	200.5; 200.7; 200.8		
Total Nickel	1.0	mg/L	200.5; 200.7; 200.8; 200.9		
Total Selenium	0.1	mg/L	200.5; 200.7; 200.8; 200.9		
Total Silver	0.2	mg/L	200.5; 200.7; 200.8; 200.9		
Total Zinc	2.0	mg/L	200.5; 200.7; 200.8; 282.2		
Total Petroleum Hydrocarbons	50	mg/L	1664A; 1664B *(measured as silica gel treated, hexane extractable materials (SGT-HEM)*		
pH	5.5 - 11.0		150.2	4500H^{+}B-2000	
Total Suspended Solids	225*	mg/L		2540 D – 1997	
Total Toxic Organics**	2.13	mg/L	624; 625		
BETX***	10	mg/L	624		

*The Total Suspended Solids value of 225 mg/L is a benchmark. Any amount over and above may be used for billing purposes. **The Sum of all Total toxic organics with 0.1 mg/L or greater cannot exceed 2.13 mg/L. ***Benzene may not exceed 0.5 mg/L.

The Authorized Discharger must make visual checks of the discharge for unusual color, odor, and/or sheen. If any of these conditions are found, the discharge must be immediately discontinued and the City notified at (253) 591-5595 and 253-502-2222. Discharging must be on a "**batch**" basis. The Authorized Discharger will be responsible to obtain samples prior to requesting permission to discharge. After the sample analysis has been completed and the results indicate no violations of the parameters above, permission to discharge may be requested from Environmental Compliance Support at SAD@cityoftacoma.org. **Discharging without prior permission from Environmental Compliance is prohibited.**

C. DISCHARGE LOCATION:

MH 6773589 has a max of **100 gpm** discharge

MH 6773619 has a max of **60 gpm** discharge

D. OTHER CONDITIONS:

1. The Authorized Discharger must possess a valid NPDES permit from the Department of Ecology and/or the Environmental Protection Agency, if applicable, and operate in compliance with that permit as determined by the issuing agency.
2. The City of Tacoma reserves all of the powers set forth in Chapter 12.08 TMC, as well as any other applicable powers granted by the Tacoma Municipal Code, state and/or federal law, to enforce the terms of the Authorization, and to regulate the use of its municipal sewer system including, but not limited to, seeking supplemental charges under TMC 12.08.610.
3. The Authorized Discharger must pay the applicable fees and maintain payments as provided for in Tacoma Municipal Code Chapter 12.08.
4. The Authorized Discharger must cease discharge upon either of the following conditions:

   a. Violation, either suspected or detected, of any of the discharge conditions specified in B. above; or

   b. When directed to by the City.
5. The Authorized Discharger may be required to reduce the flow rate of the discharge, or cease discharging during heavy rainfall events which may over-burden the sanitary sewer system.
6. The Authorized Discharger must deliver a letter to the City at the office of Environmental Compliance Support, 2201 Portland Avenue, Tacoma, 98421, (FAX (253) 502-2295) within five (5) calendar days of any exceedance of the discharge conditions specified in B above, explaining the limitations exceeded, the cause, the measures taken to mitigate it, and the measures that will prevent reoccurrence.
7. The Authorized Discharger must submit a new application and pay an application fee for discharges that exceed twelve (12) months in duration.
8. This Special Approved Discharge (SAD) Authorization is issued solely to the Authorized Discharger named in section one above. Authorization to discharge to the City's sanitary sewer system is not transferrable without the City's written consent.

E. BILLING & REPORTING:

The Authorized Discharger must keep records of each batch discharge showing monitoring results, volume, date, and time in a log book kept on site for inspector review.

The discharge records must also be submitted to the City of Tacoma for billing purposes on a monthly basis. Monthly reporting is due by the 15th of each following month. If no discharge occurred then a report stating that there was no discharge must be submitted. The Authorized Discharger must notify this office, in writing, upon project completion for final billing.

Environmental Services, Business Operations
City of Tacoma
2201 Portland Avenue
Tacoma, WA 98421
Fax (253) 502-2295

F. ENFORCEMENT:

Violations of this Authorization or of Tacoma Municipal Code Chapter 12.08 may be subject to Notices of Violation w/Civil penalties of up to $5000.00 per violation per day.

G. TERM OF AUTHORIZATION:

This Special Approved Discharge Authorization expires one year from the date of issuance. To extend this SAD, please submit an application at least one month prior to expiration.

ON BEHALF OF THE CITY OF TACOMA

May 4, 2018
Dated

Dan C. Thompson
Dan C. Thompson, Ph.D.
Business Operations Division Manager
Environmental Services

The 24-hour emergency telephone number for City of Tacoma Sewer Transmission Operation and Maintenance is (253) 591-5595. The regular business hours (Mon-Fri 8:00 A.M. to 4:30 P.M.) number is (253) 591-5588. FAX (253) 502-2295

CORP OF ENGINEERS
NATIONWIDE PERMIT (NWP) 7, OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES.
NWS-2018-139-WRD

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, SEATTLE DISTRICT
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

May 16, 2018

Mr. Mark Rettmann
Port of Tacoma
One Sitcum Plaza
Tacoma, Washington 98421

Reference: NWS-2018-138-WRD
Import Terminal
(Outfall Installation)

Dear Mr. Rettmann:

We have reviewed your application to excavate and place fill in 0.01-of-an-acre of a navigable water to construct an outfall in Blair Waterway (Commencement Bay) at Tacoma, Washington. Based on the information you provided to us, Nationwide Permit (NWP) 7, Outfall Structures and Associated Intake Structures (Federal Register January 6, 2017, Vol. 82, No. 4), authorizes your proposal as depicted on the enclosed drawings dated April 3, 2018.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 7, Terms and Conditions* and the following special conditions:

a. Incidents where any individuals of fish species, marine mammals and/or sea turtles listed by National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the U.S. or structures or work in navigable waters of the U.S. authorized by this Nationwide Permit verification shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Seattle District of the U.S. Army Corps of Engineers at (206) 764-3495. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

b. You must implement and abide by the Endangered Species Act (ESA) requirements and/or agreements set forth in the Biological Evaluation for Informal ESA Consultation for

NWS-2018-138-WRD dated February 22, 2018, in its entirety. The National Marine Fisheries Service (NMFS) provided the enclosed Letter of Concurrence (LOC) with a finding of "may affect, not likely to adversely affect" based on this document on March 28, 2018 (NMFS Reference Number WCR-2018-9067). The U.S. Fish and Wildlife Service (USFWS) provided the enclosed LOC with a finding of "may affect, not likely to adversely affect" based on this document on April 5, 2018 (USFWS Reference Number 01EWFW00-2018-I-0780). Both agencies will be informed of this permit issuance. Failure to comply with the commitments made in this consultation constitutes non-compliance with the ESA and your U.S. Army Corps of Engineers permit. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.

c. In order to meet the requirements of the Endangered Species Act you may conduct the authorized activities from July 15 through February 14 in any year this permit is valid. You shall not conduct work authorized by this permit from February 15 through July 14 in any year this permit is valid.

d. By accepting this permit, the permittee agrees to accept such potential liability for response costs, response activity and natural resource damages as the permittee would have under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (CERCLA) or the Model Toxics Control Act, R.C.W. 70.105 (MTCA) absent the issuance of this permit. Further, the permittee agrees that this permit does not provide the permittee with any defense from liability under the CERCLA or the MTCA. Additionally, the permittee shall be financially responsible for any incremental response costs attributable under CERCLA or MTCA to the permittee's activities under this permit.

We have reviewed your project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act and the National Historic Preservation Act. We have determined this project complies with the requirements of these laws provided you comply with all of the permit general and special conditions.

Please note that National General Condition 21, *Discovery of Previously Unknown Remains and Artifacts*, found in the *Nationwide Permit Terms and Conditions* enclosure, details procedures that must be followed should an inadvertent discovery occur. You must ensure that you comply with this condition during the construction of your project.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone Management (CZM) consistency determination response for this NWP. No further coordination with Ecology for WQC and CZM is required.

Blair Waterway (Commencement Bay) is a water of the U.S. If you believe this is inaccurate, you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to

complete the JD and work authorized in this letter may not occur until the JD has been completed.

You have not requested a jurisdictional determination for this proposed project. If you believe the Corps does not have jurisdiction over all or portions of your project you may request a preliminary or approved jurisdictional determination (JD). If one is requested, please be aware that we may require the submittal of additional information to complete the JD and work authorized in this letter may not occur until the JD has been completed.

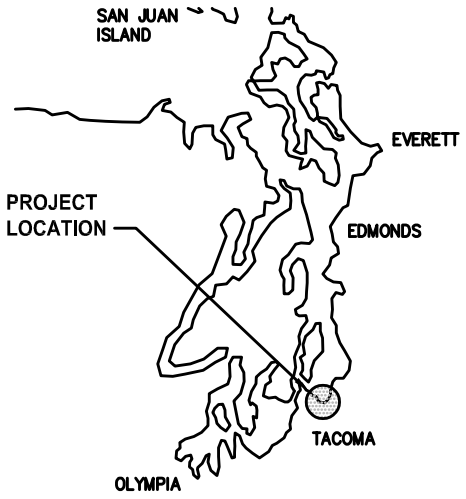
Our verification of this NWP authorization is valid until March 18, 2022, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date and you have commenced or are under contract to commence this activity before March 18, 2022, you will have until March 18, 2023, to complete the activity under the enclosed terms and conditions of this NWP. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

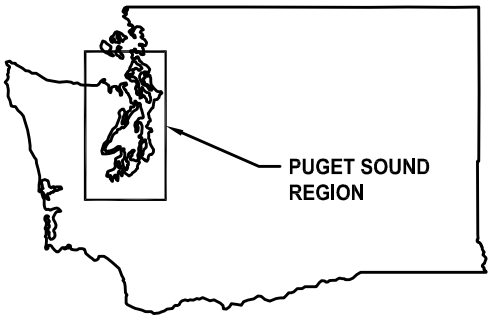
Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit*. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey. These documents and information about our program are available on our website at www.nws.usace.army.mil, select "Regulatory Branch, Permit Information" and then "Contact Us." If you have any questions, please contact Mr. Frank Nichols at thomas.f.nichols@usace.army.mil or (206) 764-6182.

Sincerely,

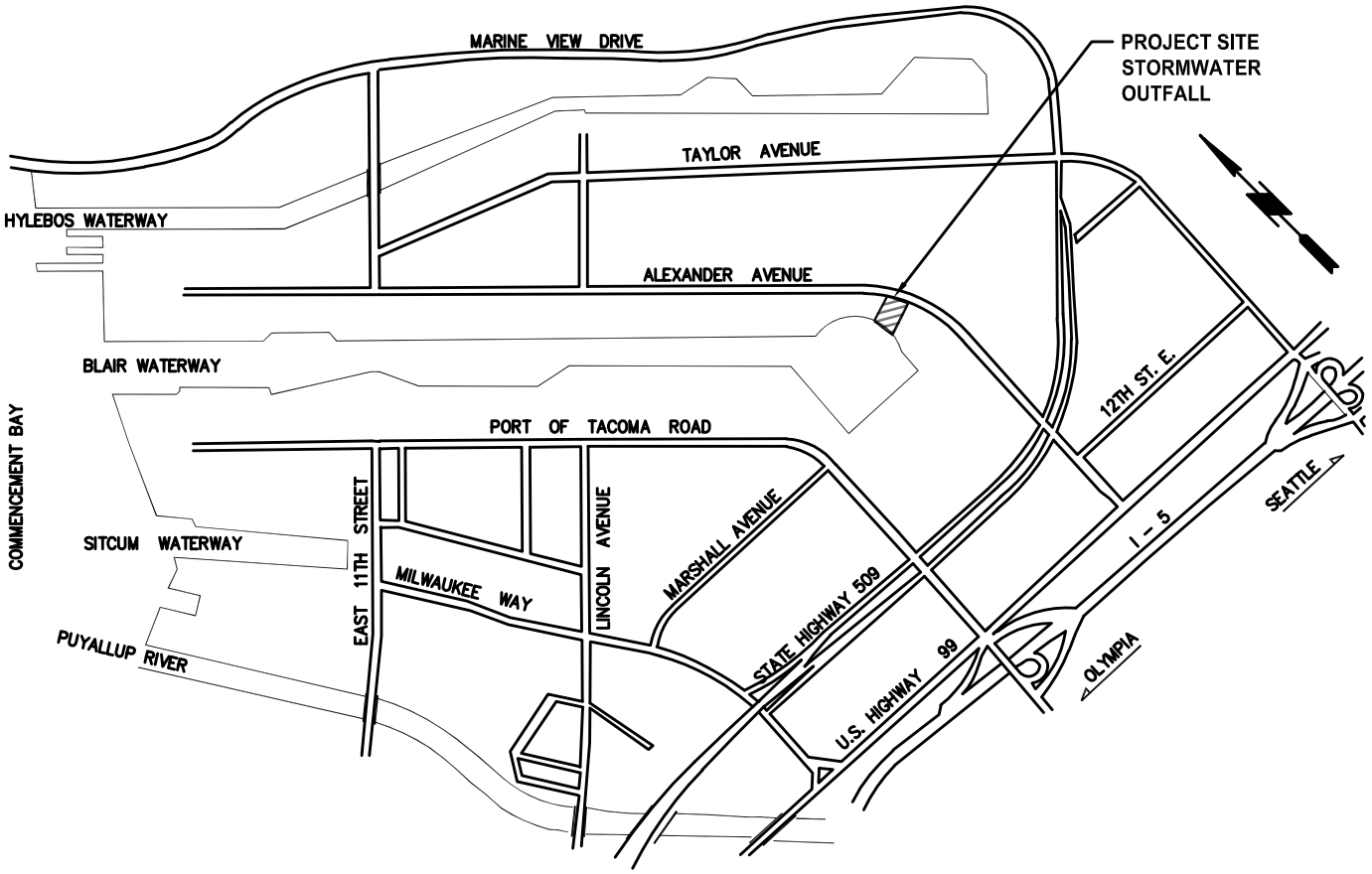
Jacalen Printz, Section Chief
Regulatory Branch

Enclosures





PUGET SOUND REGION MAP



VICINITY MAP NO SCALE

PORT OF TACOMA

PURPOSE: INSTALLATION OF A STORMWATER OUTFALL

DATUM: PORT OF TACOMA DATUM
OHWM - ELEVATION 12.9'

ADJACENT PROPERTY OWNERS:
PUYALLUP TRIBE OF INDIANS, BONNEVILLE POWER ADMINISTRATION, TACOMA POWER

FIGURE 1 - VICINITY MAP

Corps Reference Number:
NWS-2018-138-WRD
(Import Terminal Project)

APPLICATION BY: PORT OF TACOMA

PROJECT: AUTOMOBILE IMPORT TERMINAL
ADDRESS: 3400 TAYLOR WAY,
TACOMA, WA 98421
LAT/LONG: 47° 15' 35"N 122° 22' 09"W
SECT/TOWN/RANGE: S36 T21N R3E
IN: CITY OF TACOMA - BLAIR WATERWAY
COUNTY OF: PIERCE
STATE OF: WA
APPLICATION BY: PORT OF TACOMA

REFERENCE
SHEET 1 OF 3 MAR 2018

Plotted: Mar 30, 2018 – 12:21pm cbennett Layout: Jappa-1
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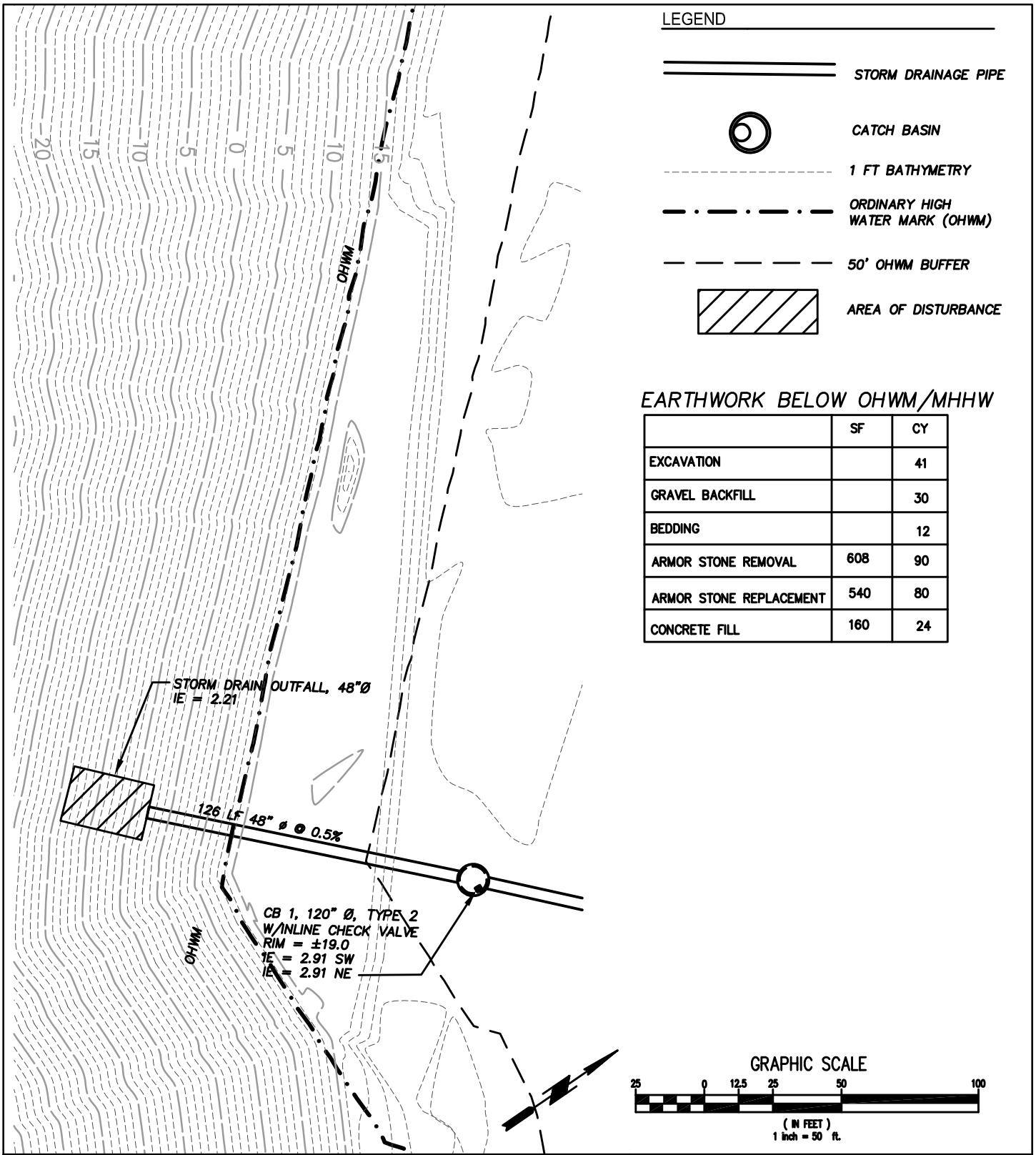

EARTHWORK BELOW OHWM/MHHW

	SF	CY
EXCAVATION		41
GRAVEL BACKFILL		30
BEDDING		12
ARMOR STONE REMOVAL	608	90
ARMOR STONE REPLACEMENT	540	80
CONCRETE FILL	160	24

PURPOSE: INSTALLATION OF A STORMWATER OUTFALL

DATUM: PORT OF TACOMA DATUM
OHWM - ELEVATION 12.9'

ADJACENT PROPERTY OWNERS:
PUYALLUP TRIBE OF INDIANS, BONNEVILLE POWER ADMINISTRATION, TACOMA POWER

FIGURE 2 - SITE PLAN

Corps Reference Number:
NWS-2018-138-WRD
(Import Terminal Project)

APPLICATION BY: PORT OF TACOMA

PROJECT: AUTOMOBILE IMPORT TERMINAL
ADDRESS: 3400 TAYLOR WAY,
TACOMA, WA 98421
LAT/LONG: 47° 15' 35"N 122° 22' 09"W
SECT/TOWN/RANGE: S36 T21N R3E
IN: CITY OF TACOMA - BLAIR WATERWAY
COUNTY OF: PIERCE
STATE OF: WA
APPLICATION BY: PORT OF TACOMA

REFERENCE
SHEET 2 OF 3

MAR 2018

Plotted: Mar 30, 2018 – 12:10pm ebennett Layout: Jappa-2-PLAN
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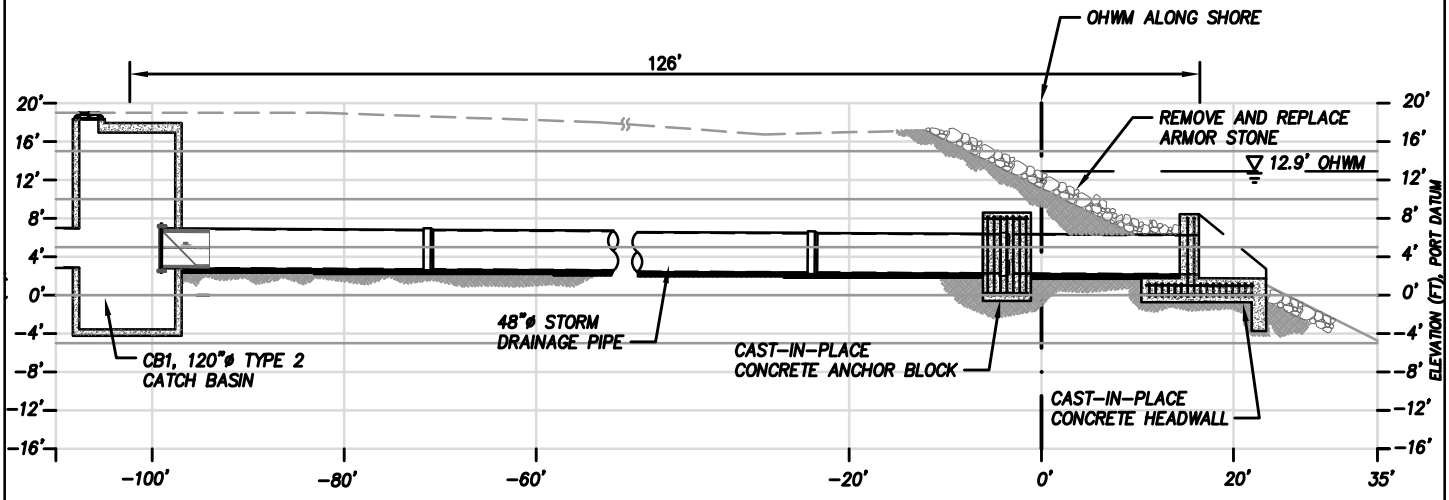
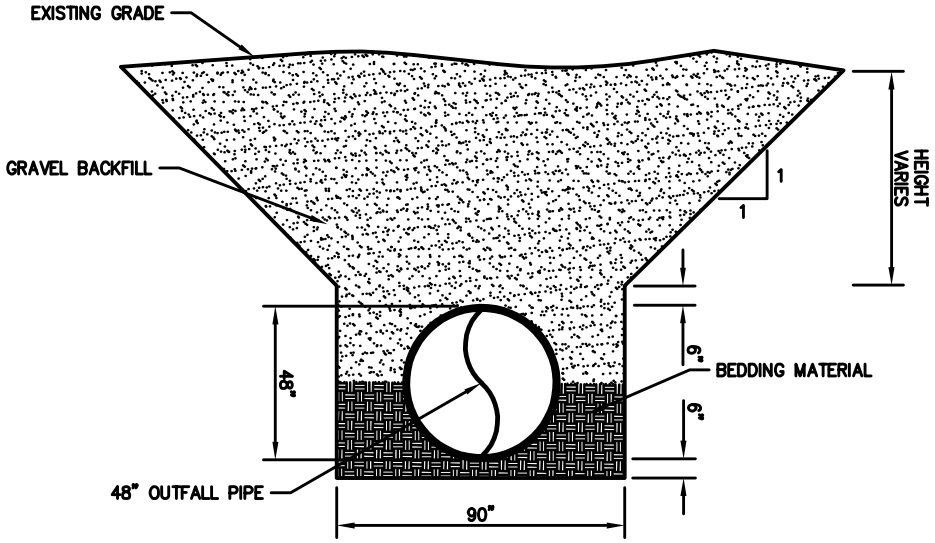


BLAIR WATERWAY OUTFALL PROFILE



TYPICAL TRENCH SECTION - OUTFALL PIPE

PURPOSE: INSTALLATION OF A STORMWATER OUTFALL

DATUM: PORT OF TACOMA DATUM
OHWM - ELEVATION 12.9'

ADJACENT PROPERTY OWNERS:
PUYALLUP TRIBE OF INDIANS, BONNEVILLE POWER ADMINISTRATION, TACOMA POWER

FIGURE 3 - OUTFALL PROFILE AND TRENCH SECTION

Corps Reference Number:
NWS-2018-138-WRD
(Import Terminal Project)

APPLICATION BY: PORT OF TACOMA

PROJECT: AUTOMOBILE IMPORT TERMINAL
ADDRESS: 3400 TAYLOR WAY,
TACOMA, WA 98421
LAT/LONG: 47° 15' 35"N 122° 22' 09"W
SECT/TOWN/RANGE: S36 T21N R3E
IN: CITY OF TACOMA - BLAIR WATERWAY
COUNTY OF: PIERCE
STATE OF: WA
APPLICATION BY: PORT OF TACOMA

REFERENCE
SHEET 3 OF 3

MAR 2018

Plotted: Mar 30, 2018 - 12:24pm cbennett Layout: Japo-2-SECTION 2
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US Army Corps of Engineers
Seattle District

NATIONWIDE PERMIT 7
Terms and Conditions

Effective Date: March 19, 2017

A. Description of Authorized Activities
B. U.S. Army Corps of Engineers (Corps) National General Conditions for all NWPs
C. Corps Seattle District Regional General Conditions
D. Corps Regional Specific Conditions for this NWP
E. Washington Department of Ecology (Ecology) Section 401 Water Quality Certification (401 Certification): General Conditions
F. Ecology 401 Certification: Specific Conditions for this NWP
G. Coastal Zone Management Consistency Response for this NWP

In addition to any special condition that may be required on a case-by-case basis by the District Engineer, the following terms and conditions must be met, as applicable, for a Nationwide Permit (NWP) authorization to be valid in Washington State.

A. DESCRIPTION OF AUTHORIZED ACTIVITIES

Outfall Structures and Associated Intake Structures. Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

B. CORPS NATIONAL GENERAL CONDITIONS FOR ALL NWPs

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by

the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs. (e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. (f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required. (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be

necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)). (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation. (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)). (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation. (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs. (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district

engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of

the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and

procedures for electronic submittals. (d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal. (2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes. (3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

District Engineer's Decision: 1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters

and wetlands, cannot exceed 1/2-acre. 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns. 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer. 4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of

a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information: 1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP. 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law. 3. NWPs do not grant any property rights or exclusive privileges. 4. NWPs do not authorize any injury to the property or rights of others. 5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).
C. CORPS SEATTLE DISTRICT REGIONAL GENERAL CONDITIONS: The following conditions apply to all NWPs for the Seattle District in Washington State, unless specified.

1. Project Drawings: Drawings must be submitted with pre-construction notification (PCN). Drawings must provide a clear understanding of the proposed project, and how waters of the U.S. will be affected. Drawings must be originals and not reduced copies of large-scale plans. Engineering drawings are not required. Existing and proposed site conditions (manmade and landscape features) must be drawn to scale.

2. Aquatic Resources Requiring Special Protection: Activities resulting in a loss of waters of the United States in mature forested wetlands, bogs and peatlands, aspen-dominated wetlands, alkali wetlands, vernal pools, camas prairie wetlands, estuarine wetlands, wetlands in coastal lagoons, and wetlands in dunal systems along the Washington coast cannot be authorized by a NWP, except by the following NWPs:

NWP 3 – Maintenance
NWP 20 – Response Operations for Oil and Hazardous Substances
NWP 32 – Completed Enforcement Actions
NWP 38 – Cleanup of Hazardous and Toxic Waste

In order to use one of the above-referenced NWPs in any of the aquatic resources requiring special protection, prospective permittees must submit a PCN to the Corps of Engineers (see NWP general condition 32) and obtain written authorization before commencing work.

3. New Bank Stabilization in Tidal Waters of Puget Sound: Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRIAs)
8, 9, 10, 11 and 12 (within the areas identified on Figures 1a through 1e on Corps website) cannot be authorized by NWP.

4. Commencement Bay: The following NWPs may not be used to authorize activities located in the Commencement Bay Study Area (see Figure 2 on Corps website):

NWP 12 – Utility Line Activities (substations)
NWP 13 – Bank Stabilization
NWP 14 – Linear Transportation Projects
NWP 23 – Approved Categorical Exclusions
NWP 29 – Residential Developments
NWP 39 – Commercial and Institutional Developments
NWP 40 – Agricultural Activities
NWP 41 – Reshaping Existing Drainage Ditches
NWP 42 – Recreational Facilities
NWP 43 – Stormwater and Wastewater Management Facilities

5. Bank Stabilization: All projects including new or maintenance bank stabilization activities require PCN to the Corps of Engineers (see NWP general condition 32). For new bank stabilization projects only, the following must be submitted to the Corps of Engineers:

a. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.
b. The type and length of existing bank stabilization within 300 feet of the proposed project.
c. A description of current conditions and expected post-project conditions in the waterbody.
d. A statement describing how the project incorporates elements avoiding and minimizing adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

In addition to a. through d., the results from any relevant geotechnical investigations can be submitted with the PCN if it describes current or expected conditions in the waterbody.

6. Crossings of Waters of the United States: Any project including installing, replacing, or modifying crossings of waters of the United States, such as culverts or bridges, requires submittal of a PCN to the Corps of Engineers (see NWP general condition 32). If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, the project must apply the stream simulation design method from the Washington Department of Fish and Wildlife located in the *Water Crossing Design Guidelines* (2013), or a design method which provides passage at all life stages at all flows where the salmonid species would naturally seek passage. If the stream simulation design method is not applied for a culvert where salmonid species are present or could be present, the project proponent must provide a rationale in the PCN sufficient to establish one of the following:

a. The existence of extraordinary site conditions.
b. How the proposed design will provide equivalent or better fish passage and fisheries habitat benefits than the stream simulation design method.

If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, project proponents must provide a monitoring plan with the PCN that specifies how the proposed culvert will be assessed over a five-year period from the time of construction completion to ensure its effectiveness in providing passage at all life stages at all flows where the salmonid species would naturally seek passage. Culverts installed under emergency authorization that do not meet the above design criteria will be required to meet the above design criteria to receive an after-the-fact nationwide permit verification.

7. Stream Loss: A PCN is required for all activities that result in the loss of any linear feet of stream beds. No activity shall result in the loss of any linear feet of perennial stream beds or the loss of greater than 300 linear feet of intermittent and/or ephemeral stream beds. A stream may be rerouted if it is designed in a manner that maintains or restores hydrologic, ecologic, and geomorphic stream processes, provided there is not a reduction in the linear feet of stream bed. Streams include brooks, creeks, rivers, and historical waters of the U.S. that have been channelized into ditches. This condition does not apply to ditches constructed in uplands. Stream loss restrictions may be waived by the district engineer on a case-by-case basis provided the activities result in net increases of aquatic resource functions and services.

8. Mitigation: Pre-construction notification is required for any project that will result in permanent wetland losses that exceed 1,000 square feet. In addition to the requirements of General Condition 23 (Mitigation), compensatory mitigation at a minimum one-to-one ratio will be required for all permanent wetland losses that exceed 1,000 square feet. When a PCN is required for wetland losses less than 1,000 square feet, the Corps of Engineers may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation for impacts to marine waters, lakes, and streams will be determined on a case-by-case basis. If temporary impacts to waters of the U.S. exceed six months, the Corps of Engineers may require compensatory mitigation for temporal effects.

9. Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat

Essential Fish Habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. If EFH may be adversely affected by a proposed activity, the

prospective permittee must provide a written EFH assessment with an analysis of the effects of the proposed action on EFH. The assessment must identify the type(s) of essential fish habitat (i.e., Pacific salmon, groundfish, and/or coastal-pelagic species) that may be affected. If the Corps of Engineers determines the project will adversely affect EFH, consultation with NOAA Fisheries will be required. Federal agencies should follow their own procedures for complying with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. If PCN is required for the proposed activity, Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

10. Forage Fish: For projects in forage fish spawning habitat, in-water work must occur within designated forage fish work windows, or when forage fish are not spawning. If working outside of a designated work window, or if forage fish work windows are closed year round, work may occur if the work window restriction is released for a period of time after a forage fish spawning survey has been conducted by a biologist approved by the Washington State Department of Fish and Wildlife (WDFW). Forage fish species with designated in-water work windows include Pacific sand lance (*Ammodytes hexapterus*), Pacific herring (*Clupea pallasi*), and surf smelt (*Hypomesus pretiosus*). This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

11. Notification of Permit Requirements: The permittee must provide a copy of the nationwide permit authorization letter, conditions, and permit drawings to all contractors and any other parties performing the authorized work prior to the commencement of any work in waters of the U.S. The permittee must ensure all appropriate contractors and any other parties performing the authorized work at the project site have read and understand relevant NWP conditions as well as plans, approvals, and documents referenced in the NWP letter. A copy of these documents must be maintained onsite throughout the duration of construction.

12. Construction Boundaries: Permittees must clearly mark all construction area boundaries before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.

13. Temporary Impacts and Site Restoration

a. Temporary impacts to waters of the U.S. must not exceed six months unless the prospective permittee requests and receives a waiver by the district engineer. Temporary impacts to waters of the U.S. must be identified in the PCN.
b. No more than 1/2 acre of waters of the U.S. may be temporarily filled unless the prospective permittee requests and receives a waiver from the district engineer (temporary fills do not affect specified limits for loss of waters associated with specific nationwide permits).
c. Native soils removed from waters of the U.S. for project construction should be stockpiled and used for site restoration. Restoration of temporarily disturbed areas must include returning the area to pre-project ground surface contours. If native soil is not available from the project site for restoration, suitable clean soil of the same textural class may be used. Other soils may be used only if identified in the PCN.
d. The permittee must revegetate disturbed areas with native plant species sufficient in number, spacing, and diversity to restore affected functions. A maintenance and monitoring plan commensurate with the impacts, may be required. Revegetation must begin as soon as site conditions allow within the same growing season as the disturbance unless the schedule is approved by the Corps of Engineers. Native plants removed from waters of the U.S. for project construction should be stockpiled and used for revegetation when feasible. Temporary Erosion and Sediment Control measures must be removed as soon as the area has established vegetation sufficient to control erosion and sediment.

e. If the Corps determines the project will result in temporary impacts of submerged aquatic vegetation (SAV) that are more than minimal, a monitoring plan must be submitted. If recovery is not achieved by the end of the monitoring period, contingencies must be implemented, and additional monitoring will be required.

This RGC does not apply to NWP 48, *Commercial Shellfish Aquaculture Activities*. Please see specific regional conditions for NWP 48.

D. CORPS REGIONAL SPECIFIC CONDITIONS FOR THIS NWPS: None

E. ECOLOGY 401 CERTIFICATION: GENERAL CONDITIONS

In addition to all the Corps National and Seattle Districts' Regional permit conditions, the following State General Section 401 Water Quality Certification (Section 401) conditions apply to all Nationwide Permits whether **certified** or **partially certified** in the State of Washington.

1. **For in-water construction activities**. Ecology Section 401 review is required for projects or activities authorized under NWPs that will cause, or may be likely to cause or contribute to an exceedance of a State water quality standard (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC). State water quality standards and sediment management standards are available on Ecology's website. Note: In-water activities include any activity within a wetland and/or activities below the ordinary high water mark (OHWM).

2. **Projects or Activities Discharging to Impaired Waters**. Ecology Section 401 review is required for projects or activities authorized under NWPs if the project or activity will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter. To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools.

3. **Application**. For projects or activities that will require Ecology Section 401 review, applicants must provide Ecology with a Joint Aquatic Resources Permit Application (JARPA) along with the documentation provided to the Corps, as described in National General Condition 32, Pre-Construction Notification, including, when applicable: (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, best management practices (BMPs), and any other Department of the Army or federal agency permits used or intended to be used to authorize any part of the proposed project or any related activity. (b) Drawings indicating the Ordinary High Water Mark (OHWM), delineation of special aquatic sites and other waters of the state. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff. Guidance for determining the OHWM is available on Ecology's website. (c) A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted. See State General Condition 5 for details on mitigation requirements. (d) Other applicable requirements of Corps Nationwide Permit General Condition 32, Corps Regional Conditions, or notification conditions of the applicable NWP. (e) Within 180 calendar days from receipt of applicable documents noted above **and** a copy of the final authorization letter from the Corps providing coverage for a proposed project or activity under the NWP Program Ecology will provide the applicant notice of whether an individual Section 401 will be required for the project. If Ecology fails to act within a year after receipt of **both** of these documents, Section 401 is presumed waived.

4. **Aquatic resources requiring special protection**. Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high

value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings. Ecology Section 401 review is required for activities in or affecting the following aquatic resources (and not prohibited by Seattle District Regional General Condition): (a) Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):

- Estuarine wetlands.
- Wetlands of High Conservation Value.
- Bogs.
- Old-growth and mature forested wetlands.
- Wetlands in coastal lagoons.
- Interdunal wetlands.
- Vernal pools.
- Alkali wetlands.

(b) Fens, aspen-dominated wetlands, camas prairie wetlands. (c) Marine water with eelgrass (*Zostera marina*) beds (except for NWP 48). (d) Category I wetlands. (e) Category II wetlands with a habitat score ≥ 8 points. This State General Condition does not apply to the following Nationwide Permits: NWP 20 – *Response Operations for Oil and Hazardous Substances*, NWP 32 – *Completed Enforcement Actions*

5. Mitigation. Applicants are required to show that they have followed the mitigation sequence and have first avoided and minimized impacts to aquatic resources wherever practicable. For projects requiring Ecology Section 401 review with unavoidable impacts to aquatics resources, adequate compensatory mitigation must be provided.

(a) Wetland mitigation plans submitted for Ecology review and approval shall be based on the most current guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (available on Ecology's website) and shall, at a minimum, include the following:

i. A description of the measures taken to avoid and minimize impacts to wetlands and other waters of the U.S.
ii. The nature of the proposed impacts (i.e., acreage of wetlands and functions lost or degraded).
iii. The rationale for the mitigation site that was selected.
iv. The goals and objectives of the compensatory mitigation project.
v. How the mitigation project will be accomplished, including construction sequencing, best management practices to protect water quality, proposed performance standards for measuring success and the proposed buffer widths.
vi. How it will be maintained and monitored to assess progress towards goals and objectives. Monitoring will generally be required for a minimum of five years. For forested and scrub-shrub wetlands, 10 years of monitoring will often be necessary.
vii. How the compensatory mitigation site will be legally protected for the long term.

Refer to Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology Publication #06-06-011b) and Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publications #09-06-032 (Western Washington) and #10-06-007 (Eastern Washington)) for guidance on selecting suitable mitigation sites and developing mitigation plans. Ecology encourages the use of alternative mitigation approaches, including credit/debit methodology, advance mitigation, and other programmatic approach such as mitigation banks and in-lieu fee programs. If you are interested in proposing use of an alternative mitigation approach, consult with the appropriate Ecology regional staff person. Information on alternative mitigation approaches is available on Ecology's website.

(b) Mitigation for other aquatic resource impacts will be determined on a case-by-case basis.

6. Temporary Fills. Ecology Section 401 review is required for any project or activity with temporary fill in wetlands or other waters of the state for more than 90 days, unless the applicant has received written approval from Ecology. Note: This State General Condition does not apply to projects or activities authorized under NWP 33, *Temporary Construction, Access, and Dewatering*

7. Stormwater pollution prevention: All projects that involve land disturbance or impervious surfaces must implement stormwater pollution prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the State.

(a) For land disturbances during construction, the applicant must obtain and implement permits (e.g., Construction Stormwater General Permit) where required and follow Ecology's current stormwater manual.

(b) Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces shall be provided.

Ecology's Stormwater Management and Design Manuals and stormwater permit information are available on Ecology's website.

8. State Section 401 Review for PCNs not receiving 45-day response from the Seattle District. In the event the Seattle District Corps does not issue a NWP authorization letter within 45 calendar days of receipt of a **complete** pre-construction notification, the applicant must contact Ecology for Section 401 review prior to commencing work.

F. ECOLOGY 401 CERTIFICATION: SPECIFIC CONDITIONS FOR THIS NWP:

Certified, if all applicable State General Conditions are met.

G. COASTAL ZONE MANAGEMENT CONSISTENCY RESPONSE FOR THIS NWP:

NWP Specific Response: Ecology concurs that this NWP is consistent with the CZMP.

US Army Corps of Engineers ®
Seattle District

CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY PERMIT

Permit Number: NWS-_____

Name of Permittee: _____

Date of Issuance: _____

Upon completion of the activity authorized by this permit, please check the applicable boxes below, date and sign this certification, and return it to the following address:

Department of the Army
U.S. Army Corps of Engineers
Seattle District, Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of your authorization, your permit may be subject to suspension, modification, or revocation.

☐	The work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of this permit. Date work complete: _____ ☐ Photographs and as-built drawings of the authorized work (OPTIONAL, unless required as a Special Condition of the permit).

☐	If applicable, the mitigation required (e.g., construction and plantings) in the above-referenced permit has been completed in accordance with the terms and conditions of this permit (not including future monitoring). Date work complete: _____ ☐ N/A ☐ Photographs and as-built drawings of the mitigation (OPTIONAL, unless required as a Special Condition of the permit).

☐	Provide phone number/email for scheduling site visits (must have legal authority to grant property access). Printed Name: _____ Phone Number: _____ Email: _____

Printed Name: _____

Signature: _____

Date: _____

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

APR - 5 2018

In Reply Refer To:
01EWFW00-2018-I-0780

Michelle Walker, Chief Regulatory Branch
Seattle District, U.S. Army Corps of Engineers
ATTN: Regulatory Branch (Nichols)
P.O. Box 3755
Seattle, Washington 98124-3755

Dear Ms. Walker:

Subject: Port of Tacoma (NWS-2018-138-WRD)

This letter is in response to your March 5, 2018, request for our concurrence with your determination that the proposed action in the Blair Waterway, City of Tacoma, Pierce County, Washington, "may affect, but is not likely to adversely affect" federally listed species. We received your letter, Biological Evaluation, and project drawings, providing information in support of "may affect, not likely to adversely affect" determinations, on March 8, 2018. The U.S. Army Corps of Engineers proposes to issue a permit to the Port of Tacoma for the Parcel 77 Auto Import Terminal Project. The project will redevelop the former Kaiser Aluminum Site as an automobile import terminal. The project will be constructed in two phases. Phase one will be upland development and phase two a new outfall installation. No in-water work will occur with the upland development. The project will construct and maintain stormwater facilities providing enhanced treatment for runoff originating from approximately 89 acres of impervious surface. A new 42-inch outfall will be installed within a cast-in-place concrete headwall located approximately 11 ft below the mean higher high water line. Approximately 41 cubic yards of existing riprap and underlying fill will be excavated to install the new outfall.

We requested additional information between March 19 and 23, 2018, regarding existing and proposed stormwater treatment. We received the final information necessary to complete consultation on March 23, 2018.

Specifically, you requested informal consultation pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA) for the federally listed species and critical habitat identified below.

- Bull trout (*Salvelinus confluentus*)
- Bull trout critical habitat

We believe that sufficient information has been provided to determine the effects of the proposed action and to conclude whether it would adversely affect federally listed species and/or designated critical habitat. Our concurrence is based on information provided by the action agency, best available science, and complete and successful implementation of the agreed-upon conservation measures.

EFFECTS TO BULL TROUT

Effects and Disturbance

Temporary and/or long-term effects from the action are not expected to measurably disrupt normal bull trout behaviors (i.e., the ability to successfully feed, move, and/or shelter), and are therefore considered insignificant and/or discountable:

- The action will occur during the recommended in-water work window (July 16 to February 15), when bull trout are least likely to be present in the project area.
- Work will occur at low tide, but not in the dry, and minimal amounts of sediments will be discharged into waters that may be used by bull trout.
- The action will result in temporary impacts to water quality, including potential temporary increases in turbidity. These effects will be intermittent and limited in physical extent and duration.
- The action includes installation of an outfall within existing riprap or other activities that will result in elevated turbidity, suspended sediments, and contaminants (pH). However, because work will be done when bull trout are least likely to be present, project-related effects are unlikely to result in injury to bull trout or to disrupt normal bull trout behaviors.
- The Port of Tacoma will comply with the requirements of the Western Washington Phase I Municipal Stormwater Discharge Permit. Under that permit and program, the Port of Tacoma's current proposal to substantially redevelop the property will include structural and stormwater treatment best management practices, including (for example) catch basins, bioretention facilities, and stormwater treatment vaults. Additionally, the site's operator will adhere to the requirements set forth in the Industrial Stormwater General Permit which include, but are not limited to, regular maintenance, inspections, and source control. The project will provide long-term benefits in the form of improved source control and treatment of stormwater runoff from the site.

Effects to Bull Trout Habitat and Prey Sources

With successful implementation of the agreed-upon conservation measures, we expect that temporary impacts from the action will not measurably degrade or diminish habitat functions or prey resources in the action area, and effects are therefore considered insignificant and/or discountable:

- Over the long-term, the action will improve water quality by providing enhanced stormwater treatment for impervious surfaces.
- Work will occur at low tide, but not in the dry, and minimal amounts of sediments will be discharged into waters that may be used by bull trout. The concentration and duration of turbidity will be episodic and/or of short duration.
- Construction methods and proposed permanent features may impact habitat that supports bull trout and/or their prey sources. These impacts will be limited in physical extent and/or duration, and will not measurably degrade habitat functions, including prey resources, that are important to bull trout within the action area:
    - The action will result in limited temporary and/or permanent impacts to the benthic invertebrate community. The action involves installing a new outfall within an existing riprapped bank. The action will not disturb native substrates and will have minimal impacts to the benthic invertebrate community because of the lack of suitable habitat.
    - The action includes replacing or repairing bank armoring in the same footprint, which will maintain degraded conditions for bull trout prey resources. The action does not include additional bank armoring and will not result in the loss of spawning habitat for prey resources.
    - Installation of the new outfall within the existing riprap may result in periodic and/or temporary impacts to water quality through elevated levels of turbidity, suspended sediments, and contaminants (pH); however, these effects will be intermittent and of short duration.
    - The action will not result in shading or other long-term impacts to submerged aquatic vegetation, and there will be minimal losses of prey resources.
    - Actions in marine waters will occur only during the recommended in-water work window, from July 16 to February 15, when prey fish presence, spawning, and/or holding is least likely to occur.
    - The action includes operations that will produce and discharge stormwater to waterbodies that support bull trout. The action includes best management practices for effective treatment and removal of pollutants. We do not expect that the action will result in long-term loss of prey resources for bull trout.
    - The project will not affect forage fish spawning habitat.

EFFECTS TO BULL TROUT CRITICAL HABITAT

The final revised rule designating bull trout critical habitat (75 FR 63898 [October 18, 2010]) identifies nine Primary Constituent Elements (PCEs) essential for the conservation of the species. The 2010 designation of critical habitat for bull trout uses the term PCE. The new critical habitat regulations (81 FR 7214) replace this term with physical or biological features (PBFs). This shift in terminology does not change the approach used in conducting our analysis, whether the original designation identified PCEs, PBFs, or essential features. In this letter, the term PCE is synonymous with PBF or essential features of critical habitat.

The proposed action may affect the PCEs listed below. Because project-related impacts to the PCEs will be short in duration, limited in extent, and will not alter the function of the PCE, these effects are considered insignificant:

PCE 2: *Migration habitats with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and freshwater and marine foraging habitats, including but not limited to permanent, partial, intermittent, or seasonal barriers.*

- The action may temporarily introduce an impediment or barrier within migration habitat; however, it will not preclude bull trout movement through the area, either during or after construction, and any effects will be temporary. The migration habitat will not be permanently altered, destroyed, or degraded.

PCE 3: *An abundant food base, including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish.*

- The action may temporarily reduce the food base via a small reduction of prey resources. However, the impacts will be temporary and/or components of the project design will avoid, reduce, or compensate for them.

PCE 4: *Complex river, stream, lake, reservoir, and marine shoreline aquatic environments, and processes that establish and maintain these aquatic environments, with features such as large wood, side channels, pools, undercut banks and unembedded substrates, to provide a variety of depths, gradients, velocities, and structure.*

- The action will maintain degraded habitat conditions by continuing to preclude and/or degrade natural shoreline processes, but will not result in further declines in shoreline complexity.

PCE 5: *Water temperatures ranging from 2 to 15 °C (36 to 59 °F), with adequate thermal refugia available for temperatures that exceed the upper end of this range. Specific temperatures within this range will depend on bull trout life-history stage and form; geography; elevation; diurnal and seasonal variation; shading, such as that provided by riparian habitat; streamflow; and local groundwater influence.*

- The action will have no effect on this PCE.

PCE 8: *Sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited.*

- The action may impact water quantity and/or quality. However, the effects will be temporary; components of the project design will avoid, reduce, or compensate for the effects; and/or we would be unable to measure, detect, or evaluate the effects. The project will provide long-term benefits in the form of improved source control and treatment of stormwater runoff.

Conclusion

This concludes consultation pursuant to the regulations implementing the ESA (50 CFR 402.13). Our review and concurrence with your effect determination is based on the implementation of the project as described. It is the responsibility of the Federal action agency to ensure that projects that they authorize or carry out are in compliance with the regulatory permit and ESA. If a permittee or the Federal action agency deviates from the measures outlined in a permit or project description, the Federal action agency has the obligation to reinitiate consultation and comply with section 7(d).

This project should be re-analyzed and re-initiation may be necessary if 1) new information reveals effects of the action that may affect listed species or critical habitat in a manner, or to an extent, not considered in this consultation, 2) if the action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this consultation, and/or 3) a new species is listed or critical habitat is designated that may be affected by this project.

This letter and its enclosures constitute a complete response by the U.S. Fish and Wildlife Service to your request for informal consultation. A complete record of this consultation is on file at the Washington Fish and Wildlife Office, in Lacey, Washington. If you have any questions about this letter or our shared responsibilities under the ESA, please contact the consulting biologist identified below.

U.S. Fish and Wildlife Service Consultation Biologist(s):
Jim Muck (360-753-9586)

Sincerely,

Martha L. Jensen

for Eric V. Rickerson, State Supervisor
Washington Fish and Wildlife Office

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
Portland, OR 97232

Refer to: NMFS No:
WCR-2018-9067

March 28, 2018

Michelle Walker
Chief, Regulatory Branch
U.S. Army Corps of Engineers
P. O. Box 3755
Seattle, Washington 98124-3755

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter for the Port of Tacoma Stormwater Outfall Installation, COE NO. NWS-2018-138-WRD, Blair and Hylebos Waterways, Commencement Bay, Pierce County, Washington (Fourth Field HUC 17110019 Puget Sound).

Dear Ms. Walker:

On March 5, 2017, NOAA's National Marine Fisheries Service (NMFS) received a Corps of Engineers (COE) request for a written concurrence that the Port of Tacoma outfall installation project is not likely to adversely affect (NLAA) species listed as threatened or endangered under the Endangered Species Act (ESA). This response to your request was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402, and agency guidance for preparation of letters of concurrence.

NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including conservation measures and any determination you made regarding the potential effects of the action. This review was pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation. After careful review of the information provided, NMFS concluded the action would not adversely affect EFH. Thus, consultation under the MSA is not required for this action.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). A complete record of this consultation is on file electronically at the Oregon Washington Coastal Area Office.

Proposed Action and Action Area

The COE proposes to issue a Section 404 Clean Water Act permit to the Port of Tacoma (Port) to install a new stormwater outfall that will discharge into the Blair Waterway in Commencement Bay. The COE also proposes to issue a permit to install a temporary pump system to discharge treated stormwater to an existing outfall in the Hylebos Waterway. The purpose of the project is the redevelopment of property into an automobile import terminal (Parcel 77 Auto Import Terminal project) at property located between the Blair and Hylebos Waterways at 3400 Taylor Way in Tacoma, Washington (Figure 1).

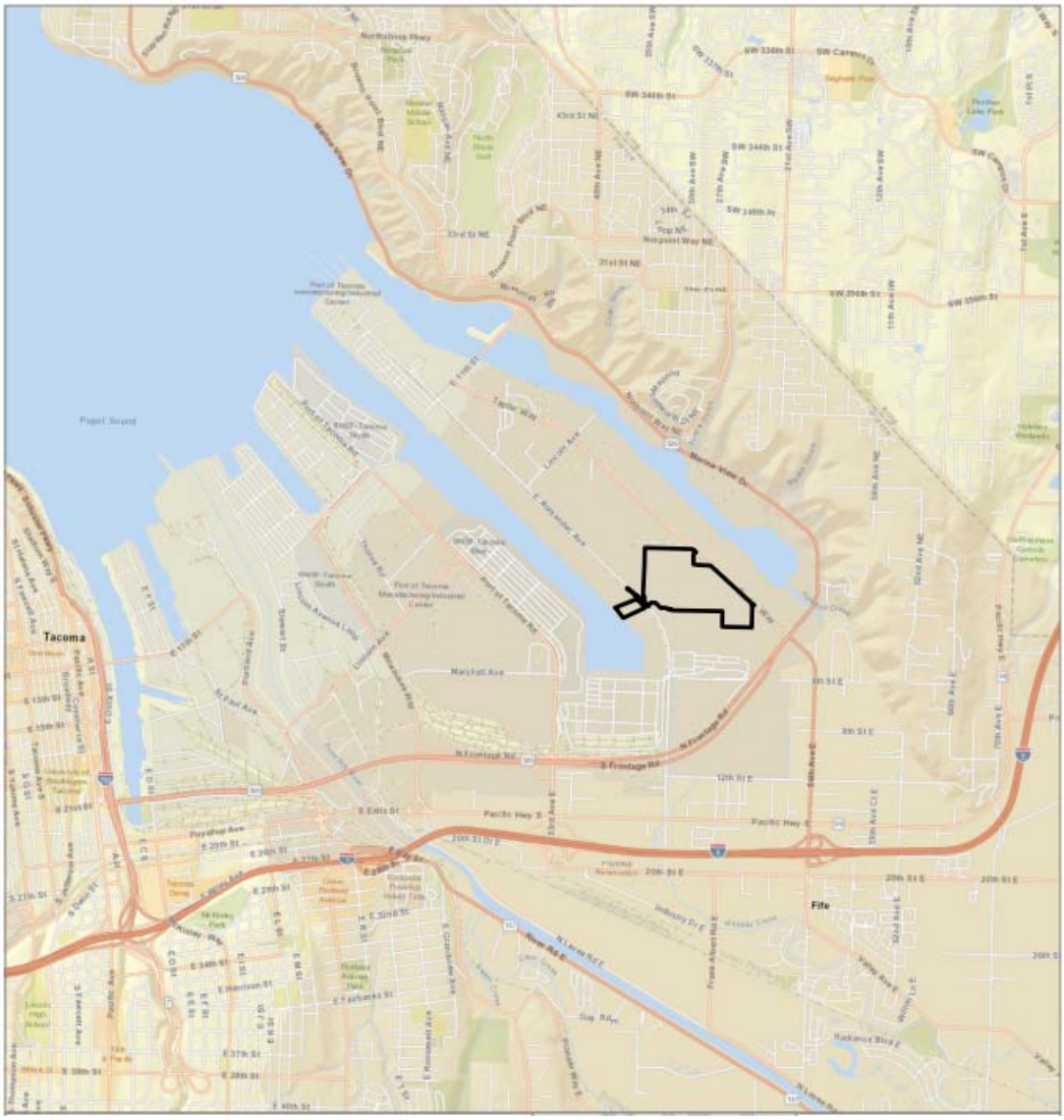

Figure 1. Vicinity Map

The proposed project is designed to operate, with or without the new outfall in place, by using a proposed stormwater pump station and existing outfall. Upon receipt of applicable permits and

approvals for the optional plan, the new outfall will be installed and will allow for stormwater to discharge by a gravity system, and the interim stormwater pump station will no longer be needed.

The installation of a new outfall will discharge treated stormwater from the upland site by gravity flow. Where stormwater is collected in catch basins, pipes will route the stormwater through underground stormwater treatment vaults located downstream of the catch basins. Stormwater from approximately 10 acres of the project property will be directed by surface flow to one of two bioretention systems, which will be located along the southern and western borders. These bioretention systems will include bioretention soil mix, a network of underdrains and an impermeable liner to prevent intrusion of groundwater. The bioretention systems will be planted with vegetation consistent with required design specifications for bioretention features.

The proposed outfall will be located at an elevation of approximately 2.2 feet Mean Lower Low Water (MLLW). The new cast-in-place concrete headwall and anchor block supporting the outfall will be located at an elevation of approximately 0 feet Port datum (O MLLW). Approximately 41 cubic yards of existing riprap and underlying fill will be excavated to install the new outfall. Any excavated material will be returned to the ground after the piping and outfall is installed. Construction activities for the new outfall will occur below the Ordinary High Water Mark (OHWM); however, in-water work will be minimized to the greatest extent possible, with work along the shoreline occurring during low tide to minimize water quality effects. Other Best Management Practices (BMPs) will be employed during outfall construction to minimize aquatic impacts, including employing a debris boom during in-water work and minimizing the amount of disturbed soils in the work area below OHWM that could be inundated during tide cycles.

If the Port is unable to have the new outfall constructed in time for upland needs, they propose to install a temporary pump system to discharge treated stormwater to an existing outfall in the Hylebos Waterway. The stormwater will be discharged via existing piped conveyance from an on-site pond in the northeast portion of the site after being treated through a series of modular treatment systems Following passage through either stormwater treatment vaults or bioretention systems, stormwater will be routed through piping to one of two discharge areas: one existing discharge area located at the northeast corner and a second discharge area located at the southwest corner of the Project property. At the northeast corner of the Project property, stormwater will be released to an existing stormwater/detention pond that was established by the previous tenant, Kaiser Aluminum. Grading activities near the existing northeast stormwater/detention pond will occur above OHWM. This stormwater/detention pond has a piped discharge near Taylor Way which crosses under Taylor Way and continues northeast approximately 1,200 feet to a discharge on the Hylebos Waterway.

The following BMPs and minimization measures will be implemented to lessen potential impacts to the aquatic environment.

1. Work will be done during the approved work window (July 16 to February 14).
2. In-water construction activities will comply with state water quality standards.

3. A debris boom will be in-place during in-water construction activities.
4. Stormwater runoff from the project will be conveyed and treated per the requirements of the current WA State Department of Ecology Stormwater Management Manual (2016).
5. The Contractor will be responsible for preparing a Spill, Prevention, Control, and Countermeasures Plan to be used for the duration of the Project to safeguard against unintentional spills of fuel, lubricants, or hydraulic fluid from construction equipment.
6. The Port (or selected Contractor) will prepare and implement a Stormwater Pollution Prevention Plan for the Project.
7. Erosion control measures will be implemented during construction as shown in the Erosion Control Plan prepared for the Project.
8. The Contractor will be responsible for preparing a Materials Management Plan for handling and disposing of excavated material during construction and complying with the Ecology consent decree Materials Management Plan.
9. All equipment to be used for construction activities will be cleaned and inspected prior to arriving at the site to ensure no leaks are present and the equipment is functioning properly
10. Silt fencing will be installed to minimize the potential for turbidity increases resulting from any runoff from the construction area.
11. There will be no increase in discharge volume.
12. No petroleum products or deleterious materials will be allowed to enter the water.
13. Work will be conducted by hand at low tide to minimize the potential for increased turbidity.
14. To further reduce stormwater impacts to aquatic systems, ongoing operational and structural treatments will include, but are not limited to, sweeping, catch basin inserts, vinyl or coated fencing, and downspout treatment boxes for treating aerial deposition pollutants from roofs.

The NMFS describes the action area as extending for a 300-foot radius around construction activities to account for any effects from turbidity.

Action Agency's Effects Determination

The COE determined the proposed action is not likely to adversely affect the species and critical habitats listed in Table 1. The COE determined that in-water work timing and the limited amount of in-water work would minimize or avoid adverse effects of the action on listed species and critical habitat, and justified its NLAA determination for listed species and critical in the Biological Evaluation for the project. We conduct consultations with the COE under section 7(a)(2) of the ESA, and its implementing regulations found at 50 CFR 402.

The action area includes designated critical habitat for the PS Chinook salmon. Designated salmon critical habitat in Puget Sound is waterward of the extreme high tide. That tidal elevation varies by location and is typically about 1.5 to 2.5 feet above mean high water (MHHW). At the project site under this review, NMFS has estimated the extreme high tide (i.e., the highest predicted tide in the 19-year tidal cycle) to be 13.8 feet, which is 2.0 feet above MHHW.

There is no designated critical habitat for PS steelhead in the action area.

Table 1. ESA Determinations[1]

Species	Federal Status	Species Determination	Critical Habitat Determination	Listing/ Designation Date
Puget Sound steelhead (*Oncorhynchus mykiss*)	Threatened	NLAA[2]	N/A	6/11/07 (72 FR 26722) 2/24/16 (81 FR 9252)
Puget Sound Chinook salmon (*O. tshawytscha*)	Threatened	NLAA	NLAA	6/28/05 (70 FR 37160)/ 9/2/05 (70 FR 52630)

[1] The NMFS agreed with these determinations and initiated consultation accordingly.
[2] NLAA = not likely to adversely affect

Consultation History

The COE submitted a Biological Evaluation (BE) to NMFS for the project referenced above on March 5, 2017, on which date informal consultation was initiated.

Effects of the Action

For purposes of the ESA, "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is NLAA for listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant, or completely beneficial.[1] Beneficial effects are contemporaneous positive effects without any adverse effects to the species. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur. The effects of the action on ESA listed salmonid species will primarily consist of increased suspended sediments, minor effects to the prey base, and improved water quality.

Construction of the outfall will occur from July 15 through February 14. Juvenile PS Chinook and PS steelhead salmon are not expected to be present in the area during construction. Juvenile PS Chinook salmon generally migrate to sea before July 16th. Juvenile PS steelhead migrate seaward as smolts in March to early June and will not occur in the action area during construction. We do not expect adult Chinook salmon or steelhead to enter the Blair or the Hylebos Waterway because sampling studies have indicated there is very low use by salmon species in the Blair and Hyleboes Waterways (Duker 1989, Kerwin 1999). These species are instead attracted to the flows of the Puyallup River.

Any elevations in turbidity and suspended sediments generated by project activities will be similar to the variations that occur normally within the environmental baseline of the marine nearshore, which is regularly subject to strong winds and currents that generate suspended

[1] U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1998. Endangered Species Act consultation handbook: procedures for conducting section 7 consultations and conferences. March. Final. P. 3-12.

sediments. The temporary reduction in prey items within the action area, caused by disturbed sediment during in-water work, are not expected to be measurable. Should PS Chinook or PS steelhead be present in the action area, we would not expect them to have reduced feeding success or reduced quality of prey base.

The proposed Parcel 77 site is not expected to accumulate the level of stormwater pollutants typically associated with parking lots, because the cars stored at this site will be new and not likely to leak or emit contaminants that are typically associated with older vehicles. Typical contaminates in road and parking lot runoff include metals and polyaromatic hydrocarbons (PAHs). As many pollutants are associated with particulates in stormwater (metals and other contaminants bind to the particulates), the most significant pollutant of concern is total suspended solids (Atchison et al. 2006). While eighty percent removal of total suspended solids is a common requirement of stormwater permits, a bioretention facility can remove 100 percent of the total suspended solids that are contained in the portion of the captured storm runoff (Atchison et al. 2006). In addition, ongoing research at the Washington State University has focused on the effects of various stormwater pollutants on zebra fish, salmon, and Daphnia. They found that bioretention reduced stormwater pollutants to a level where toxicity was eliminated in all of the species (Stark 2018). Because of this, at the point of discharge, we do not expect that there will be measurably detectable elevated contaminates in the stormwater. Post-construction, water quality will have improved with the implementation of an enhanced treatment system. If PS Chinook and PS steelhead happen to be present in the area, any effects from the stormwater are expected to be insignificant.

The action area includes designated critical habitat for PS Chinook salmon. Critical habitat consists of six Primary Constituent Elements (PCEs) for the PS Chinook Evolutionary Significant Unit. The action area contains PCE #5. This PCE includes nearshore marine areas free of obstruction and excessive predation with (1) water quality and quantity conditions and foraging opportunities, including aquatic invertebrates and fishes, supporting growth and maturation, and (2) natural cover including submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels.

The NMFS analyzed the potential impacts of the project on this PCE and determined that the potential effects will be insignificant. The removal of riprap and placement of the outfall may result in a slight turbidity increase that could have a short term negative effect to water quality. This effect is ephemeral and water quality will recover to its baseline condition with sufficient speed (turbidity abates within hours). Any increased suspended sediment during in-water work will disturb the planktonic prey organisms in the action area (forage). It is unlikely that numeric changes in the pelagic community will be measurable following in-water work because of the flow-induced movements of these animals, their transient presence in the action area, and the limited extent of likely suspended sediment in the water. Thus, prey items within the action area will be disturbed during in-water work, but the effects are not expected to be measurable. Because the outfall will be built in to the existing slope and the replacement riprap will be part of the slope, the replacement riprap and outfall are not expected to create an obstruction to migration. Over the long-term, water quality will improve with the enhanced treatment system in

place. Because of this, the conservation value of critical habitat in the action area will be maintained or improve.

Conclusion

Based on this analysis, NMFS concurs with the COE that the proposed action is not likely to adversely affect the subject listed species and designated critical habitats.

Reinitiation of Consultation

Reinitiation of consultation is required and shall be requested by the COE or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect on the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16). This concludes the ESA informal consultation.

This concludes consultation under the ESA. If you have questions concerning this consultation, please contact Shandra O'Haleck of the Oregon Washington Coastal Office at 360-753-9533, or by e-mail at shandra.ohaleck@noaa.gov.

Sincerely,

for Barry A. Thom
Regional Administrator

cc: Frank Nichols, COE

REFERENCES

Atchison, D., K. Potter, and L. Severson. 2006. Design Guidelines for Stormwater Bioretention Facilities. University of Wisconsin–Madison Civil & Environmental Engineering.

Duker, G., C. Whitmus, E. Salo, G.B. Grette, and W.M. Schuh. 1989. Distribution of Juvenile Salmonids in Commencement Bay, 1983. Final Report to the Port of Tacoma, Fisheries Research Institute, University of Washington, FRI-UW-8908, Seattle, WA.

Kerwin, J. 1999. Salmon Habitat Limiting Factors Report for the Puyallup River Basin (Water Resource Inventory Area 10). Washington Conservation Commission, Olympia, Washington.

Stark, J. 2018. Biological Effectiveness of Bioretention for Stormwater Pollution Control. Grant proposal for research submitted to the Washington State University. Accessed on March 9, 2018 at: https://portal.nifa.usda.gov/web/crisprojectpages/1000243-biological-effectiveness-of-bioretention-for-stormwater-pollution-control.html

US Army Corps of Engineers
Seattle District

BIOLOGICAL EVALUATION
FOR INFORMAL ESA CONSULTATION
For: NWS-2018-138-WRD (Import Terminal Project)
Version: May 2012

***** This form is for projects that have insignificant or discountable impacts on listed species. It contains all the information required for a biological evaluation, but in abbreviated form and with minimal instructions on how to fill it out. For more detailed instructions, a format for development of a biological assessment or biological evaluation can be found on the Seattle District Corps website (www.nws.usace.army.mil – click on regulatory and then on endangered species, BA Template). You may also contact the Corps at 206-764-3495 for further information.***

Drawings and Photographs - ***Drawings and photographs must be submitted***. Photographs must be submitted showing local area, shoreline conditions, existing overwater structures, and location of the proposed project. Drawings must include a vicinity map; plan, profile, and cross-section drawings of the proposed structures; and over- and in-water structures on adjacent properties. (For assistance with the preparation of the drawings, please refer to our *Drawing Checklist* located on our website at www.nws.usace.army.mil Select Regulatory – Regulatory/Permits – Forms.) Submit the information to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington 98124-3755.

Date: February 22, 2018

SECTION A - General Information			
1. **Applicant name**: Mark Rettmann, Port of Tacoma			
Mailing address: PO Box 1837, Tacoma, WA 98401-1837			
Work phone: 253-592-6716	Home phone:	Email: MRettmann@portoftacoma.com	Fax:
2. **Joint-use applicant name (if applicable)**:			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
3. **Authorized agent name**: Josh Jensen, Anchor QEA, LLC			
Mailing address: 720 Olive Way, Suite 1900, Seattle, Washington 98101			
Work phone: (206) 903-3374	Home phone: (206) 930-1674	Email: jjensen@anchorqea.com	Fax: (206) 287-9131
4. **Location where proposed work will occur** Address (street address, city, county): 3400 Taylor Way Tacoma, WA Location of joint-use property (street address, city, county): Waterbody: Blair Waterway, Commencement Bay, Puget Sound			
¼ Section: SW	Section: 36	Township: 21 North	Range: 3 East
Latitude: 47.1531° North		Longitude: -122.2234° West	

5. Description of Work:

Include project drawings and site photographs.

Describe the proposed project in detail. Please describe any mitigation that is being proposed for impacts from your project. Attach a mitigation plan as an appendix, if appropriate.

The Port of Tacoma (Port) is proposing the Parcel 77 Auto Import Terminal Project (Project) at their **96-acre** property located between the Blair and Hylebos Waterways at 3400 Taylor Way in Tacoma, Washington. The Project is to redevelop property that was previously developed as the former Kaiser Aluminum Site, which has undergone multiple remedial actions by the Port in coordination with the Washington State Department of Ecology (Ecology). Institutional controls and long-term monitoring are currently in place at the Project property to allow future development to occur.

The Project includes redeveloping the Project property into an automobile import terminal. Automobiles will be received from the Port's adjacent EB1 Terminal and transferred to the Project property across Alexander Avenue for processing and shipping. Automobiles will primarily be transported to inland markets from the Project property via rail. Trucks will also transport automobiles from the Project property. It is projected that between 80% and 90% of the imported automobiles will be transported inland by rail.

The purpose of the Project is to provide a terminal for automobile storage, processing, and transport, an important economic function for the Port of Tacoma and the Puget Sound region. The Project will have the secondary benefit of increasing employment opportunities on the Blair Hylebos Peninsula and within the Tacoma tideflats subarea.

The Project will be constructed in two phases as permits and approvals are obtained for each: 1) upland site development, and 2) the new outfall installation. This Biological Evaluation (BE) addresses both the upland site development and the new outfall installation phases of the Project. The construction methods for each phase are provided below. The new outfall installation, which is the in-water element of the Project, is described directly below. It is followed by a description of the proposed upland site development activities and Project best management practices (BMPs). A vicinity map is presented on Figure 1, and an aerial photograph of the Project site is presented on Figure 2. Project design figures are included in Appendices A and B.

The site development activities on the upland portion of the project do not propose in-water work and no 100-year floodplain impacts are anticipated. Construction activity for the new outfall will occur below mean higher high water (MHHW); however, in-water work will be minimized to the greatest extent possible, with work along the shoreline occurring in-the-dry during low tide to minimize water quality effects. The ordinary high water mark (OHWM) of the marine shoreline of the site could not be determined for this Project due to the absence of any definitive OHWM indicators. The mapped MHHW line is used instead of a delineated OHWM in this BE. The term OHWM is used in other Project permit documents to represent both the OHWM and the MHHW line.

<u>New Outfall</u>

The Project is designed to operate permanently, with or without the new outfall in place, by using a proposed stormwater pump station and existing outfall being constructed as part of the upland site development (described below). Upon receipt of applicable permits and approvals for the optional plan,

the new outfall will be installed and will allow for stormwater to discharge by a gravity system, and the interim stormwater pump station will no longer be needed.

The shoreline where the new outfall will be located abuts the Blair Waterway south of the EB1 Terminal. Underground piping will be installed, connecting the underground stormwater vault installed for the interim pump station structure to the new 42-inch outfall. Once the connection is made, the interim pumping equipment will be removed from the vault, and stormwater from the Project property will be discharged entirely by gravity flow. Stormwater will be treated on site prior to discharging to the Blair Waterway. The proposed outfall will be located at an elevation of approximately 2.2 feet MLLW, or approximately 9.6 feet below the OHWM. The outfall will be installed from the interim pump station structure to the Blair Waterway using trenching. Any excavated material will be returned to the ground after the piping is installed.

The underground piping from the treatment vault will be approximately 48-inch diameter PVC, or similar, pipe that is routed approximately 300 feet (lf) under Alexander Avenue and the Tacoma Rail railroad track. Approximately 2,180 cubic yards (cy) of material will be excavated to install the underground piping from the Project property to the new outfall.

The new outfall will be installed within a cast-in-place concrete headwall and anchor block located at an elevation of approximately 11 feet below the OHWM at 0 feet Port Datum. Concrete used below MHHW will include a marine-grade concrete to maintain compliance with state water quality standards. Approximately 41 cy of existing riprap and underlying fill will be excavated to install the new outfall. The new outfall will be installed from the stormwater vault installed for the interim pump station to the Blair Waterway using directional drilling and trenching. Any excavated material will be returned to the ground after the piping and outfall is installed.

Construction activities for the new outfall will occur below MHHW; however, in-water work will be minimized to the greatest extent possible, with work along the shoreline occurring during low tide to minimize water quality effects. Other BMPs will be employed during outfall construction to minimize aquatic impacts, including employing a debris boom during in-water work and minimizing the amount of disturbed soils in the work area below MHHW that could be inundated during tide cycles.

Upland Site Development

The Project site development includes activities to develop the automobile import terminal. A portion of these activities will occur within 200 feet of the MHHW, within the Shoreline Master Program-designated "S-10 Port Industrial Area." No in-water work and no 100-year floodplain impacts are proposed as part of the site development activities. Site development activities will include the following:

- Demolishing two existing buildings and remnant foundations
- Grading the Project property with a graded aggregate base and asphalt of varying thickness to accommodate light- and medium-duty vehicle storage and haulaway loading areas
- Installing new rail spurs and rail loadlines along the south end of the Project property, as well as offsite rail improvements including rail spurs and upgrades on Alexander Avenue and Taylor Way
- Constructing a new processing/administration building, car wash and body shop building, rail support maintenance building, and guard houses
- Installing a fueling island and multiple-compartment aboveground fuel storage tanks
- Installing a security fence around the Project property and entrance gates
- Providing approximately 200 employee parking spaces and landscaping

- Installing utilities (water, gas, sanitary sewer, fiber optics) and stormwater infrastructure, including enhanced stormwater treatment consisting of treatment vaults and bioretention systems
- Installing an interim pump station and connecting stormwater infrastructure at the southwest corner of the Project property to pump stormwater to the existing EB1 Terminal outfall

As described in the letter from the Port to the U.S. Army Corps of Engineers, part of the Project includes removing existing construction stormwater BMPs. These construction stormwater BMPs were installed between 2003 and 2016 as part of smelter demolition, site cleanup, and preparation for redevelopment of the Project property (Warfield 2018). The stormwater BMPs will be replaced with standard permanent stormwater conveyance features, including enhanced stormwater treatment BMPs described in this application.

Demolition and Grading

Demolition activities include demolishing two existing buildings in the southwest corner of the Project property and remnant foundations. The two existing buildings to be demolished are made of steel frame siding and cover an area of approximately 7,000 sf. The remnant concrete foundations to be demolished are located throughout the Project property and total up to approximately 65,000 sf. Demolition activities will be conducted using standard heavy equipment. Removal of the demolition debris will be conducted according to applicable State waste management regulations.

Excavation and fill activities are proposed to install Project features and elevate and reinforce the Project property. Excavation activities will be required to remove existing vegetation and surficial soils (approximately 72,000 cy) and establish the Project subgrade, including building foundations (approximately 90,000 cy) for a total of 162,000 cy. Other excavation activities will include:

- Installing utilities and stormwater trenches. Excavation required for these features will require approximately 22,000 cy of material to a maximum depth of 14 feet below ground surface (bgs) and 21 feet bgs at the interim pump station location.
- Installing the concrete foundations for the luminary 100-foot and 40-foot high mast steel pole foundations. The 100-foot luminaries will have a 4-foot-diameter base and will require excavating to a depth of 25 feet bgs; the 40-foot luminaries will have a 3-foot diameter base and require excavating to a depth of 15 feet bgs, for a total of approximately 300 cy.

In total, approximately 185,100 cy of material will be excavated for the Project over 60 acres of the Project property. Most of the excavated soil will be clean fill from uncontaminated or remediated areas of the Project property. Some remnant contamination will be encountered in utility trenches in the Wet Scrubber Sludge Area and the Former Log Yard Area. All material will be excavated in accordance with the Ecology Model Toxics Control Act Consent Decree No. 16 2 12406 8 (State of Washington 2016) Materials Management Plan and disposed of at an approved upland facility or reused onsite.

Approximately 95,000 cy of clean fill material excavated from the Project property will be reused onsite and placed across most of the Project property as a subgrade layer for asphalt pavement (over 89 acres). Approximately 10,000 cy of clean import fill material may be required to bring the Project property to the desired grade. Medium duty paving zones along the north perimeter truck road will be constructed with approximately 6 inches of graded aggregate base material (crushed rock and gravel) underneath approximately 3 inches of asphalt, pending final geotechnical data. The remainder of the Project property will be a light duty paving zone and constructed with approximately 4 inches of graded aggregate base

material underneath approximately 3 inches of asphalt, pending final geotechnical data. Approximately 45,000 cy of graded aggregate base will be required as a base layer.

In the rail spur area along the south side of the Project property, approximately 6,000 cy of ballast will be required for the rail spurs and walkways and 500 cy of stone binding material will be required near the tracks for unloading areas and roadways.

Rail improvements located within Alexander Avenue and Taylor Way right-of-way will be completed by Tacoma Rail and will require limited excavation of the existing roadway and 800 cy of underlying fill to support installing at-grade rail spurs. Approximately 800 cy of ballast rock will be installed within the excavated areas to install the rail spurs connections.

Overall, approximately 85% of the Project property will be covered with impervious surfaces after construction, including asphalt and buildings. Fill material required for the Project will be clean material sourced from a local vendor. Table 1 provides a summary of grading activities proposed for the Project.

Table 1
Grading Activities Summary

Grading Activity	Location	Quantity (cy)
Excavation: remove existing vegetation and surficial soils	Entire Project property	72,000
Excavation: establish Project subgrade	Entire Project property	90,000
Excavation: install utilities and stormwater trenches	Utility and stormwater facilities	22,000
Excavation: install luminaries and foundations	Luminary locations	300
Excavation: offsite rail improvements	Alexander Avenue and Taylor Way	800
Fill: reuse of excavated material	Entire Project property	95,000
Fill: clean import fill	Entire Project property (as needed)	10,000
Fill: Graded Aggregate Base	Parking/building areas	45,000
Fill: Rail Ballast Rock (onsite)	Railway onsite	6,000
Fill: Rail Ballast Rock (offsite)	Railway offsite	800
Fill: Stone Blinding	Unloading areas/roadways	500
	Total Excavation	**185,100**
	Total Fill (Reuse)	**95,000**
	Total Fill (New)	**62,300**

Auto Import Terminal Development

The auto import terminal development activities will include installing new rail spurs, constructing new structures, installing a new fueling island, installing a security fence and entrance gates, and striping

vehicle inventory areas. Six new rail spurs, rail loadlines, and unloading pads will be installed at the south end of the Project property. The rail spurs will include five loading tracks and one run-around track. The rail spurs will connect to the existing Tacoma Rail tracks on Alexander Avenue and Taylor Way. The trackwork at the Project property will include approximately 13,000 lf of new rail tracks, including eight rail turnouts. The rail spurs will include steel rail on timber or concrete ties. Rail switches and appurtenances will be located within the Project property. The rail spurs will be installed over ballast rock fill material. Rail improvements within the right-of-way include installing a new at-grade rail spur across Alexander Avenue (360 lf), connecting with the existing track on the west side of Alexander, and connecting the onsite rail spurs to the existing track on Taylor Way (260 lf) or installing a new at-grade rail spur across Taylor Way, for a total of 620 lf of new rail within right-of-way or Port of Tacoma easement. The existing track connection crosses through an existing Port of Tacoma easement on Pierce County Parcel No. 5000350110 or slightly north of the easement, on Project property. The new at-grade rail spur will occur on the Project property and within the Taylor Way right-of-way.

New structures will include a new processing/administration building, car wash and body shop, maintenance building, and guard house. The processing/administration building will be 62,780 sf and constructed of metal frame and finished metal siding. There is potential for a 20,000-sf expansion to the process building in the future, depending on market conditions. The car wash and body shop building will be 16,320 sf and constructed of metal frame and finished metal siding. The rail support maintenance building will be 2,100 sf and will be constructed of metal frame and finished metal siding. This building will be used for tool/equipment storage and employee locker/restroom facilities for rail related operations. The two guard houses at the Alexander Avenue and Taylor Way entrances, respectively, will be 108 sf each and constructed of metal frame.

A new fueling island will be installed near the northeast site entrance. The fueling island will be 1,260 sf and constructed with a metal roof canopy. Approximately two fuel pumps will be installed at the fueling island. Gasoline and diesel will be provided using one approximately 1,300-gallon multi-compartment aboveground fuel storage tank. The aboveground fuel storage tank will be a three-compartment, double-walled tank and will be installed using self-containment and other measures meeting applicable local, state, and federal regulations for fueling and fuel storage.

The perimeter of the Project property will be enclosed by an 8-foot high vinyl coated shaker wire security fence. The fence will include one rail gate and vehicle gate at both Alexander Avenue and Taylor Way, and one maintenance access gate. The main entrance gate at Taylor Way will be powered. The Alexander Avenue gate will mainly be used to transfer automobiles from the EB1 Terminal to the Project property. The proposed storage, queuing, and employee parking areas will be demarcated across the Project property for the following features and approximate capacities (totaling approximately 12,100 spaces):

- Employee Parking: 200 spaces
- Truck Loading Positions: 10 spaces
- Automobile Storage: 9,700 spaces
- Processing Queuing: 700 spaces
- Rail Loadlines: 900 spaces
- Haulaway Bays: 300 spaces

Luminaries will be mounted on high mast steel poles at 100 and 40 feet above ground surface as determined by lighting requirements. The high mast poles will be installed on 4-foot and 2-foot diameter

foundations, respectively. Each luminary pole will include LED light fixtures and will be installed at approximately 400-foot intervals as determined by lighting requirements.

Utilities and Stormwater

Utilities will be installed across the Project property, connecting to proposed structures and fire suppression equipment, including fire hydrants. Utilities will include electricity, water, natural gas/propane, sanitary sewer, and fiber optics. All utilities will be installed in coordination with local utility providers and in compliance with City of Tacoma requirements.

Stormwater from most of the Project property will be directed to water treatment vaults and catch basins. Where stormwater is collected in catch basins, pipes will route the stormwater through underground stormwater treatment vaults located downstream of the catch basins. Stormwater from approximately 10 acres of the Project property will be directed by surface flow to one of two bioretention systems, which will be located along the southern and western borders. These bioretention systems will include bioretention soil mix, a network of underdrains and an impermeable liner to prevent intrusion of groundwater. The bioretention systems will be planted with vegetation consistent with required design specifications for bioretention features.

Following passage through either stormwater treatment vaults or bioretention systems, stormwater will be routed through piping to one of two discharge areas: one existing discharge area located at the northeast corner and a second discharge area located at the southwest corner of the Project property. At the northeast corner of the Project property, stormwater will be released to an existing stormwater/detention pond that was established by the previous tenant, Kaiser Aluminum. Grading activities near the existing northeast stormwater/detention pond will occur above MHHW. This stormwater/detention pond has a piped discharge near Taylor Way which crosses under Taylor Way and continues northeast approximately 1,200 feet to a discharge on the Hylebos Waterway.

Near the southwest corner of the Project property, the Port is proposing to install an interim pump station west of Alexander Avenue to pump stormwater to an existing storm drainage system and outfall located within the limits of the EB1 Terminal. The pump will be installed to new piping and a stormwater vault (i.e., 20-inch-diameter by 18-foot deep manhole). Trenching will be required from the Project property to the interim pump station vault (connecting to an existing vault at the EB1 Terminal for discharge to an existing outfall) to a maximum depth of 21 feet bgs.

Best Management Practices

BMPs implemented during construction and operation to avoid or minimize impacts to the environment may include, but are not limited to:

- All applicable permits for the Project will be obtained prior to construction. Construction and operation will be performed according to the requirements and conditions of these permits.
- In-water construction activities will comply with state water quality standards.
- In-water work will occur during the approved regulatory work window. The allowable in-water work window for Commencement Bay is anticipated to be July 15 to February 14, or an approved extension, as described in Section 6.A.
- A debris boom will be in-place during in-water construction activities.

- Stormwater runoff from the project will be conveyed and treated per the requirements of the current Port of Tacoma Stormwater Management Guidance Manual (2015) and the City of Tacoma Stormwater Management Manual (2016).
- The Contractor will be responsible for preparing a Spill, Prevention, Control, and Countermeasures Plan to be used for the duration of the Project to safeguard against unintentional spills of fuel, lubricants, or hydraulic fluid from construction equipment.
- The Port (or selected Contractor) will prepare and implement a Stormwater Pollution Prevention Plan for the Project.
- Erosion control measures will be implemented during construction as shown in the Erosion Control Plan prepared for the Project.
- The Contractor will be responsible for preparing a Materials Management Plan for handling and disposing of excavated material during construction and complying with the Ecology consent decree Materials Management Plan.
- All equipment to be used for construction activities will be cleaned and inspected prior to arriving at the site to ensure no leaks are present and the equipment is functioning properly.
- Movement of railcars will be conducted using Tacoma Rail procedures to minimize the risk of accident and/or traffic impacts.

For projects that include pile driving

If steel or concrete piles are being installed with an impact hammer pile driver, marbled murrelets may be adversely impacted. For installation of any type of pile with a vibratory pile driver, marine mammals may be adversely impacted. A monitoring plan may be required to ensure protection of these species.

Pile driving activities are not included as part of the Project.

Please fill out the following: (obtain information from contractor)	
5.1 Number of piles being replaced:	N/A
5.2 Replacement pile type: (e.g.: ACZA-treated wood, steel, coating used on steel piles)	
5.3 Replacement pile size: (e.g. 12-inch)	
5.4 Installation method: (e.g.: vibratory, impact hammer)	**Note:** Vibratory or impact installation of wood, concrete, plastic, or other non-metal piles of any size is allowed. Impact installation of steel piles in marine waters is not covered under the programmatic and, in freshwater, is only covered programmatically for steel piles up to 10 inches.
5.5 Anticipated dates, number of minutes and number of days vibratory pile driving	_____ minutes per day _____ number of days Anticipated dates:

Please fill out the following: (obtain information from contractor)	
5.6 For vibratory installation, will proofing be required? If so, how many pile strikes per pile?	Yes _____ Number of pile strikes per pile _____ No _____
5.7 For impact hammer installation, estimate the number of pile strikes required per pile:	
5.8 For impact hammer installation or proofing, estimated number of pile strikes per day:	Minutes per day: _____ Number of days: _____ Anticipated dates:
5.9 For impact hammer pile driving or proofing, sound attenuation measures:	
5.10 Anticipated dates, number of minutes and number of days of impact hammer pile driving or proofing:	
5.11 Describe substrate into which piling will be driven:	

6. Construction Techniques:
Describe methods and timing of construction to be employed in building the project and any associated features. Identify actions that could affect listed / proposed species or designated / proposed critical habitat and describe in sufficient detail to allow an assessment of potential impacts. Consider actions such as vegetation removal, temporary or permanent elevations in noise level, channel modifications, hydrological or hydraulic alterations, access roads, power lines etc. Also discuss construction techniques associated with any interdependent or interrelated projects.
Address the following:

A. Construction sequencing and timing of each stage (duration and dates):

The Project is expected to start in May 2018 and last about 26 weeks. The work includes the following actions:

- Upland site development:
    - Demolishing two existing buildings and remnants;
    - Grading the Project property and paving with asphalt to accommodate light- to heavy-duty vehicle storage and haulaway loading areas;
    - Installing new rail spurs and rail loadlines;
    - Constructing a new processing building, car wash and body shop buildings, a maintenance building, and guard houses;
    - Installing a new fueling island and multiple-compartment aboveground storage tanks;
    - Installing a security fence around the perimeter of the property and entrance gates;
    - Installing utilities (water, gas, sanitary sewer, fiber optics) and stormwater infrastructure, including enhanced stormwater treatment;
    - Installing an interim pump station to pump stormwater to an existing outfall;
- New Outfall Installation:
    - Installing a new stormwater pipe and outfall to Blair Waterway.

In-water work will be performed consistent with allowable in-water work windows established by regulatory agencies to minimize potential disturbance to sensitive fish and wildlife species. The allowable in-water work window for Commencement Bay is anticipated to be July 15 to February 14, or an approved extension. The Washington Department of Fish and Wildlife (WDFW) established the July 15 to February 14 in-water work window for Commencement Bay in WAC 220-660-330. The WDFW-approved in-water work window is based on several decades of scientific studies, fish monitoring, and empirical data in and around Commencement Bay, and permits associated with Port projects over the last 10 years or more. In general, there is very little fish use in the waterways and along the riprap slopes of the waterways of Commencement Bay during this time period.

The largest spatial and temporal salmonid sampling in Commencement Bay was conducted by the Puyallup Tribe of Indians between 1980 and 1995 (Duker et al. 1989; PIE 2000). Data were collected at 44 different locations from Ruston Way to Browns Point and included the industrial waterways. Sampling was mainly conducted from late winter until mid-summer. Data from the 15-year study indicate that significant numbers of salmonids start to arrive in Commencement Bay in mid-April, peak in mid-June, and move into Puget Sound by mid-July. Beach seining data from the seven Blair Waterway locations demonstrated a similar trend in seasonal abundance of salmonids.

The Port, WDFW, City of Tacoma and the Puyallup Tribe of Indians collected additional juvenile salmonid presence and abundance data from the Blair Waterway from February through March 2004 through 2006 (Grette 2007). This research demonstrated juvenile salmonids arrived earlier than previously thought and led to an agreement between the Port and WDFW to update the fish window closure from March 15 to February 15.

A study of juvenile salmonid utilization for the Commencement Bay Natural Resource Damage Assessment and Restoration Trustees indicated peak catch of salmonids (Chinook, coho, chum and pink) at the seven sampled restoration sites were between April and June; the same seven restoration sites displayed significant reductions in catch per unit effort between June and July (Ridolfi 2009).

B. Site preparation:

Site preparation consists of installing erosion and stormwater control BMPs in areas where excavation, demolition, grading and other ground disturbance activities are proposed for construction. Vegetation removal is limited to weedy grass and herbaceous vegetation in disturbed areas with gravel or patches of paved surfaces. Non-native invasive species such as Himalayan blackberry (*Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*) are present in patches and cracks in old pavement throughout the site and will be removed during demolition and grading activities.

C. Equipment to be used:

Equipment used for construction activities will include typical heavy construction equipment such as excavators and dump trucks. Work below MHHW will occur from land during low tides to avoid in-water work as much as practicable.

D. Construction materials to be used:

Construction materials will include asphalt, rail spurs, rail loadlines, fencing, PVC piping, concrete, anchor blocks, and armored shoreline material (riprap); materials for a new processing building, car wash

and body shop building, maintenance building, and guard houses; and materials for installing utilities (water, gas, sanitary sewer, fiber optics) and stormwater infrastructure, including enhanced stormwater treatment consisting of modular wetlands and bioretention systems.

E. Work corridor:

Site development activities will occur within the Project site boundary (Figure 2). The work corridor includes crossing Alexander Avenue and will involve trenching and/or directional drilling to connect a temporary stormwater pipe to an existing stormwater system at the EB-1 Terminal, and for work associated with construction of the new outfall. Work will also occur adjacent to the rights-of-way for Alexander Avenue and Taylor Way associated with the new rail connecting to the existing Tacoma Rail railroad track. Work below MHHW is limited to the area of the excavation for the outfall.

F. Staging areas and equipment wash outs:

Staging areas and equipment washouts will be located on site and will be used to the extent necessary for the Project to maintain a clean site and to prevent track-out from construction equipment onto Alexander Avenue, Taylor Way and/or nearby arterials.

G. Stockpiling areas:

Stockpile areas of construction materials will be located on site and protected from erosion to prevent sediment-laden waters from leaving the Project site.

H. Running of equipment during construction:

Construction equipment will primarily be in operation during weekday daytime hours; however, work during nighttime hours or weekends may be required depending on schedule constraints associated with periods of low tide when working below MHHW. Construction equipment is not anticipated to be elevated above ambient noise levels from surrounding industrial activities. If work needs to occur outside normal weekday daytime hours, appropriate noise variance permits will be obtained prior to the work being conducted.

I. Soil stabilization needs / techniques:

No soil stockpiling is proposed as part of the Project; therefore, soil stabilization practices are not proposed. Appropriate BMPs will be installed prior to soil disturbance to minimize the potential for erosion and sediment-laden water from leaving the Project area. BMPs may include but are not limited to scheduling soil disturbance work during the dry season (May through October), silt fence, straw wattles, marking clearing limits and construction entrances/exits.

J. Clean-up and re-vegetation:

All excess material from excavation activities will be tested for pollutants and properly disposed of. Vegetation removal is limited to weedy grass and herbaceous vegetation in disturbed areas with gravel or patches of paved surfaces. Vegetation planting associated with the Project includes hydroseeding the bioretention system and landscaping.

K. Storm water controls / management:

New infrastructure to manage on-site stormwater includes catch basins, conveyance pipes, enhanced treatment systems and a new outfall to the Blair Waterway. The Project is designed to treat stormwater to meet the Washington Department of Ecology's Industrial Stormwater General Permit benchmarks for turbidity, pH, zinc, copper, and petroleum prior to discharge.

L. Source location of any fill used:

Clean fill material will be sourced from a preapproved local purveyor.

M. Location of any spoil disposal:

Dredging spoils will not be generated from the Project. Excess soil from grading activities that cannot be reused on site will be tested for pollutants and properly disposed of at an approved disposal facility (generally a Subtitle D landfill).

7. Action Area

Please describe the action area. The action area means all areas to be affected directly (e.g., earth moving, vegetation removal, construction noise, placement of fill, release of environmental contaminants) and indirectly by the proposed action. (Example: as a direct effect, the action area for pile driving would include the area out to where the noise from the pile driving falls below the level of harm or disturbance for listed species. For vibratory hammer pile driving impacts to killer whales, this level is 120 dB. Action area will include any area where the underwater noise level may exceed 120 dB).

The action area is defined as the geographic area encompassing all of the physical, chemical, and biological changes that will occur directly or indirectly from the proposed action. Consideration of geographic footprint, noise, and potential turbidity is necessary to determine the extent of the action area.

Construction activity below MHHW may temporarily resuspend sediments in the water column. However, work below MHHW will be performed in-the-dry during low tide to the extent practicable to minimize in-water work. Some minor turbidity may also occur when disturbed soils in the work area below MHHW are inundated during high tides.

In-air and in-water noise from construction equipment may also occur, but is not anticipated to exceed ambient noise levels from existing conditions; the action area lies within a highly active industrial area of the Blair Waterway in Commencement Bay. As a result, noise disturbance is typical and expected, including elevated in-air and in-water noise from vessel, truck, and train traffic and other marine industrial activity.

Based on these considerations, the action area has been defined based on the extent of direct and indirect effects from the main activity of construction noise, construction below MHHW, and water quality impacts from operations of the proposed action after construction is complete. This action area includes the immediate project footprint and the Blair Waterway and the Hylebos Waterway.

Washington Administrative Code 173-201A-210 provides guidance for a temporary zone of mixing during and immediately after necessary in-water construction activities that result in disturbance of in-place sediments. For marine waters, the point of compliance for this temporary mixing zone is 150 feet from the activity. Based on this point of compliance, a conservative project footprint can be based on a

potential worst-case dispersion of turbidity during limited in-water work and during tidal cycles when disturbed soils in work areas below MHHW are inundated, although it is expected that any turbidity increases would rapidly dissipate. Thus, a conservative boundary of potential turbidity effect will be defined as twice the mixing zone, at 300 feet. The project footprint will therefore include the 300-foot radius around the location of work below MHHW as well as the footprint of all other upland site development work, as shown in Figure 3.

Indirect effects from stormwater discharge to the Blair Waterway and the Hylebos Waterway once construction is complete is also included as part of the action area. The Blair Waterway will be the receiving waters for the Project site after being treated through a series of modular treatment systems and a bioretention facility in the southwest portion of the site via new piped conveyance to a temporary pump station for discharge through an existing outfall on the EB-1 Terminal, then to the newly-constructed outfall. The Hylebos Waterway will be the receiving waters for the Project site via existing piped conveyance from an on-site pond in the northeast portion of the site after being treated through a series of modular treatment systems. While water quality improvements are not anticipated to be significant or measurable, due to these potential indirect effects, both waterways are included in their entirety as part of the action area.

8. Species Information:

Identify each listed or proposed species, including terrestrial species, as well as designated or proposed critical habitat in the action area. Please include information on which listed species use are expected to be found in the action area and the potential for them to be there during project activities.

Endangered Species Act (ESA)-listed species and critical habitats under National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) jurisdiction in Western Washington are referenced on their respective websites. The USFWS identifies ESA-listed species that occur or may occur within a specific location where a project is proposed (USFWS 2017). The NMFS identifies ESA-listed species that occur or may occur within a broad geographic area, such as an evolutionary significant unit (ESU) or a distinct population segment (DPS), as opposed to a project-specific location (NMFS 2017). The January 2018 status of federally listed species and/or critical habitats protected under the ESA that occur or may occur within the proposed Project area is presented in Table 1. There are five ESA-listed species identified by the USFWS and NMFS that do not occur in the Blair Waterway or the vicinity of the Project Action Area and do not provide potential habitat based on the species' life history and habitat requirements. These species are identified in Table 2.

Table 1
Federally Listed Species, ESA Status, and Critical Habitat Status that May Occur in the Project Action Area

Species	Status	Agency	Critical Habitat
Salmonids			
Chinook salmon (*Oncorhynchus tshawytscha*)	Threatened (Puget Sound ESU)	NMFS	Designated
Puget Sound steelhead trout (*Oncorhynchus mykiss)*	Threatened (Puget Sound DPS)	NMFS	Designated
Bull trout (*Salvelinus confluentus*)	Threatened (Puget Sound DPS)	USFWS	Designated Puget Sound

Species	Status	Agency	Critical Habitat
Rockfish			
Bocaccio (*Sebastes paucispinus)*	Endangered (Puget Sound/Georgia Basin DPS)	NMFS	Designated Puget Sound (does not include Blair Waterway)
Yelloweye rockfish *(Sebastes ruberrimus)*	Threatened (Puget Sound/Georgia Basin DPS)	NMFS	Designated Puget Sound (does not include Blair Waterway)
Marine Mammals			
Killer whale (*Orcinus orca*)	Endangered (Southern Resident DPS)	NMFS	Designated
Humpback whale (*Megapterus novaeangliae*)	Endangered	NMFS	None designated or proposed
Birds			
Marbled murrelet *(Brachyramphus marmoratus*)	Threatened	USFWS	Designated

Table 2
Federally Listed Species, ESA Status, and Critical Habitat Status that Do Not Occur in the Project Action Area

Species	Status	Agency	Critical Habitat
Fish			
Green sturgeon *(Acipenser medirostris)*	Threatened (Southern DPS)	NMFS	None in Puget Sound
Pacific eulachon (*Thaleichthys pacificus)*	Threatened (Southern DPS)	NMFS	Designated Puget Sound (does not include Blair Waterway)
Turtles			
Leatherback sea turtle (*Dermochelys coriacea*)	Endangered	NMFS	None designated or proposed in Washington state
Birds			
Streaked horned lark (*Eremophila alpestris strigata)*	Threatened	USFWS	Designated
Yellow-billed Cuckoo (*Coccyzus americanus)*	Threatened	USFWS	Proposed

As shown in Table 1, nine ESA-listed species occur or may occur within the action area. Of the nine species, eight are aquatic (six fish and two marine mammals) and one is terrestrial (bird). No ESA-listed plant or insect species are identified as potentially occurring within the action area. Designated critical habitat for eight of the nine species is present within Pierce County; humpback whales do not have critical habitat designated or proposed.

The following discussion provides an assessment of the potential presence of ESA-listed species and habitats within the site.

All eight of the ESA-listed aquatic species identified in Table 1 are documented in Puget Sound and are known to occur in Commencement Bay.

The fish species bocaccio and yelloweye rockfish are associated with deepwater habitats of Puget Sound and typically breed and forage near the ocean floor. Adults of these species are very unlikely to be present in inner Commencement Bay or the Blair and Hylebos Waterways. Juveniles of these species do migrate in nearshore habitats and may potentially occur in the nearshore habitat of the mouths of the Blair and Hylebos Waterways in the vicinity of the action area.

The marine mammal species Southern Resident killer whale typically occurs in the deepwater habitat of Puget Sound and may occur in Commencement Bay, but is very unlikely to occur in the narrow waterway of the Blair or Hylebos Waterways in the vicinity of the action area. Areas with water less than 20 feet deep are not designated as critical habitat for Southern Resident killer whales. Offshore habitat of the Blair and Hylebos Waterways with water depths deeper than 20 feet does meet the criteria for Southern Resident killer whale designated critical habitat.

Humpback whales generally occur off the outer coast but have been observed on occasion in Commencement Bay. They are very unlikely to occur in the narrow confines of the action area in the vicinity of the Blair and Hylebos Waterways (NOAA 1991). Humpback whales are not addressed further in this BE due to the location of the action area in the shallow waters of the Blair and Hylebos Waterways.

Of the eight ESA-listed aquatic species, only the following three species are likely to occur within the narrow and relatively shallow water of the Blair and Hylebos Waterways in the vicinity of the action area:

- Chinook salmon (Puget Sound ESU)
- Steelhead trout (Puget Sound ESU)
- Bull trout (Coastal-Puget Sound DPS)

The marine habitat of Commencement Bay, and the Blair and Hylebos Waterways adjacent to the Project footprint, is within designated critical habitat for Chinook salmon, steelhead, and bull trout.

Marbled murrelets are not expected in the narrow area of Blair or Hylebos Waterways near the Project footprint at any time of the year based on rare observations in the larger area of Commencement Bay and no known or confirmed breeding locations are nearby (Tirhi pers. comm. 2013). The WDFW Priority Habitats and Species (PHS) database records no species occurrence for marbled murrelets in or near the project area (WDFW 2017a). The nearest marbled murrelet critical habitat areas to Commencement Bay are located approximately 40 miles northwest on the Olympic Peninsula, 40 miles southwest in the Capitol State Forest, and 30 miles southeast near Mount Rainier National Park (61 FR 26257).

As identified in Table 2, three ESA-listed aquatic species that occur in Puget Sound are not addressed in the BE due to the location of the Project in the vicinity of the Blair Waterway and the species life history and habitat requirements. These include the southern DPS of green sturgeon, leatherback sea turtle, and southern DPS of Pacific eulachon. Specific reasons for not including these species in the BE analysis are as follows:

- Two confirmed Southern DPS green sturgeon were detected in Puget Sound in 2006, but the extent to which green sturgeon from the Southern DPS use Puget Sound is uncertain (NOAA 2009). Observations of green sturgeon in Puget Sound are much less common compared to the coastal Washington estuaries and bays, such as Willapa Bay, Grays Harbor, and the Lower Columbia River estuary. In addition, Puget Sound does not appear to be part of the coastal migratory corridor that Southern DPS green sturgeon use to reach overwintering grounds north of Vancouver Island, and was excluded from the final designated critical habitat (NOAA 2009).
- Leatherback sea turtles primarily occur in outer coastal areas and are extremely rare in Puget Sound (NOAA 2012).
- The Southern DPS of Pacific eulachon are not expected to occur in Puget Sound (Wydoski and Whitney 2003). The majority of the population resides in the Columbia River basin (Emmett et al. 1991; Willson et al. 2006).

The two ESA-listed terrestrial species, streaked horn lark and yellow-billed cuckoo, are generally considered to have a low tolerance to human activity. Potential habitat for streaked horn lark and yellow-billed cuckoo is not located within the Project area or its vicinity.

To determine what listed or proposed species may occur in the action area, contact NOAA Fisheries at the address listed below and obtain a county list of federally listed/ designated and proposed species and critical habitat from the:

U.S. Fish and Wildlife Service at: http://westernwashington.fws.gov/se/SE_List/endangered_Species.asp

National Marine Fisheries Service at:
510 Desmond Dr., SE # 103
Lacey, WA 98503
(360) 753-9530
http://www.nwr.noaa.gov

The following species are listed as of February 22, 2018:

USFWS SPECIES
BIRDS
Marbled murrelet
Northern spotted owl
Short-tailed albatross
Western snowy plover

MAMMALS
Canada lynx
Columbia white-tailed deer
Gray wolf (western WA)
Gray wolf (eastern WA)
Grizzly bear
Woodland caribou
Pygmy rabbit (Columbia Basin DPS)

INSECTS
Oregon silverspot butterfly

PLANTS
Bradshaw's desert parsley
Marsh sandwort
Showy stickseed
Wenatchee Mtns. Checker-mallow
Golden paintbrush
Kincaid's lupine
Nelson's checker-mallow
Water howellia
Spalding's catchfly
Ute ladies'-tresses

FISH
Bull trout, Columbia River
Bull trout, coastal-Puget Sound
Dolly varden, coastal-Puget Sound

NMFS SPECIES
FISH
Chum, Columbia River
Chum, Hood Canal summer
Chinook, lower Columbia River

Chinook, upper Columbia River spring
Chinook, Puget Sound
Chinook, Snake River fall
Chinook, Snake River spring-summer
Chinook, upper Willamette River
Coho, lower Columbia River
Sockeye, Ozette Lake
Sockeye, Snake River
Steelhead, upper Columbia River
Steelhead, middle Columbia River
Steelhead, lower Columbia River
Steelhead, Snake River
Steelhead, upper Willamette River
Steelhead, Puget Sound
Sturgeon, Green (southern DPS)
Eulachon, Pacific (southern DPS)
Bocaccio (Georgia Basin DPS)
Rockfish, yelloweye (Georgia Basin DPS)

MARINE MAMMALS
Humpback whale
Blue whale
Fin whale
Sei whale
Sperm whale
Southern resident killer whale

REPTILES-AMPHIBIANS
Leatherback sea turtle
Loggerhead sea turtle
Green sea turtle
Olive Ridley sea turtle

9. Existing Environmental Conditions:
Describe existing environmental conditions for the following:

A. Shoreline riparian vegetation and habitat features

The shoreline in the Project area and the surrounding action area is developed with industrial land use facilities. The shoreline in the Project area is armored with riprap and angular rock. Vegetation is limited to areas above MHHW, typically at the top of the armored shoreline and includes non-native invasive species commonly found in industrial shoreline environments including Himalayan blackberry, butterfly bush (*Buddleja davidii*), and other upland weedy species. A few native tree species located at the top of the shoreline slope include red alder (*Alnus rubra*) and Pacific madrone (*Arbutus menziesii*).

B. Aquatic substrate and vegetation (include information on the amount and type of eelgrass or macroalgae present at the site)

Proposed work below MHHW is located on the armored shoreline. No aquatic vegetation present within the Project footprint of the proposed activity below MHHW.

C. Surrounding land/water uses

The Project property and surrounding area is located on the Blair-Hylebos Peninsula and is currently zoned as Port Maritime Industrial. The previously developed upland areas within the Project footprint are currently mostly vacant. Alexander Avenue is also located within the Project area. The Blair Waterway is an industrial-use navigation channel.

D. Level of development

The surrounding area of the Blair-Hylebos Peninsula is almost entirely developed with commercial and industrial activities.

E. Water quality

In 1983, Blair Waterway was added to the Environmental Protection Agency's (EPA's) National Priorities List as part of the Commencement Bay/Nearshore Tideflats Superfund Site (EPA 2014). Sediment removal occurred between 2002 and 2006. Inner Commencement Bay is listed on the Ecology 303(d) List for the parameters identified in Table 3 (Ecology 2017):

Table 3
Inner Commencement Bay 303(d) Listing

Listing ID	Parameter	Medium	Category
8669	Dieldrin	Tissue	5
8671	PCB	Tissue	5
36173	Chlorinated Pesticides	Tissue	5
36174	DDT and Metabolites	Tissue	5
36176	HPAH	Tissue	5

Notes:
Source: http://www.ecy.wa.gov/programs/wq/303d/currentassessmt.html
PCB = polychlorinated biphenyl

F. Describe use of the action area by listed salmonid fish species.

Chinook salmon
Puget Sound ESU Chinook salmon have been documented in Hylebos Creek (via the Hylebos Waterway) and Commencement Bay, but not Wapato Creek (via the Blair Waterway) (WDFW 2017b). Potential suitable habitat for ESA-listed Chinook salmon adults and outmigrating juveniles occur in the Puyallup River and Hylebos Creek, and adult Chinook salmon temporarily hold within the waters of Commencement Bay or migrate to upstream spawning waters within the Puyallup Basin. Adult Chinook salmon are not likely to be present within the Blair Waterway for an extended period of time. Similarly, juvenile Chinook salmon are not expected to spend significant time within the Blair Waterway, but could potentially rear within the nearshore waters of Commencement Bay. Chinook salmon use of the Blair Waterway is up to three times greater near the mouth of the waterway than near the head (Duker et al. 1989). The Blair Waterway and Hylebos Waterway do not provide suitable spawning habitat for Chinook salmon, as the waterways are a marine environment.

Steelhead
The action area has some potentially suitable habitat for migrating adults and outmigrating juvenile Puget Sound DPS steelhead. Puget Sound DPS steelhead have been documented in Hylebos Creek (via the Hylebos Waterway), Wapato Creek (via the Blair Waterway), and Commencement Bay (WDFW 2017b). Adult and juvenile steelhead most likely use the waterways as a migration corridor. Puget Sound DPS steelhead could be present at all times of the year and migrate through Commencement Bay and Puyallup River, or within the Blair or Hylebos Waterway to Wapato or Hylebos Creeks, respectively. Outmigration of juveniles could occur between approximately the middle of March through the middle of July, and rearing juveniles could be present in Commencement Bay or adjacent waters of Puget Sound at any time of the year.

Bull Trout

Sparse suitable habitat and water quality issues within the Blair and Hylebos Waterways may deter the presence of bull trout in the immediate vicinity of the proposed project. Bull trout have been documented in the Hylebos Waterway (WDFW 2017b). The waterways provide only migratory habitat for bull trout migrating to areas higher in the Puyallup River Watershed. Most migratory bull trout leave freshwater and enter Puget Sound during late winter and spring, then return to freshwater during late spring and early summer (Goetz & Jeanes 2004). Migrating adult or subadult bull trout could potentially migrate within the Hylebos Waterway between approximately mid-February and mid-July. Adult and/or rearing juvenile bull trout could be present within Commencement Bay or adjacent waters of Puget Sound at any time of the year.

G. Is the project located within designated / proposed bull trout or Pacific salmon critical habitat? If so, please address the proposed projects' potential direct and indirect effect to primary constituent elements (Critical habitat templates can be found on the Corps website at: http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx, select Forms, Tools and References; Forms and Templates; Critical Habitat Assessment Forms.

Critical habitat in the action area has been designated for the Puget Sound ESU of Chinook salmon, Puget Sound DPS of steelhead, and the Coastal Puget Sound DPS of bull trout (USFWS 2017). Tables 4 and 5 summarize the potential Project effects on Chinook salmon, steelhead, and bull trout primary constituent elements (PCEs). The PCEs for Chinook salmon and steelhead are the same.

The PCEs for Chinook salmon and steelhead that are present within the action area, as discussed in Table 4, are PCEs 4, 5, and 6. The aquatic portion of the Project is located along the shoreline of a navigation channel in a heavily developed industrial area of the Blair Waterway that includes riprap armoring, poor riparian vegetation conditions, and lack of complex shoreline habitat. Work below MHHW will be performed during low tide above the water line to minimize in-water work to the greatest extent practicable. Some minor turbidity may occur when disturbed soils in the work area below MHHW are inundated during high tides. No measurable long-term effects to the above-mentioned PCEs will result from the Project.

Table 4
Potential Project Effects on Chinook Salmon and Steelhead Primary Constituent Elements

Chinook Salmon Primary Constituent Element	PCE Present	Potential Project Effects
1. Freshwater spawning sites, with water quantity and quality conditions and substrate that support spawning, incubation, and larval development	Not present	N/A
2. Freshwater rearing sites, with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage that support juvenile development; and natural cover, such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks	Not present	N/A
3. Freshwater migration corridors free of obstruction, with water quantity and quality conditions and natural cover such as submerged and overhanging large wood,	Not present	N/A

Chinook Salmon Primary Constituent Element	PCE Present	Potential Project Effects
aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival		
4. Estuarine areas free of obstruction, with water quality, water quantity and salinity conditions that support juvenile and adult physiological transitions between fresh- and saltwater; natural cover, such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels, and juvenile and adult forage, including aquatic invertebrates and fishes, that support growth and maturation	Present	In-water work is limited to the outfall construction. Work below MHHW will occur during low tides above the water line to the extent feasible to minimize in-water work. Work below MHHW will also occur during the allowable in-water work window, which is when salmonids are less likely to be present. Some minor turbidity could occur when disturbed soils in the work area below MHHW are inundated during high tides or during limited in-water work. Long-term effects to water quality that may result from the Project include improved water quality being discharged from the site due to newly-installed stormwater treatment systems; however, these water quality improvements are not anticipated to be significant or measurable.
5. Nearshore marine areas free of obstruction, with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, that support growth and maturation; and natural cover, such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels	Present	In addition to the information provided in PCE 4, proposed work below MHHW is limited to the armored shoreline and does not include the channel bottom or the removal of any natural cover. Proposed construction will not result in loss of habitat features.
6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, that support growth and maturation	Present	Short-term effects to water quality may occur related to minor turbidity when disturbed soils in the work area below MHHW are inundated during high tides or during limited in-water work.. Potential turbidity is expected to be short-term and localized, and

Chinook Salmon Primary Constituent Element	PCE Present	Potential Project Effects
		is not expected to result in any long-term effects. Long-term effects to water quality that may result from the Project include improved water quality being discharged from the site due to newly-installed stormwater treatment systems; however, these water quality improvements are not anticipated to be significant or measurable. Forage fish spawning habitat is not located within the Project footprint. No long-term modifications to prey species habitats are expected.

Notes:
N/A = not applicable

The PCEs for bull trout that are present within the action area include PCEs 2, 3, 4, and 8, as discussed in Table 5. The location of the Project footprint, the Blair Waterway, does not serve as a migratory corridor for transient subadult and adult bull trout. The Hylebos Waterway within the action area does serve as a corridor for migrating subadult and adult bull trout; however, PCEs are impeded by modifications to the aquatic environment that support surrounding industrial uses. The Project is located in a heavily industrialized portion of the Blair Waterway that includes riprap armoring, poor riparian vegetation conditions, and lack of complex shoreline habitat. The proposed Project will result in temporary disturbance below MHHW and may result in temporary, localized turbidity increases when disturbed soils in the work area below MHHW are inundated during high tides or during limited in-water work. No channel bottom substrate disturbance or disturbance of benthic and epibenthic prey will occur. No measurable long-term effects to the above-mentioned PCEs will result from proposed action.

Table 5
Potential Project Effects on Bull Trout Primary Constituent Elements

Bull Trout Primary Constituent Element	PCE Present	Potential Project Effects
1. Springs, seeps, groundwater sources, and subsurface water connectivity (hyporheic flows) to contribute to water quality and quantity and provide thermal refugia.	Not present	N/A
2. Migratory habitats with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and freshwater and marine foraging habitats, including, but not limited to permanent, partial, intermittent, or seasonal barriers.	Present	In-water work is limited to the outfall construction. Work below MHHW will occur during low tides above the water line to the extent feasible to minimize in-water work. Work below MHHW will also occur during the allowable in-water work window, which is when salmonids are less likely to be present.

Bull Trout Primary Constituent Element	PCE Present	Potential Project Effects
		Some minor turbidity could occur when disturbed soils in the work area below MHHW are inundated during high tides or during limited in-water work. Long-term effects to water quality that may result from the Project include improved water quality being discharged from the site due to newly-installed stormwater treatment systems; however, these water quality improvements are not anticipated to be significant or measurable.
3. An abundant food base, including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish.	Present	The proposed Project will result in temporary disturbance below MHHW. No channel bottom substrate disturbance or disturbance of benthic and epibenthic prey will occur.
4. Complex river, stream, lake, reservoir, and marine shoreline aquatic environments and processes, with features such as large wood, side channels, pools, undercut banks and substrates, to provide a variety of depths, gradients, velocities, and structure.	Present	Baseline conditions (riprap shoreline) do not provide complex marine shoreline habitat.
5. Water temperatures ranging from 2 to 15 °C (36 to 59 °F), with adequate thermal refugia available for temperatures at the upper end of this range. Specific temperatures within this range will vary depending on bull trout life-history stage and form; geography; elevation; diurnal and seasonal variation; shade, such as that provided by riparian habitat; and local groundwater influence.	Not present	N/A
6. Substrates of sufficient amount, size, and composition to ensure success of egg and embryo overwinter survival, fry emergence, and young-of-the-year and juvenile survival. A minimal amount (e.g., less than 12 percent) of fine substrate less than 0.85 mm (0.03 inch) in diameter and the minimal embeddedness of these fines in larger substrates are characteristic of these conditions.	Not present	N/A
7. A natural hydrograph, including peak, high, low, and base flows within historic and seasonal ranges or, if flows are controlled, they minimize departures from a natural hydrograph.	Not present	N/A
8. Sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited.	Present	The proposed Project will result in temporary disturbance below MHHW and may result in temporary, localized turbidity increases when disturbed soils in the work area below MHHW are

Bull Trout Primary Constituent Element	PCE Present	Potential Project Effects
		inundated during high tides or during limited in-water work. Long-term effects to water quality that may result from the Project include improved water quality being discharged from the site due to newly-installed stormwater treatment systems; however, these water quality improvements are not anticipated to be significant or measurable.
9. Few or no nonnative predatory (e.g., lake trout, walleye, northern pike, smallmouth bass; inbreeding (e.g., brook trout); or competitive (e.g., brown trout) species present.	Not present	N/A

Notes:
N/A = not applicable

H. Describe use of the action area by other listed fish species (*green sturgeon, eulachon, bocaccio, and yelloweye rockfish)*.

As described in Section 8, Southern DPS green sturgeon and Pacific eulachon are not expected to occur in Puget Sound and are therefore not addressed in this BE.

The Puget Sound/Georgia Basin DPS of canary rockfish was removed from the list of threatened species under the ESA (82 FR 7711) in January 2017 and is not addressed further in this BE.

The Project action area is not located within the designated nearshore or deepwater critical habitat for the Puget Sound/Georgia Basin DPS bocaccio, and yelloweye rockfish. The closest designated nearshore and deepwater designated critical habitat is located outside of the Blair and Hylebos Waterways within Commencement Bay, more than 2 miles from the Project action area (NMFS 2017).

Presence of adults of these species within the Project action area is unlikely, as there are no essential deepwater habitat features likely to attract these fish. The current shoreline of the Blair and Hylebos Waterways consists of piers, riprap and concrete structures, which are not attractive habitat to adults as they require complex bathymetric environments. The Project site is located along the armored shoreline and the water depth of the area is far too shallow to be utilized by adults, as an essential habitat feature consists of a depth of approximately 98 feet or more.

Essential nearshore habitat features, such as substrates composed of sand, rock, and/or cobble that also support kelp, are not located within the Project area. The substrate in the Blair Waterway is silty sand, and the water quality conditions may be compromised due to active use of the navigation channel. In addition, any potential nearshore habitat is lacking any eelgrass, kelp, or other aquatic vegetation preferred by the species. As it is very unlikely that adults would be present within or in the vicinity of the action area, and essential nearshore habitat conditions are not located within the action area, the presence of larval or small juveniles would be incidental. The well-developed larvae are born with limited abilities to swim, maintain buoyancy in the water column, and feed. These larvae are pelagic for several months and occur

in the water column from near the surface to depths of 328 feet or more. Larvae and small juveniles located within the greater Puget Sound during the spring and summer months are subject to currents that may potentially drift the fish into the Project action area, but they are not expected to intentionally utilize the action area.

I. Is the project located within designated/proposed critical habitat for any of the species listed below? If so please address the proposed projects' potential direct and indirect effect to primary constituent elements. Please see the NOAA-Fisheries and US Fish and Wildlife websites (www.nwr.noaa.gov and www.fws.gov/pacific respectively) for further information.

Southern resident killer whale	*Marbled murrelet*
Northern spotted owl	*Western snowy plover*
Green sturgeon	*Eulachon*

Designated or proposed critical habitat located in the Project vicinity for the above-mentioned species includes southern resident killer whale. In Puget Sound, water that is more than 20 feet deep is designated as critical habitat, which includes the Blair and Hylebos Waterways; however, proposed in-water work includes activity along the shoreline at approximately 11 feet below the MHHW at 0 feet mean lower low water (MLLW) datum. Table 6 summarizes the potential Project effects on Southern Resident killer whale PCEs.

Table 6
Potential Project Effects on Southern Resident Killer Whale Primary Constituent Elements

Killer Whale PCE	PCE Present	Potential Project Effects
1. Water quality to support growth and development.	Present	In-water work is limited to the outfall construction Work below MHHW will occur during low tides above the water line to the extent feasible to minimize in-water work. Some minor turbidity could occur when disturbed soils in the work area below MHHW are inundated during high tides or during limited in-water work. Long-term effects to water quality that may result from the Project include improved water quality being discharged from the site due to newly-installed stormwater treatment systems; however, these water quality improvements are not anticipated to be significant or measurable.
2. Prey species of sufficient quantity, quality, and availability to support individual growth, reproduction, and development, as well as overall population growth.	Present	Chinook and other salmonids are known key prey species of killer whales, and may occur within the Project action area but are unlikely to occur within the Project footprint. No long-term modifications of prey species habitats are expected.
3. Passage conditions to allow for migration, resting, and foraging.	Present	The proposed Project will not obstruct killer whale migration or result in long-term loss of habitat.

In summary, no measurable long-term habitat effects to the above-mentioned PCEs for killer whale will result from the Project.

J. Describe use of action area by marbled murrelets. How far to the nearest marbled murrelet nest site or critical habitat? Some information is available on the Fish and Wildlife Service website: http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B08C.

The Project is located in an urban-industrial environment that does not include suitable nesting habitat for marbled murrelets. Marbled murrelets may forage in Commencement Bay about 2 miles west of the Project action area, but are unlikely to forage in the heavy shipping lanes of the Blair Waterway. The WDFW PHS database records no species occurrence for marbled murrelets in or near the project action area (WDFW 2017a). The closest marbled murrelet critical habitat to Commencement Bay is located approximately 40 miles northwest on the Olympic Peninsula, 40 miles southwest in the Capitol State Forest, and 30 miles southeast near Mount Rainier National Park (61 FR 26257).

K. Describe use of action area by the spotted owl. How far to the nearest spotted owl nest site or critical habitat? Some information is available on the Fish and Wildlife Service website: http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B08B.

The Project is located in an urban-industrial environment that does not include suitable nesting and/or foraging habitat for northern spotted owl. The WDFW PHS maps do not document northern spotted owl in the vicinity of the Project action area (WDFW 2017a). According to USFWS critical habitat maps (USFWS 2017), the nearest critical habitat for northern spotted owl is more than 20 miles southwest and more than 30 miles west of the Project action area.

L. **For marine areas only:** Describe use of action area by Southern Resident killer whales. How often have they been seen in the area and during what months of the year? For information on noise impacts on killer whales and other marine mammals, please see the National Marine Fisheries website: http://www.nwr.noaa.gov/Marine-Mammals/MM-consults.cfm.

Southern Resident killer whales, if present in the vicinity of the action area, are likely limited to the deeper waters of Commencement Bay and adjacent waters of Puget Sound. Southern Resident killer whales are most commonly observed in Commencement Bay between October and January, with the greatest potential for occurrence being between December and January (Osborne 2008). In 2014, one satellite-tracked Southern Resident killer whale was documented in Commencement Bay (NWFSC 2014); however, they have not been documented in Inner Commencement Bay or the Blair and Hylebos Waterways. The Blair and Hylebos Waterways do not provide suitable habitat, and Southern Resident killer whales are not expected to occur in the nearshore environment in the vicinity of the project footprint.

M. **For marine areas and Columbia River:** How far is the nearest steller sea lion haulout site from the action area? Describe their use of the action area. See the National Marine Fisheries website: http://www.nwr.noaa.gov/Marine-Mammals/MM-consults.cfm for information on the steller sea lion and location of their haulout sites.

The Eastern DPS of Steller sea lion was removed from the list of threatened species under the ESA (78 FR 66140) in December 2013.

N. **For marine areas only: Forage Fish Habitat** – only complete this section if the project is in tidal waters.

Check box if Washington Department of Fish and Wildlife (WDFW) documented habitat is present. Go to the WDFW website for this information: http://wdfw.wa.gov/fish/forage/forage.htm, then search for each species under the link to Biology, then the link to Documented Spawning Grounds (if available, please attach a copy of the Hydraulic Project Approval from WDFW):

Surf Smelt: ☐ **Pacific Herring:** ☐ **Sand Lance:** ☐

Check box if the proposed action will occur in potentially suitable forage fish spawning habitat:

Surf Smelt: ☐ **Pacific Herring:** ☐ **Sand Lance:** ☐

If no boxes are checked, please explain why site is not suitable as forage fish spawning habitat.

No documented habitat for surf smelt, pacific herring, and sand lance is present in the action area (WDFW 2017a). The Project is located in a heavily used navigation channel and work below MHHW is limited to the armored shoreline within the Blair Waterway.

Please describe the type of substrate and elevation and presence of aquatic vegetation at the project area. For example:
At +10 to +5 feet above MLLW, there is no aquatic vegetation, the substrate consists of large cobbles.
At +5 to +1 foot above MLLW, there is eelgrass and the substrate consists of fine sand.

From +11.8 feet above MLLW to approximately -50 feet below MLLW, there is no aquatic vegetation present and substrate consists of riprap-armored shoreline with concrete pieces.

10. **Effects Analysis**

Describe the direct and indirect effects of the action on the proposed and listed species as well as designated and proposed critical habitat within the action area. Consider the impact to both individuals and the population. Discuss the short-term, construction-related, impacts as well as the long-term and permanent effects.

Direct Impacts:

Short-term direct impacts to listed species as a result of the proposed action include temporary disturbance below MHHW which may result in temporary, localized turbidity increases when disturbed soils in the work area below MHHW are inundated during high tides or during limited in-water work. Permanent direct impacts to aquatic habitat are not anticipated as a result of the Project. It is possible, but highly unlikely, that fuel or lubricants from equipment could enter the water. Construction crews must carry oil response cleanup equipment at construction sites and are trained to deploy cleanup booms and materials in the event of a spill. No potential direct impacts to aquatic habitat associated with the upland site development construction activities are identified. Impacts to critical habitat were discussed in Section 9.G. of this BE.

Indirect Impacts:
Long-term effects to water quality that may result from the Project include improved water quality being discharged from the site due to newly-installed stormwater treatment systems; however, these water quality improvements are not anticipated to be significant or measurable.

Effects from Interdependent Activities:
Interdependent actions have no independent utility apart from the proposed action. There are no interdependent activities associated with the Project, and thus no impacts will occur from interdependent activities.

Effects from Interrelated Activities
Interrelated actions are part of a larger action and though they rely upon that action for their justification, the action could occur as part of another project. For this Project, there are no interrelated activities, and thus, no impacts will occur from interrelated activities.

11. Conservation measures:
Conservation measures are measures that would reduce or eliminate adverse impacts of the proposed activity (examples: work done during the recommended work window (to avoid times when species are most likely to be in the area), silt curtain, erosion control best management practices, percent grating on a pier to reduce shading impacts).

Proposed work window:

The allowable in-water work window for the Blair Waterway is anticipated to be July 15 to February 14, or an approved extension, as described in Section 6.A.

Other conservation measures:

Conservation measures and BMPs that will be implemented during construction and operation to avoid or minimize impacts to the environment are described in Section 5.

12. Determination of Effect:
Provide a summary of impacts concluding with statement(s) of effect, by species. Even projects that are intended to benefit the species might have short-term adverse impacts and those must be addressed. Only the following determinations are valid for listed species or designated critical habitat:

No effect. Literally no effect. No probability of any effect. The action is determined to have 'no effect' if there are no proposed or listed salmon and no proposed or designated critical habitat in the action area or downstream from it. This effects determination is the responsibility of the action agency to make and does not require NMFS review.

May Affect, Not Likely to Adversely Affect (NLAA) – Insignificant, discountable, or beneficial effects. The effect level is determined to be 'may affect, not likely to adversely affect' if the proposed action does not have the potential to hinder attainment of relevant properly functioning indicators and has a negligible (extremely low) probability of taking proposed or listed salmon or resulting in the destruction or adverse modification of their habitat. An insignificant effect relates to the size of the impact and should never reach the scale where take occurs. A 'discountable effect' is defined as being so extremely unlikely to occur that a reasonable person cannot detect, measure, or evaluate it. This level of effect requires informal consultation, which consists of NMFS and/or USFWS concurrence with the action agency's determination.

May Affect, Likely to Adversely Affect (LAA) **This form is not appropriate for use with a project that is LAA listed species. Please see the Biological Assessment (BA) template on the Corps website: http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_ESA**

Analysis of Effects to Species
Work below MHHW will be performed during low tide above the water line to the extent feasible to minimize in-water work. Potential effects to the listed species include physical and behavioral impacts from temporary and minor turbidity during limited in-water work and when disturbed soils in the work area below MHHW are inundated during high tides. No underwater noise-producing activity such as pile driving or removal is proposed and no in-air noise above ambient noise levels associated with regular industrial activity is proposed. Discharge from the culvert will be treated stormwater from stormwater detention and treatment facilities. No potential direct impacts to aquatic habitat associated with the upland site development construction activities are identified.

Chinook Salmon and Bull Trout
Potential adverse effects on juvenile and adult salmonids and bull trout are expected to be negligible. Based on the guidance and definitions provided above and the previously discussed Project effects, the effect determination for these species is that the Project **may affect, but is not likely to adversely affect** Puget Sound Chinook salmon, Puget Sound steelhead, and Coastal-Puget Sound bull trout. Justification for these determinations is as follows:

- Turbidity effects (such as direct mortality, gill damage, stress, and behavioral changes) are not generally seen at the potential suspended sediment concentrations generated from disturbed soils below MHHW, particularly over a relatively small area over a short period of time.
- In-water work will be limited and work below MHHW will occur during the approved in-water work window when listed salmonids are less likely to be present.
- Substrate disturbance below MHHW is limited to the armored shoreline and disturbance to quality habitat and/or impacts to benthic and epibenthic prey items will not occur. No long-term modifications of salmonid prey species habitats are anticipated. These effects are therefore considered insignificant.
- Short-term and localized impacts to water quality could result in the form of short-term changes in water column turbidity. Direct fish mortality or stress from suspended sediment is not expected to occur, and water quality effects are not expected to be at a level that would affect the abundance of water column prey items. These effects are thus determined to be insignificant.
- Long-term impacts to water quality due to improved stormwater treatment discharging from the site are determined to be insignificant due to the quantity discharged compared to the overall marine area.
- No potential direct impacts to aquatic habitat associated with the upland site development construction activities are identified.

Chinook Salmon and Bull Trout Critical Habitat
Based on the guidance and definitions provided above and the previously discussed Project effects, the effect determination for critical habitat for these species is that the Project **may affect, but is not likely to adversely affect** designated critical habitat for Puget Sound Chinook salmon and Coastal-Puget Sound

bull trout. The "may affect, but not likely to adversely affect" determination is appropriate for these species' critical habitat for the following reasons:

- Work below MHHW will be limited to the extent feasible and restricted to the approved in-water work window, as described previously.
- Substrate disturbance effects to prey species will be insignificant, because the existing substrate below MHHW is armored shoreline. Forage fish are not expected to spawn in or near the action area because suitable substrates are lacking, and eelgrass is not present.
- Impacts to water column habitat are expected to be temporary and localized, and no measurable long-term water quality effects are expected. Water quality effects are not expected to be at a level that would affect the abundance of water column prey items; therefore, these effects are considered insignificant.
- There will be no effect on water quantity or flows.
- There will be no effect on availability of natural cover.
- There will be no fish passage effects.
- BMPs will be in place to minimize the potential for spills to occur and to minimize the effect if they do occur. These effects are therefore expected to be insignificant.

Bocaccio and Yelloweye Rockfish

Based on the guidance and definitions provided above and the previously discussed Project effects, the effect determination for these species is that the Project will have **no effect** on bocaccio and yelloweye rockfish. Justification for these determinations is as follows:

- Adult and juvenile rockfish are highly unlikely to be present in the action area.
- Turbidity effects (such as direct mortality, gill damage, stress, and behavioral changes) are not generally seen at the potential suspended sediment concentrations generated from disturbed soils below MHHW, particularly over a relatively small area over a short period of time.
- The current shoreline of the Blair and Hylebos Waterways consists of piers, riprap and concrete structures, which are not attractive habitat to adults or juveniles as they require complex bathymetric environments. The Project site is located along the armored shoreline and the water depth of the area is far too shallow to be utilized by adults, as an essential habitat feature consists of a depth of approximately 98 feet or more.
- Essential nearshore habitat features, such as substrates composed of sand, rock, and/or cobble that also support kelp, are not located within the Project area. The substrate in the Blair Waterway is silty sand, and the water quality conditions may be compromised due to active use of the navigation channel. In addition, any potential nearshore habitat is lacking any eelgrass, kelp, or other aquatic vegetation preferred by the species.
- No potential direct impacts to aquatic habitat associated with the upland site development construction activities are identified.

Southern Resident Killer Whale

No potential adverse effects on killer whale are identified. Based on the guidance and definitions provided above and the previously discussed Project effects, the effect determination is that the Project will have **no effect** on killer whale. Justification for this determination is as follows:

- The likelihood is extremely low that killer whales could occur in the narrow waterway of the action area during work below MHHW. The proposed construction activities would not

create water quality effects that would temporarily displace killer whales. Therefore, no potential effects to killer whale are identified.

- Construction of the Project will not occur when juvenile and adult Chinook salmon (primary killer whale prey items) are likely to be present. Project effects to Puget Sound Chinook salmon, the killer whales' favored food source, are insignificant or discountable.
- BMPs will be in place to minimize the potential for spills to occur and to minimize the effect if they do occur. Southern Resident killer whales are very unlikely to be in the area of potential spills if they did occur. Therefore, no potential effects to killer whale are identified.
- No potential direct impacts to aquatic habitat associated with the upland site development construction activities are identified.

Southern Resident Killer Whale Critical Habitat

Based on the guidance and definitions provided above and the previously discussed Project effects, the effect determination is that the Project will have **no effect** on designated critical habitat for killer whale. Justification for this determination is as follows:

- Work below MHHW will be performed during low tide above the water line to the extent feasible to minimize in-water work. Work below MHHW is limited to the armored shoreline within the Blair Waterway. Therefore, no disturbance to killer whale feeding habits within critical habitat is identified and the potential effects to prey species are considered discountable.
- Potential impacts to water column habitat are limited to temporary, localized turbidity increases when disturbed soils in the work area below MHHW are inundated during high tides or during limited in-water work. Killer whales are very unlikely to occur in the action area and no water quality effects to areas where killer whales occur are identified.
- No passage limitations would occur.
- BMPs will be in place to minimize the potential for spills to occur and to minimize the effect if they do occur. Killer whales are very unlikely to be in the area of potential spills if they did occur. Therefore, no potential effects to killer whale are identified.

Marbled Murrelet

Potential adverse effects on marbled murrelets are not expected. Based on the guidance and definitions provided above and the previously discussed Project effects, the effect determination for this species is that the Project will have **no effect on** marbled murrelets. Justification for this determination is as follows:

- The likelihood is extremely low that marbled murrelets will occur in the action area within the Blair or Hylebos Waterways during the Project or be temporarily displaced subject to construction activity. In addition, no underwater noise-producing activity is proposed and no in-air noise above ambient noise levels associated with regular industrial activity is proposed. The Project is also expected to have discountable effects on marbled murrelet prey species (e.g., small fish and invertebrates) during construction. No potential direct impacts to aquatic habitat associated with the upland site development construction activities are identified. Therefore, no effects on marbled murrelets are identified.

13. EFH Analysis

Essential Fish Habitat (EFH) is broadly defined by the Act (now called the Magnuson-Stevens Act or the Sustainable Fisheries Act) to include "those waters and substrate necessary to fish for spawning, breeding, feeding,

or growth to maturity". This language is interpreted or described in the 1997 Interim Final Rule [62 Fed. Reg. 66551, Section 600.10 Definitions] -- Waters include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include historic areas if appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem; and "spawning, breeding, feeding, or growth to maturity" covers a species' full life cycle.

Additional guidance for EFH analyses can be found at the NOAA Fisheries web site under the Sustainable Fisheries Division.

A. Description of the Proposed Action (may refer to BA project description)

See description of proposed work in Section 5 of this BE.

B. Addresses EFH for Appropriate Fisheries Management Plans (FMP)

The waters of Puget Sound, including the action area, are designated as EFH for the three EFH composite groups of groundfish, coastal pelagic fish, and Pacific salmon (NMFS 1998; PFMC 1998a, 1998b, 1999). The Pacific salmon composite includes Chinook, coho, and pink salmon (PFMC 1999).

C. Effects of the Proposed Action

i. Effects on EFH (groundfish, coastal pelagic, and salmon EFH should be discussed separately)

Groundfish
Forty-six groundfish species are known to occur in the vicinity of central Puget Sound, including two ESA-listed species (yelloweye rockfish and bocaccio). Potential Project effects on essential groundfish habitat will be minimal and discountable. Work below MHHW will occur during low tide below the water line to the extent feasible to minimize in-water work. Discharge from the outfall will be treated stormwater from stormwater detention and treatment facilities. No eelgrass habitat or forage fish spawning areas are located within the proposed Project site. Therefore, it is concluded that the proposed Project will have no effect on groundfish EFH.

Coastal Pelagic
Managed coastal pelagic species found in waters of central Puget Sound include northern anchovy (*Engraulis mordax*), Pacific mackerel (*Scomber japonicas*), Pacific sardine (*Sardinops sagax*), and market squid (*Loligo opalescens*). Potential Project effects on coastal pelagic habitat will be minimal and discountable. Coastal pelagic fish use deeper water than the Blair Waterway. Work below MHHW will occur during low tide below the water line to the extent feasible to minimize in-water work. Discharge from the outfall will be treated stormwater. No eelgrass habitat or forage fish spawning areas are located within the proposed Project activities below MHHW. Therefore, it is concluded that the proposed Project will have no effect on coastal pelagic EFH.

Salmon
Managed salmon species found in waters of Puget Sound include Chinook salmon, coho salmon (*Oncorhynchus kisutch*), and Puget Sound pink salmon (*O. gorbuscha*). Potential Project effects on salmon habitat will be minimal and discountable, as discussed in Section 9.G of the BE. Work below MHHW will occur during low tide below the water line to the extent feasible to minimize in-water work. Discharge from the outfall will be treated stormwater from stormwater detention and treatment facilities.

No eelgrass habitat or forage fish spawning areas are located within the area of proposed Project activities below MHHW. The availability of waters and substrate necessary to support the contribution of these managed species to a healthy ecosystem will not be changed. Therefore, it is concluded that the proposed Project will not adversely affect salmon EFH.

ii. Effects on Managed Species (unless effects to an individual species are unique, it is not necessary to discuss adverse effects on a species-by species basis)

There are no unique effects to an individual species as a result of this Project.

iii. Effects on Associated Species, Including Prey Species

No impacts on the health or availability of forage fish and other prey species are anticipated.

iv. Cumulative Effects

This Project includes construction in previously developed areas of the Blair-Hylebos Peninsula and shoreline of the Blair Waterway, a heavily used navigation channel. Cumulative effects from the Project are insignificant.

D. Proposed Conservation Measures

Project conservation measures to minimize Project impacts are described in Section 11 of the BE.

E. Conclusions by EFH (taking into account proposed conservation measures)

This Project will **have no effect on** groundfish or coastal pelagic species EFH. This Project will **not adversely affect** managed salmon species EFH.

14. References:
Include any studies or papers that support statements made in this form (example: reference the source for the listed species that are covered).

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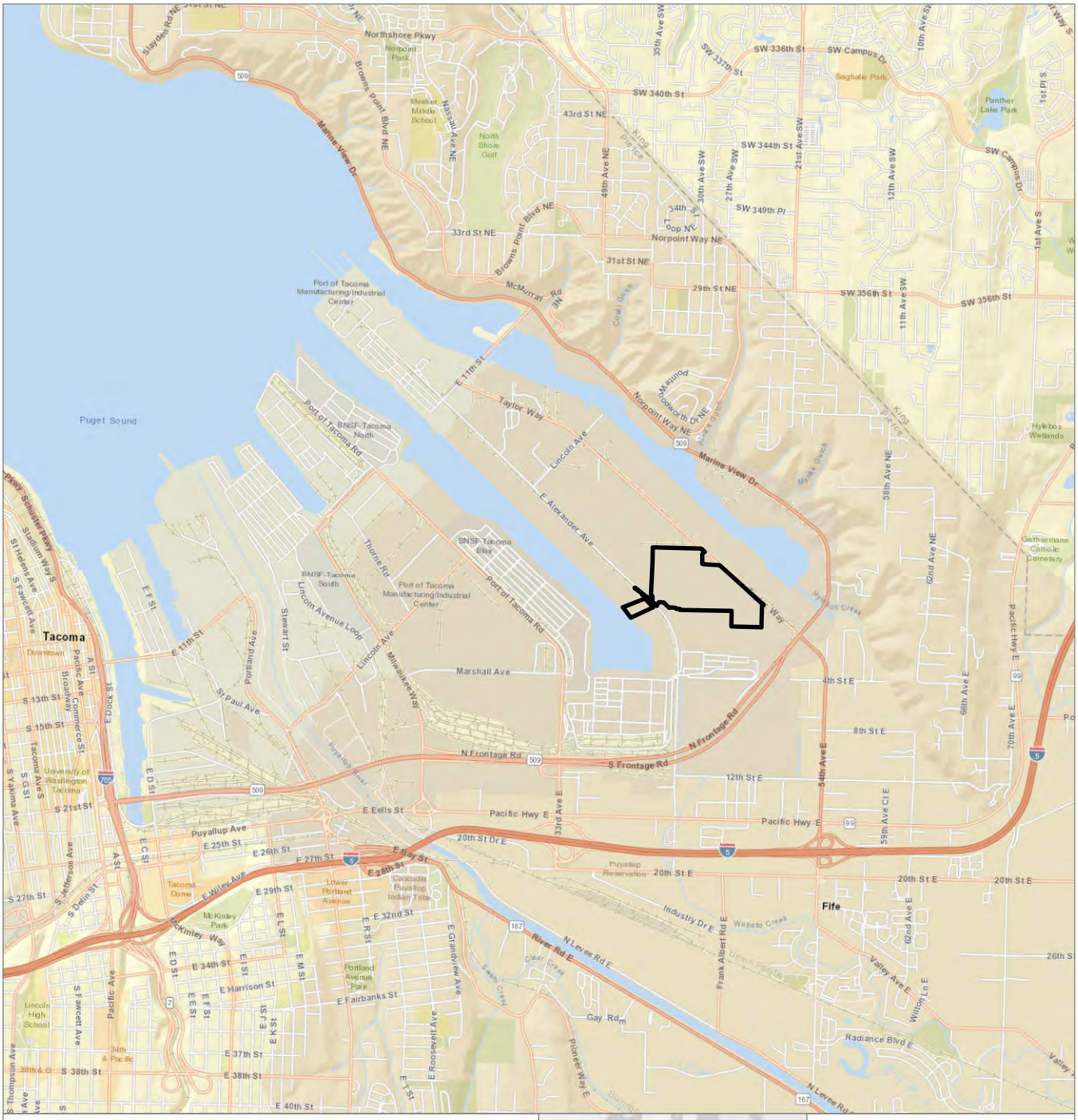
15. Appendices:
As needed include mitigation, revegetation plans, monitoring plans, results of studies, water quality information, etc.

Figure 1	Vicinity Map
Figure 2	Project Area
Figure 3	Project Action Area and Critical Areas
Appendix A	Project Design Figures

DRAFT



LEGEND:

Approximate Project Area

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ANCHOR QEA

Figure 1
Vicinity Map
Biological Evaluation
Parcel 77 Auto Import Terminal New Outfall, Port of Tacoma

DRAFT

LEGEND:

- Approximate Project Area
- 50-foot Fish and Wildlife Habitat Conservation Area (FWHCA)
- OHWM
- 1-foot Contours (MLLW)

0 550
Feet

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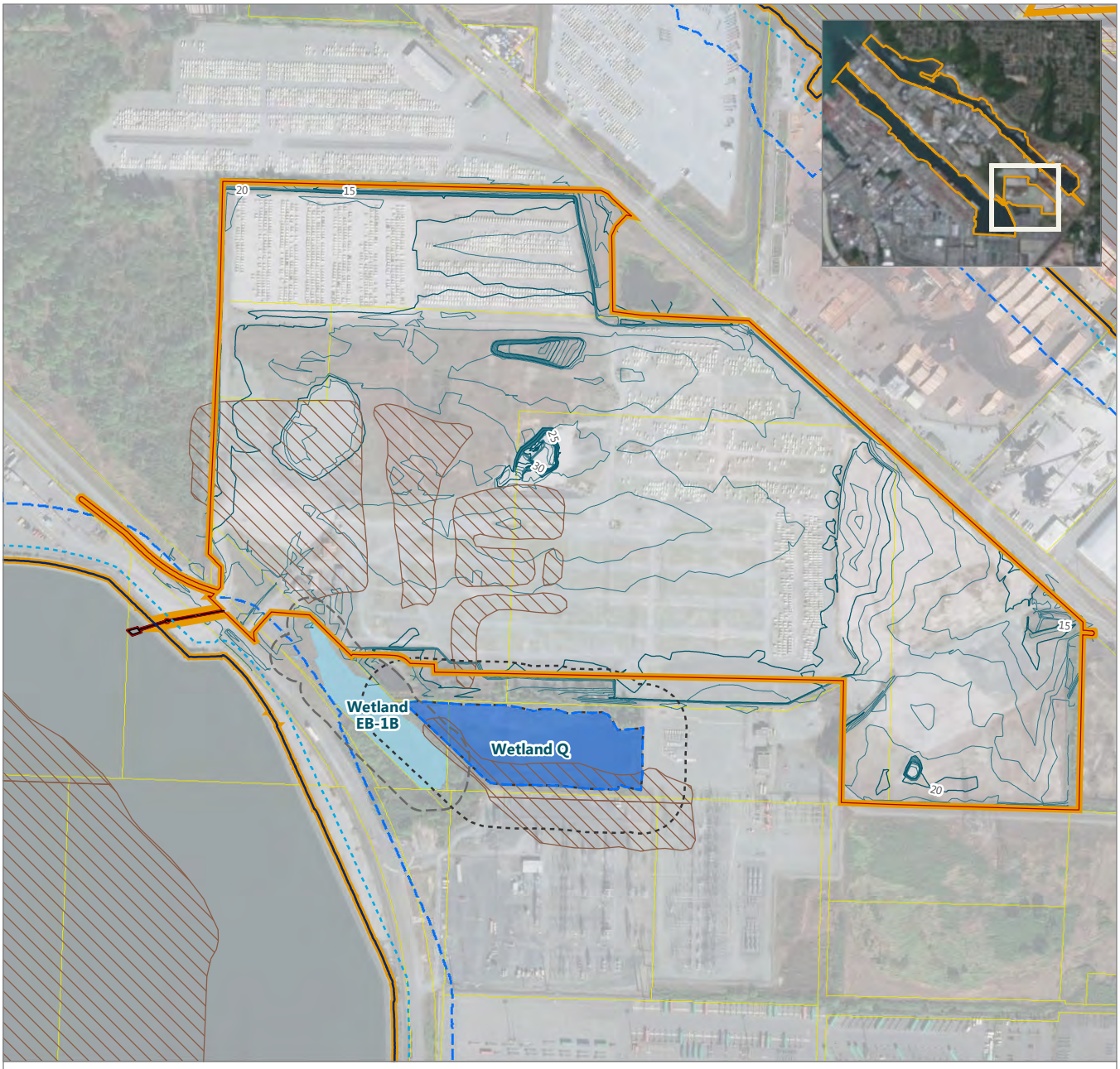
ANCHOR QEA

Figure 2
Project Area
Biological Evaluation
Parcel 77 Auto Import Terminal New Outfall, Port of Tacoma

DRAFT



LEGEND:

- Approximate Outfall Structure
- Biological Evaluation Action Area[2]
- Category III Wetlands (EB-1B[1])
- Category III Wetland Buffer (75-foot)
- Category II Wetland (Wetland Q)
- Category II Wetland Buffer (150-foot)
- Shoreline District (Wetland Q and 200 feet from OHWM)
- 50-foot Fish and Wildlife Habitat Conservation Area (FWHCA)
- OHWM
- 1-foot Contours (MLLW)
- 100-year Floodplain
- Tax Parcel
- Approximate Project Area

NOTES:
1. Wetland EB-1B may extend further southwest.
2. See inset map for full extent of Action Area.

0 550
Feet

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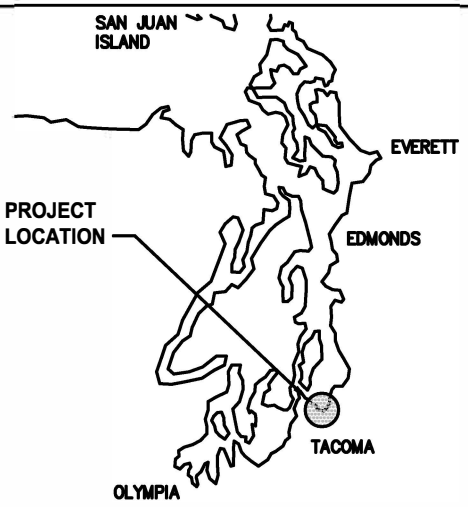
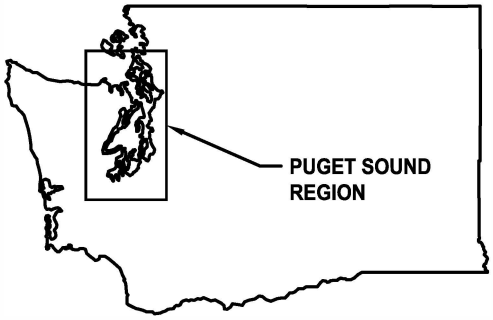
ANCHOR QEA

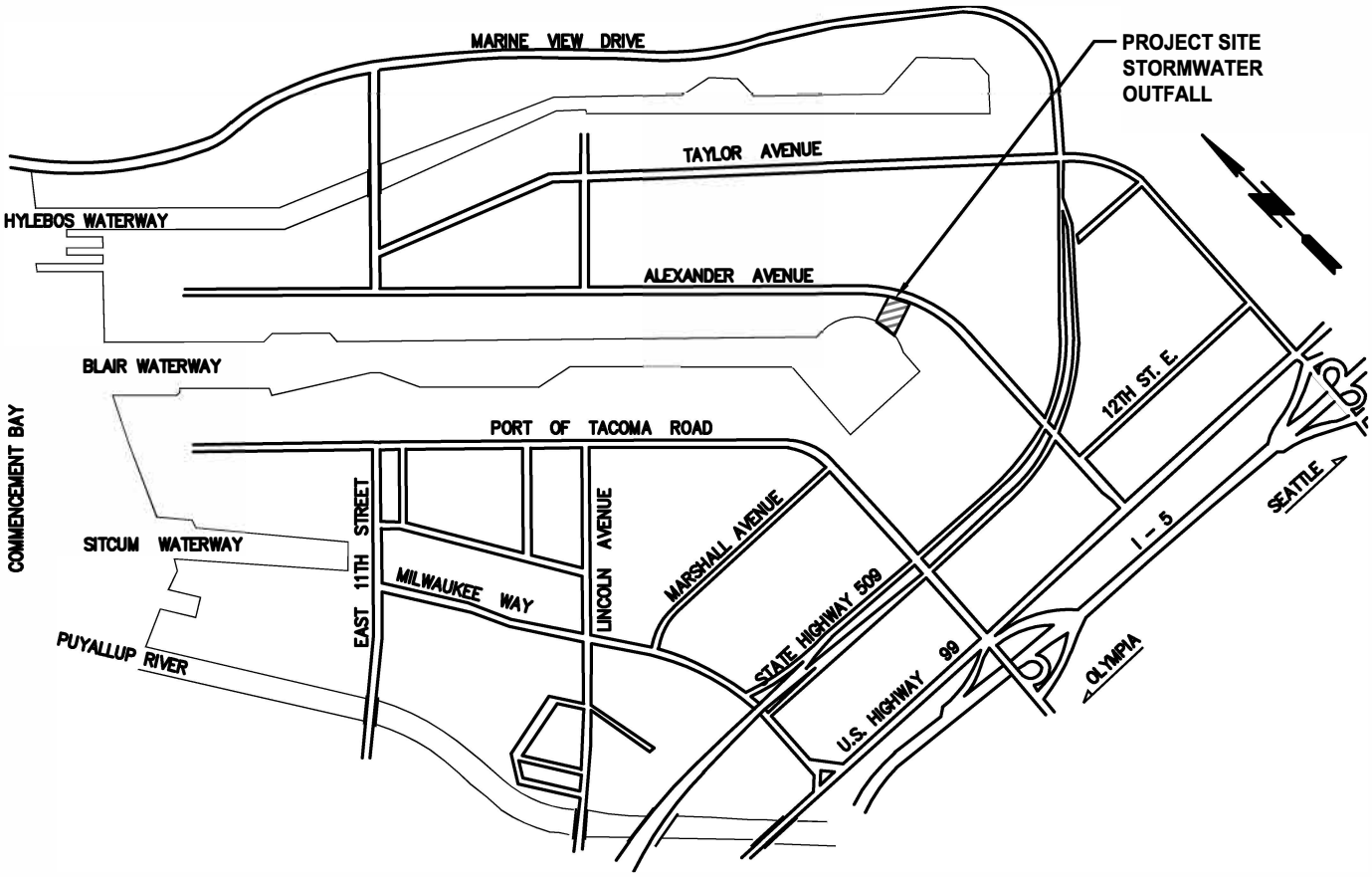
Figure 3
Project Action Area and Critical Areas
Biological Evaluation
Parcel 77 Auto Import Terminal New Outfall, Port of Tacoma

Appendix A
JARPA Sheets





PUGET SOUND REGION MAP



VICINITY MAP NO SCALE

PORT OF TACOMA

PURPOSE: INSTALLATION OF A STORMWATER OUTFALL

DATUM: PORT OF TACOMA DATUM
OHWM - ELEVATION 12.9'

ADJACENT PROPERTY OWNERS:
PUYALLUP TRIBE OF INDIANS, BONNEVILLE POWER ADMINISTRATION, TACOMA POWER

FIGURE 1 - VICINITY MAP

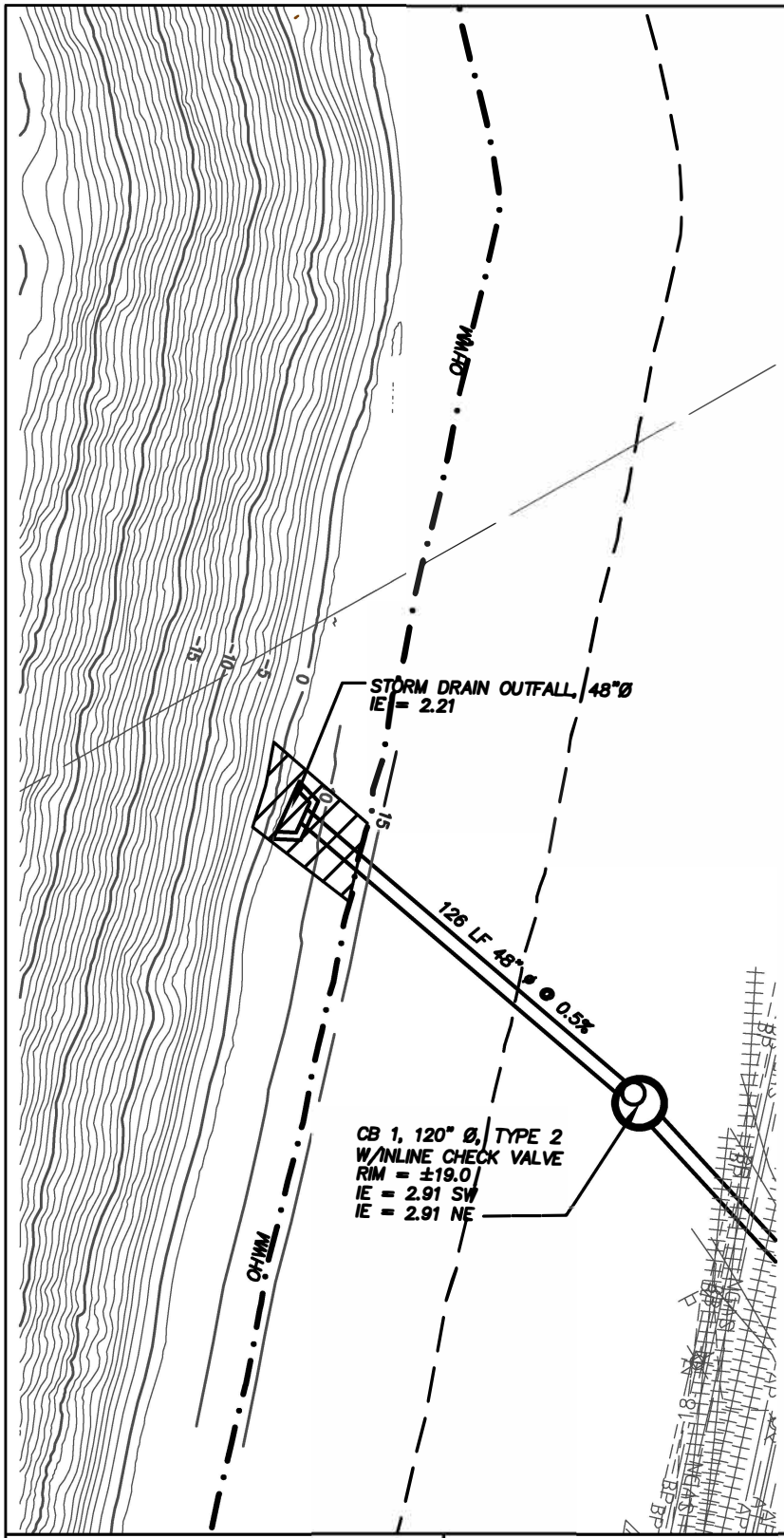
Corps Reference Number: NWS-2018-138-WRD (Import Terminal Project)

APPLICATION BY: PORT OF TACOMA

PROJECT: AUTOMOBILE IMPORT TERMINAL
ADDRESS: 3400 TAYLOR WAY,
TACOMA, WA 98421
LAT/LONG: 47° 15' 35"N 122° 22' 09"W
SECT/TOWN/RANGE: S36 T21N R3E
IN: CITY OF TACOMA - BLAIR WATERWAY
COUNTY OF: PIERCE
STATE OF: WA
APPLICATION BY: PORT OF TACOMA

REFERENCE
SHEET 1 OF 3

JAN 2018



LEGEND

- STORM DRAINAGE PIPE
- CATCH BASIN
- 1 FT BATHYMETRY
- ORDINARY HIGH WATER MARK (OHWM)
- 50' OHWM BUFFER
- AREA OF DISTURBANCE

EARTHWORK BELOW OHWM

	SF	CY
EXCAVATION		41
GRAVEL BACKFILL		34
BEDDING		12
ARMOR STONE REMOVAL	920	102
ARMOR STONE REPLACEMENT	760	84
CONCRETE FILL	160	18

GRAPHIC SCALE

25 0 12.5 25 50 100

(IN FEET)
1 Inch = 50 ft.

PURPOSE: INSTALLATION OF A STORMWATER OUTFALL

DATUM: PORT OF TACOMA DATUM
OHWM - ELEVATION 12.9'

ADJACENT PROPERTY OWNERS:
PUYALLUP TRIBE OF INDIANS, BONNEVILLE POWER ADMINISTRATION, TACOMA POWER

FIGURE 2 - SITE PLAN

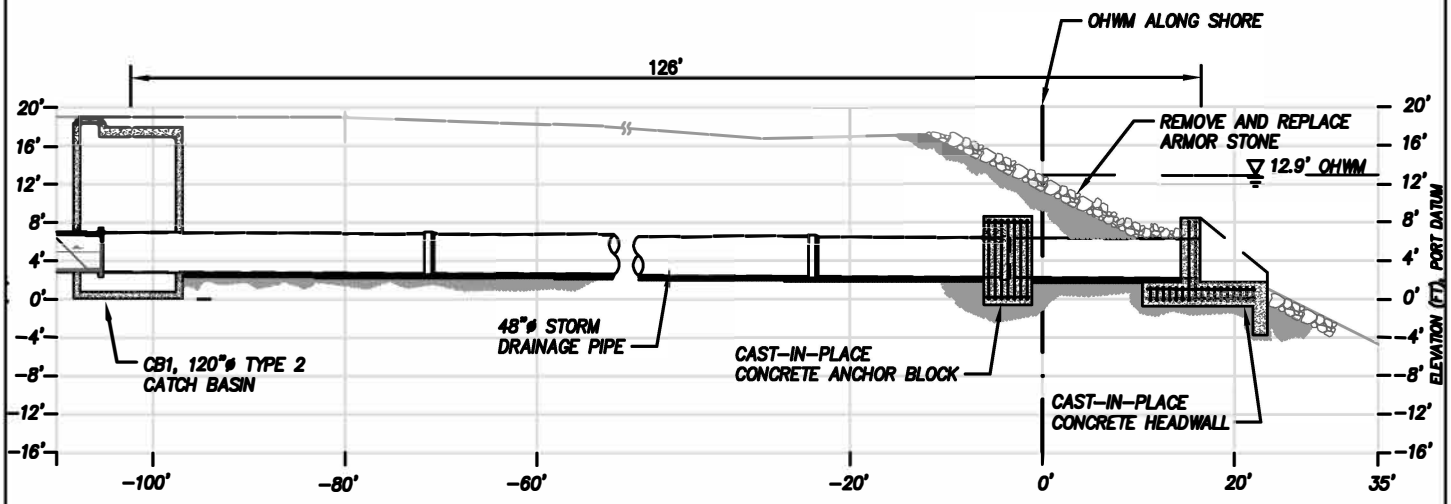
Corps Reference Number:
NWS-2018-138-WRD
(Import Terminal Project)

APPLICATION BY: PORT OF TACOMA

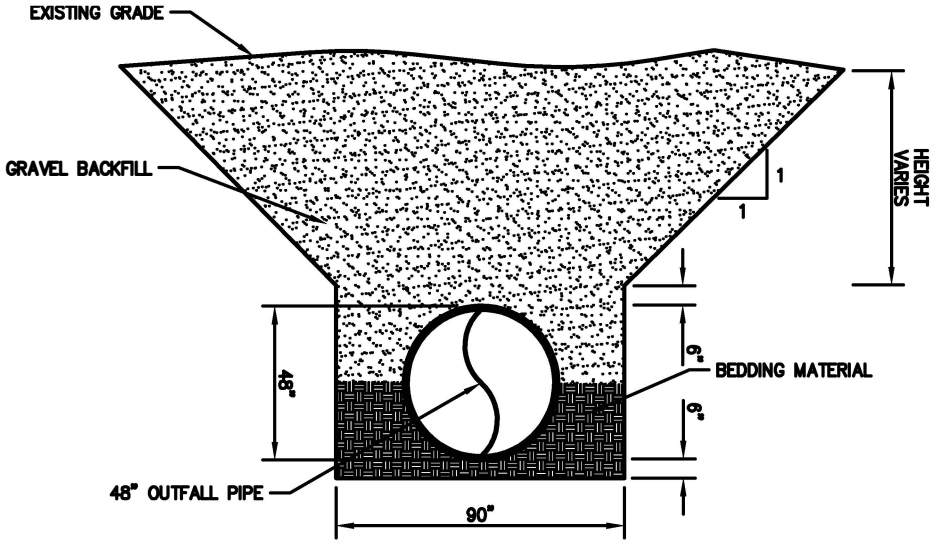
PROJECT: AUTOMOBILE IMPORT TERMINAL
ADDRESS: 3400 TAYLOR WAY,
TACOMA, WA 98421
LAT/LONG: 47° 15' 35"N 122° 22' 09"W
SECT/TOWN/RANGE: S36 T21N R3E
IN: CITY OF TACOMA - BLAIR WATERWAY
COUNTY OF: PIERCE
STATE OF: WA
APPLICATION BY: PORT OF TACOMA

REFERENCE
SHEET 2 OF 3

JAN 2018



BLAIR WATERWAY OUTFALL PROFILE



TYPICAL TRENCH SECTION - OUTFALL PIPE

PURPOSE: INSTALLATION OF A STORMWATER OUTFALL

DATUM: PORT OF TACOMA DATUM
OHWM - ELEVATION 12.9'

ADJACENT PROPERTY OWNERS:
PUYALLUP TRIBE OF INDIANS, BONNEVILLE POWER ADMINISTRATION, TACOMA POWER

FIGURE 3 - OUTFALL PROFILE AND TRENCH SECTION

Corps Reference Number: NWS-2018-138-WRD (Import Terminal Project)

APPLICATION BY: PORT OF TACOMA

PROJECT: AUTOMOBILE IMPORT TERMINAL
ADDRESS: 3400 TAYLOR WAY,
TACOMA, WA 98421
LAT/LONG: 47° 15' 35"N 122° 22' 09"W
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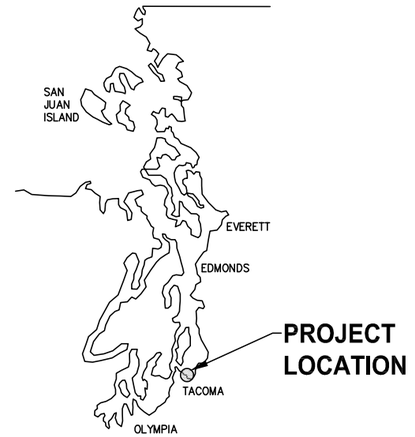
IN: CITY OF TACOMA - BLAIR WATERWAY
COUNTY OF: PIERCE
STATE OF: WA
APPLICATION BY: PORT OF TACOMA

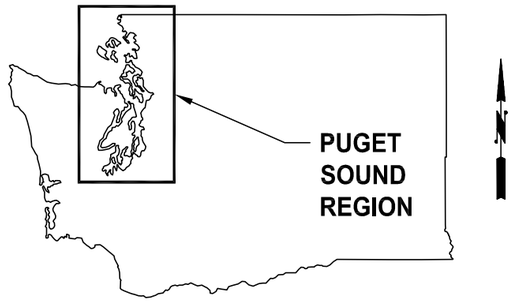
REFERENCE
SHEET 3 OF 3

JAN 2018

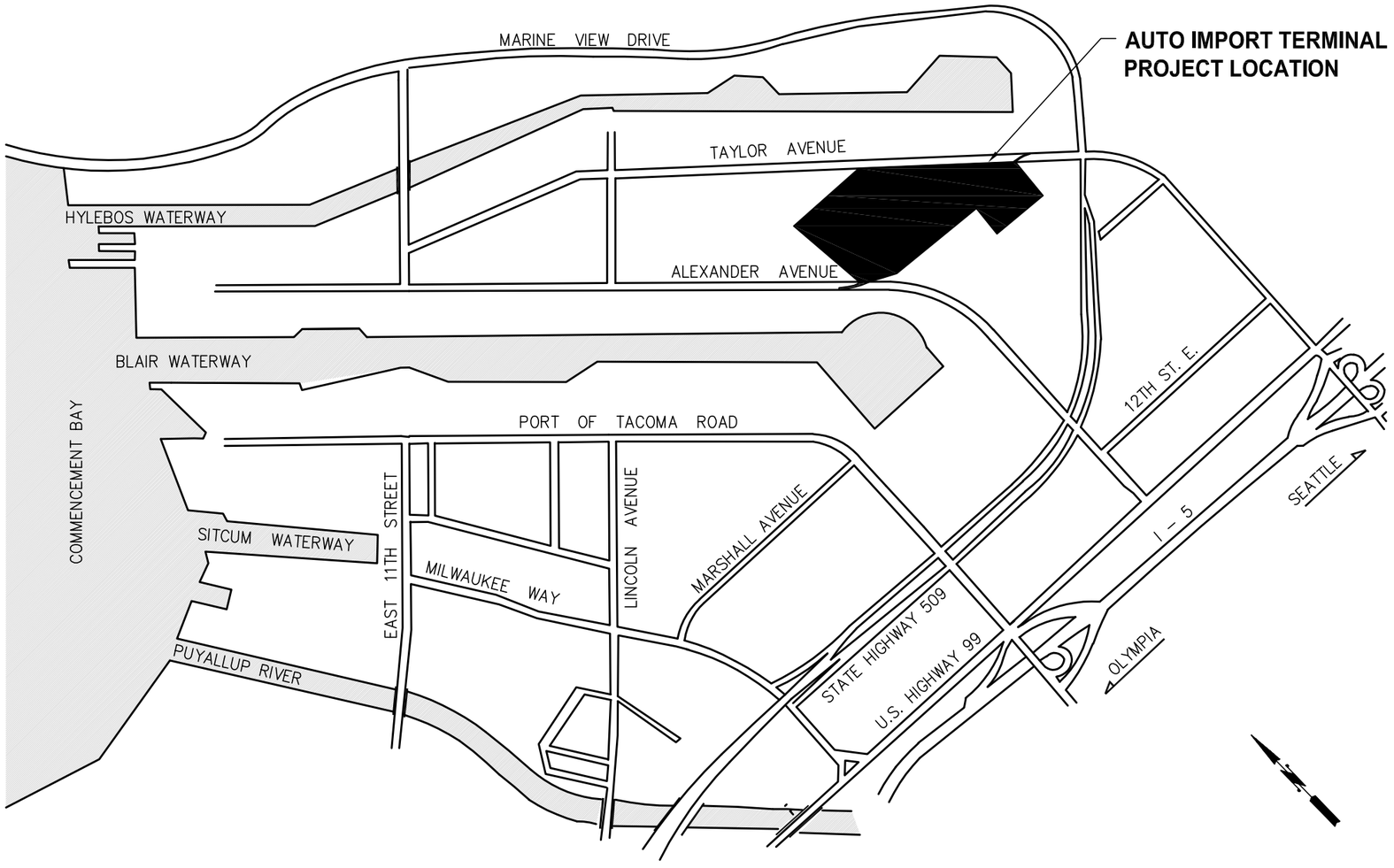
Appendix B
Site Development Figures



PUGET SOUND REGION MAP



STATE MAP



PRELIMINARY - NOT FOR CONSTRUCTION

BINDING EDGE

PORT OF TACOMA FILE: N:\2017\17000082 Automobile Import Terminal Planning\Part 3 - KPFF Design\3.13 Drawings\Current\30pc Design\SEPA VICINITY MAP.dgn

kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407
(253) 396-0150 Fax (253) 396-0162

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841

MARK:	REVISION:	BY:	APPR:	DATE:

APPROVED:

DIRECTOR ENG. DATE

PRINTED BY: skingsley Jan 09, 2018

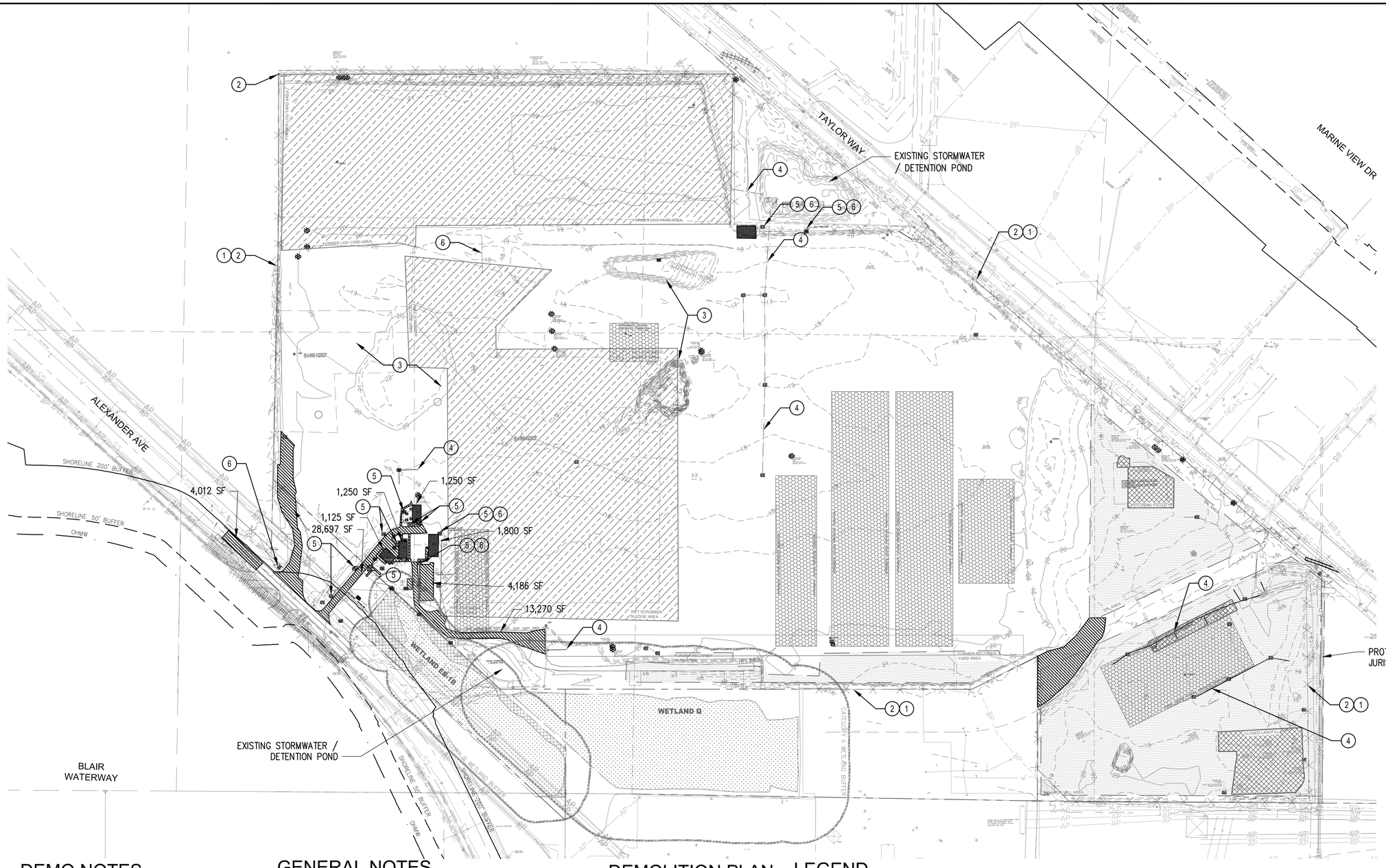
PORT ADDRESS:ONE SITCUM PLAZA
TACOMA WA, 98401-1837

PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT

VICINITY MAP

CMB 1/10/2018			
CHECKED BY DATE			
SWK 1/10/2018			
PROJ. ENGR DATE			
CONT/CONS: 070770	TOWNSHIP: 21N	RANGE: 3E	SECTION: 36
M. ID: 201020.01	DAT-HRZ: W83-SF	VERT: PORT OF TACOMA BM#	
PHASE: PRELIMINARY	PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN	

1
01 OF 10



DEMO NOTES

1. ESTABLISH TEMPORARY CONSTRUCTION FENCE
2. REMOVE EXISTING FENCE AND GATE
3. CLEAR AND GRUB EXISTING VEGETATION
4. REMOVE EXISTING SW STRUCTURE AND PIPE
5. REMOVE EXISTING UTILITY STRUCTURE
6. CUT AND CAP EXISTING UTILITY

GENERAL NOTES

1. CONTRACTOR SHALL CALL FOR UTILITY LOCATES AND LOCATE EXISTING UTILITIES IN THE ROADWAY AND ON-SITE PRIOR TO DEMOLITION OR EXCAVATION.
2. CONTRACTOR SHALL COORDINATE POWER AND WATER SERVICE RELOCATION WITH TPU.
3. ALL MONITORING WELLS FOUND SHALL BE FLAGGED AND PROTECTED. MONITORING WELLS SHOWN REFLECT ALL AVAILABLE RECORDS. FIELD INVESTIGATION TO CONFIRM LOCATION NOT YET COMPLETE AS OF 12/8/17.

DEMOLITION PLAN

1" = 150'

LEGEND

- EXISTING MAJOR CONTOUR
- PROPERTY LINE
- EX FENCE TO BE USED AS TEMPORARY CONSTRUCTION FENCE
- MONITORING WELL PROTECTION
- DEMO STORMDRAIN PIPE AND/OR UTILITY STRUCTURE
- REMOVE ASPHALT
- DEMO BUILDING/CONCRETE
- CAPPED REMNANT CONTAMINATION
- PREVIOUSLY REMEDIATED CONTAMINANT AREAS
- CONCRETE FEATURES / IMPOUNDMENT
- FORMER KAISER BUILDING FOUNDATIONS

PRELIMINARY - NOT FOR CONSTRUCTION

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841

kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407
(253) 396-0150 Fax (253) 396-0162

MARK:	REVISION:	BY:	APPR:	DATE:

APPROVED:

		DIRECTOR ENG.	DATE
CMB	1/10/2018	PRINTED BY:	cbennett Feb 01, 2018
CHECKED BY	DATE	PORT ADDRESS:	ONE SITCUM PLAZA
SWK	1/10/2018	PROJ. ENGR	
		TACOMA WA, 98401-1837	

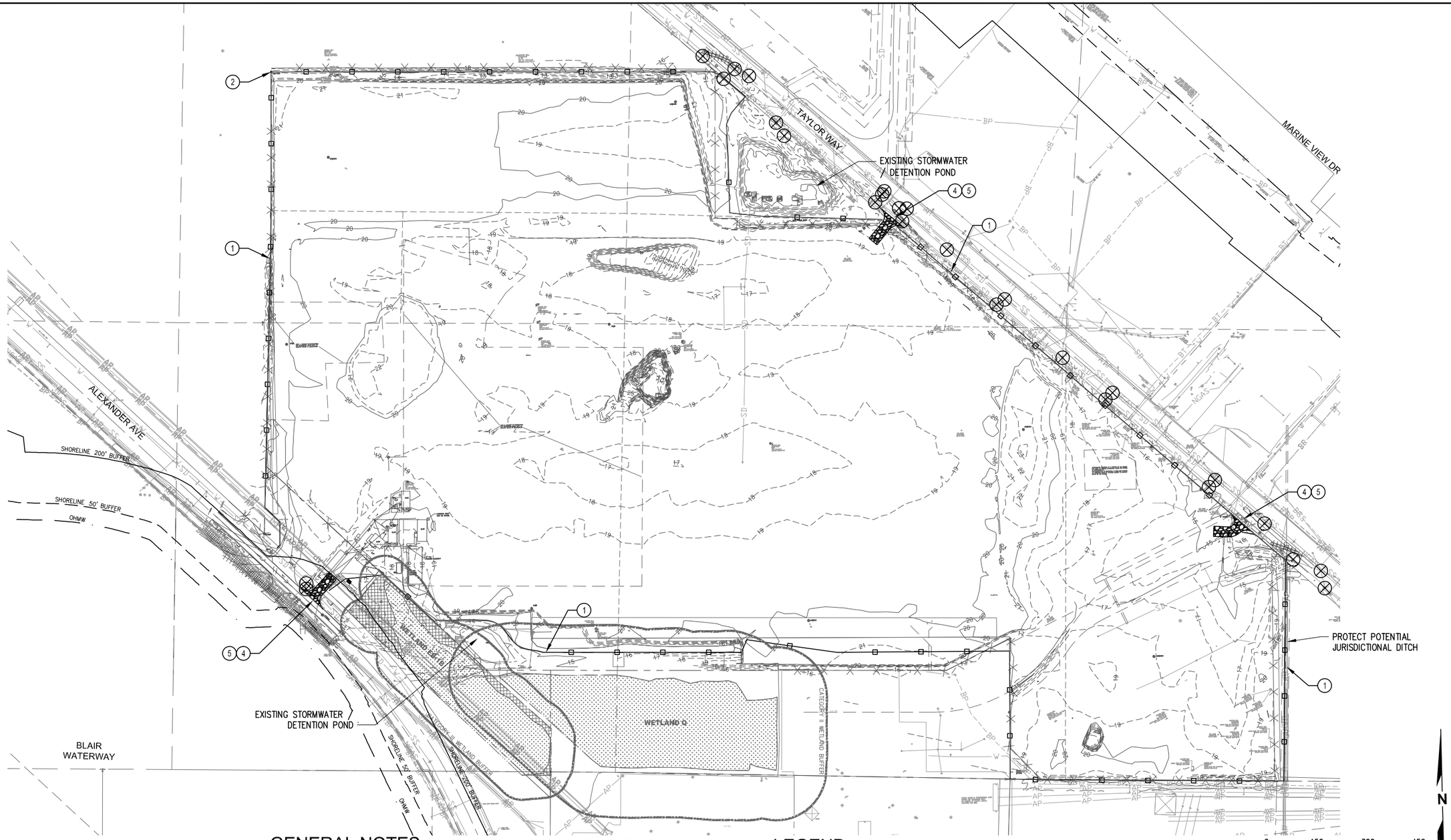
PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT

DEMOLITION PLAN

TOWNSHIP: 21N	RANGE: 3E	SECTION: 36	
DAT-HRZ: W83-SF	VERT:	PORT OF TACOMA BM#	
PARCEL: MULTIPLE		DRAWING SCALE:	AS SHOWN

2 02 OF 10

CONT./CONS:	070770
M. ID:	201020.01
PHASE:	PRELIMINARY



TESC NOTES

1. INSTALL SILT FENCE
2. ESTABLISH TEMPORARY CONSTRUCTION FENCE
3. INSTALL INLET PROTECTION
4. STABILIZE CONSTRUCTION ENTRANCE
5. ESTABLISH TIRE WASH, AS NEEDED
6. CONSTRUCT INTERCEPTOR DITCHES AND SEDIMENT TRAPS, AS NEEDED

GENERAL NOTES

1. INSTALL TESC MEASURES PRIOR TO DEMOLITION AND EXCAVATION

TESC PLAN

1" = 150'

LEGEND

EXISTING MAJOR CONTOUR
PROPERTY LINE
EX FENCE TO BE USED AS
TEMPORARY CONSTRUCTION FENCE
SILT FENCE
INTERCEPTOR DITCH
INLET PROTECTION

PRELIMINARY - NOT FOR CONSTRUCTION

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841

kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407
(253) 396-0150 Fax (253) 396-0162

MARK:	REVISION:	BY:	APPR:	DATE:

APPROVED:

CMB	1/10/2018		
CHECKED BY			
SWK	1/10/2018		
DIRECTOR ENG.	DATE	PROJ. ENGR	DATE

PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT
TESC PLAN

PRINTED BY: skingsley Jan 12, 2018
PORT ADDRESS: ONE SITCUM PLAZA
TACOMA WA, 98401-1837

TOWNSHIP: 21N	RANGE: 3E	SECTION: 36	
DAT-HRZ: W83-SF	VERT: PORT OF TACOMA BM#		
PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN		

CONT/CONS: 070770
M. ID: 201020.01
PHASE: PRELIMINARY

3
03 OF 10

SECURITY FENCE
PERIMETER TRUCK ROAD
ENTRANCE WITH
GUARD HOUSE – 216 SF
PRIMARY DRIVEWAY (EMPLOYEES,
VISITORS AND TRUCKS), 80' WIDE
EMPLOYEE
PARKING
HAULAWAY QUEUING BAYS
7 TYP
8 TYP
5 TYP
TAYLOR WAY
MARINE VIEW DR
EXISTING STORMWATER
/ DETENTION POND
SEE BUILDING PLANS
FOR MORE DETAIL
CAR WASH AND BODY
SHOP – 14,810 SF
FUELING ISLAND AND
ABOVE GRADE FUEL
TANK – 1,260 SF
PROCESSING
QUEUING
FPOR
STORAGE BAYS
ORDER #4340607
PORT OF TACOMA
032136–3034
ORDER #4340607
PORT OF TACOMA
032136–3037
PROCESSING
BUILDING
62,780 SF
ORDER #4340607
PORT OF TACOMA
032136–3033
ALEXANDER AVE
EX BUILDING
TO BE DEMOLISHED
64'X28'
EX BUILDING
TO BE DEMOLISHED
50'X25'
EX BUILDING
TO BE DEMOLISHED
50'X25'
EX BUILDING
TO BE DEMOLISHED
40'X28'
RAILWAY LEAD TRACK
SHORELINE 200' BUFFER
SHORELINE 50' BUFFER
OHMW
RAIL LOADLINES
ORDER #4340607
PORT OF TACOMA
032136–3013
RAILWAY LEAD TRACK
AUTO IMPORT DRIVEWAY,
30' WIDE
GUARD HOUSE
– 216 SF
MAINTENANCE
BUILDING – 2,100 SF
ORDER #4343639
PORT OF TACOMA
032136–3036
MULTILEVEL
LOADING TRACKS
ORDER #4340607
PORT OF TACOMA
032136–3033
SOUTH STORAGE
PROTECT POTENTIAL
JURISDICTIONAL DITCH
WETLAND Q
PARCEL B ORDER #4340617 USA
IN TRUST FOR PUYALLUP TRIBE
OF INDIANS
500035–0110
EXISTING STORMWATER /
DETENTION POND
BLAIR
WATERWAY
ORDER #4340608
U.S.A. (BPA)
032136–3022
ORDER #4340609
CITY OF TACOMA
032136–3025
BLANKET ACCESS
EASEMENT TO PORT OF
TACOMA, AF #2127261
PARCEL C ORDER #4340612
PORT OF TACOMA
032001–2065
PARCEL A ORDER #4340610
U.S.A. (BPA)
032001–1006
N
0 150 300 450
SCALE IN FEET

STRIPING AND FENCING NOTES

1. PAINT WHITE STALLS (9.5'X18.5')
2. PAINT WHITE STALLS (8.5'X18.5')
3. PAINT WHITE HAULAWAY QUEUING BAYS (10'X20')
4. PAINT WHITE RAIL LOADLINES
5. PAINT WHITE CLEAR ZONE FOR LIGHT POLES
6. PAINT EMPLOYEE STALLS
7. PAINT TRAFFIC ARROWS
8. PAINT CIRCULATION ARROWS
9. PAINT DRIVE AISLE CLEAR ZONE, 2IN WIDE WHITE EDGE LINE

SITE PLAN

1" = 150'

LEGEND

- EXISTING CONTOUR
- PROPOSED GRADING
- PROPERTY LINE
- PROPOSED FENCELINE
- CRITICAL AREA / BUFFER
- PAVEMENT STRIPING
- LIGHT DUTY PAVEMENT
- MEDIUM DUTY PAVEMENT

PRELIMINARY - NOT FOR CONSTRUCTION

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841
kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407
(253) 396-0150 Fax (253) 396-0162

MARK:	REVISION:	BY:	APPR:	DATE:

CMB 1/10/2018
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SWK 1/10/2018
DIRECTOR ENG. DATE PROJ. ENGR DATE
PRINTED BY: cbennett Feb 01, 2018
PORT ADDRESS: ONE SITCUM PLAZA
TACOMA WA. 98401-1837

APPROVED:

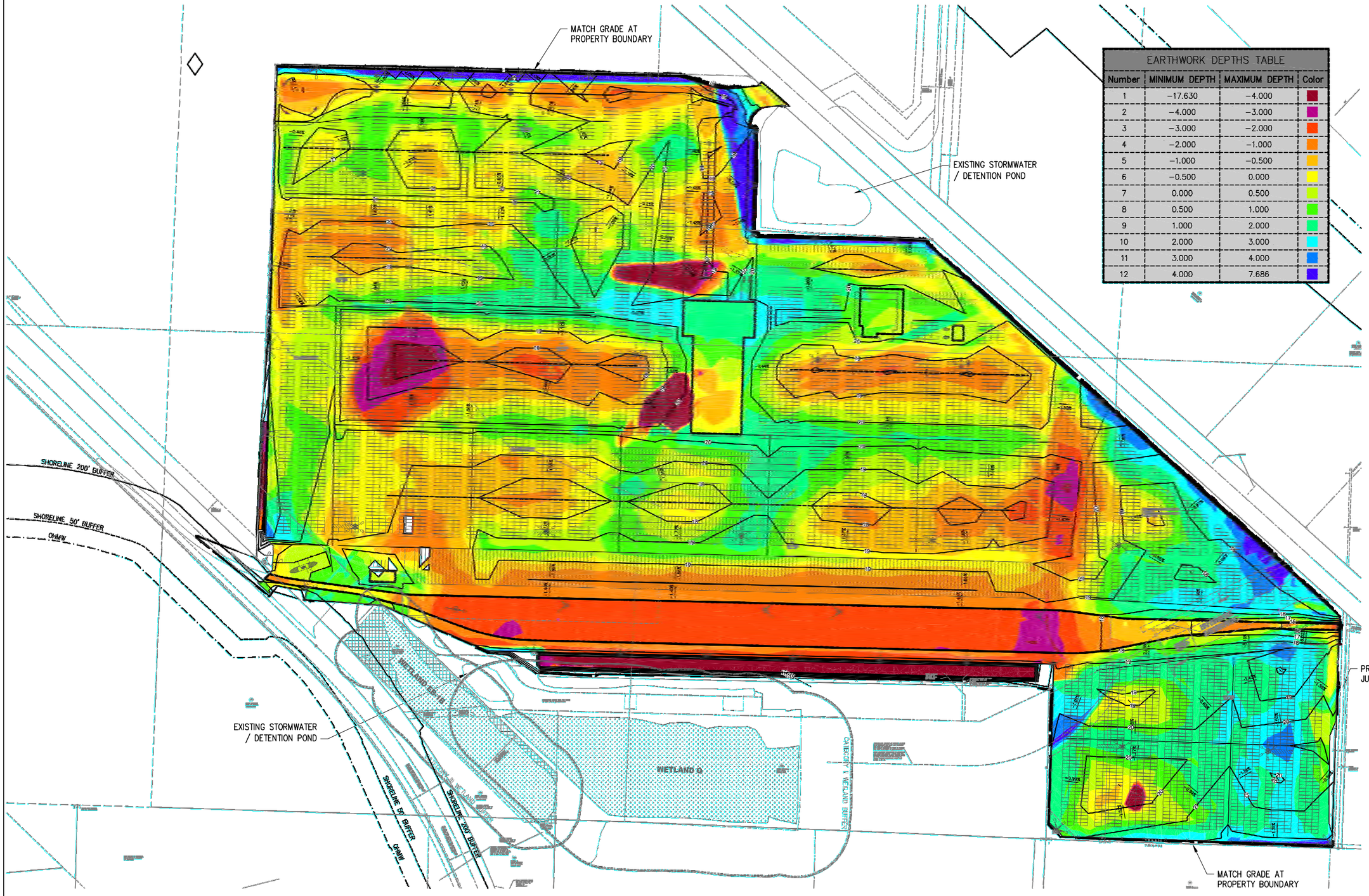
PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT

SITE PLAN

CONT./CONS:	070770	TOWNSHIP: 21N	RANGE: 3E
M. ID:	201020.01	DAT–HRZ: W83-SF	VERT: PORT OF TACOMA BM#
PHASE:	PRELIMINARY	PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN

SECTION: 36

4
04 OF 10



EARTHWORK DEPTHS TABLE

Number	MINIMUM DEPTH	MAXIMUM DEPTH	Color
1	−17.630	−4.000	
2	−4.000	−3.000	
3	−3.000	−2.000	
4	−2.000	−1.000	
5	−1.000	−0.500	
6	−0.500	0.000	
7	0.000	0.500	
8	0.500	1.000	
9	1.000	2.000	
10	2.000	3.000	
11	3.000	4.000	
12	4.000	7.686	

PRELIMINARY - NOT FOR CONSTRUCTION

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Tacoma, Washington 98407
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MARK:	REVISION:	BY:	APPR:	DATE:

APPROVED:

DIRECTOR ENG.	DATE	
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CHECKED BY	DATE	
SWK	1/10/2018	
CHECKED BY	DATE	
PROJ. ENGR	DATE	

PRINTED BY: skingsley Jan 12, 2018
PORT ADDRESS:ONE SITCUM PLAZA
TACOMA WA, 98401-1837

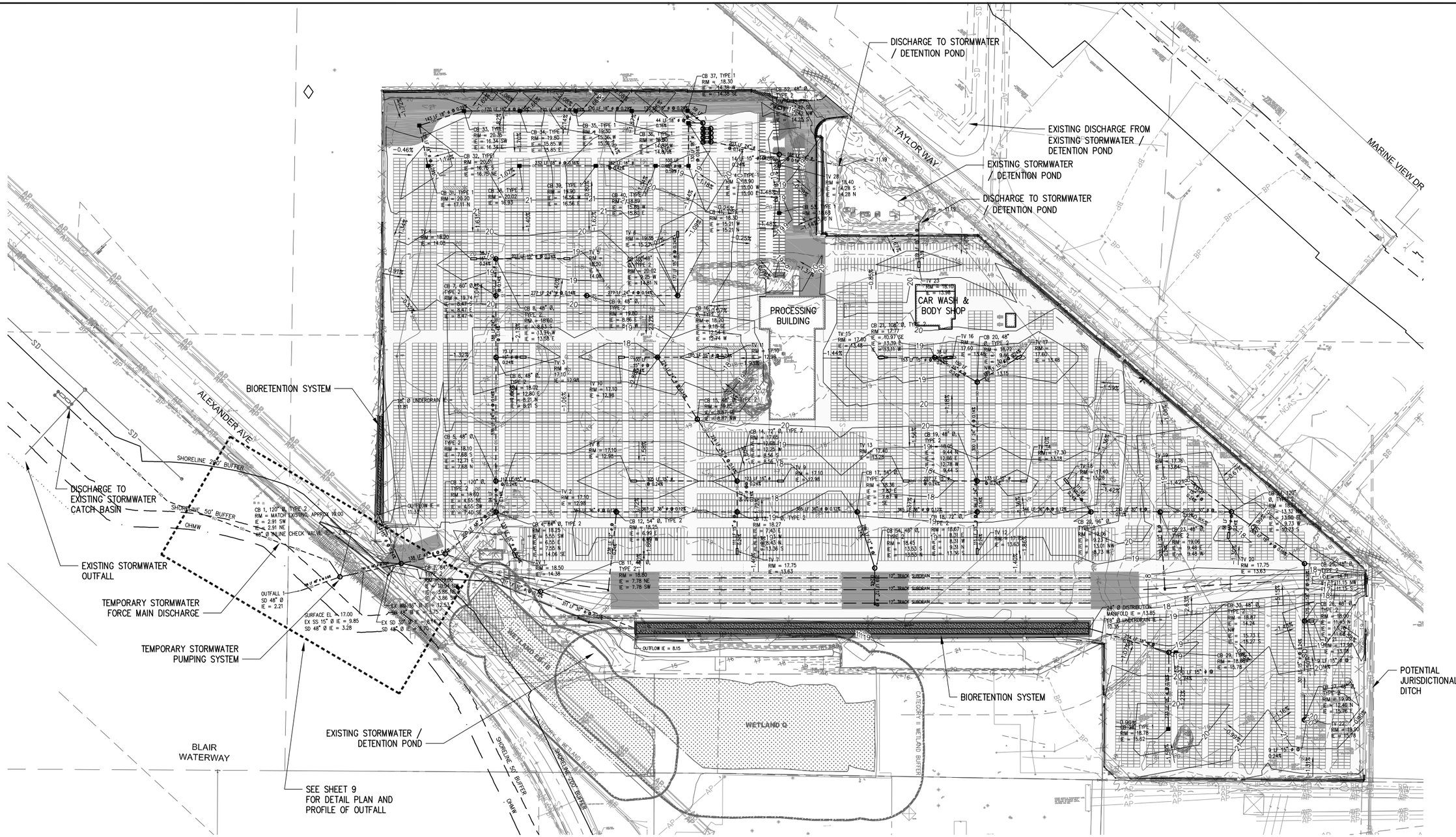
PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT

GRADING PLAN

CONT/CONS:	070770	TOWNSHIP: 21N	RANGE: 3E
M. ID:	201020.01	DAT-HRZ: W83-SF	VERT: PORT OF TACOMA BM#
PHASE:	PRELIMINARY	PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN

SECTION: 36

5 OF 10



DRAINAGE PLAN
1" = 150'

LEGEND

- EXISTING CONTOUR
- PROPOSED GRADING
- PROPERTY LINE
- PROPOSED FENCELINE
- STORMDRAIN LINE
- CATCHBASIN, WSDOT, TYPE 1
- CASCHBASIN WSDOT, TYPE 2
- TREATMENT VAULT
- TRACK SUBDRAIN

N

0 150 300 450
SCALE IN FEET

PRELIMINARY - NOT FOR CONSTRUCTION

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841

kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407
(253) 396-0150 Fax (253) 396-0162

MARK:	REVISION:	BY:	APPR:	DATE:

CMB	1/10/2018
CHECKED BY	DATE
SWK	1/10/2018
DIRECTOR ENG.	DATE

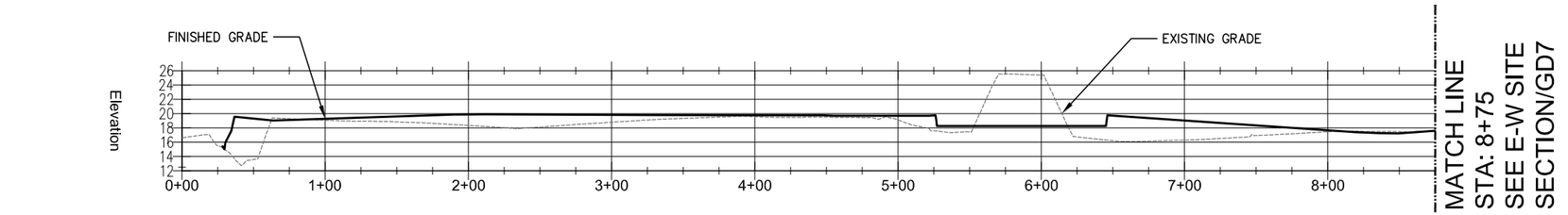
APPROVED:

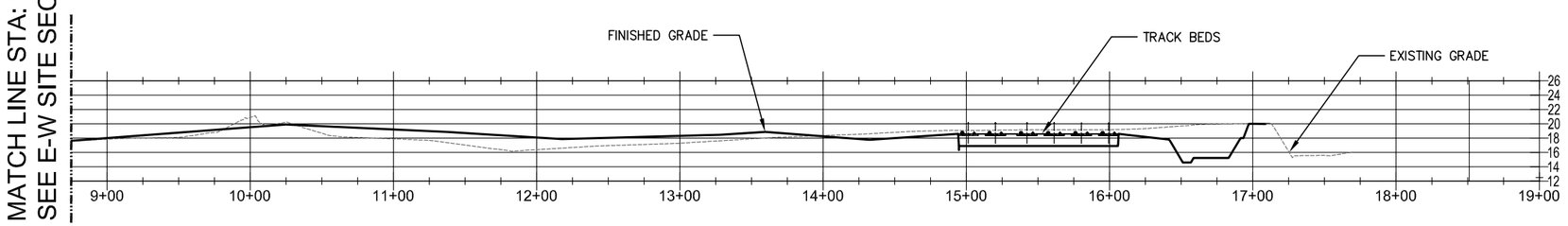
PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT

DRAINAGE PLAN

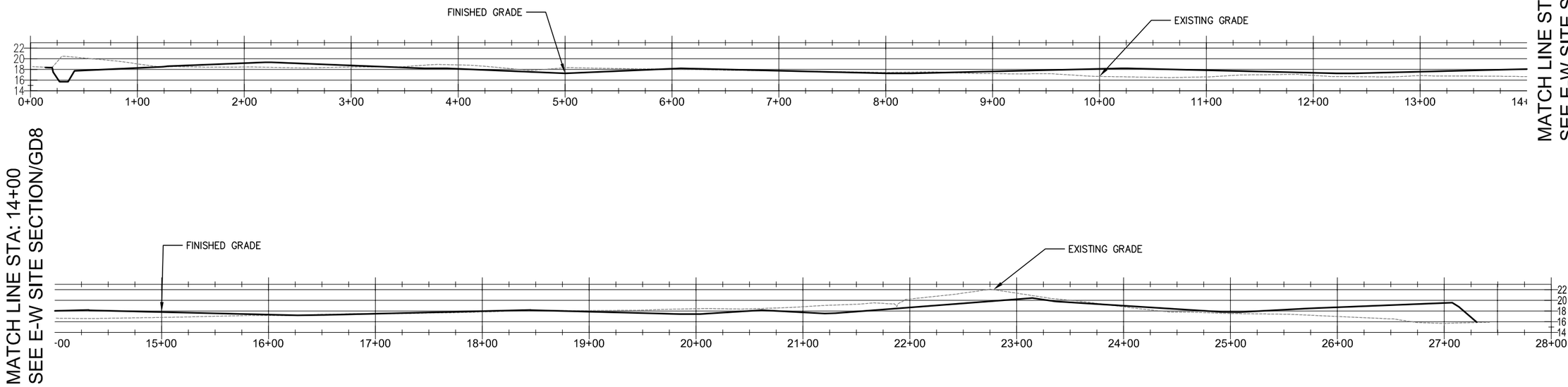
PROJ. ENGR	skingsley Jan 12, 2018		
PRINTED BY:	skingsley Jan 12, 2018		
PORT ADDRESS:	ONE SITCUM PLAZA		
	TACOMA WA, 98401-1837		
TOWNSHIP:	21N	RANGE: 3E	SECTION: 36
VERT:	PORT OF TACOMA BM#		
DRAWING SCALE:	AS SHOWN		
CONT/CONS:	070770		
M. ID:	201020.01	DAT–HRZ:	W83-SF
PHASE:	PRELIMINARY	PARCEL:	MULTIPLE

6
06 OF 10





A/6 **N-S SITE SECTION; STA: 8+75 TO 19+00**
SCALE: H: 1" = 50', V: 1" = 10'



B/6 **E-W SITE SECTION; STA 14+00 TO 28+00**
SCALE: H: 1" = 50', V: 1" = 10'

PRELIMINARY - NOT FOR CONSTRUCTION

kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407-3350
(253) 396-0150 Fax (253) 396-0162

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841

MARK:	REVISION:	BY:	APPR:	DATE:

APPROVED:

DIRECTOR ENG. DATE

PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT
CROSS SECTIONS

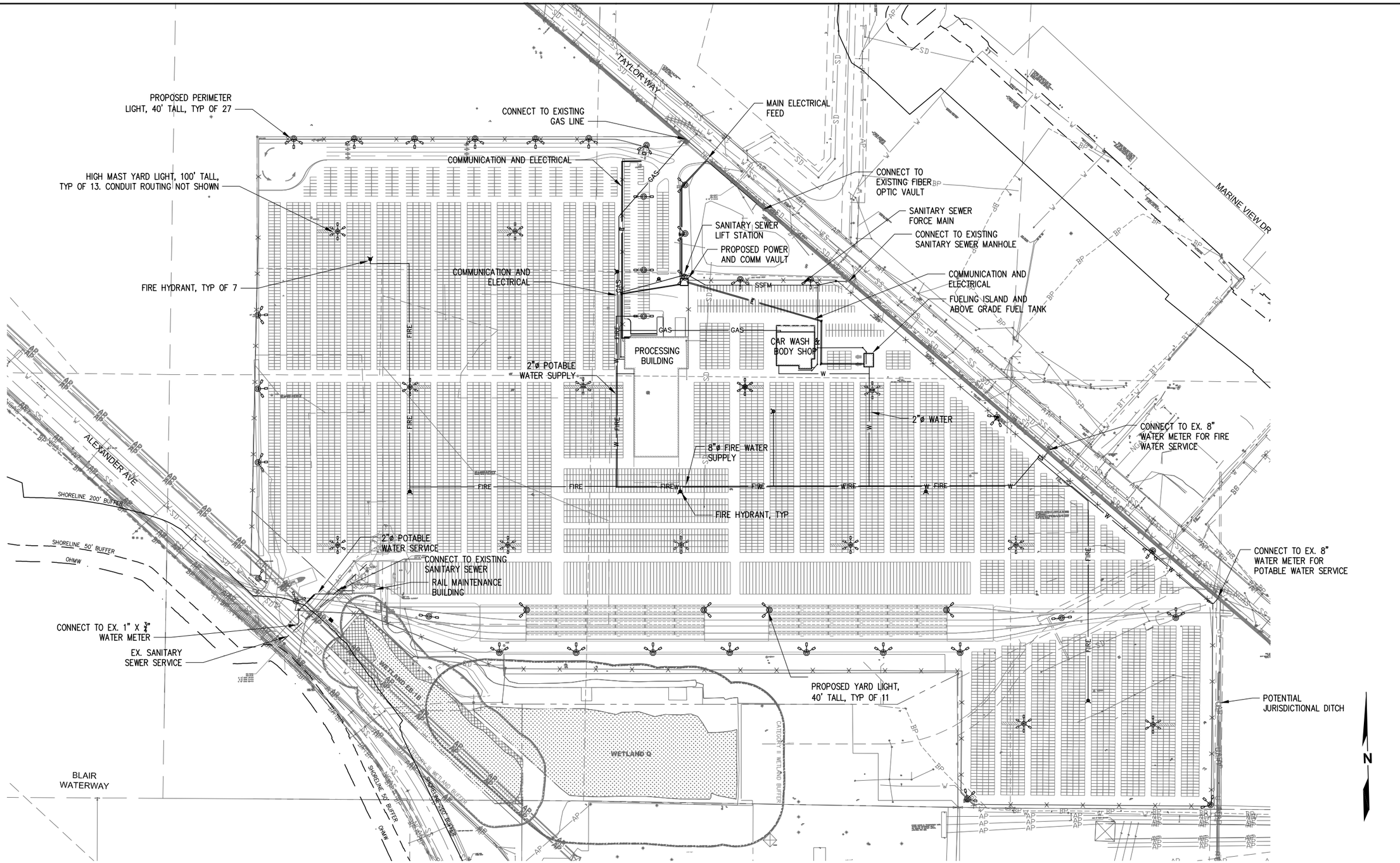
CMB	1/10/2018		
CHECKED BY	DATE		
SWK	1/10/2018		
PROJ. ENGR	DATE		

TOWNSHIP: 21N	RANGE: 3E	SECTION: 36	
DAT–HRZ: W83-SF	VERT: PORT OF TACOMA BM#		
PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN		

CONT/CONS:	070770
M. ID:	201020.01
PHASE:	PRELIMINARY

PRINTED BY: skingsley Jan 11, 2018
PORT ADDRESS: ONE SITCUM PLAZA
TACOMA WA, 98401-1837

7 07 OF 10



UTILITY PLAN
1" = 150'

PRELIMINARY - NOT FOR CONSTRUCTION

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841

kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407
(253) 396-0150 Fax (253) 396-0162

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SWK 1/10/2018
PROJ. ENGR DATE
DIRECTOR ENG. DATE
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PRINTED BY: skingsley Jan 12, 2018
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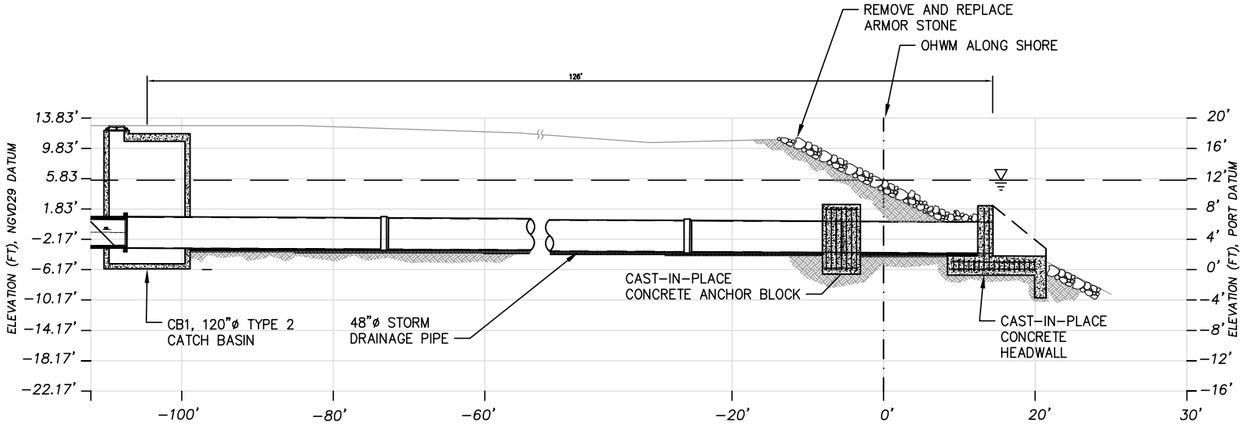
TACOMA WA, 98401-1837

PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT

UTILITY PLAN

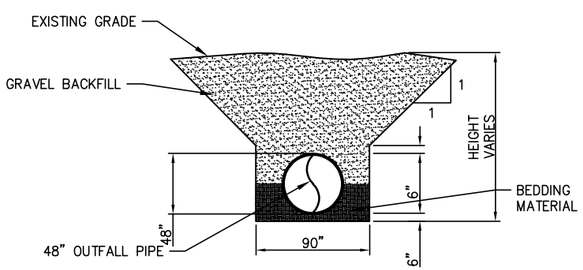
CONT./CONS: 070770	TOWNSHIP: 21N	RANGE: 3E	SECTION: 36
M. ID: 201020.01	DAT-HRZ: W83-SF	VERT: PORT OF TACOMA BM#	
PHASE: PRELIMINARY	PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN	

8
08 OF 10



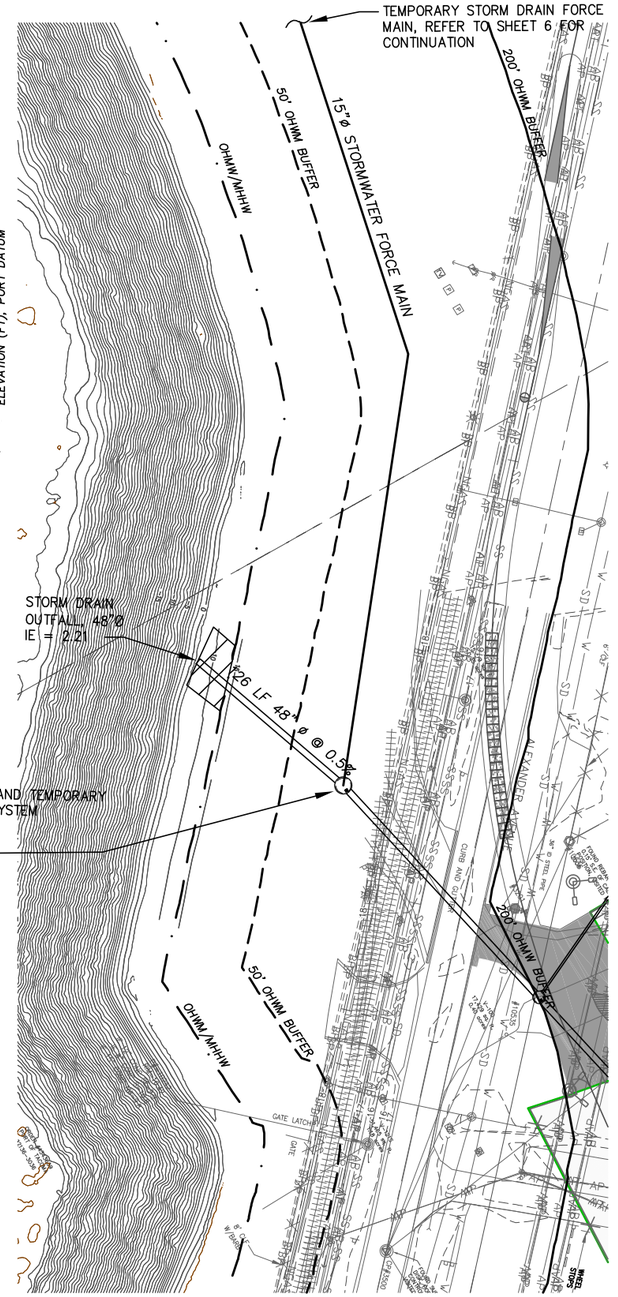
BLAIR WATERWAY OUTFALL PROFILE

1" = 10'



TYPICAL TRENCH SECTION OUTFALL PIPE

1" = 5'



SITE PLAN

1" = 50'

GRAPHIC SCALE

25 0 12.5 25 50 100

(IN FEET)
1 inch = 50 ft.

LEGEND

- STORM DRAINAGE PIPE
- CATCH BASIN
- 1 FT BATHYMETRY
- OHWM/MHHW — ORDINARY HIGH WATER MARK (OHWM)/MEAN HIGHER HIGH WATER (MHHW)
- 50' OHWM BUFFER — 50' OHWM BUFFER / FISH AND WILDLIFE HABITAT CONSERVATION AREA (FWHCA)
- AREA OF DISTURBANCE

EARTHWORK BELOW OHWM/MHHW

	SF	CY
EXCAVATION		41
GRAVEL BACKFILL		34
BEDDING		12
ARMOR STONE REMOVAL	920	102
ARMOR STONE REPLACEMENT	760	84
CONCRETE FILL	160	18

PRELIMINARY - NOT FOR CONSTRUCTION

Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841
kpff
2407 North 31st Street, Suite 100, Tacoma, Washington 98407-3282
(253) 396-0150 Fax (253) 396-0152

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PROJ. ENGR	DATE	

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DIRECTOR ENG. DATE

PRINTED BY: skingsley Jan 12, 2018

PORT ADDRESS:ONE SITCUM PLAZA

TACOMA WA, 98401-1837

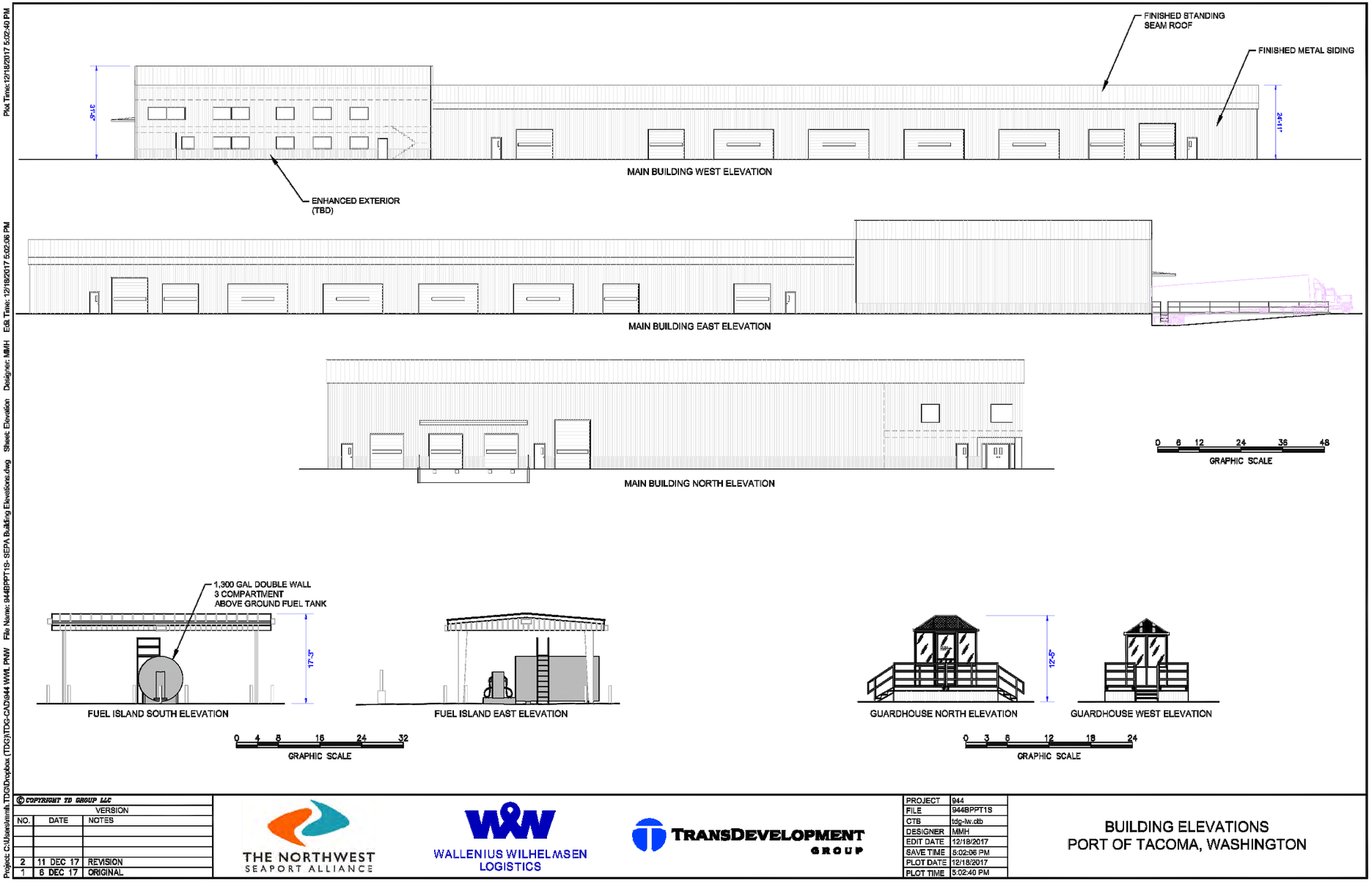
DRAWING SCALE: AS SHOWN

PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT
BLAIR WATERWAY OUTFALL
PLAN AND PROFILE

TOWNSHIP: 21N	SECTION: 36
RANGE: 3E	
VERT: PORT OF TACOMA BM#	
DRAWING SCALE: AS SHOWN	

CONT/CONS: 070770	
M. ID: 201020.01	
PHASE: PRELIMINARY	PARCEL: MULTIPLE

9 OF 10



Project: C:\Users\mmh.TDG\Dropbox (TDG)\TDG-CAD\944 WWL PNW File Name: 944BPPT1S- SEPA Building Elevations.dwg Sheet: Elevation Designer: MMH Edit Time: 12/18/2017 5:02:06 PM Plot Time:12/18/2017 5:02:40 PM

VERSION		
NO.	DATE	NOTES
2	11 DEC 17	REVISION
1	6 DEC 17	ORIGINAL

THE NORTHWEST SEAPORT ALLIANCE

WALLENIUS WILHELMSEN LOGISTICS

TRANSDEVELOPMENT GROUP

PROJECT	944
FILE	944BPPT1S
CTB	tdg-lw.ctb
DESIGNER	MMH
EDIT DATE	12/18/2017
SAVE TIME	5:02:06 PM
PLOT DATE	12/18/2017
PLOT TIME	5:02:40 PM

BUILDING ELEVATIONS
PORT OF TACOMA, WASHINGTON

PRELIMINARY - NOT FOR CONSTRUCTION

kpff
2407 North 31st Street, Suite 100
Tacoma, Washington 98407
(253) 396-0150 Fax (253) 396-0162

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Port of Tacoma
P.O. BOX 1837 TACOMA, WA 98401 (253)383-5841

CMB	1/10/2018		
CHECKED BY	DATE		
SWK	1/10/2018		
PROJ. ENGR	DATE		
skingsley Jan 09, 2018			

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PARCEL 77 AUTO IMPORT TERMINAL
SEPA EXHIBIT

BUILDING ELEVATIONS

CONT/CONS:	070770	TOWNSHIP: 21N	RANGE: 3E
M. ID:	201020.01	DAT-HRZ: W83-SF	VERT: PORT OF TACOMA BM#
PHASE:	PRELIMINARY	PARCEL: MULTIPLE	DRAWING SCALE: AS SHOWN

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PORT ADDRESS: ONE SITCUM PLAZA
TACOMA WA, 98401-1837

10
10 OF 10