



MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)
PORT OF EVERETT
South Terminal Berth Improvements / Mill A Interim Action
SEPA File No. 2018-03

DESCRIPTION OF PROPOSAL: The purpose of the proposal is to conduct maintenance dredging activities and infrastructure improvements at the South Terminal to improve vessel navigation in response to anticipated needs of the Port's current customers' cargoes getting heavier and larger. These evolving cargo needs require larger ships. These navigation improvements will allow anticipated calls from larger vessels on South Terminal to ensure port operations remain uninterrupted and near-term Port needs are met. The proposal also includes completion of a portion of the Mill A Cleanup under an Interim Action Agreement with WA Department of Ecology (ECY).

The proposal entails four main components, including mitigation:

1. Structural Improvements

- a. Two new 15-foot square concrete mooring dolphins supported on a total of 18, 24-inch-diameter steel pipe piles, new mooring hardware, railings, and a fender system consisting of eight (total), 12-inch-diameter steel pipe fender piles, all connected by aluminum, fully grouted catwalks (two 100-ft lengths by 6-ft wide). Construction of the dolphins is expected to require use of 18, 24-inch-diameter, uncoated, temporary, steel pipe piles installed and removed utilizing a vibratory hammer. The purpose of the temporary piles is to construct templates for driving the permanent piles and temporarily support the dolphin cap concrete pours. The permanent piles supporting the dolphin would be installed utilizing a vibratory hammer as far as practicable and completing installation with an impact hammer with a bubble curtain (or equivalent noise reduction features) to proof the capacity of the piling. Falsework would then be constructed on the temporary piling and the dolphin pile caps would be formed, reinforcement tied, and concrete placed atop the falsework. The 12-inch-diameter fender piles will be installed using a vibratory hammer only. The piles will be backed by a galvanized steel waler and rubber arch fender elements. Once the dolphins are constructed, the falsework will be removed, the temporary piles will be pulled with a vibratory hammer, and the catwalks will be installed which may require some moderate demolition and reconstruction at the interface of the existing South Terminal.
- b. Fender point improvements at five locations along the face of the existing wharf including removal of five, 35-foot-long portions of the existing fender system (175 feet total). This will include removal and disposal of existing creosote treated timber chocks and walers, removal and salvaging or disposal of the existing rubber arch fenders, and extraction (using a vibratory hammer) of 20 existing fender piles. The existing fender piles consist of a mix of both 12-inch diameter steel and creosote treated timber piles. These piles will be replaced with 10, 16-inch HP16 piles at each of five (5) 35-foot-long portions of the existing fender system (for a total of 50 piles) with UHMW rub strips along the face of the piles. The piles will be installed using a vibratory hammer. These piles will be backed by a galvanized steel waler and four rubber arch fenders per location. The purpose of these new piles is to provide a reaction point for five new 15-foot-diameter, 30-foot-long, floating, removable pneumatic fenders. The pneumatic fenders will be placed in front of these new fender piles for vessel berthing and mooring but can be hauled out of the water at the Port's discretion, as needed. Where contamination is found to be present, prior to pile driving along the South Terminal wharf face, a sand cover will be placed per requirements of Washington State Department of Ecology (Ecology) to minimize the potential for disturbance and transport of contamination. A cover at least three times the diameter of the pile and 6 inches deep will be placed on the sediment surface where the pile is to be driven.
- c. Replacement of portions of the South Terminal Dolphin Berth Trestle decking to accommodate installation of two new higher capacity mooring bollards. Addition of the new mooring hardware at the existing Dolphin Berth Trestle will consist of removing two each of the existing deck panels in two spans (four panels total).

This will require saw-cutting and localized select demolition taking care to prevent demolition debris from entering water. This removal will also require temporarily detaching and bracing the existing mooring system for reattachment after the deck has been replaced. The removed panels will then be replaced by forming and pouring a cast-in-place deck replacement to increase the deck capacity for upgraded mooring hardware. Temporary piling may be required for the concrete pour on the dolphin trestle for the new mooring hardware. Approximately 18, uncoated 24-in diameter temporary steel pipe piles may be installed and subsequently removed following completion of the mooring hardware upgrades.

2. Maintenance Dredging

The proposed maintenance dredge area is located within the Weyerhaeuser Mill A Former cleanup site that is being administered by ECY under the Model Toxics Control Act (MTCA). The cleanup site is subject to a MTCA Agreed Order between the ECY, the Port, Weyerhaeuser, and the Washington State Department of Natural Resources (No. DE 8979). The Port will conduct the contaminated dredging portion of this project as a formal interim cleanup action with ECY and in conformance with an ECY-approved Interim Cleanup Action Work Plan. In addition, an Agreed Order Amendment or new Agreed Order is required for the Interim Action. The proposed dredging will remove sediments and wood debris (if encountered) from an area within the existing historical dredge footprint to a depth of -40 to -42 feet MLLW. The target elevation for the base of the dredge footprint is -40 feet (MLLW) plus a 1-foot over-dredge allowance. The dredging includes construction of a keyway at the toe of the transition slope that will be dredged to -45 feet MLLW to allow armor placement. The armor is necessary for slope stability and to provide isolation and protection of contaminated sediments that may be exposed but not fully removed by the dredging as required by ECY. The functional depth of the navigation area will be -40 MLLW, which is consistent with the original dredge design depth. The transition slope extending up from the base of the dredge prism will be constructed between approximately 2H:1V and 2.5H:1V (horizontal to vertical) to meet the existing elevations along the eastern portion of the dredge cut and includes a 1-foot over-dredge allowance. In the area of dredging adjacent to the south end of the South Terminal Wharf on the upper section of the slope, dredging will extend 5 vertical feet to allow for placement of armor rock to protect the wharf from potential erosion due to wave energy.

The project is within the boundaries of a MTCA cleanup site, therefore additional sediment removal beyond the base of the proposed dredge prism may be required for the placement of cap material to isolate contaminated sediment if exposed. This is consistent with the approach required by ECY for the previous dredging projects completed by the Port. Sampling for the dredge material suitability determination is underway and volumes will be further defined based on agency review. Preliminary calculations for the dredge material volume is approximately 25,840 cubic yards including the 1 foot over-dredge allowance. Less than approximately 20% of the material is anticipated to be unsuitable for open water disposal. Total dredge area is approximately 81,435 square feet (sf) of which approximately 4,600 sf will be armored below -20 feet MLLW and 4,500 sf will be armored above -20 feet MLLW. Dredging will be conducted using a barge-mounted dredge. Dredged material that is suitable for open water disposal will be loaded into a bottom dump barge for transport and disposal at the Port Gardner Bay open-water disposal site located in Everett, Washington. Dredged material unsuitable for open-water disposal will be removed as an interim cleanup action and will be offloaded at an upland transload facility located either at the South Terminal or an offsite facility appropriate for transloading. The dredged material that is offloaded to the transload facility will be transported via trucks and/or train for disposal at an appropriate permitted upland landfill facility. The removal of contaminated material will be coordinated with ECY Toxics Cleanup Program (TCP) staff who oversee the overall cleanup activities at the site. Final calculations of the volumes of material suitable for open water and material that must be disposed of upland will be provided upon completion of the suitability determination through the Dredged Material Management Program. Sediment sampling for the purposes of DMMP characterization will occur in October 2018.

3. Slope Armoring

Slope armoring will be constructed on the dredge transition slopes to maintain slope stability, contain any exposed contaminated materials (as required by ECY TCP) and protect against propeller scour. The transition slopes will be constructed at an assumed slope between 2H:1V and 2.5H:1V. The entirety of the northern engineered slope is expected to be constructed with placement of a 3-foot layer of armor rock at 2.5H:1V. The southern engineered slope is expected to be constructed with placement of 3-foot layer of armor rock for the bottom half of the slope (extending from toe of slope at -40 feet MLLW to -20 feet MLLW) at slopes between

2H:1V and 2.5H:1V. At the base of the transition slopes, a keyway will be filled with armor rock to support the dredged slope. A small area immediately adjacent to the southern end of South Terminal will be armored from -20 feet to approximately 0 feet MLLW. A 5-foot layer of armor rock will be placed at an assumed slope of approximately 2.5H:1V. This design feature is necessary to ensure the integrity of the existing South Terminal Wharf pier structure while maintaining the minimal size and side slope of the dredge footprint. The surface area of new rip rap fill at elevations is approximately 3,022 sf of the total riprap area above -20 feet MLLW. A layer of coarse sand and pea gravel (fish mix) will be used to fill the interstices and cover this southern section of armoring down to elevation -20 feet MLLW. The northern section of armoring down to -20 feet MLLW (1,587 sf) will not have fish mix placement because it is within a contaminated area with compromised habitat value.

4. Environmental Mitigation: Measures are described in the Determination section below.

The proposed project is anticipated to occur from July 2019 through June 2020. All in-water construction will be completed within the allowable work windows (July 16 through February 15).

PROPONENT AND LEAD AGENCY: Port of Everett

LOCATION OF PROPOSAL: The property is located in the NW quarter of Section 30, Township 29 North, Range 5 East and in the NE quarter of Section 25, Township 29 North and Range 4 East, Willamette Meridian. The approximate street address is 3210 Terminal Avenue, Everett, Washington. Tax Parcel identification numbers 29053000201800, 29042500400200 and 29053000203400.

DETERMINATION: The Lead Agency for this proposal has determined that this proposal, in conjunction with mitigation measures, will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 and WAC 197-11. This determination assumes compliance with federal and State law as well as City of Everett ordinances related to general environmental protection. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

It is the policy of the Port that, when undertaking an action involving the exercise of substantive SEPA authority, the Port shall consider, as appropriate under the circumstances, the ramifications of such action as to one or more of the factors listed in Port of Everett Resolution 1046, Substantive Authority.

Mitigation Measures

The project has been designed to avoid and minimize adverse impacts to the estuarine system, however, some impacts are unavoidable. Permanent impacts will result from a combination of increases in overwater coverage and displacement of benthic habitat from both dredging and infrastructure installation.

Total increase of overwater coverage has been estimated at 2,848 sf. These impacts will be from the installation of 5 pneumatic Yokohama fenders (2250 sf), two new dolphins including piles, pile caps and fenders (598 sf) and the new catwalk structure (1,200 sf). Because the catwalks will be located in deep water, approximately 7-ft above MHHW and fully grated, creating no hard shadow on the surface of the water and therefore with no shading impacts, its square footage is not counted for the total square footage impacted by overwater coverage. Mitigation for overwater coverage is based on the need to retain shallow benthic productivity and juvenile salmon migration corridors. Since this increase in overwater coverage would occur in deeper water where benthic productivity is minimal, the increases in overwater coverage would only affect juvenile salmonid behavior through avoidance of the shaded area. Thus, the effect of loss of habitat function is discounted by half of the total area to result in 1,424 sf of habitat loss due to shading that will be compensated for by the use of Union Slough advanced mitigation credits.

Permanent benthic habitat displacement will result due to armoring and pile installation for a total of 3,176 sf of displaced habitat. These impacts will be from the installation of 50 HP16 fender piles (90 sf), 18 24-inch steel batter piles (57 sf), 8 12-inch steel fender piles (7 sf), and nearshore armoring to the north end of the dredge prism (1,560 sf) and at the south end of the terminal (3,022 sf). As part of the project, a derelict creosote dolphin will be removed resulting in a net enhancement of 23.5 sf as well as the removal of 20 12-inch fender piles resulting in a net habitat benefit of 15.8 sf. The 1,560 sf of nearshore that will be armored north of the pier is within a previously documented contaminated area with compromised habitat value and is not counted toward the total benthic habitat displacement impact. In the northern area, the removal of contaminated material is enhancing the existing degraded conditions in

this area. This beneficial action provides mitigation for the northern rock armor installation; therefore, no fish mix is proposed within the rock armoring in this northern area. The armoring proposed for the south end of the terminal will be filled and covered with coarse sand and pea gravel mix (i.e. fish mix) and will provide similar habitat value after construction. Based on the above, the net functional benthic habitat displaced by this project which will require mitigation is approximately 115 sf which will be compensated for by the use of Union Slough advanced mitigation credits.

The proposed dredge is a maintenance activity to restore navigation to the South Terminal and is within the historic dredge footprint of the South Terminal. It was last dredged by the former site owner in the 1970s. Although the proposed dredge is within the historic dredge footprint, several small patches of eelgrass have established within the proposed dredge cut (approximately 900 sf). After dredging is completed, the Port will transplant 1,800 sf of eelgrass to the Pigeon Creek delta using donor stock from surrounding healthy eelgrass habitat. The newly transplanted eelgrass habitat is predicted to reach full function within 5 years. The proposed transplant location has similar tidal elevation, wave energy, and substrate as the existing eelgrass location and will provide the necessary environment for success of the transplants. This transplant is proposed to occur during the spring/summer of 2020.

In addition to the above, prior to dredging the Port will salvage the isolated patches of eelgrass (approximately 900 sf) that are within the proposed dredge prism and move them to the nearby Pigeon Creek delta. This action will create 1,000 sf of eelgrass habitat, enhancing existing eelgrass habitat located on the Pigeon Creek delta. The resulting total square footage will more than compensate for the loss of temporal function from transplanting the eelgrass and any additional unforeseen project related impacts to nearshore benthic function. The Port will monitor both area and density of the new eelgrass beds to identify mitigation success. To reach full ecosystem function, in five years the planted area should equal 1,800 sf with a density approaching or the same as pre-project densities. The Port will also establish reference monitoring plots in an eelgrass bed in the vicinity to account for any stochastic variability that could locally affect eelgrass area and density. To ensure that ecosystem function is being met in perpetuity, the Port will monitor up to four times in the 5 years after the eelgrass transplant. If success criteria are not met, the Port will supplement the existing planting or enter into adaptive management with applicable resource agencies.

The Port will implement the following Best Management Practices (BMPs):

- a. An emergency spill containment kit must be located on-site along with a pollution prevention plan detailing planned fueling, materials storage and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.
- b. Work will be completed within the Corps and Washington Department of Fish and Wildlife (WDFW) approved in-water work windows (July 16 and February 15).
- c. Work will be completed in compliance with the Ecology Water Quality Certification (WQC) standards that limit the temporary impact of turbidity. Any turbidity associated with dredging and disposal would be minimal, localized and temporary, and would be limited to a mixing zone allowed by the Department of Ecology's water quality standards.
- d. Work will be in compliance with other local, state and federal regulations and restrictions (e.g., WDFW Hydraulic Project Approval [HPA], local Critical Areas Ordinance and land use regulations, Shoreline Master Program, State Environmental Policy Act [SEPA], 401 Water Quality Certification, and Corps Section 10 [Rivers and Harbors Act]).
- e. Disturbance will be limited to those areas necessary for construction, which will be identified on site plans and marked on the site before construction begins as shown on JARPA drawings (Appendix A).
- f. Fresh concrete or concrete by-products shall be prevented from entering waters of the state. All forms used for concrete shall be completely sealed to prevent leaching of fresh concrete and to prevent concrete from getting into state waters. Impervious materials shall be placed over any exposed concrete not lined with impervious forms that will come in contact with waters of the state. Forms and impervious materials shall remain in place until concrete is cured.
- g. The contractor will be required to prepare a construction Spill Prevention, Control and Countermeasures (SPCC) Plan for this project according to WSDOT (2013) guidance. The SPCC Plan will be consistent with 40 CFR 112.3 as well as the State of Washington Oil Spill Contingency Plan (WAC 173-182).

- h. The contractor will perform daily inspection of construction equipment to ensure there are no leaks of hydraulic fluids, fuel, lubricants or other petroleum products. Corrective actions will be taken in the event of any discharge of oil, fuel, or chemicals into the water, including:
 - 1) In the event of a spill, containment and cleanup efforts will begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup will include proper disposal of any spilled material and used cleanup material.
 - 2) The cause of the spill will be assessed, and appropriate action will be taken to prevent further incidents or environmental damage.
 - 3) Spills will be reported immediately to ECY's Northwest Regional Spill Response Office at (425) 649-7000 (a 24-hour phone number). Spills of oil or hazardous materials also will be reported immediately to the National Response Center at 1 (800) 424-8802 and the Washington Emergency Management Division at 1 (800) 258-5990 or 1 (800) OILS-911.
- i. All construction-related debris will be cleaned up on a daily basis. Proper conservation measures will be taken to ensure that debris will not contaminate the marine shoreline or marine waters.
- j. Waste materials, including miscellaneous garbage and/or other debris removed from the shoreline environment, will be transported off site for disposal in accordance with applicable regulations.
- k. The contractor will be required to comply with all permit conditions.
- l. Barges and support vessels will be positioned and navigated in a manner that will avoid grounding out.
- m. During dredging, each cycle of the bucket will be complete and stockpiling of material under water will not be allowed.
- n. Leveling of the completed dredging surface by dragging a beam or the clamshell bucket will not be permitted.
- o. Return water draining from the receiving barge will be treated by a filter media such as straw bales or geotextile fabric before return to surface water. Filter fabric will be cleaned and changed regularly to assure effective filtration.
- p. Dredged material suitable for open-water disposal will be loaded into a bottom-dump barge for transport and disposal. The dredged sediments that are suitable for open-water disposal are expected to be disposed at the Port Gardner open-water disposal site located in Everett, Washington.
- q. A silt curtain will be deployed around the active dredge area to contain suspended sediments and reduce impacts to water quality.
- r. Water quality will be monitored during dredging as per the requirements of the Department of Ecology to ensure compliance with the 401 Water Quality Certification. Exceedances will be managed according to Ecology's requirements, and may include modifying the dredging activity or BMPs and operations, implementation of additional BMPs, and/or temporary suspension of dredging in order to allow the exceedance to pass. Ecology notification would occur based on the requirements of the 401 Certification.
- s. Removal of contaminated sediment identified within the proposed project footprint, removing a source of contaminant exposure to local fish and wildlife.
- t. To minimize potential noise related impacts, all piles will be driven with a vibratory pile driver to the extent practicable. An impact pile driver will only be used to reach required tip elevations in the event that vibratory action is not sufficient to overcome soil resistance, or to proof piles for load bearing capacity. A bubble curtain (or equivalent sound attenuation) will be deployed for all impact pile driving to reduce waterborne noise. All non-load bearing fender piles at the face of the wharf will be driven with a vibratory hammer only.
- u. To minimize the resuspension of surface sediments during pile driving, a 6-inch cap of clean sand will be placed in the new pile footprint to prevent potential suspension of contaminated sediments.
- v. If required by the Federal Services in order to minimize injury and behavioral disturbances to marine mammals, trained biologists knowledgeable in the identification of orcas and other marine mammals will be positioned on the South Terminal wharf to observe the area during all periods of pile driving. All observers will have a direct communication link with the pile driving supervisor and will stop pile driving if any marine mammal comes within the disturbance threshold defined by the project's marine mammal monitoring plan.
- w. The Port will correspond with the United States Fish and Wildlife Service (USFWS) to determine if marbled murrelet monitoring using established murrelet monitoring protocols will be required.

- x. Excess or waste materials, petroleum products, fresh cement, lime or concrete, chemicals, other toxic or deleterious materials would not be allowed to enter into Port Gardner.
- y. All site lighting used to facilitate nighttime cargo handling operations will continue to be aimed and shielded to minimize potential light and glare impacts on adjoining in-water areas.
- z. In the event of discovery of any previously unknown item of possible archaeological or historic interest occurs during project work, construction must stop immediately and notification must be provided to the City of Everett, the Tulalip and Suquamish Tribes, Washington State DAHP, and the Corps of Engineers of such a discovery. A professional archeologist shall be consulted and must inspect and evaluate the discovery.
- aa. The Port will continue to coordinate with the Ecology MTCA Program to ensure appropriate project BMPs are being instituted to protect human health and the environment, considering that this project is located within the Mill A Site Cleanup Action Plan area.

Other actions to avoid, minimize and mitigate potential adverse effects on ESA species of concern and, as a result, function as conservation measures, will include the mitigation measures described above and in the proposal's Draft Biological Evaluation. This will include various measures to protect water quality, minimize turbidity, and avoid adverse effects from dredging, pile driving and overwater construction activities.

Note: Issuance of this threshold determination does not constitute approval of local, state and federal permits. Construction contractors shall comply with all applicable permit conditions.

This MDNS is issued under WAC 197-11-340(2) and WAC 197-11-350.

PUBLIC AND AGENCY COMMENT: The lead agency will not act on this proposal for 14 days from the published date below. Comments must be submitted in writing by **5:00 P.M. November 13, 2018** to the Responsible Official as named below. Comments will not otherwise be accepted by telephone or personal conversation. For general project related questions or additional information, please contact Laura M. Gurley, Planner, at 425-388-0720 or email laurag@portofeverett.com.

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Responsible Official: Paul Brachvogel
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Email: SEPAComments@portofeverett.com, subject line: "SEPA South Terminal Berth Improvements"

Signature: 

Date: 10/30/18

Published on Port Website: October 30, 2018
Posted: October 30, 2018
Mailed: October 30, 2018

APPEALS: There is no administrative appeal for this determination per Port of Everett SEPA Resolution 1046. Procedures for appeal of this SEPA threshold determination are set forth in Chapter 43.21C RCW including, without limitation, RCW 43.21C.060, 43.21C.075, and RCW 43.21C.080 and Chapter 197-11 WAC including, without limitation, WAC 197-11-680.