



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3009173

Applicant Name: Matthew Blinstrub for the Port of Seattle

Address of Proposal: 3225 East Marginal Way South (Terminal 25)

SUMMARY OF PROPOSED ACTION

T25 South Site Improvements (Phase II): Shoreline Substantial Development Application to allow improvements to the southern 11.3 acres of the Marine Cargo Terminal at the Port of Seattle (Terminal 25). Project includes 54,500 cu. yds. of grading and repaving, replacement of drainage, water, electrical and lighting systems. Surface parking for 50 vehicles to be provided. Determination of Non-Significance has been prepared by the Port of Seattle.

The Seattle Municipal Code (SMC) requires the following approvals:

Shoreline Substantial Development Permit - To allow restoration of container cargo facility in an Urban Industrial (UI) shoreline environment pursuant to Seattle Municipal Code. (SMC 23.60.020 and 23.60.720)

SEPA - For conditioning only. (Chapter 25.05 Seattle Municipal Code)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with condition

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

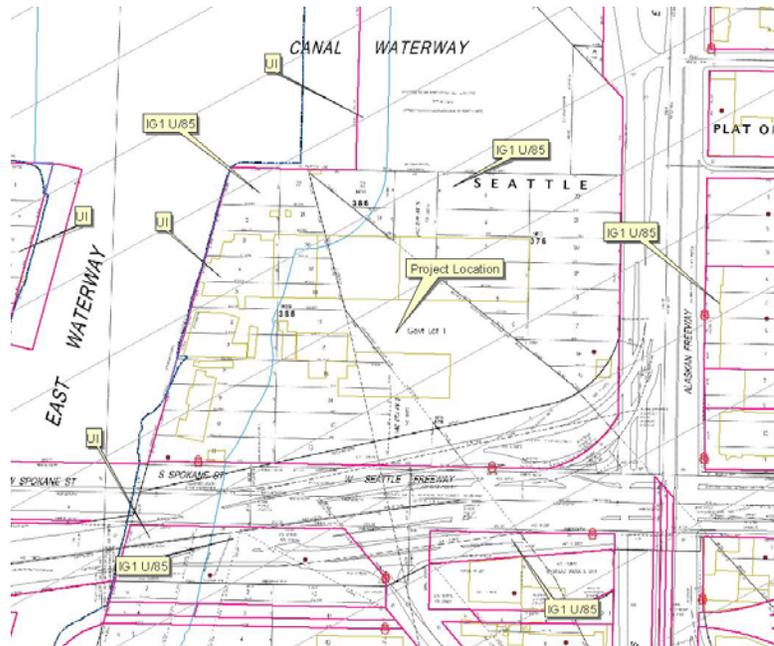
Site Location and Zoning

The Terminal 25 (T-25) project site is located at 3225 East Marginal Way South in the City of Seattle, along the eastern edge of the East Waterway, which is part of the Duwamish Waterway. The project site is located in the SE quarter of Section 7, Township 24 North, Range 4 East, King County, Washington. T-25 is located south of T-30 and Pier 27, Slip 27 and Pier 28 are designated areas located between T-25 and T-30. These designated areas are proposed for consolidation as one container terminal facility. The combined sites comprise approximately 87.5 acres of upland and shore land marine cargo marshaling area, warehouse structures, cargo piers, repair and maintenance facilities, and marine passenger improvements.

The property is within an Urban Industrial (UI) shoreline environment and is zoned General Industrial I with an 85-foot height limit (IG-1/U85).

Project Background

The Port's T-25 has been a marine terminal for decades. The site comprises approximately 42 acres of upland and shore land marine cargo marshaling area. Prior structures included a refrigeration building and supportive uses. Upland area used by the Port for water-dependent industrial and marine cargo uses is entirely port-owned. Existing container cargo piers are located in area controlled by the state as part of the East Waterway. The existing container cargo piers are piling-supported structures on Washington Department of Natural Resources (WDNR) property.



Immediately north is Jack Perry Memorial Viewpoint, developed by the Port to provide required public shoreline access. Additional marine industrial and other industrial facilities and operations on privately-owned sites are present west, south, and east of the T-25 site. These include: a Coast Guard facility to the north; and rail yards, manufacturing, distribution, and warehouses to the east and southeast.

The project is the implementation of consolidating container terminal use at Terminals 30 (T-30) and T-25 into one container facility. T-25 and T-30 are located west of East Marginal Way South in Seattle, across the East Waterway from Harbor Island. The facility includes an upland area and an older container cargo pier over water that is in process of demolition and site remediation. The T-25 site is currently not used for berthing ships and will not provide a berth location in the future. The upland area has flat surfaces consisting of compacted fill covered with asphalt paving and open gravel areas. Portions of T-25 are being utilized to store and marshal shipping containers and employee parking.

Parking and Transportation

The project proposes to relocate and provide additional vehicle cargo marshalling area on southern portion the site. Striping, fencing, barricades, gates, sheds and signage will be required. Stormwater runoff from this area will be routed into several catch basins that will be tied into the new storm drainage system

The gate at T-25 will include a security guard shack and a Matson Office Trailer will be located within the Vehicle Cargo Marshalling Area. The main entrance/exit at the site will be from T-30.

Utilities

Utilities associated with this project include water for fire protection, storm water drainage, and electrical service. The extent of utilities work, other than associated with electrical, is limited. New fire hydrants will be provided at each new 100' tall light poles (4 locations). An 80' tall and 40' tall light pole are also proposed to be located within the vehicle cargo marshalling area. Associated piping for fire suppression from these locations will be routed back to the nearest water main. Storm drainage provisions will be provided throughout the area and within the vehicle cargo marshalling area. Storm drainage modifications will include installing water quality treatment devices.

Excavation

Excavation will be required for trenching of utilities, installation of the storm drainage system, balancing the site and site preparation work. There will be approximately 20, 500 cubic yards of material that will approximately 19,500 cubic yards that will include existing asphalt and ballast that may be re-used with new fill. An additional 22,000 cubic yards of ballast material will be imported and readied to receive up to 30,000 tons of asphaltic concrete.

Public Comment

Notice of Application was published on July 31, 2008. The public comment period closed August 29, 2008. DPD received no comments on this proposal.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering

all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed improvements to Terminals 25 and 30 would not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued operation of a facility that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, which also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of Section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as a waterfront lot (SMC 23.60.924) and is located within an Urban Industrial (UI) shoreline environment. The proposed improvements are associated with a cargo terminal use and as such are a permitted use in the UI shoreline environment and the underlying IG-1 zone.

Shoreline Policies

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The policies encourage and support the retention and expansion of existing water-dependent businesses uses at Terminal 25 and 30 (please refer to Land Use Policies LU231 – LU270). An area objective for this portion of the East Waterway is to encourage industrial and port uses where such uses are already concentrated, while at the same time to protect and enhance migratory fish routes and feeding areas (please refer to Area Objectives for Shorelines of Statewide Significance, Policy LU2691d). The purpose of the Urban Industrial (UI) environment as set forth in Section 23.60.220 C11 is to preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets.

The proposed improvements to Terminals 25 would facilitate the cargo terminal use, as supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan. The expansion of the cargo terminal will provide facilities to meet anticipated cargo container growth.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory

routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Long-term or use related impacts are also anticipated from the proposal and include: Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit East Waterway the proposed project area.

This project is proposed to occur in the upland environment of the East Waterway. The southern portion of Elliott Bay is habitat for Chinook salmon and other aquatic species. The project site is adjacent to the migration corridor for juvenile Chinook salmon from the Duwamish River and other water bodies in Water Resource Inventory Area 8. Additionally, predators of juvenile chinook are known to inhabit areas under pier structures and may use these areas as cover while preying on juvenile chinook. Small mouth bass, an introduced predator of juvenile chinook, also use the base of pilings under pier structures as nesting sites. The piers and pilings adjacent to the project site will be removed under a separate project currently under DPD review.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on water quality. In conjunction with this effort DPD developed a Director's Rule, 16-2000, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. The proposed work is subject to SMC 22.800. As a condition of the project the completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures for the land portion of the work. To meet the general development standards SMC 23.60.152 N the applicant must provide a plan showing the best management practices that will be used to ensure that no debris or other deleterious material will enter the water during construction.

As proposed and as conditioned below, the project complies with the above shoreline development standards.

SMC 23.60.750 – Development standards for the UI Environment

The proposal conforms to all of the development standards for the UI environment. The maximum height in UI zones is thirty-five (35) feet, however, SMC 23.60.872B1 states that cranes, mobile conveyors, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

Conclusion

SMC Section 23.60.064 E provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Thus, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

ANALYSIS - SEPA (for conditioning only)

This analysis relies on the Environmental Checklist prepared by the Port of Seattle, which documents the probable adverse impacts likely to be created by the proposal. This decision also makes reference to and incorporates the project plans submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The Port of Seattle, as lead agency, has determined that this proposal is not likely to have significant adverse impacts on the environment and prepared an environmental checklist as required by the State Environmental Policy Act (RCW 43.21C). The following areas are analyzed in this checklist: Earth, Air Quality, Water Resources, Plants and Animals, Environmental Health, Noise, Land Use, Relationship to Plans and Policies, Aesthetics/Light and Glare, Parks and Recreation, Historic and Cultural Resources, Transportation, Public Services and Utilities.

Short-term (Construction-Related) Impacts

The following short-term construction-related impacts are expected to result from the proposed development: decreased air quality due to grading and construction activities, and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; potential soil erosion; potential disturbance of contaminated subsurface soils during grading, utility excavations and general site work; potential damage to historic or archaeological resources; occasional traffic interruptions; increased traffic and demand for parking from construction equipment and personnel; increased noise; temporary utility disruptions; and consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (controls grading, site excavation, temporary shoring, and soil erosion); Environmentally Critical Areas Ordinance (controls development in liquefaction prone soils); the Street Use Ordinance (requires watering/sweeping streets to suppress dust, removal of debris, and minimizing obstructions of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Control Ordinance (controls construction-related noise). Compliance with these and other local, state, and federal regulations will reduce or eliminate most short-term impacts to the environment.

In most cases these regulations provide adequate mitigation. However, the size, location, and other aspects of this project require that some additional measures be employed to adequately mitigate impacts.

Long-term Impacts

Several long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased traffic in the area; increased vehicular emissions to the air; and increased lighting impacts.

This analysis will examine each affected element in turn, the short-term (or construction-related) impacts, followed by the long-term impacts, mitigation measures and significant unavoidable adverse impacts.

Earth

A full discussion of the affected area and the proposal impacts can be found in the checklist.

Short-term, construction-related impacts

Disturbance of soil is required to install utility, the storm drainage system, balance the site and pave the cargo marshalling yard. Depending on the usability of existing soil, ballast and existing pavement, clean select fill for backfill may need to be hauled in from an outside source. Additional ballast material will be placed on top of this material to ready the site for the 30,000 tons of asphaltic concrete paving material. In addition to the utility work, minor grading would be required for installation of the storm sewer system as well as for placing light pole foundations. If contaminated soil is encountered, it would be removed and replaced. It is estimated that approximately 20,500 cubic yards of grading would be required for project work. Approximately 19,500 cubic yards of excavated material may be considered suitable for reuse on-site. If not the unsuitable materials will be hauled to an appropriate disposal site. An additional 22,000 cubic yards of ballast are required to accept up to 30,000 tons of asphaltic pavement.

It is possible that erosion potential would increase slightly during excavation, installation of utilities, grading and paving. However, erosion impacts are expected to be minimal due to the flatness of the site and shallow excavations proposed.

A Temporary Erosion Sedimentation Control Plan (TESCP) and a Stormwater Pollution Prevention plan (SWPPP) would be developed for the project before site work begins. These plans would be designed to reduce the potential for erosion and sediment transport sediment, to filter runoff from the construction area, and to reestablish vegetation or pavement following construction. Measures expected to be included in the plan are:

- All exposed and unworked soil shall be stabilized by suitable and timely application of BMPs.
- Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion.
- Wherever construction vehicle access routes intersect paved roads, provisions will be made to minimize the transport of sediment (mud) onto the paved road.

- Limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Practices may include; silt fences, earth dikes, drainage swales, sediment traps, and check dams.
- Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap or other appropriate BMPs.
- BMPs intended to trap sediment on-site shall be constructed before site work begins and shall be functional before land disturbing activities take place.
- Areas disturbed during construction will be repaved, as appropriate, following project completion.

Environmentally Critical Areas – The City of Seattle Environmentally Critical Areas identify T-25 as an area of liquefaction-prone soils. Liquefaction occurs when loose, saturated and relatively cohesionless soil deposits temporarily lose strength (i.e., take on the physical properties of a slurry) as a result of earthquake shaking. Primary factors controlling the occurrence of liquefaction include intensity and duration of strong ground motion, characteristics of subsurface soil, in-situ stress conditions, and depth to groundwater. Liquefaction did occur at T-30 in the Nisqually earthquake as evidenced by water/soil slurry being forced to the surface through the asphalt, and subsidence of the asphalt in places. The applicants will provide a geotechnical study at building permit stage at which time liquefaction-prone soils will be addressed. In addition, areas within 100 feet of the ordinary high water mark are also considered to be a Shoreline Habitat Buffer environmentally critical area.

Air Quality

While transportation makes up a larger fraction of Greenhouse Gas Emissions (GHG) than other activities, emissions associated with transportation are projected to be the largest contributor to future emissions growth from 2005 to 2020. GHG emissions associated with energy consumption in residential, commercial, and industrial projects, including emissions from electricity consumption, are projected to increase through 2020. Industrial processes use of hydrofluorocarbons (HFCs) as substitutes for ozone-depleting substances (ODS) such as chlorofluorocarbons and hydrochlorofluorocarbons, now accounts for a majority of process emissions, and are growing rapidly (GHG emissions from ODS substitutes are projected to more than double between now and 2020) ¹.

Some data gaps, particularly for future projections exist. Key refinements will include review and revision of key emissions drivers (such as transportation fuel use growth rates) that will be major determinants of future GHG emissions. These growth rates are driven by uncertain economic, demographic and land use trends (including growth patterns and transportation system impacts), all of which deserve closer review and discussion. Other refinements include improved estimates of GHG emissions associated with electricity consumption (especially when adding wind and solar energy production into the equation). Finally, uncertainty remains regarding the estimates for historic GHG sinks and projections for these emissions will greatly affect net GHG

¹ From Washington State Department of Ecology and Community, Trade and Economic Development Department report *Washington State Greenhouse Gas Inventory and Reference Case Projections, 1990 – 2020*, Executive Summary, Pages ES-1 through ES-3.

emissions². Mitigating for these impacts are still a few years away, but in the interim, the city can best reinforce reduction of GHG emissions through educating the public about available alternatives which could ultimately reduce GHG emissions.

The applicant has submitted the Climate Change Impacts Worksheet as an attachment to the SEPA Environmental Checklist. The applicant has estimated that the proposed project will emit 21,780,000 MTCO₂e (Metric Tons of emitted Carbon Dioxide gas) throughout the project's lifespan, beginning with construction.

Water

Short-term, construction-related impacts

Construction Stormwater

A Construction National Pollution Discharge Elimination System (NPDES) General permit for stormwater discharges associated with construction activities would be obtained from Ecology, which would contain water quality monitoring and erosion control requirements deemed necessary by Ecology. Monitoring required by the Construction NPDES General Permit would be conducted to assess the quality of dewatering discharges from excavation related to utility and infrastructure upgrades and treatment would be performed, if needed, to comply with applicable state and local requirements. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented as required by the NPDES permit and would be updated as warranted, which would contain specific best management practices for each construction season.

The contractor would be required to comply with applicable federal, state and local environmental statutes, ordinances and regulations, as specified in Article 23 of the Port of Seattle Project Manual and Bid Specifications. Precautions may include, but not be limited to: requirements to carefully manage and contain petroleum products such as fuels, grease, hydraulic fluids and lubricants; ready access to spill cleanup materials; and use of spill-prevention Best Management Practices (BMPs).

The proposal includes implementing BMPs for erosion control during excavation, fill and grading activities, in compliance with the City of Seattle Stormwater, Grading and Drainage Control Ordinance, and Director's Rule 16-2000, which includes conformance with the Construction Stormwater Control Technical Requirements Manual which became effective July 4, 2000.

- Any contaminated soils encountered during construction will be removed and disposed in an appropriate upland facility. During excavation, contaminated soils will be handled separately from uncontaminated soils and additional BMPs will be employed to prevent contaminants from reaching surface waters. Dewatering water from contaminated soils will be collected and transported to an appropriate upland facility for treatment or disposal.

Long-term Impacts

In accordance with the Stormwater Code Interagency Agreement (an agreement between the City of Seattle and the Port of Seattle), the stormwater design for the facility will comply with all the substantive requirements of the City Code.

² From Washington State Department of Ecology and Community, Trade and Economic Development Department report *Washington State Greenhouse Gas Inventory and Reference Case Projections, 1990 – 2020*, Executive Summary, Page 13.

While there is the potential for impacts to water quality related to container vessels to discharges while at berth, it is unlikely that significant harm will occur because these vessels are subject to numerous federal and state regulations that are meant to prevent adverse impacts to water quality. These regulations cover the discharge of black water (sewage), ballast water and oil-contaminated bilge water. Bunkering (refueling) operations are strictly regulated under the Washington Administrative Code by the Washington Department of Ecology, which adopted a more stringent version of the rules on September 25, 2006.

Design elements for the project would include the following:

- The upgraded stormwater system would improve both the collection and quality of discharged stormwater to the marine environment.
- Drains on the upland areas will have risers to prevent pavement and other harmful material from entering the water.

Plants and Animals

The uplands at the T-25 project site are paved with asphalt, and vegetation is essentially absent. For this reason, upland habitat is not discussed further in the description of T-25.

Bald eagles may occasionally use habitats in the project area; however, there are no known nest sites in the project area. According to a Washington Department of Fish and Wildlife (WDFW) habitat map for bald eagles produced on March 25, 2004 the nearest known breeding occurrences are 1.25 mile and 1.75 mile from T-30. Bald eagles have been frequently observed perching on one of the barges anchored in Elliott Bay, and these birds in the industrial areas of Seattle appear to be habituated to human activity. Foraging could occur in the project area during any season when eagles are present at the nest site.

Short-term, construction-related impacts

Water Quality – Project construction is not expected to adversely affect juvenile salmonids, as the project is located in the upland area adjacent to the East Waterway. Specific control measures (BMPs) will be reviewed and approved prior to issuance of the grading permit.

Environmental Health

The State Environmental Policy Act (SEPA) requires an evaluation of “releases or potential releases to the environment affecting public health such as toxic hazardous materials” associated with the proposed action. The Port has identified that there is a potential for fire, explosion and releases of hazardous materials within the project area. Potential environmental health impacts from the proposed action would be limited to construction activities and the Port’s contractor will implement mitigation measures reducing or avoiding these potential impacts.

Short-term, construction-related impacts

There may be temporary impacts to human health and the environment during construction. Some elements of the proposed action at T-25 are demolition of remaining foundation walls, grading, construction of lighting pole foundations, and installation and upgrades of utilities and

stormwater conveyance piping. Such intrusive activities in some areas of the site may have the potential to encounter, expose, or excavate buried contamination. In most cases, existing investigation data allow the Port and its contractors to avoid areas of buried contamination or to anticipate and effectively manage contaminated material. Potential temporary impacts include the following:

- Removing pavement, demolishing structural remnants, grading the site, and excavating or exposing contaminated soil containing volatile fuel constituents, if not managed correctly during construction, could increase leaching of contaminants by exposing contaminated soil to precipitation. These activities could also potentially contaminate stormwater and could require construction worker health and safety measures such as those required by Chapter 296-843 WAC.
- Disposal of materials will require characterization to determine the potential presence of contaminated soil and/or asphalt concrete generated as part of site clearing, grading, or general excavating in order to select an appropriate offsite disposal facility.
- Construction can also result in the release of hazardous materials to the environment if proper protective measures are not followed. Fuel spills can occur during mobile fueling of heavy equipment. Hydraulic oil leaks are not uncommon on large construction sites and a typical leak results in the release of 5 to 30 gallons of hydraulic oil to the ground, depending on the size of equipment. Spill prevention and response planning is typically conducted prior to the start of construction to prevent and, if needed, respond to such spills.

Log-term Impacts

Operation of the facilities is not expected to affect human health or the environment. No intrusive activities are expected to encounter soil or groundwater once construction has been completed. Focused remedial measures performed prior to or during construction are expected to mitigate potential adverse impacts associated with site development within contaminated areas, including exposure of future site users to hazardous substances in soil, groundwater, and air.

Noise

The existing environment in the vicinity of T-25 is an active industrial area with a wide variety of industrial and traffic noise sources. The existing acoustic environment is dominated by industrial noise from existing facilities at T-25 and other nearby waterfront activities and terminals, and from traffic along the Alaskan Way Viaduct and Alaskan Way S. Noises from port operations and the adjacent roadways are essentially continuous, 24 hours a day.

Short-term, construction-related impacts

Off-site construction noise sources associated with the project would be relatively minor, especially within the context of the existing acoustic environment. Most of the required infrastructure is already in place because T-25 has been used as a container-shipping terminal in the past. Because the existing terminal is surrounded by a noisy environment, and because of the large distances between T-25 and the nearest sensitive noise receivers (i.e., homes in West Seattle and downtown Seattle), noise from large equipment such as cranes, loaders, pile driving equipment and trucks would likely be inaudible or minimally audible. Other minor sources of

construction noise from equipment such as generators, compressors, and pumps, are unlikely to be noticed at the nearest sensitive noise receivers. The Seattle noise ordinance allows fairly high sound levels from construction activities to occur during daytime hours. But in spite of such levels being legally allowed, construction noise associated with the project could nonetheless result in temporary noise impacts to nearby off-site residential and commercial receivers due to the atypical types and levels of noise that construction activities could generate.

Long-term impacts

Operations at T-25 include a container shipping and receiving facility. The primary noise-generating activities associated with operation of such a facility would include yard tractors, electric cranes, diesel-powered rubber-tired gantries, top picks and side picks handling containers, stacking of containers, and trucks accessing the site to haul loads.

T-25 is surrounded by Port-related industrial uses, major roads, and the Burlington Northern rail yard. Operation of the proposed T-25 facilities would contribute a relatively minor amount of noise to the existing busy industrial area, and given the absence of nearby noise-sensitive receivers, full use of T-25 for container shipping would likely go unnoticed at most off-site receivers in the area. Operation of the container terminal would not be expected to result in any significant noise impacts; therefore noise mitigation measures are not required.

Parks and Recreation

A discussion of the parks facilities in the project vicinity can be found in the environmental checklist. No impacts to these facilities, either short-term or long-term are anticipated as a result of the project proposal.

Aesthetics/Light and Glare

Aesthetics

The visual character of the T-25 site and the surrounding area is industrial. The Port's T-25 has been a marine terminal for decades. T-25 became a marine cargo container terminal in the early 1970s. In 1986, T-30 was developed into a marine container terminal and was an active container terminal throughout the 1990s. In 2002, cargo volumes decreased and T-25 became vacant. The vacant terminal became a two-berth cruise facility that first opened for the 2003 cruise season. The site currently accommodates cargo operations on a portion of the site.

The T-25 project area is part of an industrial area that was developed within the Duwamish River estuary to serve water-dependent activities of the Seattle region. T-25 is situated in the center of southeast harbor marine cargo operations, with connections to East Marginal Way S, Alaskan Way S to the north, and rail yards and the Spokane Street corridor to the south. Immediately north is Jack Perry Shoreline Access Park, developed by the Port to provide required public shoreline access. Additional marine industrial and other industrial facilities and operations on privately owned sites are present west, south, and east of the T-25 site. These include: a Coast Guard facility to the north; and rail yards, manufacturing, distribution, and warehouses to the east and southeast.

The aesthetics of the project area is not expected to change significantly as a result of the proposed project. The container terminal operation will be expanded. Cargo vessels would use the berth year-round north of T-25.

Terminal 25 Existing Views

Existing views over the proposed T-25 project site are generally from Beacon Hill, South Seattle, Harbor Island and the Downtown Seattle area and include views of Puget Sound, Mount Rainier, and the Olympic and Cascade Mountains. The proposed project site is a developed industrial area characterized by streets, bridge structures, and adjacent businesses. The entire area will be paved with asphalt and cargo containers will be stacked throughout the site. The stacked cargo containers will be lower than the cruise ships that used to berth here and also the vessels that will be berthed at T-30 when they are loading/unloading cargo.

Container ships and other large vessels (including cruise ships in cruise season) have historically partially blocked views of some of the scenic vistas and this view blockage would continue with or without the proposed project. More recently, aircraft carriers and Navy vessels have moored at the site for special events.

Light and Glare

The project site is located in a highly industrialized, urban area. Proposed light standards located on T-25 are necessary to accommodate terminal operations.

Construction Lighting – New temporary sources of light would be introduced to the site during construction activities. These lighting sources would be associated with project construction, trucks and other equipment.

Operational Lighting – Lighting would be improved at T-25 to increase safety in the active terminal work area. These improvements would consist of installing new fixtures on existing poles as required. Four new 100-foot tall poles will be installed within the main container cargo marshalling area. One 60-foot light pole and a 40-foot light pole will also be installed within the vehicle cargo marshalling area. Some poles may be relocated if required due to refinements in the final site configuration.

Historic and Cultural Resource

The Historic and Cultural resources analyzed here are limited to treaty fishing and archeological resources.

Treaty Fishing

Elliott Bay, the East and West Waterways, and the Duwamish Waterway are recognized as treaty fishing access areas managed by the Muckleshoot Tribe and the Suquamish Tribe. Treaty tribe fishing in these areas is consistent with past federal government treaties and subsequent federal court decisions. Treaty fishing access is a continuing activity and is a baseline condition within the project area.

Members of the Muckleshoot and Suquamish Tribes harvest chinook, coho, chum, and steelhead salmon in Elliott Bay, the East and West Waterways, and the Duwamish Waterway, during summer, fall, and winter of each year, generally from August through December, and in January and February. Treaty fishers typically use drift gillnets to harvest salmon, including drift nets in Elliott Bay, and set nets along the south Elliott Bay shoreline and in the East and West Waterways and the Duwamish Waterway. Drift and set gill nets float at the surface, with the bottom edge of the nets extended vertically in the water column as a curtain. Drift gillnets are free floating nets, attended by a fisherman. Set nets are often attached to structures or objects

along the shoreline, with the waterward end of the net held in place by an underwater anchor. Set gillnets may be left in place unattended.

By virtue of its location on the East Waterway, T-25 is within the Tribal treaty fishing areas described above. Vessel activity to and from T-30 may, at times, move through drift and set gillnet fishing areas. The container terminal operations would not impinge on mitigation measures previously implemented by the Port to support treaty fisheries. Fishing is seasonal, with variable schedules and openings.

Archeological Resources

No known significant prehistoric or historical archaeological resources should be affected by this alternative. If final placement of the project elements results in unavoidable adverse impacts to a significant (as yet unidentified) resource, then mitigation would be required to retrieve the scientific and historical information that makes the site significant. Appropriate mitigation measures should be tailored to the specific circumstances of the resource and developed in consultation with the Washington State Historic Preservation Officer (SHPO/DAHP). If the resource is prehistoric, then the SHPO will require consultation with the appropriate affected tribes.

To ensure that no adverse impacts occur to an inadvertently discovered archaeologically significant resource, an additional appropriate mitigation measure will be required to adhere to the requirements of Director's Rule (DR) 2-98.

Transportation

Short-term, construction-related impacts

Terminal reconstruction will generate truck trips, but the volume of trucks is expected to be much less than when the terminal is operating. Therefore, the roadway system would be able to accommodate the construction traffic.

Long-term impacts

The proposed traffic operations at the south end of T-25 were examined in an updated transportation analysis conducted in January 2008 for the T-30 Cargo Reactivation project. The analysis concluded that the current plan for operations will not result in any additional impacts that have not already been disclosed (Draft Technical Memorandum, T-30 Cargo Reactivation Updated Transportation Analysis. Prepared by Heffron Transportation, January 17, 2008).

Public Services

Police Service – The Port of Seattle Police Department (POSPD) provides primary police protection to the Port sites. POSPD is the primary E-911 emergency call/dispatch for all Port-owned properties. As such, POSPD provides special teams/units such as Criminal Investigations, Tactical, Bomb, K-9, SCUBA, Boat Operators, Crisis Negotiations, Incident Command, and other police services. The Port's Seaport properties are subject to increased security provisions as a result of recently changing federal requirements. The Transportation Security Administration (TSA), as an agency of the federal Department of Homeland Security, oversees the security efforts for all Port properties. Currently, the US Coast Guard maintains responsibility for shoreline security for the Port. Revised security measures may affect access to T-30.

Fire and Emergency Services – The City of Seattle Fire Department (SFD) provides fire protection and basic life support (BLS) and emergency medical service (EMS) throughout the City from 33 fire stations and Harborview Medical Center. Headquarters for the department are located at Fire Station 10 in Pioneer Square.

Short-term, construction-related impacts

During construction, there could be an increase in service calls related to site construction, short-term traffic revisions, and site security. There could be an increase in service calls related to site construction and to respond to potential construction-related injuries. Onsite security measures, such as fencing and securing areas where equipment is stored, could be implemented to reduce the potential for construction-related incidents.

Long-term impacts

During operations, there may be an increased need for security due to the increase in container terminal activity. Adequate fire flow for the entire project would be provided per code. Existing utility systems (including water systems and capacity) would be installed and improved, as needed, to meet water capacity demands and code requirements for the Seattle Fire Department.

Utilities

T-25 was upgraded in 2005 and currently serves as a container terminal. Some modifications to electrical elements will be required at T-25. Lighting improvements will be included in the project to increase safety in the active terminal work areas. The project would install additional fire hydrants and piping back to the closest on-site water main grid.

Any temporary interruptions in service during construction would affect only Port of Seattle tenants, who would be notified in advance by the appropriate utility.

Electrical demand of the container terminal operation should not exceed that of the current use as a cargo terminal, so there should be no additional demand on the electrical system. It is not expected that the requirements of the project would exceed Seattle Water Department, Seattle City Light, Puget Sound Energy, or Qwest's available capacity in the area. However, the increased usage of these utilities may occur as a result of the container terminal activity. No mitigation is expected to be necessary.

CONDITIONS – SHORELINE

Prior to Issuance of a Building Permit

1. Show clearly on plans and provide typical scaled elevation drawings of the view-obscuring fence along the entire length of T-25, with height dimension from existing grade to the top of the screening.
2. Verify the street tree spacing for existing trees based on the City Arborist's minimum/maximum requirements. Provide plantings planting strips and/or tree pits of adequate size for missing trees of the same species and size as required by the City Arborist.
3. Show on plans that the continuity of sidewalks will be provided and maintained on portions of the right-of-way where sidewalks are not provided or reconstruct sidewalks including concrete curbs where they are in bad condition. Any existing curb cut that is not used for vehicle ingress/egress to the site shall be removed and concrete curbs including planting strip and sidewalks are to be constructed to match existing.
4. Submit a completed drainage control plan that complies with SMC 22.802.020 B2d and Director's Rule 16-2000, (Category 2) BMPs for Construction Erosion and Sedimentation

Control Plans. Adherence to the measures outlined in the attachment shall mitigate erosion and sedimentation impacts to the East Waterway.

5. A construction traffic control plan shall be developed to show how pedestrian, bicycle, and motor vehicle traffic will be accommodated if adjacent sidewalks and travel lanes are closed during construction. SDOT shall review and approve this plan.

During Construction

6. Prior to commencing construction, an emergency containment plan and procedures shall be developed for all toxic material that will be kept on site. All necessary equipment for containment and clean-up of this toxic material should be stocked on the site. A sufficient number of personnel, both during construction and during on-going operations, shall be trained in the proper implementation of this plan.
7. Equipment for the transportation, storage, handling and application of oil, chemicals, or other hazardous materials shall be maintained in a safe and leak-proof condition to prevent release of this material into the water. If there is any evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
8. The owner(s), builder(s), or responsible party(s) shall follow the BMPs developed for the project to prevent debris and other deleterious material from entering the water during demolition and construction.
9. If floating debris enters the water during the proposed work this debris shall be removed immediately and stored until it can be disposed of at an appropriate upland facility.
10. If heavy (sinking) debris enters the water during the proposed work the location of the debris shall be documented. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during the proposed work.
11. Equipment using oil, gasoline, or diesel used on site shall be checked for evidence of leakage, if evidence of leakage is found the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
12. Catchbasins shall be protected during demolition, construction and repaving to prevent any deleterious material from entering the water.

Life of the Project

13. Cargo container vessels shall be required to follow general BMPs for Terminals 25 and 30 to keep debris and deleterious material out of the water.

CONDITIONS - SEPA

Prior to Issuance of Master Use Permits:

14. The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

For the Life of the Project

15. Note that while the emission control measures listed have not yet been adopted in a formal agreement between the Port and the prospective T-25/30 tenant, the Port will implement an enforceable agreement prior to occupancy of the expanded container terminal facility.

During Construction and For the Life of the Project

16. Care will be taken to prevent any petroleum products, chemicals, or other toxic or deleterious materials from entering the water. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., will be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into State waters. Proper security shall also be maintained to prevent vandalism.
17. The contractor will have a spill containment kit, including oil-absorbent materials, on site to be used in the event of a spill or if any oil product is observed in the water.
18. If a spill were to occur, work would be stopped immediately, steps would be taken to contain the material, and appropriate agency notifications would be made.
19. Spills and/or conditions resulting in distressed or dying fish shall be reported immediately to Ecology's Northwest Regional Spill Response Office at (206) 649-7000 (a 24-hour phone number) and to the National Response Center at (800) 424-8802.

During Construction and For the Life of the Project (Environmental Health)

20. Plans to address unanticipated contamination discovered during construction shall be developed and implemented. Such plans shall include notification requirements in the event suspicious conditions are encountered safety procedures, and response actions. The plans and specifications shall be designed to provide for worker health and safety and to minimize cost and schedule impacts. The plans shall include the safety requirements of WAC 296-843, Hazardous Waste Operations, and response actions that either remove, treat, or contain the contamination or, at a minimum, do not preclude future removal, treatment, or containment of the contamination. The plans shall also include spill response measures to address construction-related releases (e.g., a hydraulic oil spill).
21. Should contamination be encountered during construction, cleanup action goals to be achieved through removal, treatment, and/or containment of hazardous materials shall be established provisions based on evaluation of the most appropriate cleanup method based on evaluation criteria contained in the MTCA regulations.
22. Standard dust control measures (e.g., water application) shall be used during construction to limit the generation of airborne dust which, if inhaled by site workers or the surrounding population, could potentially result in exposure of hazardous material.
23. Contaminated soil shall be disposed of at facilities permitted to manage the type of soil that is present at the site and in a manner consistent with the requirements of the Solid Waste Regulations (WAC 173-350) and State Dangerous Waste Regulations (WAC 173-303). Soil may be treated in place if removal is not feasible.

During Construction and For the Life of the Project (Light and Glare)

24. Exterior lighting within the cargo marshalling areas and on container vessels at dock shall be low-intensity and shielded and be directed away from aquatic areas.

During Construction (Historic/Cultural Resources)

25. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

Stop work immediately and notify DPD (Craig Flamme, 206.233.7223) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.

Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

For the Life of the Project (Transportation)

26. Night gates shall be implemented for intermodal traffic, if the terminal were to have two ships unloading at T-25/30 simultaneously.

Signature: _____ (signature on file) _____ Date: October 23, 2008
Craig Flamme, Land Use Planner

CF:bg

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