



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 3010625
Applicant Name: Ann Farr for Boyer Towing, Inc.
Address of Proposal: 7318 Fourth Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 4,000 cubic yards of maintenance dredging in the Duwamish Waterway.

The following approval is required:

SEPA - For Conditions Only - (SMC Chapter 25.05)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions*

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

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code [SMC] Chapter 25.05). Public notice was published on December 7, 2009. The required public comment period ended on December 20, 2009.

BACKGROUND DATA

Site and Vicinity Description

Proposed maintenance dredging is within the Duwamish Waterway, directly adjacent to the Boyer Towing barge terminal at 7318 Fourth Avenue South. This area site along the Duwamish River, which flows into Elliott Bay and Puget Sound, possesses a zoning classification of Industrial General One (IG1-U/65), with an unlimited or 65 ft. height limit depending upon the use. The property has a shoreline environment designation of Urban Industrial (UI). The site sits on the west side of the Duwamish River across from King County Airport to the east and SR 509 to the west.



The site is environmentally critical. It lies within a Shoreline Habitat Buffer and a liquefaction zone. The site comprises an existing container terminal and terminal building. Adjacent uses are primarily industrial.

Historically, the site has been a barge terminal since the early 1960s. In 1998, Boyer Towing conducted maintenance dredging from RM2.39 to 2.49. And in 2004, Boyer Towing conducted maintenance dredging from RM 2.45 to 2.47. All previous dredging at the project site has produced dredge materials suitable for open water disposal.

Proposal Description

The applicant proposes maintenance dredging of up to 4,000 cubic yards of sand and silt from an existing barge terminal berth within the Duwamish Waterway. The berth has a previously authorized depth of -10feet MLLW (reference: U.S. Army Corps of Engineers permit 98-20047 and previous 93-1-00198, 071-OYB-2-011049). Dredged materials will be removed using a barge-mounted clamshell dredge. Materials will be characterized according to Corps of Engineers Dredge Disposal Management Program Puget Sound Dredge Disposal Analysis protocols. Disposal of the dredged materials will be handled by either: 1) transport by barge and disposal at the Elliott Bay non-dispersive open water disposal site; 2) any portion of sediment determined to be unsuitable for open water disposal will be transported and disposed of at an appropriate upland landfill. Sediments designated for open-water disposal will be placed on a dump scow and the scow will be transported to the Elliott Bay open-water disposal site. Any sediment designated unsuitable for open water disposal will be dewatered through hay bales on a separate barge, then off loaded for truck or rail transport to an appropriate upland landfill.

Although, the site lies within a shoreline district, this dredging does not require a shoreline substantial development permit because the development is within the scope of work considered

to be normal maintenance and repair. (SMC 23.60.020. C.1) DPD granted a Shoreline Exemption on October 24, 2009.

Public and Agency Comments

DPD did not receive any public comments during the public comment period, which ended on December 20, 2009.

To protect water quality, King County Metro generally recommends that materials and construction methods should be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction. Any construction debris floating in the water shall be promptly removed and use of a silt curtain or other construction techniques to contain silt should be employed during dredging operations.

ANALYSIS – SEPA (for conditions only)

The initial disclosure of the potential impacts from this project was made in the environmental checklist, supplemental information and threshold determination (dated November 18, 2009) submitted by the applicant's agent. The information in the checklist, construction plans, supplemental information submitted by the applicant, and experience of the Department with the review of similar projects form the basis for this analysis and decision.

Short - Term Impacts

Dredging Impacts

Dredging activities could result in the following adverse impacts: limited localized erosion of the bottom sediments; water degradation including an increase in turbidity; a decrease in dissolved oxygen levels and an increase in levels of contamination in the water column, (chiefly petroleum hydrocarbons, heavy metals, and polychlorinated biphenyls (PCBs)); a decrease in diversity and abundance of benthic and epibenthic organisms in the dredged area; increased energy consumption; potential petroleum-derived fuels and lubricant spills; increased noise; and increased truck trips.

The above dredging related impacts are mitigated by existing State and Federal regulations. Specifically, these include the U.S. Army Corps of Engineers (USACE) Section 10/404 permits; Washington Department of Fish and Wildlife (WDFW), Hydraulic Project Approval (HPA) including assuring dredging is not done during the salmonid juvenile migration period; and Washington State Department of Ecology (DOE) Section 401 Water Quality Certification (401 Certification). Due to the regulatory requirement of the above state and federal governments, the majority of the impacts will be mitigated (See SEPA 25.05.660 and 25.05.665). Therefore, additional conditions for this project are limited.

Water Quality

As conditioned below the owner(s), builder(s), or responsible party(s) shall prevent debris from entering the water during dredging operations and shall minimize the amount of sediment laden

water from entering the waterway during the dewatering of the salvaged material. Best Management Practices (BMPs) shall be used which prevent toxic materials, petrochemicals, sediment and other pollutants from entering surface water during and after construction. This condition is imposed pursuant to SEPA authority to mitigate construction impact on water quality (SMC 25.05 675 S).

Long - Term Impacts

No new long-term related impacts are anticipated by the proposed work based on the SEPA analyses. The existing use will remain. Use related impacts include the spillage of the aggregate material during off-loading of the material at the site and the subsequent need to periodically remove this material through dredging. The project includes the following mitigation measures.

1. Timing restrictions specifying that construction must occur when juvenile salmonids are absent or present in very low numbers in the adjacent waterbody would be strictly observed. All timing restrictions that may be established by WDFW, the USACE, NMFS, or USFWS would be strictly observed (USACE permit and HPA).
2. Water quality standards and procedures that limit the impact of turbidity to a defined mixing zone would be observed (401 Water Quality Certification).
3. Any discharge of oil, fuel or chemicals into state waters is prohibited (401 Water Quality Certification).
4. Any discharge of oil fuel or chemicals into state waters is prohibited (401 Water Quality Certification)
5. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc. shall 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 (401 Water Quality Certification).
6. Corrective actions will be taken in the event of any discharge of oil, fuel, or chemicals into the water (401 Water Quality Certification) including:
7. In the event of a spill, containment and clean up efforts will begin immediately and be completed as soon as possible, taking precedence over normal work. Clean up will include proper disposal of any spilled material and used clean up material.
8. The cause of the spill shall be assessed and appropriate actions will be taken to prevent further incidents or environmental damage.
9. Spills and/or conditions resulting in distressed or dying fish shall be reported immediately to DOE's Northwest Regional Spill Response Office at (206) 649-7000 (a 24-hour phone number) (401 Water Quality Certification). Spills of oil or hazardous materials also shall be reported immediately to the National Response Center at 1-800.258.5990 or 1-800.OILS-911.
10. Water quality will be monitored during dredging to ensure compliance with 401 Water Quality Certification. Exceedances will be managed according to an Ecology approved Water Quality Monitoring Plan, 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.

11. Prior to dredging, material will be sampled to determine whether it is suitable for open water disposal, or whether upland disposal is appropriate (Dalton, Olmsted & Fuglevand, Inc. 2009). Previous maintenance dredging at this site has resulted in material suitable for open water disposal. In that case, the following BMPs would apply. In the unlikely event that the material is determined to be unsuitable for open water disposal and upland disposal plan including appropriate BMPs for material handling will be developed for regulatory review.
12. Once placed on the barge, dredged materials will not be dewatered beyond decanting of free water provided water quality requirements are met.
13. For all dredging, each cycle of the clamshell bucket shall be complete and there shall be no stockpiling of material in the water.
14. Leveling of the completed dredging surface by dragging a beam or the clamshell bucket is not permitted.
15. Contractor shall comply with all permit conditions.
16. The contractor shall 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.
17. If a spill were to occur, work would be stopped immediately, steps would be taken to contain the materials, and appropriate agency notifications would be made. The contractor is responsible for the preparation of spill response and hazardous material control plans to be used for the duration of dredging.

Earth

The proposed dredging activity includes excavation of approximately 4,000 cubic yards of accumulated gravel sediments. The sediments proposed for excavation were evaluated consistent with state and federal criteria for determining the potential for chemical contamination in marine sediments, including contaminant level screening analyses and criteria implemented by the Dredged Material Management Program, Puget Sound Dredged Disposal Analysis. Open water disposal of the latter is proposed as appropriate. Any sediment designated unsuitable for open-water disposal will be dewatered through hay bales on a separate barge, then off loaded for truck or rail transport to an appropriate upland landfill. No adverse impacts are anticipated, thus, further mitigation is not warranted.

Animals

Juvenile salmon and bull trout are expected to be absent or present in relatively low numbers during the proposed maintenance dredging activities. The project will comply with timing restrictions established by federal and state permitting agencies in order to avoid impacts to juvenile salmonids. Adult and sub-adult salmonids (including larger juvenile chinook) may be present during this time. Sub-adult and adult salmonids are expected to avoid areas where dredging is occurring, and the proposed project is considered to entail a negligible risk of mortality or injury of Chinook salmon and bull trout. Implementation of the project is not expected to result in water quality conditions that are dangerous to salmonids, and no adverse water quality effects on salmonids are likely to occur.

Additional long term aquatic impacts include a decrease in diversity and abundance of benthic and epibenthic organisms in the dredged area.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITION - SEPA

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

Prior to Commencement of Construction

1. Timing restrictions specifying that construction must occur when juvenile salmonids are absent or present in very low numbers in the adjacent waterbody would be strictly observed. All timing restrictions that may be established by WDFW, the USACE, NMFS, or USFWS would be strictly observed (USACE permit and HPA).
2. Prior to dredging, material will be sampled to determine whether it is suitable for open water disposal, or whether upland disposal is appropriate (Dalton, Olmsted & Fuglevand, Inc. 2009). Previous maintenance dredging at this site has resulted in material suitable for open water disposal. In that case, the following BMPs would apply. In the unlikely event that the material is determined to be unsuitable for open water disposal and upland disposal plan including appropriate BMPs for material handling will be developed for regulatory review.

During Construction

3. Water quality standards and procedures that limit the impact of turbidity to a defined mixing zone would be observed (401 Water Quality Certification).
4. Any discharge of oil, fuel or chemicals into state waters is prohibited (401 Water Quality Certification).

5. Any discharge of oil fuel or chemicals into state waters is prohibited (401 Water Quality Certification)
6. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc. shall 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 (401 Water Quality Certification).
7. Corrective actions will be taken in the event of any discharge of oil, fuel, or chemicals into the water (401 Water Quality Certification) based on the following conditions.
8. In the event of a spill, containment and clean up efforts will begin immediately and be completed as soon as possible, taking precedence over normal work. Clean up will include proper disposal of any spilled material and used clean up material.
9. The cause of the spill shall be assessed and appropriate actions will be taken to prevent further incidents or environmental damage.
10. Spills and/or conditions resulting in distressed or dying fish shall be reported immediately to DOE's Northwest Regional Spill Response Office at (206) 649-7000 (a 24-hour phone number) (401 Water Quality Certification). Spills of oil or hazardous materials also shall be reported immediately to the National Response Center at 1-800.258.5990 or 1-800.OILS-911.
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12. Once placed on the barge, dredged materials will not be dewatered beyond decanting of free water provided water quality requirements are met.
13. For all dredging, each cycle of the clamshell bucket shall be complete and there shall be no stockpiling of material in the water.
14. Leveling of the completed dredging surface by dragging a beam or the clamshell bucket is not permitted.
15. Contractor shall comply with all permit conditions.
16. The contractor shall 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.
17. If a spill were to occur, work would be stopped immediately, steps would be taken to contain the materials, and appropriate agency notifications would be made. The contractor is responsible for the preparation of spill response and hazardous material control plans to be used for the duration of dredging.

Signature: _____ (signature on file) Date: January 14, 2010
Bruce Philip Rips, Senior Planner
Department of Planning and Development