



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

**Application Number:** 3013996  
**Applicant Name:** Megan Bushnell  
**Address of Proposal:** 3801 East Marginal Way S.

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow 600 cubic yards of maintenance dredging for Ash Grove Company.

The following approval is required:

**SEPA** – Chapter 25.05 Seattle Municipal Code for excavation and construction in an Environmentally Critical Area.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

Ash Grove Cement Company is located at 3801 East Marginal Way South on the east bank of the Duwamish Waterway just south of the south end of Harbor Island. The site is zoned Industrial General-1 with an 85-foot height limit (IG1 U/85). The site has approximately 800 feet of Duwamish Waterway waterfront. Two piers for barge line securing and access and an unloading conveyor system are located in an approximately 265-foot long area in the south portion of the site's shoreline. The pier and conveyor equipment are used to receive sand, gravel, and limestone for the cement manufacturing plant on the subject property. The surrounding uses include other industrial activities and warehouse and service buildings.

### Project Description

The Ash Grove Cement Company proposes to conduct maintenance dredging (aggregate recovery) of up to 600 cubic yards of accumulated sand, gravel, and limestone at its cement plant's barge off-loading facility. This multi-year maintenance dredge program will recover spilled aggregate at the terminus of the offloading conveyor and maintain a safe barge operation depth. The footprint is a 60-foot by 40-foot area entirely waterward of -10 feet MLLW (mean lower low water). The Army Corps of Engineers has required that at least one foot of material be left in place between the bottom of the dredge prism and the Duwamish riverbed to ensure the substrate below is not disturbed.

Dredging will be accomplished using a barge-mounted four-foot clamshell bucket. Because the conveyor at the plant is not designed to handle damp material, the recovered aggregate will be dewatered on the barge until it is sufficiently dry, at which time it will be off-loaded by the conveyor and delivered to the plant for cement production.

### Public Comments

The application was deemed complete on October 16th, 2012, and notice of application was sent on October 25th, 2012. The 14-day public comment period ended on November 7<sup>th</sup>, 2012. No comments were received.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated August 29<sup>th</sup>, 2012. The information in that checklist, associated plans and reports, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The project site is located in an environmentally critical area (fish and wildlife habitat conservation area-shoreline habitat). Therefore, the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes evaluating the need for additional mitigation measures to protect the ECA in order to achieve consistency with SEPA and applicable environmental laws.

The Department of Planning and Development has reviewed and analyzed the environmental checklist submitted by the project applicant and the accompanying project plans and determined that this action will not result in significant adverse impacts to the environment. Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### Short -Term Impacts

The following potential temporary impacts to the environment from the proposed dredging may occur: limited localized erosion of the bottom sediments, degraded water quality from increased turbidity or contamination from fuel or lubricant spillage, physical disturbance of the aquatic environment, which may displace some fish and wildlife, and construction noise, which also may disturb or displace aquatic or terrestrial animals. While these impacts are adverse, they are not expected to be significant. Best management practices incorporated into this plan include adhering to a work window required by permit conditions set by Washington Department of Fish and Wildlife and Army Corps of Engineers to minimize adverse impacts to fish, treatment of dredged water before it returns to the river, and leaving a one-foot layer of spilled aggregate on the riverbed to prevent any disturbance of native riverbed material. The proposal is also subject to the City of Seattle noise, grading, stormwater, and ECA regulations, as well as air quality regulations administered by the Puget Sound Clean Air Agency. Compliance with applicable provisions of these regulations is expected to minimize or eliminate short-term impacts to the environment. Therefore, no further conditioning pursuant to SEPA policies is warranted.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Long-term Impacts

The proposed dredging is the last in a multi-year dredging program approved by the Army Corps of Engineers and the Washington Department of Fish and Wildlife. The dredging will recover spilled aggregate, while leaving a one-foot base of this material to prevent disturbance of natural riverbed material. Long-term impacts from the dredging itself are not expected. While it is understood that Ash Grove Cement has recently made modifications to its unloading operation to reduce spillage, it is anticipated that dredging will need to occur in the future to remove unavoidable spillage from future operations. Impacts from this future dredging will be addressed by future environmental reviews and permitting through the City of Seattle, Washington Department of Fish and Wildlife and Army Corps of Engineers.

Once completed, this project will not increase production of carbon dioxide and other greenhouse gas emissions. Therefore, the project is not expected to result in long-term adverse impacts to air quality or contribute to climate change and global warming.

### **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. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- 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).

**CONDITIONS – SEPA**

None.

Signature: \_\_\_\_\_ (signature on file) Date: November 29, 2012  
Seth Amrhein, Senior Environmental Analyst  
Department of Planning and Development,  
Land Use Services

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