

MEMORANDUM FOR THE FILES

APR 14 2000

FROM: Russell Bellmer

SUBJECT: Informal ESA Section 7 consultation and Concurrence with a Determination of Not Likely to Adversely Affect Listed Species for the Proposed Swan Creek Stream Restoration Project.

Proposed Project Site. The subject property is located in the northern section of Commencement Bay, in the City of Tacoma, Pierce County, Washington. The project site consists of four parcels, two upland parcels and two parcels of second class tidelands. The site is approximately 12 acres. In general, land uses include open space, residential, and industrial.

Proposed Project Description. The project will provide approximately 12 acres of fish and wildlife habitat, preserved in perpetuity. The action area within the site involves only the footprint of the fill being removed and area for equipment access as a temporary disruption. The action consists of creating a 530-ft meandering stream channel what will connect Swan creek to the existing 3-acre Haire Wetland providing access for salmonids. In addition the channel will provide salmonid with summer and winter rearing and spawning habitat. Two log structures (large woody debris) will be installed to increase invertebrate production and provide habitat for coho and cutthroat. The channel will be planted with native species and maintained to help ensure continued habitat use.

Heavy equipment used for construction will probably include backhoes, front-end loaders, bulldozers, and dump trucks. Neither drilling equipment nor blasting will be used during the project.

Proposed Project Site. The subject property is located in the northern section of Commencement Bay, in the City of Tacoma, Pierce County, Washington. The project site consists of four parcels, two upland parcels and two parcels of second class tidelands. The site is approximately 12 acres. In general, land uses include open space, residential, and industrial.

Proposed Project Description. The project will provide approximately 12 acres of habitat, preserved in perpetuity. The action area within the site involves only the footprint of the fill being removed and area for equipment access as a temporary disruption. The action consists of creating a 530-ft meandering stream channel what will connect Swan creek to the existing 3-acre Haire Wetland providing access for salmonids. In addition the channel will provide salmonid with summer and winter rearing and spawning habitat. Two log structures (large woody debris) will be installed to increase invertebrate production and provide habitat for coho and cutthroat. The channel will be planted and maintained by locals to help ensure continued habitat use.

Heavy equipment used for construction will probably include backhoes, front-end loaders, bulldozers, and dump trucks. Neither drilling equipment nor blasting will be used during the project.

Affected Species. Five species provided protection under the ESA are cited as possibly present in the vicinity of Commencement Bay: humpback whale (*Megaptera novaengliae*), leatherback sea turtle (*Dermochelys coriacea*), Steller sea lion (*Eumetopias jubatus*), bald eagle (*Haliaeetus leucocephalus*), and Puget Sound Evolutionarily Significant Unit (ESU) chinook salmon (*Oncorhynchus tshawytscha*). Additionally, the Puget Sound coastal bull trout (*Salvelinus confluentus*), and Puget Sound/Straight of Georgia ESU coho salmon, proposed and candidate species, respectively, under ESA provisions may occasionally be present in the proposed project area. Humpback whales, leatherback sea turtles and Steller sea lions do not inhabit the proposed project vicinity, and will not be effected from the proposed project.

Determinations of Effect. In-water construction schedules are based on times of the year when few salmon, if any, will be in the proposed project area. The construction will observe seasonal conditions established by the Washington Department of Fish and Wildlife in their Hydraulic Project Approval and supported by the National Marine Fisheries Service to avoid impacts. Therefore, potential short-term minor temporary impacts of turbidity, excavation releases, noise, and emissions from construction vehicles, if they occur, will not coincide with the presence of Coho (Candidate) and Chinook salmon at these sites. The proposed project will not likely adversely affect any endangered or threatened or candidate species or their habitats due to the methods and timing of all activities.

MEMORANDUM FOR THE FILES

APR 14 2000

FROM: Russell Belimer

SUBJECT: EFH Concurrence with a Determination of no Adverse Effect for the Proposed Swan Creek Stream Restoration Project.

Proposed Project Site. The subject property is located in the northern section of Commencement Bay, in the City of Tacoma, Pierce County, Washington. The project site consists of four parcels, two upland parcels and two parcels of second class tidelands. The site is approximately 12 acres. In general, land uses include open space, residential, and industrial.

Proposed Project Description. The project will provide approximately 12 acres of habitat, preserved in perpetuity. The action area within the site involves only the footprint of the fill being removed and area for equipment access as a temporary disruption. The action consists of creating a 530-ft meandering stream channel what will connect Swan creek to the existing 3-acre Haire Wetland providing access for salmonids. In addition the channel will provide salmonid with summer and winter rearing and spawning habitat. Two log structures (large woody debris) will be installed to increase invertebrate production and provide habitat for coho and cutthroat. The channel will be planted and maintained by locals to help ensure continued habitat use.

Heavy equipment used for construction will probably include backhoes, front-end loaders, bulldozers, and dump trucks. Neither drilling equipment nor blasting will be used during the project.

Timing/Chronology Of Specific Construction Actions A two-month window is anticipated for all construction, which is expected to include no more than 30 days of actual material and debris removal. The timing for in water work will be determined by the Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife (WDFW). The expected in-water work window for this project will be between August 1 and 31, 2000 at low tides to minimize in-water work. This timing is also consistent with the in-water construction season for Commencement Bay (June 15 through the winter to March 14).

Determinations of Effect. In-water construction schedules are based on times of the year when few managed species will be in the proposed project area. The construction will observe seasonal conditions established by the Washington Department of Fish and Wildlife in their Hydraulic Project Approval and supported by the National Marine Fisheries Service to avoid impacts. The proposed project will not adversely affect any managed species or their habitats due to the methods and timing of all activities. These include the following measures.

Construction shall only occur within the work-window (1

August to 1 November) specified for the project and in the dry to the maximum extent possible.

The Temporary Erosion and Sedimentation Control Plan (TESCP) shall be implemented as shown in the contract documents and construction drawings. The TESCP shall be implemented before the start of any removal activities. The TESCP shall be based on the proponents current Best Management Practices and include measures such as silt fences, straw bale dikes, and dewatering to allow excavation to proceed in unsaturated conditions.

A responsible party shall inspect the site during construction to verify that the contractor is effectively implementing the TESCP. Work procedures that are out of compliance shall be terminated and an acceptable solution developed before work is allowed to continue.

No hazardous materials or toxic materials shall be transferred or stored within 50 feet of the MHHW of Swan Creek or Puyallup Waterway.

No equipment shall be refueled or maintained within 50 feet of the MHHW of Swan Creek or Puyallup Waterway. Equipment shall be serviced or maintained in designated areas where stormwater runoff can be prevented from directly entering the water.

An emergency spill kit shall be stored at each work site and construction crews trained in their proper use.

All crewmembers and all onsite personnel shall be informed of any and all environmental precautions. These precautions shall include: clearly marking the work area, clearly marked clearing limits, specifically identifying riparian vegetation to be removed, and all applicable laws and permit conditions.

EFH Determination. The area in which the restoration project is planned (fill material and debris removal, with placement of large woody debris) has been identified as EFH for species managed by the Pacific Fishery Management Council under the Amendment 11 to The Pacific Coast Groundfish Fishery Management Plan (October, 1998).

This Plan identifies twenty-four species and life stages within the estuarine composite EFH. These species include five species of Class Elasmobranchiomorphi and nineteen species of Class Osteichthyes. Eight species of Family Scorpaenidae (rockfish) and four species of Order Pleuronectiformes (flatfish) are identified within the Plan. Environmental conditions (i.e., temperature, salinity, water depth, substrate) greatly reduce the potential for the presence of these species in the project area for even short periods of time during extreme high tides. The species that may occasionally visit the project area include: *Squalus acanthias* (spiny dogfish), *Raja inornata* (California skate), *Pleuronectes vetulus* (English sole), *Errex zachirus* (rex sole), *Citharichthys*

sordidus (Pacific sanddab), and *Platichthys stellatus* (starry flounder). The eggs, larval stages, and some juvenile fish may occasionally be present in the Puyallup Waterway. However, due to construction activities in the dry or at extreme low tide during periods of the year with minimum fish activities, no adverse impacts will occur to EFH. Therefore, no additional EFH conservation measures have be provided.

If the proposed project plans are substantially revised or if new information becomes available that affects the basis for no adverse affect determination, then EFH consultation will be undertaken.