

APPENDIX 5

ESA/EFH CONSULTATION LETTERS

MEMORANDUM FOR: Craig Johnson

FROM: Russell Bellmer *Russell J. Bellmer 1/1/00*

SUBJECT: Informal ESA Section 7 consultation and Concurrence with a Determination of Not Likely to Adversely Affect Listed Species for the Proposed Oline Property West of Tye Marina 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 five parcels, two upland parcels and two parcels of first class tidelands and one parcel of second class tidelands. The site is approximately 685,851 square feet or 15.75 acres. In general, land uses of the shorelines east of the property include the Tye Marina, and west of the property the shorelines are undeveloped (refer to figure 2 of the Site Assessment). The property is within the S-12 Shoreline District of the City of Tacoma. The S-12 zone is an urban zone and allows for the development of the site with water-oriented commercial, recreational, and residential uses as well as marinas and log rafting uses. In addition, habitat restoration uses are allowed in this district.

Proposed Project Description. The project will provide a total of approximately 15.75 acres of habitat, preserved in perpetuity. The action area within the site involves only the footprint of three derelict vessels (two barges, one drydock and other debris including one sunken concrete float) being removed and area for equipment access including a total of no more than 3 acres of disruption. Figure two of the site assessment report depicts the barges, however, please note that the figure is an older photograph. It also depicts a vessel (labeled as a barge) that no longer is on site. The action consists of breaking up and cutting off at grade the two barges and removal of all man made debris surrounding the barges and upon the beach extending into the shallow subtidal area.

Heavy equipment used for construction will probably include backhoes, front-end loaders, bulldozers, and dump trucks. No pilings will be installed as part of the project. 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 45 days of actual demolition 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 January 1 and March 15, 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).

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 projects vicinities, 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 projects are not likely to adversely affect any endangered or threatened or candidate 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 (Mid June to end of August) specified for the project and in the dry to the maximum extent possible. This will limit the sedimentation in the Hylebos Waterway to summer months, after the peak smolt migration, and before spawning, and intragravel development periods for chinook and coho in the fall.

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 ground disturbing 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 Hylebos Creek or Hylebos Waterway.

No equipment shall be refueled or maintained within 50 feet of the MHHW of Hylebos Creek or Hylebos 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.

MEMORANDUM FOR THE FILES

FROM: Russell Bellmer *Russell J. Bellmer 1/7/00*

SUBJECT: EFH Concurrence with a Determination of no Adverse Effect for the Proposed Oline Property West of Tyee Marina 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 five parcels, two upland parcels and two parcels of first class tidelands and one parcel of second class tidelands. The site is approximately 685,851 square feet or 15.75 acres. In general, land uses of the shorelines east of the property include the Tyee Marina, and west of the property the shorelines are undeveloped (refer to figure 2 of the Site Assessment). The property is within the S-12 Shoreline District of the City of Tacoma. The S-12 zone is an urban zone and allows for the development of the site with water-oriented commercial, recreational, and residential uses as well as marinas and log rafting uses. In addition, habitat restoration uses are allowed in this district.

Proposed Project Description. The project will provide a total of approximately 15.75 acres of habitat, preserved in perpetuity. The action area within the site involves only the footprint of three derelict vessels (two barges, one drydock and other debris including one sunken concrete float) being removed and area for equipment access including a total of no more than 3 acres of temporary disruption. The action consists of breaking up and cutting off at grade the two barges and removal of all man made debris surrounding the barges.

Heavy equipment used for construction will probably include backhoes, front-end loaders, bulldozers, and dump trucks. No pilings will be installed as part of the project. 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 45 days of actual demolition 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 January 1 and March 15, 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 (Mid June to end of August) 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 Hylebos Creek or Hylebos Waterway.

No equipment shall be refueled or maintained within 50 feet of the MHHW of Hylebos Creek or Hylebos 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 (barge and debris removal, with placement of large woody debris already incorporated into the site) 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 area of the activity. 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 been 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.

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM
FWS Reference: 1-3-00-FW-0194

Originating Person: Judy Lantor
Telephone Number: (360) 753-6056
Date: December 6, 1999

- I. Region: Region 1
- II. Service Activity (Program): Contaminants;
Natural Resource Damage Assessment (NRDA),
Oline Waterfront
Intertidal habitat restoration
- III. A. Listed species and/or their designated critical habitat within the action area:
1. Within the action area that will or may be affected:
- Species: Bull trout (*Salvelinus confluentus*)
Puget Sound, distinct population segment
Habitat: Intertidal mudflats
1. Within the action area that will not be affected:
- Species: Peregrine falcon (*Falco peregrinus*)
Habitat: Intertidal mudflats
- Species: Bald eagle (*Haliaeetus leucocephalus*)
Habitat: Intertidal mudflats and adjacent riparian areas
- Species: Marbled murrelet (*Brachyrhamphus marmoratus*)
Habitat: Marine waters
- B. Proposed species and/or proposed critical habitat within the action area: none
- C. Candidate species within the action area: none
- IV. Geographic area or station name and action:
Commencement Bay, Tacoma, Washington, Brown's Point Shoreline

Through the NRDA program, the U.S. Fish and Wildlife Service is cooperating with the other Commencement Bay Natural Resource Trustees including, the National Oceanic and Atmospheric Administration, State of Washington Departments of Ecology, Natural Resources and Fish & Wildlife, the Puyallup Tribe of Indians, and the Muckleshoot Indian Tribe (Trustees) to implement habitat restoration for Commencement Bay injured natural resources. The Trust for Public Land has purchased the Oline parcel. They will be conducting restoration actions on the site. Following implementation of restoration actions the property will be transferred to the Washington State Department of Natural Resources, and will be held in trust for the Commencement Bay Natural Resource Trustees.

V. Location (attach map):

- A. County and State: Pierce, Washington
- B. Section, township, and range (or latitude and longitude):
T21N, R03E, NW1/4S21
- C. Distance (miles) and direction to nearest town:
Northeast Tacoma, within City of Tacoma City limits
Approximately 5 miles north of the City of Fife
- D. Include species/habitat occurrence on a map, if possible.

VI. Description of proposed action (attach additional pages as needed):

The property includes approximately 1,350 feet of shoreline. Three derelict vessels (two wooden barges and one drydock) are currently located in the intertidal area along the shoreline. These vessels and their associated debris negatively impact fish and wildlife habitats by covering intertidal mudflats and gravel cobble substrates, thereby reducing the area available for colonization by benthic and epibenthic prey resources, and obstructing the shoreline for outmigrating juvenile salmonids.

The project involves the demolition and removal of the derelict vessels and associated debris. Removal of the debris will be completed by a certified demolition contractor (Global Environmental, Seattle, WA). Access to the site will be via an existing gravel road. The derelict vessels will be dismantled on site and the debris will be hauled offsite to certified disposal facilities.

Most equipment will be staged on the upland portion of the property, above the ordinary high water mark. Equipment to be used on the upland includes a backhoe, 2 loaders, 2-4 dump trucks, and 2-4 other transport vehicles. All work below ordinary high water will be conducted during periods of low tides when the vessels are out of the water. Two track hoes will be used for work in the intertidal area.

The beach is composed primarily of gravel and cobble substrates. Little disturbance of fine grained substrates that could effect water quality is anticipated. Additional measures to protect water quality includes the use of a containment boom.

Following removal of the derelict vessels, on-site large woody debris will be placed along the shore to provide protection for a small salt marsh. Salt marsh vegetation has become established in the upper intertidal area due to protection of the shoreline provided by one of the derelict vessels.

VII. Determination of effects:

A. Explanation of effects of the action on proposed species:

The Puget Sound distinct population segment of bull trout occurs within the Puyallup River system. Bull trout in the Puyallup River system have been separated into three stocks, Puyallup, White and Carbon River. These stocks are considered distinct based on their probable geographic isolation. It is not currently known whether these stocks are genetically distinct. The stocks are native and maintained by wild production. Life histories are unknown, but habitat is available for anadromous, fluvial and resident forms (WDFW, 1997).

Bull trout exhibit resident and migratory life history strategies through much of their current range. Migratory bull trout spawn in tributary streams where juvenile fish rear from one to four years before migrating to either a lake, river, or in certain coastal areas, to saltwater, where maturity is reached in one of the three habitats. Bull trout are opportunistic feeders. Food habits are primarily a function of size and life history strategy. Migratory bull trout prey on terrestrial and aquatic insects, amphipods, mysids, crayfish and small fish. Adult migratory bull trout are primarily piscivorous, feeding on various trout, salmon, whitefish, yellow perch and sculpin. (USFWS, 1999).

No known observations of bull trout have been made in the immediate vicinity of the project area. It is possible, however, that bull trout may use the area for feeding during periods of high tides. Juvenile salmonids of other species are known to utilize the shoreline during periods of high tides. Sand lance and surf smelt spawning have been documented further north along the shoreline near the Brown's Point lighthouse. English sole, rock sole and flathead sole tend to be found along the shoreline (Commencement Bay Natural Resource Trustees, 1995).

Project construction may result in short term increases in turbidity during high tides. Potential impacts to bull trout will be limited to these high tide periods immediately following debris removal or log placement.

The increases in sedimentation should be within the levels currently found in the estuary. The Puyallup River enters the bay approximately 2.5 miles to the south, carrying significant amounts of glacial flour. The plume of the river moves to the northwest towards the Brown's Point shoreline. Suspended clay particles are deposited quickly as they interact with saline waters.

Due to the fact that bull trout have not been observed in the area, the project site is only accessible during high tide events, and the potential increase in turbidity is within the limits currently found in the area, the conclusion reached is bull trout may be affected, but they are not likely to be adversely affected.

As stated above, the net result of the project will be increased intertidal area available for colonization by benthic and epibenthic invertebrates. These are prey resources for juvenile salmonids and other marine fishes. As adult migratory bull trout are primarily piscivorous, other fish utilizing the improved habitat could be an additional food resource.

B. Explanation of actions to be implemented to avoid, minimize, or reduce adverse effects:

To reduce the amount of sedimentation, all construction will occur only when the tide level is low enough to completely expose the derelict vessels and containment booms will be utilized around the construction area.

All conditions of the Hydraulic Project Approval will be followed.

A. Explanation of effects of the action on species:

Peregrine falcons are known to occasionally forage in the vicinity of the project area. A pair of peregrines nest on a building in downtown Tacoma, approximately 3 miles to the west.

Bald eagles are known to forage in the vicinity of the project area. They are commonly seen at the mouth of the Puyallup River, approximately 2.5 miles to the south. The only known nest sites are approximately 4 miles to the northwest, at Point Defiance. The upland buffer adjacent to the project site has trees of sufficient size to support bald eagle and peregrine perching. Bald eagles occupy large feeding territories and it is doubtful that they use Commencement Bay exclusively over other feeding areas.

Heavy equipment (backhoe, loaders, dump trucks) will be employed during project construction. However, the project site is located in a busy industrial area with ongoing lumber mill, ship yard, oil refining and other industrial activities. Therefore, project construction activities are not expected to be more disturbing than ambient conditions. Given the small size of the site and the temporary nature of construction disturbances, the project is not expected to impair foraging opportunities for eagles or peregrines.

The net result of the project will be increased intertidal habitat diversity. The upland buffer adjacent to the site provides perch sites for eagles and peregrines. Restoration of the intertidal area may provide higher quality foraging habitat for eagles and peregrines.

Marbled murrelets are occasional visitors to marine waters of Commencement Bay. This marine bird spends the majority of its life on marine waters, where it forages for several small species of fish. Construction activities will be limited to the shoreline area along Brown's Point, therefore construction activities are not expected to impact marbled murrelets.

B. Explanation of actions to be implemented to avoid, minimize, or reduce adverse effects:

Since construction activities are not expected to be more disturbing than ambient conditions, no actions are proposed to reduce project effects on eagles and peregrines. Marbled murrelets are only found on marine waters and the project will occur adjacent to the shoreline, so no actions are proposed to reduce project effects on marbled murrelets.

VIII. Effect determination(s) and response(s) requested: [*optional]

A. Listed species/designated critical habitat:

Determination

Response requested

NO EFFECT

(species: Peregrine falcon (*Falco peregrinus*))

 X *Concurrence

(critical habitat: _____)

 *Concurrence

NO EFFECT

(species: Bald eagle (*Haliaeetus leucocephalus*))

 X *Concurrence

(critical habitat: _____)

 *Concurrence

NO EFFECT

(species: Marbled murrelet (*Brachyrhamphus marmoratus*))

 X *Concurrence

(critical habitat: _____)

 *Concurrence

IS NOT LIKELY TO ADVERSELY AFFECT

(species: Bull trout (*Salvelinus confluentus*))

 X Concurrence

 *Formal Consultation

(critical habitat: _____)

 Concurrence

 *Formal Consultation

IS LIKELY TO ADVERSELY AFFECT

(species: _____)

 Formal Consultation

(critical habitat: _____)

___ Formal Consultation

B. Proposed species/proposed critical habitat:

Determination

Response requested

NO EFFECT

(species: _____)

___ *Concurrence

(critical habitat: _____)

___ *Concurrence

IS NOT LIKELY TO JEOPARDIZE PROPOSED SPECIES

(species: _____)

___ *Conference

IS NOT LIKELY TO ADVERSELY MODIFY PROPOSED CRITICAL HABITAT

(critical habitat: _____)

___ *Conference

IS LIKELY TO JEOPARDIZE PROPOSED SPECIES

(species: _____)

___ Conference

IS LIKELY TO ADVERSELY MODIFY PROPOSED CRITICAL HABITAT

(critical habitat: _____)

___ Conference

C. Candidate species:

Determination

Response requested

NO EFFECT

(species: _____)

___ *Concurrence

IS NOT LIKELY TO JEOPARDIZE

(species: _____)

___ *Concurrence

IS LIKELY TO JEOPARDIZE

(species: _____)

___ Conference

IX. Signature Page

Initiating Officer *Debra J. Baker* Date 1-24-00

Concur Do Not Concur

Comments:

Endangered Species Supervisor *James L. Brubaker* Date 1/24/00

Concur Do Not Concur

Comments:

Field Supervisor *James L. Brubaker* Date 1/24/00

Concur Do Not Concur

Comments:

REFERENCES:

Commencement Bay Natural Resource Trustees. 1995. Commencement Bay Phase I Damage Assessment Report. Prepared by EVS Environmental Consultants for the Commencement Bay Natural Resource Trustees and the NOAA Damage Assessment and Restoration Center, Seattle, WA.

Commencement Bay Natural Resource Trustees. 1997. Commencement Bay Natural Resource Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement. Prepared by the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration for the Commencement Bay Natural Resource Trustees and Cooperating Agencies.

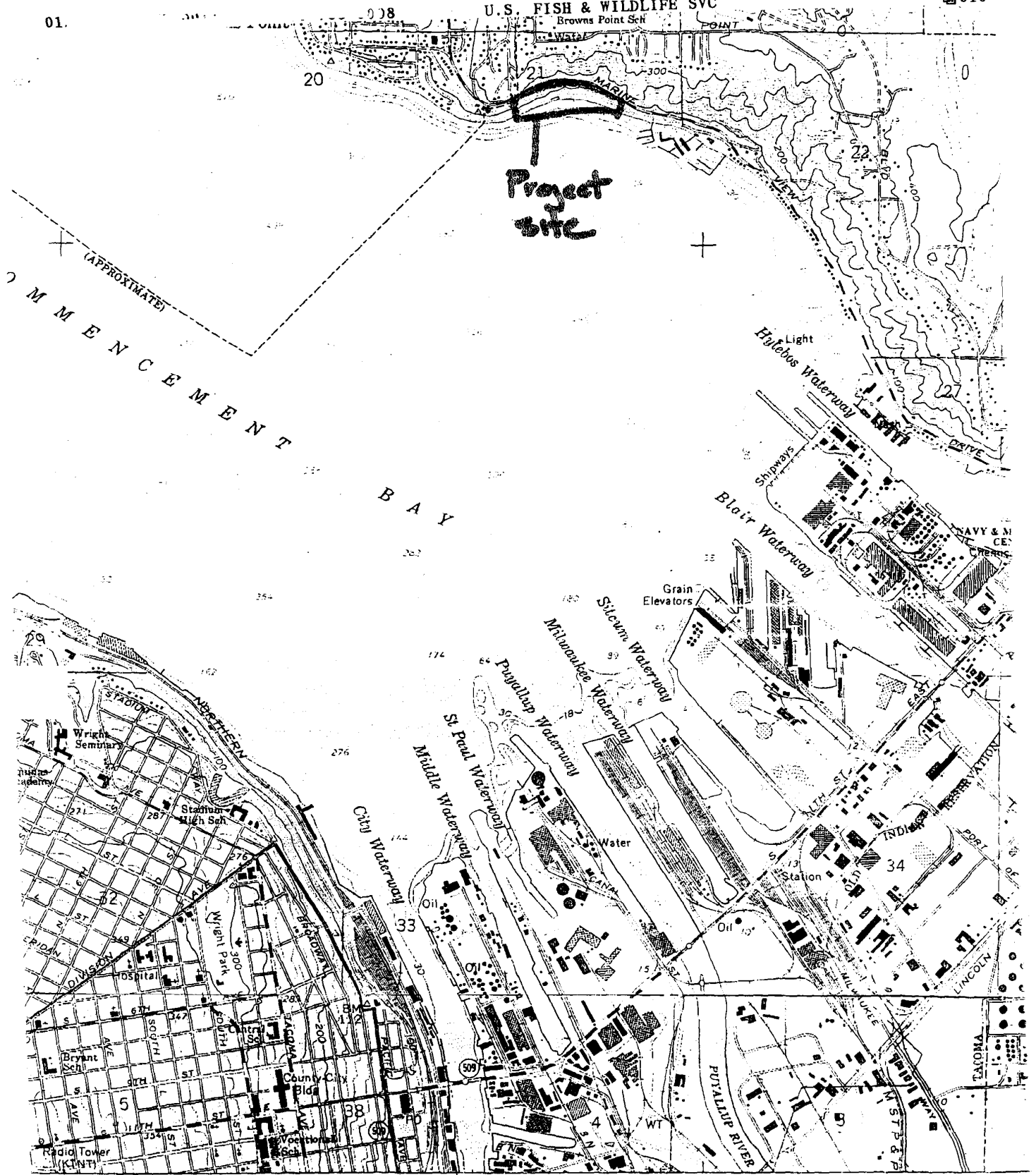
U.S. Fish and Wildlife Service. 1999. Programmatic Biological Assessment for U.S. Fish and Wildlife Service Habitat Restoration Activities of the Western Washington Office, Upper Columbia River Basin Office, Moses Lake Fish and Wildlife Office and Mid-Columbia River Basin Fisheries Resource Office.

Washington Department of Fish and Wildlife. 1997. Washington State Salmonid Stock Inventory: Bull Trout and Dolly Varden.

01.

U.S. FISH & WILDLIFE SVC

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Project site

(APPROXIMATE)

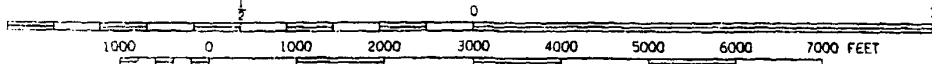
COMMENCEMENT

BAY

TACOMA SOUTH 1 MI TO INTERSTATE 5
1578 III NW

54 25' 161000 FEET (NORTH)

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET

Heavy-duty
Medium-du

APPENDIX 6

FINDING OF NO SIGNIFICANT IMPACT



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JAN 7 2000

To All Interested Government Agencies and Public Groups

Pursuant to the National Environmental Policy Act, an environmental review has been performed on the following action.

TITLE: Oline Parcel Restoration Project Tacoma, WA -- Environmental Assessment and Finding of No Significant Impact

LOCATION: Oline Property West of Tyee Marina Tacoma, WA

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is the lead federal agency for National Environmental Policy Act (NEPA) compliance for the proposed Oline Parcel Restoration Project, Tacoma, Washington. The cooperating agencies and tribes include the other Commencement Bay Natural Resource Trustees -- the Puyallup Tribe of Indians, the Muckleshoot Indian Tribe, the Washington Department of Ecology (as lead state Trustee), the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, and the U.S. Department of the Interior (U.S. Fish and Wildlife Service and the Bureau of Indian Affairs). These parties are participating in damage assessment and restoration planning activities in the Commencement Bay environment.

The U.S. Army Corps of Engineers issued a Nationwide Permit No. 22 for this project. NOAA prepared an Environmental Assessment (EA) to evaluate whether the No Action Alternative or the Demolition/Cleanup Alternative (preferred alternative) would be the most ecologically sound alternative. The Trustees determined that once demolition and removal of the derelict wooden barges and other on-site debris occurred, the site would be able to recover naturally, without additional intervention. The public and other interested parties have participated in the review of the evaluation of this site.

The demolition and removal project will be in compliance with all permits required by the State and Federal regulatory agencies. The Biological Evaluation and informal consultations with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service addressing Endangered Species Act as well as Essential Fish Habitat are part of the Administrative Record for this project. The proposed activities were evaluated under the goals and objectives and other evaluation criteria specified by the Commencement Bay NRDA Restoration Plan and with the evaluation factors under the National Environmental Policy Act (40 CFR 1508.27). Based on a review of all of these factors and the referenced documents, NOAA and the Trustees concluded that the proposed activities would not have a significant effect on the quality of the human environment.

RESPONSIBLE OFFICIAL

Penelope D. Dalton
Assistant Administrator for Fisheries
National Marine Fisheries Service
Silver Spring Metro Center #3
1315 East-West Highway
Silver Spring, Maryland 20910-3226
Phone: (301) 713-2239



The environmental review process led us to conclude that these restoration actions will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared. A copy of the Finding Of No Significant Impact including the EA is available from the Responsible Official.

Sincerely,

A handwritten signature in black ink that reads "Susan B. Fruchter". The signature is written in a cursive, slightly slanted style.

Susan B. Fruchter
NEPA Coordinator

Enclosure

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT
FOR THE OLINE PARCEL RESTORATION PROJECT
SEATTLE, WASHINGTON**

The National Oceanic and Atmospheric Administration (NOAA) is the lead federal agency for National Environmental Policy Act (NEPA) compliance for the Oline Parcel Restoration Project, Commencement Bay, Tacoma, Washington. This project was proposed by the Commencement Bay Natural Resource Trustees to help restore natural resources injured by the releases of hazardous substances or discharges of oil in Commencement Bay, Tacoma, Washington.

The U.S. Army Corps of Engineers issued a Nationwide Permit No. 22 for this project. NOAA prepared an Environmental Assessment (EA) to evaluate whether the No Action Alternative or the Demolition/Cleanup Alternative (preferred alternative) would be the most ecologically sound alternative. The Trustees determined that once demolition and removal of the derelict wooden barges and other on-site debris occurred, the site would be able to recover naturally, without additional intervention. The public and other interested parties have participated in the review of the evaluation of this site.

The demolition and removal project will be in compliance with all permits required by the State and Federal regulatory agencies. The Biological Evaluation and informal consultations with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service addressing Endangered Species Act as well as Essential Fish Habitat are part of the Administrative Record for this project. The proposed activities were evaluated under the goals and objectives and other evaluation criteria specified by the Commencement Bay NRDA Restoration Plan and with the evaluation factors under the National Environmental Policy Act (40 CFR 1508.27). Based on a review of all of these factors and the referenced documents, NOAA and the Trustees concluded that the proposed activities would not have a significant effect on the quality of the human environment. NOAA agrees with the Corps' Finding of No Significant Impact (FONSI) that an environmental impact statement would not need to be prepared.

DETERMINATION:

Based upon an environmental review and evaluation of the Environmental Assessment for the Oline Parcel Restoration Project, I have determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. Accordingly, an environmental impact statement is not required for this project.



Penelope D. Dalton
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration

JAN 7 2000

Date: _____

6. Final Determinations:

(a) Need for an environmental impact statement (FONSI):

Based upon the information contained in this document, issuance of the NWP will not have a significant impact on the quality of the human environment and the preparation of an Environmental Impact Statement is not required.

(b) 404 (b) (1) Compliance:

On the basis of the 404(b)(1) Guidelines (Subparts C-G), the discharges authorized by this NWP comply with the requirements of the Guidelines with the inclusion of appropriate and practicable conditions to minimize pollution or adverse effects on the affected aquatic ecosystems.

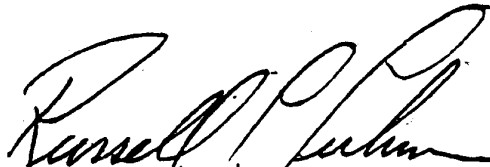
(c) Public interest:

Based upon the information presented in this document, issuance of the NWP, as prescribed by the regulations contained in 33 CFR Parts 320 to 330, and 40 CFR 230, is not contrary to the public interest.

(d) Section 176(c) of the Clean Air Act General Conformity Rule Review:

The proposed NWP has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de-minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this NWP.

FOR THE COMMANDER:


Russell L. Führman
Major General, U.S. Army
Director of Civil Works