

From: [Winslow, Frank \(ECY\)](#)
To: [Nathan Soccorsy](#); [Jason Cornetta](#)
Cc: [Eric Rapp](#); [Morman, Josh \(ECY\)](#); [Edwards, Susannah \(ECY\)](#); [Hardwick, Ryan \(ECY\)](#)
Subject: Jeld Wen - Ecology Comments on Revised Marine Environmental Design Report (EDR) and 60% Design
Date: Friday, May 1, 2026 3:46:07 PM
Attachments: [Ecology comments on Draft Final EDR 2026_05_01.pdf](#)

Hi Nathan and Jason,

Attached are Ecology's comments on the Marine EDR and 60% Design.

Many of our comments pertain to the language within the EDR and don't affect the design significantly. We anticipate the incorporation of Ecology's comments and requested edits will result in a Marine EDR and 60% Design that Ecology Toxics Cleanup Program (TCP) can consider to be final, pending any substantive requirements from other regulatory agencies. Formal designation of this document as final will need to await a determination of whether or not there are any substantive requirements from other regulatory entities that could affect the design. Ecology TCP notes that proceeding to 90% design may carry risks in case any regulatory entities provide substantive requirements that could affect design. Hence, proceeding with work on the 90% design is solely at Jeld Wen's discretion and risk.

Please note that the comments include reference to a Habitat Mitigation and Monitoring Plan. During TCP's conversations with Ecology Shoreland and Environmental Assistance Program (EAP), it has become apparent that a singular document that covers habitat mitigation and monitoring is needed. Our comments discuss the need for and the elements of such a plan, but we can provide additional feedback for the development of this plan.

Prior to submitting the revised report, we suggest that any specific revisions that may have potential for concerns be provided to Ecology as excerpts to review and discuss. This approach should facilitate our ultimate approval.

Please let us know if you have any questions and we can schedule a Teams call.

As always, we appreciate the Jeld Wen Teams ongoing efforts to clean up this Site.

Thanks, Frank

Frank P. Winslow, LHG

WA Expedited VCP Site Manager
Department of Ecology – Toxics Cleanup Program
1250 W. Alder Street, Union Gap, WA 98903
(509) 424-0543 (cell)

Frank.Winslow@ecy.wa.gov

May 1, 2026 Ecology Comments on Jeld Wen Final Draft Marine Engineering Design Report – Revision 1 and Design Sheets, dated March 2026

Comment #1 – Title of Report

The current report title includes “Draft Final – Revision 1”. Based on Ecology’s comments provided herein as well as potential substantive requirements from other regulatory entities, there are some elements that have not yet been completely resolved. Hence, Ecology requests that the next submittal be labeled “Draft Final – Revision 2”. Ecology notes that substantive requirements that could affect the design have not yet been received from regulatory entities such as the U.S. Army Core of Engineers (U.S. ACE), Washington Department of Fish & Wildlife (WDFW), and Ecology’s Water Quality and Shorelines Programs. Due to the importance of potential substantive requirements on the final design, Ecology does not anticipate approving designating of the EDR as final until such substantive requirements have been identified.

Comment #2 – Section 12 – Ongoing Design Considerations

This section includes the following seven bullets that were marked as deleted in the EDR Draft Final – Revision1 (hereinafter referred to as “the revised report”). Ecology’s feedback on these bullets follow in yellow highlighted text:

- *Engineered cap armor sizing in the Logway Area to account for predicted stormwater flows from the outfall in the head of the Logway Area.*

This task has been evidently completed; however, see Comment #3 below. Ecology concurs with deleting this bullet.

- *Evaluate if improvements to the outfall on the Baywood Industries, LLC property are necessary to provide sufficient protection to the proposed remedy.*

This concern has evidently been addressed. Ecology concurs with deleting this bullet.

- *Shoreline armoring layers for habitat considerations of a more natural beach material for the top cover will be further evaluated. Modeling suggests smaller material, such as material suited for fish mix, will erode due to coastal forces, but interstitial spaces of the armoring may fill and reduce the amount of exposed armor layer material.*

This concern could still be raised as a substantive requirement. See also Comment #3 below. This bullet should be retained.

- *Determine if further evaluation of recreational and other vessel traffic in the Logway Area is necessary to ensure engineered cap armoring is sufficient.*

This concern has evidently been addressed. Ecology concurs with deleting this bullet.

- *Coordination with the Tulalip Tribes and City of Everett to maximize the compatibility of the Site cleanup with the Mulsby mudflats restoration efforts.*

Continued coordination with the tribe and various regulatory entities will be needed, not just with respect to the Mulsby mudflats restoration efforts but also with respect to habitat and wetlands considerations. This bullet should be retained and revised to reflect this.

- *Site staging and stockpiling area layout*

Ecology is requesting additional information on this subject (see Comment #4 below). This bullet should be retained.

- *Continued cultural resources consultations as necessary.*

Continued cultural resources consultations will be needed. This bullet should be retained.

Please add to the list of ongoing design considerations:

- In consultation with WDFW, the City of Everett, and Ecology's SEA Program, determine design elements needed to meet substantive requirements of the Washington Hydraulic Code, Shoreline Management Act, and City of Everett Shoreline Master Program. The design should result in 'no net loss of ecological function' and may require compensatory habitat mitigation.
- Continued consultation with the Tulalip Tribes to determine design elements needed to avoid, reduce and compensate for impacts on treaty resources such as fish and shellfish habitat.

Comment #3 – Section 8.4.2 – Engineered Cap Layers

The revised report states:

Engineered caps will include the following three layers:

- *A minimum 6-inch-thick chemical isolation layer of clean sand*

- *A minimum 6-inch-thick filter layer of sand/gravel material with a D50 of approximately 0.4 (3/8) inches.*
- *A minimum 1-foot-thick armor layer of rock and quarry spalls materials with a D50 of approximately 4 inches and a maximum size of 8 inches.*

Ecology notes that design sheet D2 has 6-inch thick “armor sand layer overlay” and the Jeld Wen team confirmed this within a recent check-in call. Please revise this section to include the 6-inch armor sand layer overlay. Ecology notes that this layer is anticipated to be a preferable surface for juvenile salmonids which has been voiced as a habitat concern by the Tulalip Tribe and others. Please add this layer to Section 8.4.2 as well as any other descriptions of the engineered cap layers in the EDR.

Comment #4 – Design Sheets – Staging and Stockpiling Layout

Sheet D1 includes contaminated materials stockpile containment (typical), and stockpile plastic sheeting (typical), and silt fence (typical). Sheet G6 is a Site Staging, Stockpile, & Access Plan which shows the work setback areas along the shoreline including temporary access for construction equipment during material removal and placement activities. This plan also shows a primary construction staging area, including transload facility. Ecology requests that addition of a design sheet titled “Conceptual area work layout” which includes primary work elements for both the shoreline and primary staging areas for the sediments cleanup work. This should include preliminary stockpiling and dewatering areas, dewatering water management features, runoff containment features, and heavy equipment. This purpose of this sheet is not to constrain the contractor in executing the work in a safe and protective manner, but to allow the reader to generally visualize how the work will be performed in these areas. Therefore, the sheet can included a caveat that allows the contractor to adjust the layouts in a safe and protective manner that will be approved by appropriate regulatory authorities.

Comment #5 – Section 2.1.1.1 -- Logway

Please add text stating that the Logway is designated as “Aquatic Conservancy” under the City of Everett’s Shoreline Master Program. Include a brief statement explaining what that designation means.

Comment #6 – Section 2.1.1.2 – The South Shoreline

The revised report deleted the sentence that stated:

“It contains approximately six or seven historical outfalls (status unknown), the remnants of a wooden barge, and numerous wood piles.”

The information regarding outfalls would appear to be important to retain in this section, though the status of the historical outfalls may be better known now – can potentially strike “(status unknown)”. Also since the barge is discussed as part of the Knoll area in Section 2.1.1.3, and the barge could potentially be considered as part of the South Shoreline, please add discussion on what constitutes the difference between the Knoll and South Shoreline areas. One definition of the boundary could be where the proposed armoring ends along the shoreline; however, from a sediment perspective, the Knoll area would be defined by the extent of PCBs in sediments above the cleanup level.

Comment #7 – Section 2.1.4 – Cultural Resources

Ecology Toxics Cleanup Program’s (TCP’s) archaeologist has not provided their concurrence on the conclusions presented in this section. Ecology reserves the right to provide feedback regarding cultural resources throughout the life of the project.

Comment #8 – Future Use Assumptions

Please add the City of Everett SMP designations for the southern tide flats and Logway here. Add a brief description about designated uses for those areas.

Comment #9 – Section 6.2 – Compensatory Mitigation and Wildlife Considerations

Please revise this paragraph as follows:

*Although there are estuarine wetlands located at the Site, the habitat function of those wetlands is ~~hindered due to~~ **impacted by** the existing contamination. The marine cleanup actions will remove existing contamination and restore the Site to existing grade, which will permanently impact the existing wetlands. For the areas of the Site where wetland impacts cannot be avoided, credits will be purchased from the Blue Heron Slough Mitigation Bank, which is pending certification for wetland credits. A draft agreement is currently being developed to reserve the necessary credits to offset estuarine impacts at Ecology’s ratio for Category II wetlands.*

Ecology notes that the compensatory mitigation that is proposed for the wetlands impacts has not been approved. Therefore, no concurrence is provided from Ecology regarding the mitigation approach proposed in this section. Ecology’s concurrence will follow regulatory approvals on this subject. Please revise the sentence as follows:

*“For the areas of the Site where wetland impacts cannot be avoided, **Jeld Wen Inc proposes the purchase of** credits ~~will be purchased~~ from the Blue Heron Slough Mitigation Bank, which is pending certification for wetland credits.”*

Please add a sentence that Ecology indicated they can't provide concurrence on this mitigation approach until it has been approved by all appropriate entities.

Comment #10 – Section 8.1 – Structure and Debris Removal

This section includes discussion of removal of degraded asphalt. The revised report states:

“Additionally, broken asphalt, concrete objects, logs, wood, and metal objects of various sizes exist along the shorelines of the Logway and Southern Shoreline areas and will be removed.”

Degraded asphalt appears to range in size from sand size to pieces as large as two feet wide or larger. Please clarify in this section the minimum size of asphalt pieces that will be removed.

Comment #11 – Section 8.4.4 & Sheet D2 – EMNR

As previously discussed, Ecology requests the thickness of EMNR materials to be increased from 6.0 inches to 12 inches in EMNR margin areas to address uncertainties of contamination extent above cleanup levels. Please add a note to sheet D2 and mention this in Section 8.4.4.

Comment #12 – Section 4 – Remediation Technologies

If intertidal work cannot be capped with clean material during the tide cycle, there is likely going to be more water quality permitting/requirements needed as the sediment is contaminated. With language allowing for these contingencies being added, compliance with ECY WQ and SEA program requirements will be needed. TCP should be copied with any permits or correspondence related to these WQ concerns.

Comment #13 – Section 6.1 - Net Environmental Effects Analysis

Please revise the bullet as follows:

- *“The cleanup of the Site sediments is expected to have a beneficial impact on environmental conditions and specifically aquatic habitats within the Site, **with the incorporation of mitigation activities identified in permitting documents and the Mitigation and Monitoring Plan.**”*

Note Comment #14 below discussed the need for such a Mitigation and Monitoring Plan.

- *“The removal of these exposure pathways **is expected to reduce health risks from contaminated sediment and soil to species utilizing the shoreline.** ~~will~~*

~~overall increase the quality of the existing habitat area and potentially support the native species colonization of the degraded intertidal area.”~~

“The following bullet needs to be revised. It does not accurately describe anticipated changes in ecological function based on what is proposed in the 60% design.”

- *“Potential short-term impacts of the cleanup will be mitigated to the extent practicable. It is expected that the intertidal community will fully recolonize Site sediment ~~and structures~~ within a few years of the completion of the remediation, as there are numerous nearby similar habitats with intertidal organisms that will aid in recolonization. It is likely that the remediation will increase **quality of** ~~suitable~~ intertidal habitat because the future substrate will have significantly reduced levels of contaminants.*

~~Low velocity and fine substrate habitats like the remediated Site tidal area may provide suitable habitat for eelgrass and macroalgae to colonize. Eelgrass is an important spawning substrate for Pacific Herring; an important food source for juvenile salmonids and provides refuge for juvenile salmonids as they grow and migrate into the ocean environment. The removal of anthropogenic shoreline debris, existing creosote-treated piles, two bulkheads, and the remnants of a wooden barge are expected to increase the overall available habitat and further improve water and sediment quality by removing these ongoing sources of contaminants. Overall, the project will create a net positive environmental effect. This project includes removing ongoing sources of contamination, providing clean sediments to support functions and species, endeavoring to achieve net gains in aquatic areas, and restoring lost habitat attributes by removing remnant structures and removing treated timber piles where practicable.”~~ **The post remediation shoreline includes elements that are not optimal for habitat but are needed for cleanup purposes. Some compensatory mitigation is anticipated to be required for the loss of ecosystem services, such as due to permanent hard armoring of shoreline, riparian habitat (tree cover), and loss of wetlands.”**

Ecology does not concur that the remediation is anticipated to increase the potential for eelgrass establishment. Unless you can articulate exactly why the post remediation surface is more amenable to eelgrass than the pre-remediation surface, this discussion of net environmental improvement should be struck.

- *“Potential short-term impacts of the cleanup will be ~~mitigated~~ **prevented** to the extent practicable” doesn’t accurately describe needed mitigation for this project.”*

Comment # 14 – Section 6.2 – Compensatory Mitigation and Wildlife Considerations

Please add the following to the end of the first paragraph: *“A stand-alone habitat mitigation and monitoring plan will be developed in consultation with Ecology and applicable permitting entities and will inform the final engineering design. The plan will describe the process for evaluating project compliance with the substantive requirements of state and local laws, including the Shoreline Management Act, City of Everett Shoreline Master Program and the Hydraulic Code of Washington. It will also capture federal permit requirements for mitigating impacts to protected species and habitats (e.g. actions and performance metrics for compensatory wetland mitigation).”*

Comment # 15 – 8.5 Shoreline Stabilization and Armoring

It is Ecology’s understanding that to simplify required construction materials and based on a concern that the U.S.ACE training wall may be removed in the future, the Logway will be constructed of armor stone and filter rock that is much larger than necessary based on wind/wave and slope stability modeling/design scenario. The proposal to use larger size materials in the Logway appears to be inconsistent with feedback gathered from consultation with the Tulalip Tribes and permitting agencies. However, containment of shoreline soil contamination of critical concern.

The second paragraph states:

“However, due to the existing gradation and to simplify the required construction materials, the Logway will be constructed with the same armor stone and filter layers as seen on the South Shoreline.”

This sentence should be removed and armoring sizing should be solely based on design criteria, not to simplify the construction materials to be used. A design based on removal of the U.S. ACE training wall must be validated with information that indicates that this wall may be removed in the future.

Comment # 16 - 9.1.2 Bird Monitoring

Please make the following edits to this paragraph:

“U.S. Fish and Wildlife and WDFW recommend a nesting bird survey be completed before the commencement of cleanup activities to identify any active nests and

*avoid disturbing protected species within the Site. Additionally, a WDFW or other professional biologist ~~will would~~ need to monitor and assess any nesting sites prior to their destruction or relocation. **A forthcoming mitigation and monitoring plan will describe activities to avoid and reduce impacts to nesting birds.***

Comment #17 – Design Sheets – Material Placement Sections

Shoreline armoring still appears to be filling in the shoreline on several of the material placement cross sections.

Why does Sheet D3 show a four-foot-wide bench on the armoring in the areas of the logway and South Shore that are not adjacent to South Shore removal areas? Could this bench be considered a loss of habitat?

Additionally, shoreline stabilization in the Logway as depicted in the 60% design will eliminate the riparian vegetation at the top of the bank that current provides some shade within the logway. It is not clear how the proposed permanent impacts to shoreline habitat will be offset to maintain ‘no net loss of ecological function’.

These questions regarding change of habitat type may have potential to trigger requirements from DNR, SEA, USACE or WA Fish and Wildlife.

Comment #18 – Table 3

Please update Table 3 Notes and Status column to reflect the current design status and current regulatory consultation status (it currently references 30% design in several locations).