



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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**STATE ENVIRONMENTAL POLICY ACT  
DETERMINATION OF NONSIGNIFICANCE**

**Date of issuance:** February 19, 2019

**Lead agency:** Based on mutual agreement between the Washington Department of Ecology, Toxics Cleanup Program, Northwest Regional Office (Ecology) and the Port of Bellingham, Ecology is the lead agency.

**Agency contact:** Lucy McInerney  
Cleanup Project Manager  
Department of Ecology  
[lucy.mcinerney@ecy.wa.gov](mailto:lucy.mcinerney@ecy.wa.gov)  
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**Description of proposal:** The project will address marine sediment contaminated by historic industrial operations at the I & J Waterway state-designated cleanup site on the Bellingham waterfront. The work includes sediment removal and sediment capping. Sediment removal activities require the removal and replacement of an existing bulkhead and dock.

The project is required by Ecology under authority of Washington's cleanup regulation, the Model Toxics Control Act (Chapter 173-340 WAC). The project is described in a draft Cleanup Action Plan, which is part of a legal agreement (agreed order) between Ecology, the Port of Bellingham, and Bornstein Seafoods, Inc.

**Location of proposal:** Within Bellingham Bay along the urban shoreline between Hilton Avenue and Bellwether Way, Bellingham, WA 98225. Section 25, Township 38N, Range 02E.

**Applicant/Proponent:** Ben Howard  
Environmental Project Manager  
Port of Bellingham  
P.O. Box 1677  
Bellingham, WA 98227-1677  
(360) 715-7365

**Determination:** Ecology reviewed the attached State Environmental Policy Act Environmental Checklist and the draft Cleanup Action Plan located on the I & J Waterway site webpage (<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2012>). We have determined that this proposal



DETERMINATION OF NONSIGNIFICANCE

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will not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c).

This determination is based on the following findings and conclusions:

- Potential adverse environmental impacts are associated with construction activities and include: equipment noise and lights, traffic, inadvertent petroleum leaks and spills, equipment emissions, turbidity from dredging operations, etc.
- Various local, state and federal, permit conditions and requirements apply to the construction work.
- Best management practices will be employed.
- Conditions, requirements, and best management practices will reduce/mitigate potential adverse impacts from construction activities.

**Comment period:** The comment period for Ecology's determination ends on March 20, 2019. This parallels Ecology's 30-day public comment period on the agreed order/draft Cleanup Action Plan for the I & J Waterway site.

**Responsible official:** Robert W. Warren  
Regional Manager  
Northwest Regional Office  
Toxics Cleanup Program  
Department of Ecology  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452  
425-649-7054

Signature



Date

2-13-19

# SEPA ENVIRONMENTAL CHECKLIST

## ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## ***A. Background*** [\[HELP\]](#)

1. Name of proposed project, if applicable: I & J Waterway Site Cleanup
2. Name of applicant: Port of Bellingham
3. Address and phone number of applicant and contact person:

Ben Howard  
Port of Bellingham, Environmental Project Manager  
P.O. Box 1677  
Bellingham, WA 98227  
(360) 676-2500

4. Date checklist prepared: February 8, 2019
5. Agency requesting checklist: Department of Ecology
6. Proposed timing or schedule (including phasing, if applicable):

The project includes cleanup of contaminated sediment in two areas of the I & J Waterway Site, Sediment Cleanup Unit 1 (SCU-1) and Sediment Cleanup Unit 2 (SCU-2). See Figure 2. Design of SCU-1 will occur first, followed by cleanup construction. Then design of SCU-2, followed by cleanup construction.

Project timing is dependent on Department of Ecology (Ecology) and other agency approval of the final design and related permitting. However, the anticipated design and construction schedule is as follows:

SCU-1 – May 2019 to February 2022.

SCU-2 – March 2022 to February 2024.

In-water construction activities will be limited to permit-specified timeframes.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The Port of Bellingham (Port) and/or City of Bellingham (City) may redevelop shoreline property with similar timing as work described in this proposal, however such development would be a separate project.

Post-construction monitoring will be performed for a duration and frequency identified in long-term monitoring plans to be developed as part of design activities.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- Remedial Investigation/Feasibility Report, I&J Waterway Site, prepared by Anchor QEA, dated February 2015
- Agreed Order, including a draft Cleanup Action Plan and other exhibits, prepared by Ecology, dated February, 2019.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Yes. The Port has submitted a JARPA for the Hilton Stormwater Outfall Replacement project. This project will replace an existing undersized 8-inch diameter outfall pipe with a 12-inch pipe to

meet capacity requirements for conveying runoff from the contributing drainage basin. The outfall is located on the south shoreline of the I & J Waterway Site Cleanup project. The outfall replacement work includes removal and replacement of rip-rap at the outfall location, but contaminated sediment will not be disturbed.

All American Marine is anticipated to submit a JARPA for a proposed project to install a new float, pier, and gangway as part of the I&J Waterway Fit-up Float and Pier Project located within and adjacent to the I&J Waterway at 1051 Hilton Avenue.

10. List any government approvals or permits that will be needed for your proposal, if known.

The project will occur under a legal agreement between the Port of Bellingham, Bornstein Seafoods, and Ecology in accordance with the Model Toxics Control Act (MTCA, Chapter 70.105D WAC). Under the MTCA, the project is exempt from the procedural requirements of RCW chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58, and from any laws requiring or authorizing local government permits or approvals for remedial action. Ecology will require compliance with the substantive provisions of these chapters and the substantive provisions of any laws requiring or authorizing local government permits or approvals.

In addition to complying with the substantive provisions of the above permits or approvals, the following permits and approvals will be obtained for the project:

- U.S. Army Corp of Engineers approval under Section 404 of the federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. The Port anticipates that the project will qualify for coverage under a Nationwide Permit 38 for the Cleanup of Hazardous and Toxic Waste.

With NWP 38 coverage the project is automatically certified under Ecology's CWA Section 401 Certification and Coastal Zone Management Consistency requirements. However, the project must comply with Ecology's CWA Section 401 General Conditions.

- U.S. Army Corps of Engineers permission under 33 USC 408 (Section 408).
- Ecology National Pollutant Discharge Elimination System Construction Stormwater General Permit (CSWGP) in the event upland staging area is greater than one acre.
- Washington State Department of Natural Resources Aquatic Land Use Authorization.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The project is located in the I & J Waterway in Bellingham Bay, between Hilton Avenue and Bellwether Way. The project will address marine sediment contaminated by historic industrial operations (see Figure 1).

The project is within an area used for navigation and commerce purposes and includes a designated federal navigation channel. These uses will continue following completion of the project.

The Port is proposing the project as required by Ecology under the MTCA. The project will address contaminated sediment at the I & J Waterway state-designated cleanup site and consists of the following components (see Figure 2):

- Dredging and proper disposal of contaminated sediment (requiring the removal and replacement of a creosote-treated timber dock and bulkhead);
- Capping contaminated sediment with clean material;
- Placing a thin layer of clean material to enhance natural deposition processes that are capping contaminated sediment (Enhanced Natural Recovery); and
- Monitoring natural deposition processes that are capping contaminated sediment (Monitored Natural Recovery).

The project is about 3 acres in size.

Upland property adjacent to the project will be used to stage construction equipment and materials. The size of the staging areas will be determined during design, but total acreage is expected to be less than an acre.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

I & J Waterway within Bellingham Bay along the urban shoreline between Hilton Avenue and Bellwether Way, Bellingham, Washington 98225

Partially located on DNR Aquatic Parcel ID: 1790773

Section 25, Township 38N, Range 02E

See attached vicinity map (Figure 1) and proposed cleanup plan (Figure 2)

## **B. Environmental Elements** [\[HELP\]](#)

### 1. **Earth** [\[help\]](#)

a. General description of the site:

(circle one)  Flat,  rolling,  hilly,  steep slopes,  mountainous, other \_\_\_\_\_

b. What is the steepest slope on the site (approximate percent slope)?

The shoreline areas of the project slope to adjacent upland property. The steepest slope occurs at the existing vertical bulkhead located along the south shoreline. The adjacent upland areas are generally flat.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Sediment deposits within the project area fall into three geologic units:

- 1) Recent deposits - very soft, brown-black, slightly sandy, clayey silt with shell fragments and varying amounts of wood debris. The thickness of the recent deposits varies between less than one foot and greater than seven feet.
- 2) Post-glacial fluvial deposits – medium dense, gray, non-silty to silty, fine to medium sand, shell fragments, and occasional gravel and silt lenses.
- 3) Glacial marine drift – stiff to very stiff, damp to moist, gray, silty clay to clay with scattered gravels and occasional fine to medium sand layers.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Some erosion is occurring at the head of the waterway at the end of the existing bulkhead. All other shoreline areas are stable.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Approximately 7,000 cubic yards of clean fill will be used to: cap contaminated sediment, enhance natural deposition processes, and manage dredge residuals. The fill material will be placed in various thicknesses over an area of about 98,000 square feet.

The fill source will be determined by the contractor in accordance with construction specifications to be developed during design. The specifications will ensure that suitable material (e.g. clean, appropriately-sized, etc.) is used.

Approximately 18,000 cubic yards of contaminated sediment will be dredged from an area of about 55,000 square feet.

Fill and dredge volumes will be confirmed during design.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Temporary impacts could occur during construction:

- Erosion of upland staging areas could occur from construction equipment use or material management activities.
- Suspended sediment from in-water dredging and capping operations could affect surface water quality.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. The project will not add impervious surfaces.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:



For upland staging areas greater than one acre, coverage will be obtained under Ecology's CSWGP. A stormwater pollution prevention plan (SWPPP) will be prepared that includes best management practices (BMPs) and a temporary erosion and sedimentation control (TESC) plan. Other agency BMPs/requirements may be identified during the design and permitting process. Contractors will be required to implement erosion control practices as specified in the design and construction documents.

For in-water work, a water quality monitoring plan will be prepared that includes monitoring, BMPs, and contingency measures, in accordance with Ecology's 401 Water Quality Certification General Conditions. Other agency BMPs/requirements may be identified during the design and permitting process. Contractors will be required to implement practices to control suspended sediment in the water column as specified in the design and construction documents.

**2. Air** [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

No emissions to the air will occur from the completed project.

During construction, short-term emissions to the air will occur from diesel and gasoline automobile/equipment exhaust. A minor amount of dust may also be generated from material handling activities depending on the seasonal conditions.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No off-site sources of emissions or odor have been identified that would affect the proposed project.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

No proposed measures. The completed project will not impact air.

During construction, equipment will be maintained in good working order to minimize airborne emissions. Dust control BMPs (e.g., application of water) will also be employed as necessary.

**3. Water** [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes. The project is located within Bellingham Bay, as shown on Figure 1. Bellingham Bay is an embayment of the Salish Sea and accommodates a variety of commercial and recreational uses. No wetlands or inputs (e.g., streams) are present in the immediate vicinity of the project.



- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes. The project is located within Bellingham Bay as shown on Figure 1. The project includes dredging, capping, and structure demolition and replacement (Figure 2).

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

The project includes both in-water clean fill placement (capping) and dredging. The total fill placement volume is approximately 7,000 cy and the total dredging volume is about 18,000 cy. These volumes will be confirmed during design.

The source of fill material will be determined by the contractor in accordance with construction specifications to be developed during design. The specifications will ensure that suitable material (e.g. clean, appropriately-sized, etc.) is used.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

The project will not require surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The project is located within Bellingham Bay along an urban shoreline. The adjacent upland areas are within a "Zone A" floodplain, which indicates areas where "the Base Elevation is the water surface elevation of the 1% annual chance flood." The base flood elevation in this area is not determined. (FEMA 2004).

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The completed project will not discharge waste materials to surface water.

Incidental discharges may occur during construction and include debris from demolition activities and accidental leakage of fuel and lubricating oils from equipment, vehicles, and temporary fuel storage. BMPs will be used to contain and recover any of these incidental discharges. Elevated suspended sediment in the water column may temporarily result from contaminated sediment dredging and capping operations.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

The project will not withdraw groundwater, and water will not be discharged to groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste materials associated with domestic sewage or other activities will be discharged into the ground.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The completed project will not generate runoff.

Some stormwater runoff may occur during project construction from upland staging areas. Stormwater will be contained in staging areas and managed properly. Any discharge to Bellingham Bay from staging areas would be treated prior to discharge. Discharge of treated stormwater would likely occur through the existing storm drain system or other temporary discharge location.

Dewatering waters from dredge material barges may be discharged directly into Bellingham Bay. Dewatering water will pass through filter fabric prior to discharge and may be subject to additional conditions for discharge imposed by Ecology during permitting.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

The completed project will not generate waste materials.

It is possible that waste materials could enter ground or surface waters during construction. Waste materials include debris associated with demolition activities and accidental leakage of fuel and lubricating oils from equipment, vehicles, and temporary fuel storage. Elevated suspended sediment in the water column may temporarily result from contaminated sediment dredging and capping operations.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

The project will not alter or otherwise affect drainage patterns in the vicinity.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

During project construction, stormwater runoff from upland staging areas will be managed in accordance with Ecology's CSWGP, Ecology reviewed BMPs, and/or other agency requirements, as described in a construction SWPPP and TESC plan to be prepared.

BMPs will be implemented to control accidental leakage from equipment, vehicles, and temporary fuel storage. The contractor will prepare a Spill, Prevention, Control, and Countermeasure (SPCC)

Plan describing BMPs and contingency measures.

BMPs will also be implemented to control potential elevated suspended sediment in the water column from contaminated sediment dredging and capping operations. A water quality monitoring plan will be prepared that includes monitoring, BMPs, and contingency measures, in accordance with Ecology's 401 Water Quality Certification General Conditions.

BMPs to prevent or reduce impacts will include both source control BMPs and runoff treatment BMPs.

#### 4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other: Red alder (*Alnus rubra*)
- evergreen tree: fir, cedar, pine, other: Douglas fir (*Pseudotsuga menziesii*)
- shrubs: Himalayan blackberry (*Rubus armeniacus*), Scotch broom (*Cytisus scoparius*)
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: attail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other: Sea lettuce (*Ulva fenestrata*), Rockweed (*Fucus vesiculosus*)
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Macroalgae species such as sea lettuce and rockweed, may be impacted by in-water dredging and capping activities.

Grass, shrubs, and a few deciduous trees in the upland area adjacent to the project may be impacted by staging and shoreline construction activities.

c. List threatened and endangered species known to be on or near the site.

None are known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No measures to preserve or enhance vegetation are proposed.

e. List all noxious weeds and invasive species known to be on or near the site .

The shoreline area at the head of the waterway contains invasive Himalayan blackberry and Scotch broom.

#### 5. **Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: ducks, geese, cormorant, gulls  
mammals: deer, bear, elk, beaver, other:  
fish: bass, salmon, trout, herring, shellfish, other: forage fish

- b. List any threatened and endangered species known to be on or near the site.

The following threatened or endangered species are known to be present in the vicinity of the project:

- Puget Sound Chinook salmon – (*Oncorhynchus tshawytscha*) – Puget Sound Evolutionarily Significant Unit
- Puget Sound Steelhead - (*O. mykiss*) – Puget Sound Distinct Population Segment (DPS)
- Bull Trout - (*Salvelinus confluentus*) – Coastal-Puget Sound DPS
- Bocaccio - (*Sebastes paucispinis*) Puget Sound/Georgia Basin DPS
- Yelloweye Rockfish - (*Sebastes ruberrimus*) Puget Sound/Georgia Basin DPS
- Orca whale (Killer whale) - (*Orcinus orca*) Southern Resident DPS

The following species may be present in Whatcom County and/or Puget Sound, but are not expected to be present in the immediate vicinity of the project:

- Humpback whale - (*Megaptera novaeangliae*)
- Marbled murrelet - (*Brachyramphus marmoratus*)
- Dolly Varden (*Salvelinus malma*)
- Canada Lynx (*Lynx canadensis*)
- Yellow-billed cuckoo (*Coccyzus americanus*)
- Streaked horned lark (*Eremophila alpestris strigata*)

- c. Is the site part of a migration route? If so, explain.

The project is located within the Pacific Flyway, a major north-south flyway for migrating birds in America, extending from Alaska to Patagonia.

- d. Proposed measures to preserve or enhance wildlife, if any:

The project itself will benefit wildlife by:

- Removing approximately 18,000 cy of contaminated sediment - eliminating exposure
- Placing approximately 7,000 cy of clean capping material to bury contaminated sediment - preventing exposure
- Removing/replacing an existing creosote-treated bulkhead and dock – eliminating an ongoing source of contaminants

The project will adhere to applicable regulatory requirements related to the preservation of animals, including restrictions on work windows and other actions to minimize impacts to federally-listed species. These restrictions and actions will also provide protection for non-listed wildlife.

- e. List any invasive animal species known to be on or near the site.

No invasive animal species are known.

## **6. Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The completed project will not use energy.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The project will not affect the potential use of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None. The completed project will not use energy.

During construction, practices that encourage efficient energy use, such as limited idling of equipment, encouraging carpooling of workers, and locating staging areas near work areas, will be implemented where practicable.

## **7. Environmental Health** [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Yes. The purpose of the project is to protect human health and the environment by removing or capping contaminated sediment. Potential releases and accidental spills from construction vehicles and material handling may occur during construction.. Long-term monitoring and maintenance will be conducted to evaluate the performance of the cleanup action over time.

- 1) Describe any known or possible contamination at the site from present or past uses.

Sediment within the project footprint is contaminated above state cleanup levels with the following: nickel, bis(2-ethylhexyl)phthalate, polycyclic aromatic hydrocarbons (PAHs), mercury, polychlorinated biphenyls (PCBs) and dioxins/furans.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The purpose of the project is to address contaminants and protect human health and the environment. Existing conditions related to contaminants are accounted for in the project.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

During construction activities, fuel and oil will be used for vehicles and equipment. These materials may also be stored within the upland staging areas.

The project involves dredging and management of contaminated sediment.

- 4) Describe special emergency services that might be required.

None expected beyond contingencies for standard emergency health and safety response.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Regarding use and storage of fuel and oil, a project-specific SPCC plan will be developed and followed.

For contaminated sediment, standard handling procedures and BMP's will be in place and conducted in accordance with project requirements. In addition, contractors will be required to develop and comply with a project-specific Health and Safety Plan, including appropriate Hazardous Waste Operations and Emergency Response training. Following completion of the cleanup action, institutional controls will be implemented to ensure the long term integrity of the caps, including a requirement for annual inspections. Contingency actions will be taken as necessary to provide continued protection of human health and the environment.

*b. Noise*

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Existing ambient noise associated with waterfront and urban activities in the area will not affect the project.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Typical construction noise from vehicles and equipment will occur on a short-term basis during daytime hours. These activities will adhere to the provisions of the City of Bellingham Public Disturbance Noise code. There will be no noise generated by the completed project.

- 3) Proposed measures to reduce or control noise impacts, if any:

The project will follow local noise control regulations. In-water activities will be timed to occur within agency-approved work windows to prevent impacts to salmonids and forage

fish.

## **8. Land and Shoreline Use** [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Property within the project is used for navigation and commerce purposes and includes a designated federal navigation channel.

Most upland property adjacent to the project is owned by the Port and leased for a variety of uses. Leases are in place for seafood processing at the Bornstein Seafoods facility, boat storage and maintenance at Hilton Harbor, and commercial buildings on the northern upland area.

The United States Coast Guard (USCG) operates a station supporting personnel and patrol boats on the north shoreline.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The property has not been used for working farmlands or working forest lands.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

The project will not affect or be affected by surrounding working farm or forest land normal business operations.

- c. Describe any structures on the site.

Existing structures within the project include the following:

- The northern shoreline consists of an armored slope and rock/gravel. Dock and float structures are located at the USCG facility along this shoreline.
- An overwater creosote-treated wood dock structure is located at the Bornstein Seafoods facility and at the Hilton Harbor boat storage and maintenance facility. The Bornstein Seafoods dock was constructed in two phases in 1947 and 1963, and also contains a float extending east of the dock.
- Two creosote-treated timber bulkheads are present along the south shoreline. The west bulkhead is located adjacent to the Bornstein Seafoods facility. The east bulkhead is located adjacent to the former Olivine facility. Both bulkheads extend from a few feet below the mudline up to the elevation of adjacent upland areas.
- Three stormwater outfalls and one industrial outfall are located within the project area.

- d. Will any structures be demolished? If so, what?



Yes. The Bornstein Seafoods dock and all or a portion of the west bulkhead will be demolished. The dock and west bulkhead will be replaced as part of the project.

e. What is the current zoning classification of the site?

Upland property adjacent to the south and east shorelines of the project is zoned Urban Village. Upland property adjacent to the north shoreline is zoned Commercial. These zoning classifications are based on general use type from the City of Bellingham zoning map (7/13/2018). The south and east shorelines are also included in the Waterfront District Planned Action Ordinance with land use classified as Marine Trades.

f. What is the current comprehensive plan designation of the site?

Upland property adjacent to the south and east shorelines of the project is designated Urban Village. Upland property adjacent to the north shoreline is designated Commercial. The south and east shorelines are also included in the Waterfront District Planned Action Ordinance with land use classified as Marine Trades.

g. If applicable, what is the current shoreline master program designation of the site?

The north shoreline of the project is designated Waterfront District - Shoreline Mixed Use. The south shoreline is designated Urban Maritime – Shoreline Mixed Use. The east shoreline is designated Urban Maritime – Recreational Uses.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes. The project is within an area designated as Geologically Hazardous with a Very High Seismic Hazard rating and with Potential Wave Erosion. The project is also within an area designated as a Fish and Wildlife Habitat Conservation Area and a Frequently Flooded Area.

i. Approximately how many people would reside or work in the completed project?

The completed project will not change existing levels of employment.

j. Approximately how many people would the completed project displace?

The completed project will not displace any people.

k. Proposed measures to avoid or reduce displacement impacts, if any:

No measures are proposed to avoid or reduce displacement impacts. The project will not displace any people.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The Port owns most of the upland property adjacent to the project and is the local sponsor for the federal navigation channel. In addition, the Port and City have worked in close partnership to

create planning documents for the Waterfront District, which includes the upland property adjacent to the south and east shorelines of the project.

Existing and projected land use informs how people and wildlife could be exposed to potentially harmful levels of contaminants. The purpose of the project is to eliminate exposure. Therefore, existing and projected land use is accounted for in the project.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

No proposed measures. The project will not impact any agricultural or forest lands.

## **9. Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

The project will not provide any housing units.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

The project will not eliminate any housing units.

- c. Proposed measures to reduce or control housing impacts, if any:

No proposed measures. The project will not impact housing.

## **10. Aesthetics** [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The existing Bornstein Seafoods dock is the tallest structure associated with the project. It is approximately 14 feet above mean lower low water and will be replaced with a dock of equal height.

- b. What views in the immediate vicinity would be altered or obstructed?

Existing views will not be altered or obstructed by the project.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

No proposed measures. The project itself will improve the overall appearance of the shoreline area by clearing rubble and debris and replacing a dilapidated creosote-treated timber bulkhead and dock.

## **11. Light and Glare** [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The project will not increase light or glare beyond current conditions.

During construction, temporary lighting could be used by contractors during early morning hours (before 8:00am) or late afternoon hours (after 4:00pm) for visibility and safety. The lights will be turned off at the end of each workday.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No. The finished project will not produce light or glare that will be a safety hazard or interfere with views.

- c. What existing off-site sources of light or glare may affect your proposal?

No existing off-site sources of light or glare will affect the project.

- d. Proposed measures to reduce or control light and glare impacts, if any:

No proposed measures. The completed project will not produce light or glare.

During construction, lights will only be used when necessary and will be turned off at the end of each work day. Use of lights will adhere to applicable City regulations.

## **12. Recreation** [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

A public trail is located on the upland property adjacent to the project.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No, the project will not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No proposed measures. The project will not impact recreation.

## **13. Historic and cultural preservation** [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

The Bornstein Seafoods dock, located on the south shoreline of the project, was constructed in two phases, in 1947 and 1963. It is not currently listed in the Washington Information System for Architectural and Archaeological Records Data (WISAARD) database. A number of historic properties within about 600 feet of the project are listed as "No Determination" in WISAARD.

The dock is not currently in the City of Bellingham's list of Historic Register Sites and Districts.

An Historic Property Inventory form (EZ-2 form) was completed for the dock and submitted to the Washington State Department of Archaeology and Historic Preservation (DAHP; Project No. 2018-11-08882). They determined that the dock is not eligible for listing on the historic register.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Based on historic maps, upland property adjacent to the project is comprised of fill placed during industrial development. There are no landmarks, features, or other evidence of Indian or historic use or occupation other than the Bornstein Seafoods dock. There is no known material evidence, artifacts, or areas of cultural importance on or near the project.

The project is located within the usual and accustomed (U&A) harvest areas of the Lummi Nation and Nooksack Tribe. These U&A areas include all tidelands in Bellingham Bay.

A WISAARD search of the Statewide Predictive Model layer for archaeological resources indicates that the project is within an area designated as "Survey Highly Advised – Very High Risk".

The upland areas adjacent to the south and east shorelines of the project are within the Waterfront District Redevelopment Project (a.k.a. New Whatcom Redevelopment Project) planning area. The Port issued a draft environmental impact statement (EIS) for the redevelopment project in 2008. The EIS work included a cultural resources assessment: Cultural Resources Assessment for the New Whatcom Redevelopment Project, Whatcom County, Washington, December 12, 2007, Northwest Archeological Associates, Inc. NADB#1350866. The assessment estimates a medium probability of finding intact Native American archeological materials in the project area.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Submission of an EZ-2 form to DAHP (Project No. 2018-11-08882) and review of the following:

- Historic maps
- WISAARD
- Cultural Resources Assessment, New Whatcom Redevelopment Project, 2007
- City of Bellingham Historic Register Sites and Districts

In addition, Ecology reviewed the project under Executive Order 05-05 and determined that it is unlikely to impact cultural resources or historic properties. This determination was made following consultation with DAHP, the Lummi Nation and the Nooksack Indian Tribe. DAHP Project No. 2018-11-08882.

Lastly, the project will require a permit from the USACE. Consultation with tribes and the DAHP will also occur as part of this permitting process, in accordance with Section 106 of the National Historic Preservation Act.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

The project is in-water. Adjacent uplands will only be used on a temporary basis for staging

construction equipment and materials.

The contractor will be required to comply with an Ecology-approved inadvertent discovery plan. The plan will describe steps to take in case of a cultural resource discovery.

Project permits and approvals may require additional measures.

#### **14. Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Streets in the vicinity of the project include Roeder Avenue, Hilton Avenue, and Bellwether Way. The project will not provide access to these existing streets. However, these streets may be used during construction for workers and equipment.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The project location is served by Whatcom Transportation Authority routes 3 and 4.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

The project will not create or eliminate parking spaces.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No. The project will not require any new roads or streets or improvements to existing roads or streets.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Yes. During construction the project is expected to use barges to transport dredged sediment to an off-load facility in Seattle, which will then transport the material via rail or truck to an approved disposal facility. These uses are temporary and will cease once construction of the project is complete. The project will not use air transportation.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None. The completed project will not generate any vehicle trips.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No. Agricultural and forest products are not moved in the vicinity of the project.

h. Proposed measures to reduce or control transportation impacts, if any:

No proposed measures. The completed project will not impact transportation.

**15. Public Services** [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No. The proposed project will not result in an increased need for public services.

b. Proposed measures to reduce or control direct impacts on public services, if any.

No proposed measures. The project will not impact public services.

**16. Utilities** [\[help\]](#)

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,

other: Internet

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None. The completed project will not need utilities.

During construction, a temporary job shack will be placed on the uplands adjacent to the project. Temporary electricity will be connected to the job shack until the project is completed. Electrical service at the project area is provided by Puget Sound Energy.

**C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

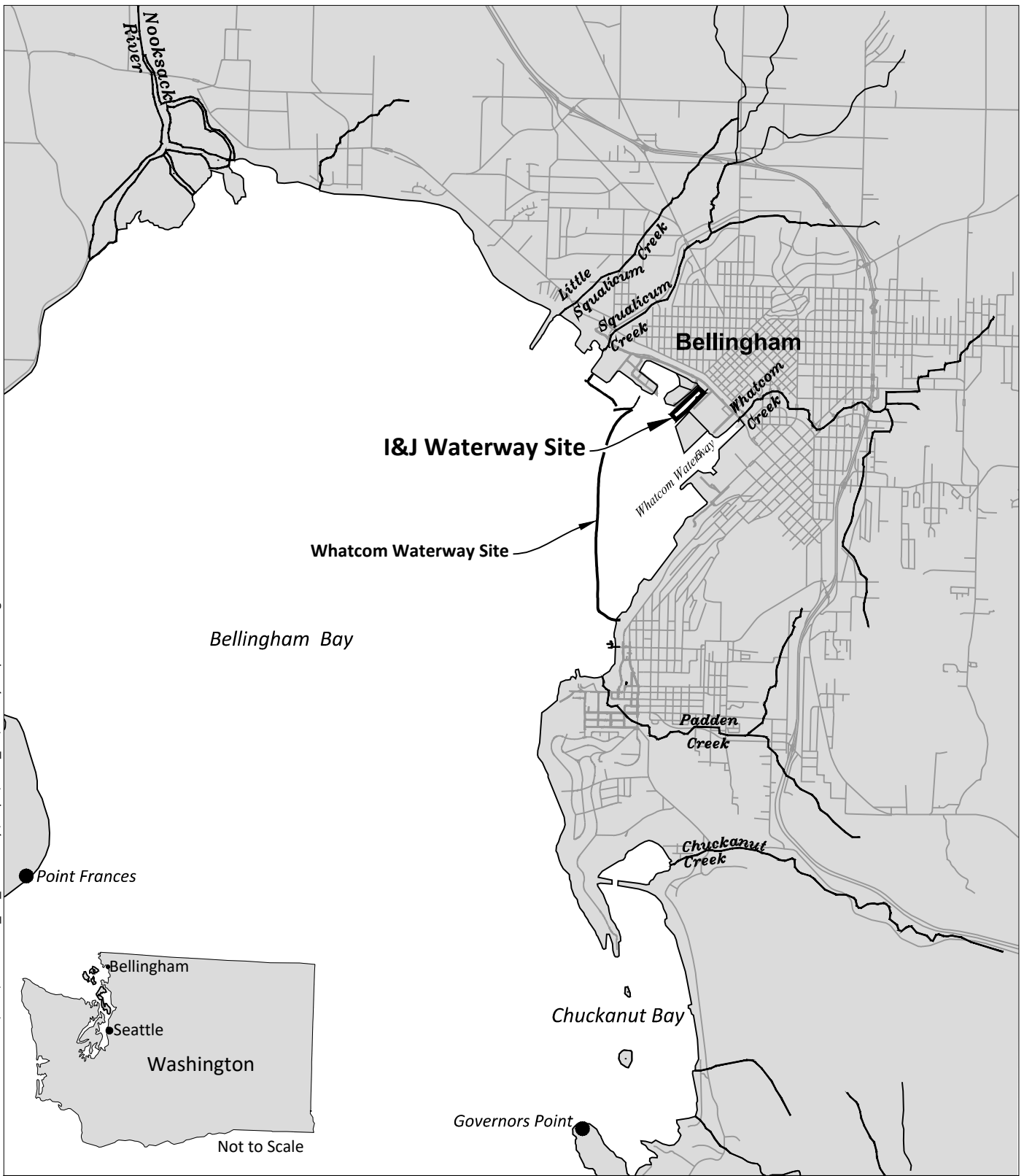
Signature: 

Name of signee Ben Howard

Position and Agency/Organization Environmental Project Manager/Port of Bellingham

Date Submitted: February 8, 2019

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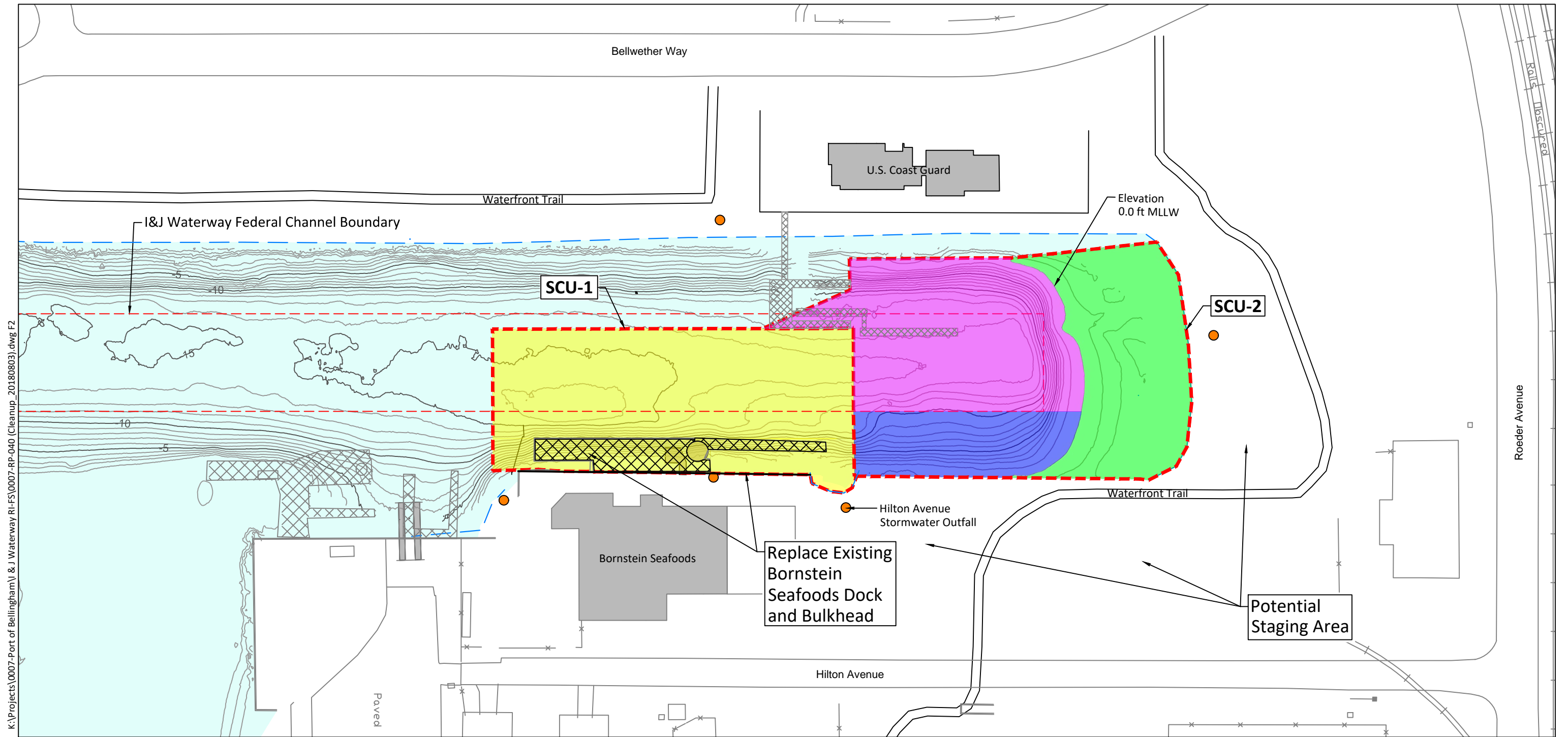


**SOURCE:** Prepared from GIS data  
**HORIZONTAL DATUM:** Washington State Plane North, NAD27.



**Figure 1**  
Site Location  
SEPA Checklist  
I&J Waterway Site  
Port of Bellingham



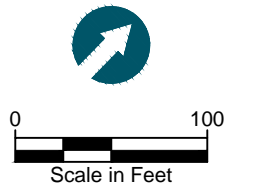


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Aug 15, 2018 9:46am chawett

**SOURCE:** Existing bathymetry from eTrac, dated April 5, 2012. Shoreline derived from Google Maps imagery.  
**HORIZONTAL DATUM:** Washington State Plane North, NAD83, U.S. Feet.  
**VERTICAL DATUM:** Mean Lower Low Water (MLLW).

LEGEND:	
	Existing Docks or Piers (Over Water Structures)
	Existing Structures
	Federal Channel Boundary
	Existing Shoreline
	Existing Contours
	Existing Outfall
	Dredging
	Capping
	Enhanced Natural Recovery
	Monitored Natural Recovery
	Sediment Cleanup Unit (SCU) Boundary
	Dock/Bulkhead Replacement



**Figure 2**  
 Proposed Cleanup Action  
 SEPA Checklist  
 I&J Waterway Site  
 Port of Bellingham

