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**WHATCOM COUNTY**

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Endangered Species Act (ESA) Checklist for Development within the ESA Potential Impact Area

<u>Applicant Information</u>	<u>Project Information</u>
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Parcel Number <u>Upland Parcels: 039011-7473110; 039011-7067334; 039011-7205467; 030911-7067334; 030911-7065466; 039011-8117050; 039011-9424335; 039011-9198377; 039011-7278062; Parcel 14: 390117278062</u>	
<u>Tax parcels contiguous to DNR open water: 039512-4546546; 039011-9092500; 039011-9172456; 039011-9199451; 039011-9214451; 039011-9252449; 039011-9298423; 039011-9327425; 039011-9349425; 039011-9388424; 039011-9438360; 039011-9454299; 039011-9469346</u>	
Project Description <u>The Gateway Pacific Terminal will be a multimodal, deep-water Terminal to provide storage and handling for the export and import of up to 54 million metric tons per year dry bulk commodities, including grain products, coal, potash, calcined petroleum coke, and other bulk commodities. The Terminal would initially manage export of calcined petroleum coke, potash, low-sulfur, low-ash coal, and other coal products, though the type and quantity of dry bulk commodities would likely change over time depending upon customer and market demands. Commodities would be transferred to and from the Terminal by rail on the BNSF Railway's Custer Spur, and by ship via a wharf. The Terminal would be developed on approximately 350 acres within a total project area of 1,200 acres. The project area is zoned for Heavy Impact Industrial use and is located in Whatcom County's Cherry Point Industrial Urban Growth Area. The Terminal would be designed to minimize impacts to associated resources while meeting the purpose and need for the project.</u>	

This checklist is for all development within the ESA Potential Impact Area, which consists of the following:

- The FEMA designated floodplain and/or floodway,
- The Riparian Buffer Zone (RBZ) as described by the Dept of Natural Resources 2007 stream typing system and WDFW's 1997 stream buffer guidelines, and/or
- Channel Migration Zone (CMZ) plus 50' as identified according to Dept of Ecology 2003).

This checklist was developed to help project proponents and government agencies identify when a project needs further analysis regarding potential adverse effects on Endangered Species as required by the Endangered Species Act (ESA). For our purposes, "ESA listed species" are any species listed as endangered, threatened, or being considered for listing.

If ESA listed species are present or ever were present within the ESA Potential Impact Area where your project will be located, your project has the potential for affecting them, and you must comply with the ESA. The questions in this section will help determine if your proposed project could have an impact.

Whatcom County Planning and Development Services and/or the River and Flood Division of Public Works can provide technical assistance in answering the following questions in this checklist. If necessary, The Washington Department of Fish and Wildlife (WDFW) regional office can also provide information to help you answer these questions.

1. Are there any ESA listed species currently present within the ESA Potential Impact Area in which your project will be located? Yes ☒ No ☐

Please describe the species and its habitat: As required by the US Army Corps of Engineers for a Section 10 and Section 404 Permit, a Biological Assessment is being prepared to evaluate the effects of the project on species protected under the ESA. The Biological Assessment will provide a detailed description of the species and an analysis of how each project element will affect the environmental baseline, and each individual ESA listed species that may occur within the project action area.

2. Were any of the ESA listed species historically present in within the ESA Potential Impact Area? Yes ☒ No ☐ Uncertain ☐

Please describe: Species listed by the NOAA Fisheries Service and USFWS that occur in the vicinity of the Strait of Georgia are listed in Tables 1 and 2, respectively.

Table 1 Federally Listed Species that *Could* Occur Near the Strait of Georgia Identified by NOAA Fisheries Service

Name	Scientific Name	Evolutionarily Significant Unit (ESU)	Federal Status
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Puget Sound	Threatened
Steelhead trout	<i>Oncorhynchus mykiss</i>	Puget Sound	Threatened
Humpback whale	<i>Megaptera novaeangliae</i>	North Pacific Ocean	Endangered
Killer whale	<i>Orcinus orca</i>	Southern Resident Population	Endangered
Steller sea lion	<i>Eumetopias jubatus</i>	Eastern Distinct Population Segment	Threatened
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Pacific Ocean	Endangered
Bocaccio	<i>Sebastes paucispinis</i>	Georgia Basin	Endangered
Canary rockfish	<i>Sebastes pinniger</i>	Georgia Basin	Threatened
Yelloweye rockfish	<i>Sebastes ruberrimus</i>	Georgia Basin	Threatened

Table 2 Federally Listed Species that *Could* Occur Near the Strait of Georgia Identified by the USFWS

Name	Scientific Name	Population Segment	Federal Status
Bull trout	<i>Salvelinus confluentus</i>	Coastal/Puget Sound	Threatened
Marbled murrelet	<i>Brachyramphus marmoratus</i>	California/Oregon/Washington	Threatened

If you answered "yes" to either of the above questions (1 and 2), you must complete the remainder of this checklist.

PROJECT SPECIFICS: The questions in this section are specific to the project and vicinity.

1. Name of watershed: GPT Watershed
2. Name of nearest waterbody: Strait of Georgia
3. What is the distance from this project to the nearest body of water? 0 feet
Often a buffer between the project and a stream can reduce the chance of a negative impact to fish.
4. What is the current land use adjacent to the potentially affected water body (*developed including commercial, parking lots, residential, paved and/or graveled surfaces, agriculture, forestry, etc*)? The project area is currently undeveloped and vegetated with red alder forest, pastures, hayfields, mowed utility corridors, and abandoned fields. Recent land uses have included pasture, hay farming, and firewood and pulpwood harvest. Pastures and hayfields are occasionally tilled and reseeded.
5. What is the predominant vegetal cover between the project and the potentially affected water body (*dense forest, woodland, scrub, herbaceous grass and forbs, etc*)? Scrub
6. Is the project above a barrier to fish passage:
 - natural permanent barrier (waterfall) Yes ☐ No ☒
 - natural temporary barrier (beaver pond) Yes ☐ No ☒
 - human-made barrier (culvert, dam) Yes ☐ No ☒
 - other: Yes ☐ No ☒ (explain):

If you answered yes to the questions above, describe the barrier and source of information:

7. If you answered yes to the question 6 above, are there any resident salmonid populations above the blockage? Yes ☐ No ☐ Don't know ☐
8. What percent of the project will be impervious surface (including pavement, graveled surfaces, compacted soil, and/or roof area)? Unknown at this time

FISH MIGRATION: The following questions will help determine if this project could interfere with the migration of adult and juvenile fish. (*Both increases and decreases in water flows can affect fish migration.*)

1. Does the project require the withdrawal of:

a. Surface water? Yes ☐ No ☒

Amount

Name of surface water body

b. Ground water? Yes ☐ No ☒

Amount

From where

Depth of well

(If you answered yes to any of the above question, the applicant shall contact the Washington Department of Fish and Wildlife and the Washington Department of Ecology to obtain appropriate approvals)

2. Will any water be rerouted? Yes ☒ No ☐

If yes, will this require channel relocation? Yes ☒ No ☐

Please describe: The proposed project would displace 12,814 linear feet of streams and ditches, as summarized in Table 3.

Table 3 Impacts to Gateway Pacific Terminal Streams and Drainages

Stream/Drainage – Impact location	Development Phase/Location	Impact Description/Flow Routing	Impact (linear feet)	Estimated Area of Fill (square feet)
Stream 1 – Reach 4 in active pasture (Wetland 3)	Stage 1/ East Loop and portion of West Loop	Stream would be piped under East Loop and West Loop rail embankments in approximately same location as current stream.	774	7,737
Stream 4 – Westward flowing roadside ditch on north side of Lonseth Road	Stage 1/East Loop	Rail embankment and interior of East Loop; flows rerouted starting from upstream location into historic channel. Small portion of the stream would be route via a culvert.	2,240	8,958
Drainage 1 – West-flowing ditch on south side of Lonseth Road.	Stage 1/East Loop	Rail embankment and interior of East Loop; flows rerouted starting from upstream location into historic channel (same as Stream 4). Small portion of reroute in culvert.	2,144	6,433
Stream 5 – Westward flowing roadside ditch on north side of Henry Road	Stage 1/East Loop	Western portion piped in same location. Eastern portion flows diverted to Wetland 5.	488	1,951
Drainage 6 – Westward flowing roadside ditch south side of Lonseth Road, east of Custer Spur	Stage 1/East Loop	Fill for culvert beneath rail embankment.	57	114

Stream/Drainage – Impact location	Development Phase/Location	Impact Description/Flow Routing	Impact (linear feet)	Estimated Area of Fill (square feet)
Stream 6 – Southward flowing roadside ditch on east side of Powder Plant Road	Stage 1/East Loop	Fill for rail embankment. Flow combined with Drainage 5.	4,281	17,125
Drainage 5 – Southward flowing roadside ditch on west side of Powder Plant Road	Stage 1/East Loop	Fill for rail embankment. Flows rerouted to adjacent wetland.	1,459	4,370
Drainage 7 – Eastward flowing roadside ditch on north side of Henry Road, West of Stream 1	Stage 2/West Loop	Culvert under rail embankment; western portion restored to wetland when roadbed removed.	1,001	3,003
Drainage 4 – Eastward flowing roadside ditch on south side of Henry Road, west of Stream 1	Stage 2/West Loop	Culvert under rail embankment (same as Drainage 7); western portion restored to wetland when roadbed removed.	83	290
Drainage 8 – Eastward flowing roadside ditch on south side of Lonseth Road	Stage 2/West Loop	Culvert under rail bed, eastern portion restored to wetland when roadbed removed	143	428
Drainage 9 – Eastward flowing roadside ditch on north side of Lonseth Road	Stage 2/West Loop	Culvert (same as Drainage 8), eastern portion restored to wetland when roadbed removed	144	433
Total			12,814	50,850

3. Will there be retention or detention ponds? Yes ☒ No ☐

If you answer yes, will this be an infiltration pond or a surface discharge to either a municipal storm water system or a surface water body?

Yes ☒ No ☐

If you answer yes to a surface water discharge, please give the name of the waterbody that will be discharged into: Puget Sound

4. Will this project require the building of any temporary or permanent roads?
Yes ☒ No ☐ (**Increased road distance may affect the timing of water reaching a stream and may impact fish habitat.**)

5. Are any new or replacement culverts or bridges proposed as part of this project?
Yes ☒ No ☐

6. Will topography changes affect the duration/direction of runoff flows?
Yes ☒ No ☐

If yes, describe the changes: 12,814 linear feet of streams and ditches will be filled, moved, and/or rerouted (see Table 3, above), which would affect the duration/direction of runoff flows. Please see the Project Information Document and conceptual stormwater plan submitted with the application for details.

7. Will the project involve any placement of fill within the ESA Potential Impact Area?

Yes ☐ No ☒

If you answered yes, describe expected impacts on flood storage and/or flood conveyance and how these impacts will either be avoided or mitigated:

WATER QUALITY: The following questions will help determine if this project could adversely impact water quality for either surface or groundwater. Such impacts can cause problems for listed species. (*Water quality can be made worse by runoff from impervious surfaces, altering water temperature, discharging contaminants, etc.*)

1. Do you know of any problems with water quality in any of the streams within the ESA Potential Impact Area? Yes ☐ No ☒
(Information on impaired water bodies can be obtained from Washington Department of Ecology)

If you answered yes, describe

2. Will your project either reduce or increase shade along or over a waterbody?
Yes ☒ No ☐
(Removal of shading vegetation or the building of structures such as docks or floats often results in a change in shade).

If you answered yes, please describe: The footprint of the proposed wharf and trestle would shade 0.25 acres of intertidal, 0.45 acres of shallow subtidal, and 0.6 sq. ft. of subtidal habitat. The trestle was designed to minimize shading impacts to valuable intertidal and shallow subtidal communities as follows:

- The trestle was specifically positioned to avoid shading of eelgrass, to minimize potential shading of attached macroalgae species, and to avoid potential impacts to herring spawning habitat and pre-spawn holding areas, with the goal of maintaining the current prey base for ESA-Listed species.
- The deck height and piling locations were planned to enhance light refraction and diffusion under and around the structure, in particular in the critical zone for macroalgae growth, from the ordinary high water mark (OHWM) to the tidal elevation of -30 feet mean lower low water (MLLW) (the photic zone—Williams et al. 2003).
- The height of the trestle deck, to the first offshore supporting pile bent would be approximately 37 feet above MLLW.
- Shading of the subtidal community has less of an impact due to a lack of marine vegetation growing in the deep water.

Compensation for shading impacts to the intertidal and shallow subtidal communities would be provided by removing an abandoned creosote-piling conveyor at the southern boundary of the Terminal property. Removal of the existing pier would result in a reduction of 0.04 acres of shading of intertidal habitat relative to existing conditions. In addition, Pacific International Terminals proposes to establish a macroalgae mitigation site to enhance macroalgae production along the shoreline at Cherry Point. Small to large cobble and small boulders would be placed onto each of four surveyed patches of unvegetated, sandy substrate to create the macroalgae mitigation site, which would encompass a total of 16,000 square feet of enhanced shoreline area.

3. Will the project introduce any nutrients or other contaminants (fertilizers, other waste discharges, or stormwater runoff) to the waterbody? Yes ☒ No ☐
4. Will turbidity be introduced to a water body by construction of the project or during operation of the project? Yes ☒ No ☐
(In-water or near water work will often increase turbidity.)

If you answered yes, consult with Washington Department of Ecology to ensure compliance with water quality regulations.

5. Will your project require long term maintenance that could affect water quality in the future, e.g., bridge cleaning, highway salting, chemical sprays for vegetation management, clearing of parking lots? Yes ☒ No ☐

If you answered yes, please describe: Operation of an export/import facility, where large machinery is used to load and unload large piles of commodities onto trains and ships, will necessitate regular maintenance of all its components. Such an operation has the potential to affect water quality. However, the site and operations systems are being designed to minimize such potential.

VEGETATION: The following questions are designed to determine if the project will affect riparian vegetation, thereby, adversely impacting salmon.

1. Will the project involve the removal of any vegetation from the stream banks? Yes ☒ No ☐

If you answered yes, please describe the existing conditions, and the amount and type of vegetation to be removed: 12,814 linear feet of streams and ditches will be filled, moved, and/or rerouted (see Table 3, above), which would also result in the removal of associated vegetation.

If any vegetation is removed from a riparian area, a mitigation plan prepared by a qualified specialist will be required. Please provide a copy of the plan if available. Describe briefly what your proposed mitigation would consist of: Conceptual mitigation includes a combination of avoidance, minimization, and compensation. Please refer to the Project Information Document submitted with this application for details. Additional mitigation will be identified through the County's environmental review process.

RESOURCE AGENCIES:**Whatcom County Planning and Development Services - GIS mapping**

[http://www.co.whatcom.wa.us/pds/planning/CAO_September/CAO_Frequently Flooded.pdf](http://www.co.whatcom.wa.us/pds/planning/CAO_September/CAO_Frequently_Flooded.pdf)

http://www.co.whatcom.wa.us/pds/planning/CAO_September/CAO_Wildlife.pdf

Washington Department of Fish and Wildlife Website

<http://wdfw.wa.gov/>

This site has useful information on fish habitat.

Washington Department of Ecology Website

www.ecy.wa.gov

Click on the Water Quality button on the left side of this page.

National Marine Fisheries Services Website

Evolutionarily Significant Unit (ESU) maps can be found at

www.nwr.noaa.gov

Click on the Endangered Species Act (ESA) links to view the ESU maps and other information.

NOTE: Most applicants should have the information necessary to answer most of the questions in this checklist. Additional information will need to be obtained from local and state agencies if it appears that the project is likely to affect ESA listed species.