

SEPA DETERMINATION OF NON-SIGNIFICANCE (DNS) OF PROPOSED ACTION
(NON-PROJECT ACTION)

Port of Seattle Seaport Shoreline Plan

The Port of Seattle has completed an environmental analysis, including review of pertinent and available environmental information and preparation of a Non-Project State Environmental Policy Act (SEPA) Checklist for the following proposal:

Description of the Proposed Action: The City of Seattle is planning an extensive revision of the Shoreline Master Program, the city program that regulates shoreline uses and activities, including Port facilities. Because the city is required to work with the Port to address plans, the Port prepared the *Seaport Shoreline Plan* that describes long-term potential development envisioned by the Port for its shoreline properties within the City of Seattle. The *Seaport Shoreline Plan* is intended to provide information to the City and to the public regarding the Port's operations and facilities affected by shoreline management goals and regulatory requirements. It identifies existing and appropriate future sites for port facilities and development, habitat mitigation, and public access at each of the Port's shoreline properties within the City of Seattle. The Port's policy and operational needs related to master program administrative procedures, permitting, and relationships to other regulatory programs affecting port shoreline areas are also presented.

Seaport Shoreline Plan

The *Seaport Shoreline Plan* describes "*long term, potential development*" envisioned by the Port. Port development is usually market driven and because this market is not truly predictable, nothing shown in the *Seaport Shoreline Plan* should be construed as a definite plan for development. Port developments are subject to review and public notice under the State Environmental Policy Act (SEPA). Authorization occurs on a project-by-project basis with capital expenditures approved by the Port's Commissioners.

For each port terminal or facility, the *Seaport Shoreline Plan* identifies current and future uses, location of existing and planned habitat enhancement, mitigation, public access, and shoreline management issues specific to the facility. The properties included in the *Seaport Shoreline Plan* are: Duwamish Properties, Duwamish Waterway, Pier 2, Terminal 5, Terminal 10 (former Lockheed Shipyard #2), Terminal 18, 18N and Piers 16/17, Terminal 25, Terminal 30, Terminal 46, Pier 48, Pier 66, Pier 69, Terminal 86, Terminal 91, Fishermen's Terminal, Maritime Industrial Center and Shilshole Bay Marina.

Specific policy issues of the *Seaport Shoreline Plan* are listed below.

Port Wide Issues

Port policy and operational needs related to shoreline uses and environment designations:

- Recognize all port facilities as preferred shoreline uses consistent with the SMA
- Preserve, maintain, enhance, and expand maritime industrial and commercial uses throughout the Seattle harbor and waterways
- Preserve maritime industry in the Duwamish Waterway and Ship Canal
- Provide economic development policies that foster port facilities dependent on a shoreline location
- Provide circulation and transportation policies that protect transportation facilities, utilities, and corridors that serve water-dependent uses
- Preserve, maintain, enhance and expand deep draft navigation adjacent to marine terminal areas

- Limit location and expansion of conflicting residential and commercial uses in areas of water dependent and water related industrial and commercial facilities
- Encourage and allow moorage in all environment designations including aquatic

Port policy and operational needs related to shoreline environmental protection:

- Allow dredging and disposal of dredged materials consistent with federal and state regulatory programs
- Provide a City administrative mechanism for advance mitigation (mitigation actions that are completed prior to project impacts) in concert with commensurate mitigation credits from all appropriate regulatory agencies
- Establish policies that allow for off-site, in-kind habitat mitigation
- Designate habitat mitigation and enhancement as an allowed use in all shoreline environment designations
- Establish a standard of “no net loss of ecological function” rather than prescribed standards such as buffers
- Recognize operational needs and constraints and transportation infrastructure requirements unique to port operations in shoreline areas
- Allow mitigation of habitat and riparian vegetation through replacement under a “no net loss standard”
- Adopt the City Critical Areas Ordinance as part of the SMP rather than creating a new critical areas rule within the SMP

Administrative Procedures and Permitting:

- Streamline permit procedures and provide predictable, consistent, and timely permit review and approval
- Establish administrative policies that facilitate permitting and construction of habitat mitigation and enhancement areas by allowing such activities as a permitted use in all environment designations
- Establish procedures for programmatic exemptions and/or general permits for routine maintenance of shoreline structures (e.g., pile replacements), temporary uses and structures related to construction
- Provide level of permit review consistent with scale and impact of proposal
- Expand exemptions under “minor new construction” provision of SMA
- Ensure that City review and authorization of shoreline permit exemptions are consistent with SEPA policies, and SMA regulations
- Shoreline permit approvals should demonstrate the derivation of all permit conditions from specific rules and ordinances

Relationships to other Regulatory Programs

- Continue to defer to federal and state agency expertise in review of dredged material disposal standards and in-water disposal site locations
- Coordinate habitat mitigation requirements with federal and state agencies
- Continue to defer to federal and state agency expertise for contaminated site cleanup and water quality standards
- Coordinate existing City and Port stormwater agreements and programs with the Shoreline Mater Program stormwater requirements.
- Continue to defer to federal and state agency expertise in application of “fish windows” and in-water construction permit conditions.

Location of Proposed Action: The *Seaport Shoreline Plan* analyzes and evaluates development strategies and options for existing and potential Seaport facility locates including the area along the shorelines of Elliott Bay, the Duwamish Waterway, Shilshole Bay Marina, and Fishermen's Terminal on the Lake Washington Ship Canal.

Lead Agency: Port of Seattle (SEPA No. 07-10)

Determination: The Port of Seattle completed an environmental evaluation including review of pertinent and available environmental information, following the provisions of the Washington State Environmental Policy Act (SEPA) under Chapter 43.21C, Revised Code of Washington (RCW), Chapter 197-11, Washington Administrative Code (WAC), and Port Commission Resolutions 3028, 3211, and 3539, Port of Seattle SEPA Policies and Procedures. On November 26, 2007, as lead agency, the Port determined the proposal will not have a probable significant adverse impact on the environment. Therefore, an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within 21 days from the date of last newspaper publication of the notice or be barred. Port Commission Resolutions 3028, 3211 and 3539 contain the procedures for appealing a SEPA decision of the Port of Seattle.

Supporting Information: Information used to reach this determination, and applicable State laws and Port of Seattle policies, regulations, and procedures, along with the Strategy documents, are available for public review at the Port of Seattle office, at the Engineering Services Dept., Second Floor Bid Counter, Pier 69, 2711 Alaskan Way, Seattle. The Strategy document is also available for review online at <http://www.portseattle.org/community/environment/>.

Public and Agency Comment: No action will be taken on this proposal until after the 21-day public comment period expires at 4:00 PM on December 21, 2007, after which the Port will (1) formally adopt this Determination of Non-Significance; (2) clarify or review the proposal; or (3) complete additional environmental analyses, as appropriate. The Port will accept public and agency comments until 4:00 PM on December 21, 2007. Please refer any questions relating to this determination or to the proposed actions to Jason Jordan, Port of Seattle, Environmental Services, P.O. Box 1209, Seattle, WA 98111. Tel: 206-728-3675 or the Port of Seattle electronic mail Internet address at SEPA.p@portseattle.org. Include your mailing address when submitting comments to the electronic Internet address.

A public meeting will be held on December 12, 2007 from 5:30 pm to 7:00 pm at the Port of Seattle, Pier 69, in Commission Chambers.

Appeals: This SEPA DNS determination may be appealed by filing a writ of review in King County Superior Court within twenty-one (21) days of the date the Port formally adopts this determination pursuant to Port of Seattle Resolution No. 3211 and RCW 43.21C.080.



Charles Sheldon
Managing Director Seaport
November 26, 2007