



SEPA Notice of Action

Notice is given under SEPA, RCW 43.21C.080, that the Port of Vancouver took the action described in (2) below on May 13, 2009.

1. 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 on or before September 9, 2009.

2. Description of agency action: The Port of Vancouver is moving forward with the West Vancouver Freight Access Schedules 2-4 Project (formerly Rail Access Project) and is in the process of obtaining required permits.

3. Description of proposal (if not covered by (2)):

The West Vancouver Freight Access Schedules 2-4 Project would construct 3.2 miles of new rail line to expand the Port of Vancouver's (Port) rail capacity within the Port's existing facility and relieve track congestion on Burlington Northern Santa Fe mainline to improve local and regional rail access. The Port previously submitted, reviewed, and issued a Mitigated Determination of Nonsignificance (MDNS) for this project (formerly named the Rail Access Project). The MDNS (Project No. CP0144) was issued on November 2, 2007 and included mitigation measures. A Supplemental Environmental Checklist was completed and reviewed because additional information was available.

4. Location of proposal (a sufficient description should be given to locate the site, if any, but a complete legal description is not required):

The proposed project is located in the City of Vancouver, Clark County, Washington at the Port of Vancouver facilities. The proposed project starts at approximately 1,200 feet east of the Columbia River Rail Bridge and extends approximately 3.2 miles approximately 3.2 miles westward to the Port's Terminal 5.

5. Type of environmental review under SEPA (include name and date of any environmental documents):

A Supplemental Environmental Checklist (WAC 197-11-960) has been completed and reviewed. The Supplemental Environmental Checklist includes the following documents, which are incorporated by reference:

- Environmental Classification Summary (ECS) and all associated discipline reports as identified in the WVFA Schedules 2-4 SEPA Checklist, which have been prepared to meet the National Environmental Policy Act (NEPA) compliance for a Categorical Exclusion (CE) and Federal Highway Administration (FHWA) and Washington Department of Transportation (WSDOT) approval.
- Columbia Gateway Rail Expansion Geotechnical Investigation (December 2006).
- Dry Bulk Material Handling Facility Geotechnical Investigation (August 2008).
- Port of Vancouver Rail Access Project Water Quality Discipline Report (March 2009).
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- Addendum to the Port of Vancouver Flood Impacts Analysis, 2006, Memorandum (April 2009).
- Noise Assessment for Temporary Increase in Train Horns at Thompson Avenue/W 16th Street At-Grade Crossing, 2006, Memorandum (April 2009).

Following review of the Environmental Checklist, the Port of Vancouver, acting as lead agency, determined the project does not have a probable significant adverse impact on the environment. A Supplemental Mitigated Determination of Non-Significance was therefore issued under WAC 197-11-340(2) on April 28, 2009.

6. Documents may be examined during regular business hours at:

Port of Vancouver Administrative Office, 3103 NW Lower River Road, Vancouver, WA 98660

Documents may also be obtained by contacting:

Kim Shaffer

kshaffer@portvanusa.com



Notice of
Supplemental Mitigated Determination of Nonsignificance (MDNS)
West Vancouver Freight Access Schedules 2-4
Formerly Rail Access Project (SEPA CPO144)

Description of Proposal:

The West Vancouver Freight Access (WVFA) Schedules 2-4 Project (project) would construct 3.2 miles of new rail line to expand the Port of Vancouver's rail capacity within the Port's existing facility and relieve track congestion on Burlington Northern Santa Fe (BNSF) mainline to improve local and regional rail access. The need for the project has arisen because existing rail access to the Port of Vancouver currently occurs via a single rail line, which crosses BNSF north/south and east/west mainline tracks at grade, causing delays when rail traffic volumes are high.

The Port of Vancouver previously submitted, reviewed, and issued a Mitigated Determination of Nonsignificance (MDNS) for this project (formerly named the Rail Access Project). The MDNS (Project No. CP0144) was issued on November 2, 2007 and included mitigation measures. This supplemental MDNS is being issued because additional information is now available. The additions that are proposed as part of the project are generally found at the western limits of the project and include:

- **Rail Trench** – Design modifications to the rail bridge have decreased the impact of the rail trench from 0.49 acres to 0.42 acres of material placed on the site.
- **Alignment Modification** – A loop track is proposed in the location of the former Evergreen and Alcoa aluminum facilities.
- **Properties Eligible for Listing in the National Register of Historic Places** – Ongoing analysis of the structures proposed for removal indicates that the Great Western Malting Drum House and Storage Silos (Port Building 1895) and the Columbia River Rail Bridge are eligible for listing. In addition, the Washington State Department of Archaeology and Historic Preservation prepared a response letter, dated April 6, 2009, to the cultural resources report, and have confirmed that two additional resources are eligible for historic preservation: the Great Western Car Loading Building and the Lafarge Cement Plant. However, only the Great

Western Malting Drum House and Storage Silos will be impacted by the proposed project.

- **Rail Traffic** – At full buildout of the project, an annual average of 10 unit trains traveling to and from the Port per day is anticipated, instead of one additional train per day. In addition, there would be a temporary increase in rail traffic on the Hill Track during construction on new tracks and alignments.
- **Reduced Wetland Impacts** – Wetland impacts have been reduced from 1.19 acres (25,300 cubic yards [cy]) to 0.17 acres (500 cy).
- **Wetland Mitigation Site Alternative** – Previously, the Port had planned for wetland mitigation to occur on the Port's Parcel 6. While the Port is still considering utilizing Parcel 6 for wetlands mitigation, it has developed an alternative plan to install mitigation in an area just west of the former Evergreen aluminum site at the Port's Terminal 5 West property.
- **Gateway Avenue Design Modification** – The proposed Gateway Avenue roadway overpass has been moved approximately 500 feet west of the formerly planned alignment.
- **Kinder Morgan Facility Relocation and Improvements** – The project now proposes relocation of a dry bulk material handling facility on the Kinder Morgan property. Relocation of the facility would include: realignment of NW Harborside Drive approximately 300 feet to the south around the Kinder facility to allow for a new rail spur line and a dry bulk material handling facility; demolition of the existing bulk materials handling facility and overhead conveyor support tower; construction of a new dry bulk materials handling facility building, the addition of an approximately 50-foot-wide by 230-foot-long by 50-foot-tall pre-engineered metal building; and excavation at the site of the future dry bulk materials handling facility of an approximate 40-foot-deep pit.
- **Stormwater Detention Ponds** – The updated rail alignment will traverse the existing Terminal 4 stormwater detention pond diagonally on an earth embankment and Tristar Transload Facility stormwater detention pond. The two stormwater ponds will be reconstructed after consultation is complete.

In addition to the above-noted changes, the project will reduce impacts from the former Rail Access Project, which were addressed in the MDNS. These reduced impacts include:

- Avoidance of 0.1 acres of wetland impacts to the mitigation

site on Parcel 2.

- Avoidance of the 1.01 acres of wetland impacts on the Parcel 1A mitigation site.
- Reduction of the number of trees being removed from 256 (totaling 452 tree units) to 214 (totaling 398 tree units).
- A reduction in grading activities from 147.4 acres to 139.2 acres.
- Reduction of in-water impacts at the Columbia River rail bridge from 0.49 acres to 0.42 acres of impact from 900 linear feet to 820 linear feet.

Location:

The proposed project is located in the City of Vancouver, Clark County, Washington at the Port of Vancouver facilities. The proposed project starts at approximately 1,200 feet east of the Columbia River Rail Bridge and extends approximately 3.2 miles to the west and terminates just before the intersection of NW Old Lower River Road. USGS Quadrangle Vancouver T2N, R1E, Sections 17-21 and USGS Quadrangle Sauvie Island T2N, R1W, Sections 11-12.

Proponent:

Port of Vancouver USA
3103 NW Lower River Road
Vancouver, Washington 98660

Lead Agency:

Port of Vancouver USA

Property Owners:

Port of Vancouver USA
3103 NW Lower River Road
Vancouver, Washington 98660

**Neighborhood
Associations:**

Fruit Valley

Lead Agency Determination

The Lead Agency has reviewed the completed environmental checklist for the above-described project and other information on file, as required by WAC 197-11-310 – 197-11-330. The Lead Agency has determined that the project is likely to have a probable significant adverse impact on the environment, but any such impacts will be mitigated to a level of nonsignificance if the measures identified below are implemented by the proponent. With the implementation of these mitigation measures, the project will not have a probable significant adverse impact on the environment and the preparation of an environmental impact statement under RCW 43.21C.030(2)(c) is not required.

The project will be consistent with all federal, state, and local approvals, permits, and regulations. This supplemental environmental checklist also includes the following documents, which are incorporated by reference:

- Environmental Classification Summary (ECS) and all associated discipline reports as identified in the WVFA Schedules 2-4 SEPA Checklist, which have been prepared to meet the National Environmental Policy Act (NEPA) compliance for a Categorical Exclusion (CE) and Federal Highway Administration (FHWA) and Washington Department of Transportation (WSDOT) approval.
- Columbia Gateway Rail Expansion Geotechnical Investigation (December 2006).
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Conditions of Approval for Mitigating Environmental Impacts:

All mitigation measures issued with the previous MDNS remain valid, and any new mitigation measures proposed for the modified project alignment will be in addition to the previous mitigation measures, unless expressly stated otherwise. In a letter issued to the port in March 2008, the US Coast Guard determined the pile-supported trench would not require a marking to aid navigation because the construction of the pile-supported trench is not in the portion of the Columbia River used for the navigation channel and will not disrupt commercial use of the Columbia River.

The following revisions are made to the original MDNS Conditions of Approval. Conditions of approval that are no longer applicable are shown in ~~strike through~~. Additional conditions of approval that are made as part of this supplemental MDNS are listed separately below.

Permits/Approvals

- United States Army Corps of Engineers (USACE) Clean Water Act (CWA) Section 404 Permit will be obtained for impacts to wetland and water resources.
- USACE River and Harbors Act Section 10 Permit approval will be obtained for the construction of structures and excavation/dredging in navigable water of the U.S. (Columbia River).
- National Marine Fisheries Service (NMFS) Endangered Species Act (ESA) Biological Opinion will be received for affects to anadromous listed fish species in the Columbia River.
- NMFS ESA Re-Issued Biological Opinion for inclusion of affects anadromous listed fish species in the Columbia River and the southern distinct population segment (DPS) eulachon (*Thaleichthys pacificus*).
- United States Fish and Wildlife Service (USFWS) ESA Letter of Concurrence will be received for impacts to listed fish species in the Columbia River.

- ~~United States Coast Guard (USCG) General Bridge Act Permit will be obtained for construction of a pile supported rail trench over a navigable water (Columbia River).~~
- ~~USCG Private Aids to Navigation (Non bridge) will be submitted for USCG review of the project to determine if work performed within the navigable waters of the United States (Columbia River) will require the installation of a fixed structure (pile supported rail trench) to be marked with private aid to navigation (PATON).~~
- Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA) will be obtained for project impacts that will use, divert, obstruct, and/or change the bed or flow of state waters.
- Washington Department of Ecology (Ecology) CWA 401 Water Quality Certification will be obtained because the proposal will obtain a Section 404 Permit from USACE and/or USCG permit and is also obtaining a Section 401 Water Quality Certification to ensure the project will meet water quality standards for dredged/fill activities.
- Ecology Approval Model Toxics Control Act (MTCA) Restrictive Covenant Revisions will be coordinated because the proposed project site has historical releases of hazardous materials and under the MTCA regulations, owners and operators must report to Ecology any release or threatened release of a hazardous substance on their site.
- Ecology NPDES Construction Permit will be obtained because construction will occur within an area that is larger than one acre and there is a discharge of stormwater to surface water.
- Ecology NPDES Stormwater Permit will be amended to address new industrial stormwater discharges from impervious surfaces to the Columbia River.
- Washington Department of Natural Resources (WDNR) Aquatic Resources Use Authorization Notice will be obtained because the proposal would take place within state-owned aquatic lands.
- Clark County Planning Director Review (Type II Review) will be conducted to determine if the proposed project is consistent and meets the requirements of the applicable sections of the Clark County Code (CCC).
- Clark County Final Engineering Review will be conducted to ensure that final site plans and final landscaping plans are consistent with final construction plans, approved preliminary site plan review, conditions of approval, and other sections of the CCC.
- City of Vancouver Shoreline Substantial Development Permit will be obtained because the proposed project will develop portions of the project within jurisdictionally-designated shorelines of the state (Columbia River) located within the City of Vancouver.
- City of Vancouver Shoreline Conditional Use Permit will be obtained because the proposed activity is listed as a conditional use and/or is not specifically listed as a use element within the City of Vancouver.
- City of Vancouver Critical Areas Ordinance Permit will be obtained because the proposed project is located within areas mapped as Frequently Flooded, Fish and Wildlife Habitat Areas, Wetlands, and Geological Hazard Areas. The City of Vancouver requires Critical Area Reports and permits to be obtained to ensure proposed project activities do not cause significant harm.
- City of Vancouver Tree Removal Permit will be obtained because the proposed project will remove trees and vegetation; a Level II Tree Plan has been prepared and will be implemented.
- City of Vancouver Essential Public Facilities Conditional Use Permit will be obtained because the City of Vancouver identified that Essential Public Facilities, where not

prohibited, shall be conditional uses per the requirements of VMC 20.245; therefore Conditional Uses are subject to Section 20.855.020 Development Requirements.

- City of Vancouver Archaeological Predetermination will be prepared because the proposed project will disturb areas the City of Vancouver has designed as requiring investigation to determine if archaeological resources are likely to exist.
- City of Vancouver Demolition Permit will be obtained because the proposed project will require the removal of existing building structures; a demolition permit must be obtained from the City of Vancouver prior to commencing demolition or removal of any structure and/or portion of a structure.
- City of Vancouver Grading Permit will be obtained because the proposed project will disturb more than 10 cubic yards of earth and vegetation.
- City of Vancouver Council Approval Modification for Restrictive Covenants will be obtained because the proposed project property has several restrictive covenants, including wetland mitigation sites and hazardous materials; coordination with the City of Vancouver Council is required because there would be modification to existing covenants.
- Coordination with the Washington Department of Archaeology and Historic Preservation (DAHP) will be conducted to ensure the proposed project would have no effect on cultural or historic resources.

Supplemental MDNS Conditions of Approval

- Engineering design will include International Building Code (IBC) standards, American Association of State Highway and Transportation Officials (AASHTO) standards, and geohazard (seismic) engineering standards.
- Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented.
- Temporary Erosion and Sedimentation Control Plan (TESC Plan) will be developed and implemented.
- Spill Prevention, Control, and Countermeasures Plan (SPCC Plan) will be developed and implemented.
- Stormwater detainment (catch basins) and treatment (vault) for new impervious surfaces will be designed to Stormwater Manual for Western Washington and Washington Department of Transportation (WSDOT) Highway Runoff Manual.
- Port of Vancouver Stormwater Management Plan will be revised to address new stormwater treatment.
- Construction erosion, sedimentation, and air best management practices (BMPs) will be implemented.
- Lead, asbestos, or PCB abatement plans will be prepared as required.
- Emergency response plans for hazardous material spills or containment will be implemented and practiced during construction and operational activities.
- All agreed-to Restrictive Covenants, Administrative Orders, and Consent Decrees with Ecology will be adhered to. Site grading on Terminal 5 may impact the existing asphaltic concrete cap on the Evergreen/Alcoa properties. If construction must occur within areas covered under existing restrictive covenants, consent decrees, or other Ecology orders, the Port will obtain authorization from Ecology prior to start of construction and will comply with any final conditions required by Ecology regarding construction methods at the affected site(s).
- Based on the dewatering design, the Port will evaluate if groundwater will need to be tested prior to discharge to Port's existing stormwater treatment system.

- Public coordination will be coordinated prior to construction activities to inform adjacent property owners about temporary impacts that may occur during construction including noise and vibration.
- Rail construction will be conducted in accordance with a site-wide Contaminated Material Management Plan.
- Wetland Compensatory Mitigation Plan will be implemented for impacts to wetlands.
- Riparian Mitigation Plan will be implemented for impacts to riparian vegetation and buffers, including installation of wildlife enhancement mitigation (10 snags, 10 brush piles, and 10 bat boxes).
- To minimize impacts from light and glare, track illumination on the pile-supported trench will be installed and positioned away from waterway and vegetation areas.
- If unknown archaeological resources are encountered during ground disturbing activities, ground disturbing work will be halted in accordance with Revised Code of Washington (RCW) 27.53.060 and 27.44.020.
- Coordination with the City of Vancouver will be conducted to develop and implement a Transportation Management Plan to minimize impacts to vehicles, bicycles, and pedestrians associated with construction delays and temporary roadway detours.
- Coordination with the City of Vancouver and other applicable utilities will be conducted for utility relocations, including replacement and sanitary sewer pump station and pipeline, casement of other sanitary and water supply pipelines, relocation of a fire hydrant, and other applicable abandonment or relocation requirements.
- Coordination with the City of Vancouver Parks and Recreation Department per approval from the City of Vancouver for a Shoreline Substantial Development Permit (SHL2007-00004) for the 2007 Checklist; the proposed project is required to comply with conditions 21, 22, and 44 of that approval issued on April 17, 2008.

The environmental checklist and related information, which are the basis of this determination, are on file and will be made available on request. The Port will not act on this proposal for 14 days from the date of issuance.

Comments regarding this determination should be made in writing within 14 calendar days after the date this decision is issued. **The issue date of this notice is April 28, 2009. Comments must be received by 5 pm, May 12, 2009.**

Comments should be addressed to:

Responsible Official: Kim Shaffer, Project Manager
Phone: 360.693.3611
Email: KShaffer@Portvanusa.com
Mailing Address: Port of Vancouver, USA
 3103 Lower River Road
 Vancouver, Washington 98860


 Responsible Official Name

4/22/09
 Date



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Kim Shaffer
kshaffer@portvanusa.com

or visiting the Lead Agency's website at <http://www.portvanusa.com/environmental-programs/-sepa-process>

7. Name of agency, proponent, or applicant giving notice:

Port of Vancouver

8. This notice is filed by (signature of individual and capacity in which the person is signing):

My S/As Port of Vancouver Date 8-6-09