



## WAC 197-11-350 SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

June 3, 2024

**FILE:** SEPA23-0027 (PRJ23-0025), Glacier Maintenance Dredging

**DESCRIPTION OF PROPOSAL:** The proposed dredging will provide safe passage for vessel ingress and egress by removing approximately 800 cubic yards of sand, gravel, and small amounts of sediment material within the Lake Washington berthing area adjacent to Glacier Northwest (Glacier, dba CalPortland). Dredging will target a depth of +4.47 feet (USACE Kenmore Datum) to the top of the existing toe protection surface and is considered maintenance necessary for normal operations. The accumulated sand and gravel proposed for removal is clean construction aggregate that was released during offloading of barges at the facility (spillage); this material was deposited after maintenance dredging was last completed in 2004 and prior to 2010. In 2010, the hopper and conveyor used to offload barges were replaced with a system designed to minimize material spillage. Material dredged from the berth will be transferred to a bunker surrounded by a sand berm to filter water that drains from the dredged material onto the upland property owned by Glacier. Water will be collected, treated, and discharged to the sanitary sewer system. The dredged material, once drained, will be transported by truck and disposed of at an appropriate upland disposal site, either with Waste Management in Seattle or a similar permitted disposal facility. The dredged material will not be disposed of on-site or reused. The public has expressed concern that sediment containing legacy contaminants could potentially be present in the vicinity of the dredge prism. In order to address this concern, the portion of the dredge area outside of the toe protection will be dredged to an elevation of +3.47 feet. A grab sample of the newly exposed sediment surface will be collected for analysis and the area will be backfilled with a 1-foot layer clean sand (totaling 215 cubic yards) to prevent potential contaminants that may be present in the newly exposed sediment from remaining exposed to the water column. The project includes a Water Quality monitoring Plan (WQMP) prepared in compliance with Chapter 173-201A WAC. The WQMP is designed to provide constant visual water quality monitoring throughout the duration of construction.

<b>Location of Proposal:</b>	6423 / 6431 NE 175 <sup>th</sup> St Kenmore, WA 98028	Parcel no. 112604-9020
<b>Property Owner</b>	Glacier Northwest, Inc.	2025 E Financial Way Glendora, CA 91741
<b>Applicant / Project Contact:</b>	Pete Stoltz CalPortland	3450 S. 344 <sup>th</sup> Way, Suite 201 Federal Way, WA 98001 (206) 764-3036

Pursuant to WAC 197-11-350(1), in making threshold determinations, an agency may consider mitigation measures that the agency or applicant will implement. The City is the lead agency for

the SEPA determination and has determined that project meets the threshold criteria for a Mitigated Determination of Non-Significance (MDNS). The City has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, provided by RCW 43.21C.240 and WAC 197-11-158. An environmental impact statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other relevant information on file with the lead agency. This information is available to the public upon request at [kenmorewa.gov](http://kenmorewa.gov) or by contacting the assigned planner, Reilly Rosbotham.

**Required Mitigation under SEPA:**

As a condition under the SEPA Mitigated Determination of Non-Significance (MDNS), the following mitigation measures are required, based on the following findings.

- 1. Finding:** Dredging the berthing area will disturb sand and gravel that have accumulated under the berthing area, as well as the sediment located waterward of the toe protection. The Washington Department of Ecology (DOE) conducted a study in 2013 (the Kenmore Area Sediment & Water Characterization Environmental Evaluation Report), which found an observed dioxin concentration of 10.1 parts per trillion (ppt) toxic equivalent (TEQ) at a sample located within 100 feet of the berthing area. The highest sediment dioxin concentration found in that study was 71 ppt TEQ, which was observed approximately 0.30-miles west of the subject property near Harbor Village Marina.

Figure 1



For reference, the Remedial Action Objective set by the EPA at the Lower Duwamish Waterway Superfund Site for direct contact to dioxins is 28 ppt TEQ. This is the concentration the EPA has selected as a goal protective of human health for skin contact and accidental ingestion. The image below (Figure 2) shows all the testing locations from the study. The two points noted on Figure 1 on the previous page are circled in yellow.

Figure 2



It is possible that dioxin-contaminated sediments present within the Kenmore Navigation Channel have infiltrated the clean aggregates to be removed, as well as the sediment located waterward of the toe protection. It is possible that the dredging action will stir up sediments and cause the water to become turbid (cloudy), which has the potential to spread contaminated sediments. In addition to proposing a number of standard best management practices (BMPs) to reduce turbidity, the applicant has provided a water quality monitoring plan (WQMP) as part of their submittal.

The WQMP includes two (2) monitoring locations, an early warning station located 150 feet from the active work, and a compliance station located 300 feet from the active work. Monitoring will take place twice daily during the active work period, which is estimated to take three (3) full days. The first round of monitoring will be conducted approximately one (1) hour after the start of maintenance dredging of clean sand layer placement. An additional round will be conducted prior to sunset. Monitoring results will be recorded on the Water Quality Monitoring Form. If turbidity is elevated above the criterion at the early warning station, the water quality monitor will notify the contractor to begin assessing best

management practices (BMPs). If elevated turbidity is confirmed and is related to the project activity, the contractor will be directed to modify operations and/or implement BMPs. Monitoring will be completed hourly until it has been determined that the BMPs are sufficient to decrease turbidity. BMPs to reduce turbidity include:

- Eliminating multiple bites when the bucket is on the bottom;
- No stockpiling of dredged material on the lakebed;
- No lakebed leveling;
- Clean sand layer placement activities may be slowed to reduce turbid conditions;

**Required Mitigation Measure:** As a condition of the SEPA MDNS, water quality monitoring is required. Water quality monitoring reports are subject to review by the Washington State Department of Ecology (“Ecology”). Water quality monitoring shall be conducted in accordance with a monitoring plan approved by Ecology and the State 401 water quality certification. In the event of water quality turbidity exceedance, the applicant shall provide notification to the City of Kenmore (City), in addition to those other agencies which require notification (e.g., Ecology). Water quality monitoring results shall be submitted to the City after work is completed, and the City will make the results publicly available on its website. Results shall be provided to the City promptly and as soon as practical. If results are delayed, the applicant shall notify the City.

2. **Finding:** The Washington Department of Fish and Wildlife (WDFW) is responsible for reviewing and issuing Hydraulic Project Approval (HPA) permits. During the review of the HPA permit, the WDFW will determine appropriate project-specific BMPs required to reduce impacts to fish and their aquatic habitats.

**Required Mitigation Measure:** As a condition under the SEPA MDNS, the project shall comply with recommendations provided by WDFW. Additionally, the applicant shall provide a copy of Hydraulic Project Approval (HPA) permit issued by the WDFW to the City of Kenmore. An HPA permit helps ensure the protection of fish and their aquatic habitats during construction. A copy of the HPA permit shall be provided to the City promptly and as soon as practical, and the City will make the permit available on its website.

3. **Finding:** Sediment testing in the vicinity of the berthing area was last conducted in 2013. There is a strong public interest in understanding levels of contamination at the north end of Lake Washington and in the Kenmore Channel, which is located in the vicinity of a public beach (Log Boom Park), residential uses, and a public marina. Lake Washington is also home to several threatened species (e.g., Chinook salmon, Steelhead trout, and Bull trout). The City received four (4) public comments during the SEPA comment period, and approximately 10 residents and community members attended the community meeting. Of those who commented and attended the meeting, the majority requested sediment testing. Pursuant to WAC 197-11-350(5), agencies may specify mitigation measures in their DNSs, as a result of comments by other agencies or the public or as a result of additional agency planning.

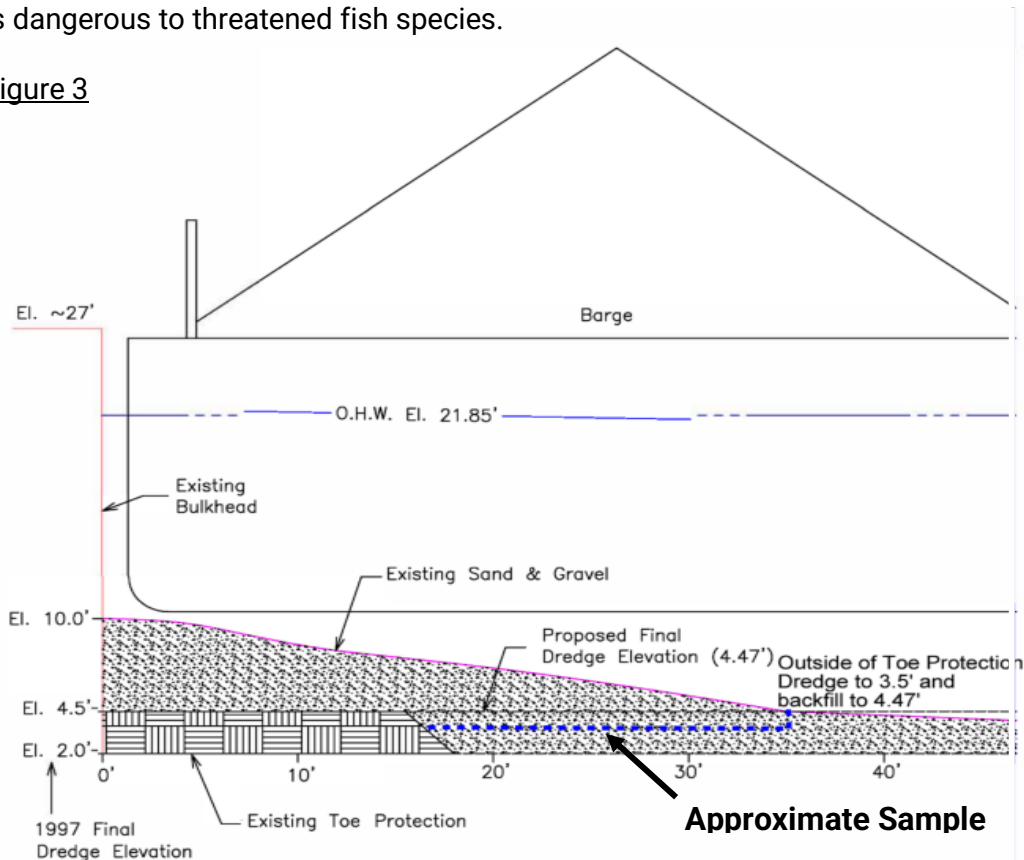
The dredged materials consist primarily of clean construction aggregates (sand and gravel) that have accumulated since the berth was last dredged in 2004. Any dioxins that are



present in the dredged materials have been deposited through disturbance of sediment on the lakebed. In 2013, the Kenmore Area Sediment & Water Characterization Environmental Evaluation Report found that the lakebed sediment in the vicinity of the berth had a dioxin concentration of 10.1 ppt TEQ. This concentration is below 28 ppt TEQ, which is the EPA standard for a dioxin concentration that is protective of human health for skin contact and accidental ingestion. Because disturbed lakebed sediment will only constitute a fraction of the dredged materials, it is anticipated that the dredged materials will have a dioxin concentration of less than 10.1 ppt TEQ.

The majority of the berth will be dredged to the elevation of the toe protection, which is made up of clean quarry rock and does not need to be tested. However, dredging waterward of the existing toe protection will expose the lakebed. This area will be dredged to a depth of 3.5 feet, approximately one foot lower than the existing toe protection (see blue dashed line on Figure 3 below). A grab sample will be taken from the lakebed after dredging, which will provide a current measurement of sediment contamination in the project vicinity. This area will be backfilled with one (1) foot of clean sand which will prevent future disturbance of potentially contaminated sediments. The grab sample will help determine if contamination is increasing or decreasing in the vicinity of the project, if the area continues to remain at a safe level for human contact and accidental ingestion, and if contamination is at a level that is dangerous to threatened fish species.

Figure 3



**Required Mitigation Measure:** As a condition of the SEPA MDNS, sediment testing is required. After dredging is complete, a grab sample of the lakebed adjacent to the existing dredging channel toe protection is required. The grab sample shall be tested for the chemicals

identified in the Dredged Material Evaluation and Disposal Procedures (DMMP) User Manual Table 8-3 for Freshwater Projects within the DMMP Jurisdiction, including but not limited to heavy metals, dioxins, PCBs, and arsenic. The results of the analysis shall be entered into Ecology’s EIM Database (which is publicly available) and reported to the City of Kenmore promptly and as soon as practical.

**Lead Agency:** The City of Kenmore Development Services Department is the lead agency for this MDNS. The lead agency has determined that the above-referenced proposal does not have a probable significant adverse impact on the environment. The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, provided by RCW 43.21C.240 and WAC 197-11-158. An environmental impact statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after reviewing a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request at [kenmorewa.gov](http://kenmorewa.gov) or by contacting the assigned planner, Reilly Rosbotham.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 14 days from the issuance date. This MDNS is being issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the MDNS.

6/3/2024:   
**Responsible SEPA Official**  
**Samantha Loyuk, Development Services Director**  
City of Kenmore | 18120 68<sup>th</sup> Avenue Kenmore, WA 98028  
425-398-8900 | [SLoyuk@kenmorewa.gov](mailto:SLoyuk@kenmorewa.gov)

**APPEALS:** Any agency or person may appeal SEPA procedural compliance to the Kenmore Hearing Examiner by filing a written notice and statement of appeal and \$134.40 filing fee with the City of Kenmore City Clerk. Such appeal must be filed in-person at Kenmore City Hall within 14 days of the date of issuance of this Mitigated Determination of Non-significance. The last date for filing such an appeal is **6/17/2024** at 4:30 P.M. Procedural determinations include the adequacy of the Mitigated Determination of Non-significance, whether proper notice has been given, and whether the commenting period has been observed. The statement of appeal shall state: 1) Specific reasons why the threshold determination should be reversed or modified; and 2) The harm suffered or anticipated by the appellant and relief sought. The scope of an appeal shall be based on matters raised in the Statement of Appeal. Failure to timely file a Notice and Statement of appeal deprives the Hearing Examiner jurisdiction to consider the appeal. The pendency of a procedural appeal shall stay any action on this proposal until final determination by the Hearing Examiner.

Kenmore City Hall is located at 18120 68<sup>th</sup> Avenue NE Kenmore, WA 98028. Information on office hours is available online at [www.kenmorewa.gov](http://www.kenmorewa.gov). For questions related to this notice, please contact Reilly Rosbotham, Planner at [RRosbotham@kenmorewa.gov](mailto:RRosbotham@kenmorewa.gov) or Samantha Loyuk, Director at [SLoyuk@kenmorewa.gov](mailto:SLoyuk@kenmorewa.gov).