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Programmatic Biological Evaluation (BE)
Sims Way Stormwater Facility
Port of Port Townsend, Jefferson County, Washington

Dear Daisy Douglass,

The Port of Port Townsend proposes to construct the Sims Way Stormwater Facility in Port Townsend, Jefferson County, Washington. This Programmatic Biological Evaluation (BE) has been prepared to initiate federal interagency ESA and EFH consultation under the Salish Sea Nearshore Programmatic (SSNP), as ongoing informal consultations with NOAA have determined that the project consultation should proceed under the streamlined SSNP regulatory tool. This memorandum demonstrates that the proposed activities are consistent with the activity categories and applicable design criteria described in the SSNP.

Project Description

The Port of Port Townsend proposes maintenance activities to repair and reconstruct the damaged, substandard Sims Way stormwater drainage and outfall, which directly discharges untreated stormwater into Puget Sound. The project will not construct, repair, replace, or prolong the life of any new or existing pollution-generating impervious surfaces, nor will it create or prolong the discharge of stormwater runoff to the nearshore. The stormwater is generated offsite by Sims Way/SR-20 and over 100 acres of City development, which is outside the applicant's control. While the project does not create or prolong stormwater runoff, the proposed reconstruction includes the addition of a new bioswale that meets Ecology standards for basic treatment, thereby reducing pollutant loading to Puget Sound and improving the environmental baseline.

Stormwater generated by the Boat Haven Boatyard will continue to be regulated under the Boatyard General Permit (BYGP), a National Pollutant Discharge Elimination System (NPDES), and State Waste Discharge permit issued by Ecology (BYGP WAG031006); no industrial stormwater will be discharged by this project.

The main project elements include the replacement of the existing damaged, substandard 15-inch pipe outfall with a new 24-inch pipe outfall with a duckbill check valve for fish exclusion, repositioning existing riprap to provide energy dissipation for the new outfall, new manholes and 24-inch storm drains to connect the existing 18-inch culvert by Sims Way with the replaced outfall, a 230-foot wet biofiltration swale to provide basic treatment for Sims Way and City stormwater, and a 15-foot wide

maintenance only access road for stormwater facility maintenance. The project area is approximately 14 acres. Construction is anticipated to begin in June 2025 and conclude in October 2025, lasting approximately 5 months.

The Project will also restore the 10,155 SF (0.23 acres) of temporary impacts related to construction access and the 11,500 SF (0.26 acres) of permanent Wetland A buffer impacts resulting from the construction of the maintenance access road. Compensatory mitigation will be provided for the 4,552 SF (0.10 acres) of unavoidable permanent wetland impacts resulting from the reconstruction of the stormwater facilities. Wetland mitigation will consist of the construction of a 1-acre mitigation site comprised of a 0.22-acre wetland compensatory area and 80-foot vegetated perimeter buffer according to the Ecology, EPA, and USACE interagency guidance in *Wetland Mitigation in Washington State* to ensure no net loss of ecological functions and values results from the project.

Activity Categories

The proposed federal action falls within three activity categories described in the SSNP: stormwater facilities and outfalls, shoreline modifications, and habitat enhancement activities.

Stormwater Facilities and Outfall

The main project elements involve the reconstruction of the existing damaged, substandard stormwater conveyance mains and outfall, and the addition of a treatment facility. The project will not construct, repair, replace, or prolong the life of any new or existing pollution-generating impervious surfaces, nor will it create or prolong the discharge of stormwater runoff to the nearshore. The stormwater is generated offsite by Sims Way/SR-20 and over 100 acres of City development, which is outside the applicant's control.

While the project does not create or prolong stormwater runoff, the proposed reconstruction includes the addition of a new 230-foot wet biofiltration swale, which meets Ecology standards for basic treatment. The existing stormwater facilities do not provide any treatment services. The new bioswale will provide filtration, infiltration, uptake, storage, and bioretention services, thereby reducing pollutant loading to Puget Sound and improving the environmental baseline. During ongoing discussions at Nearshore Expert Office Hours, Nissa Rudh, Fish Biologist, indicated that the project will likely be evaluated as self-mitigating by NOAA. Since no impacts related to PGIS are proposed, she recommended that the overall habitat benefits achieved through stormwater treatment will offset the minor nearshore impacts related to repositioning the 15 LF of riprap disturbed during the outfall replacement.

Shoreline Modifications

Replacement of the existing damaged, substandard outfall will disturb the existing shoreline armoring of the Larry Scott Trail embankment, requiring the replacement and repositioning of the existing riprap around the new outfall pipe. No new shoreline armoring material will be added, and the toe will remain at the current elevation.

Habitat Enhancement Activities

Construction of the stormwater facilities will result in 0.10 acres of unavoidable permanent wetland impacts. These impacts will be offset through wetland reestablishment by constructing a 1-acre mitigation site with a 0.22-acre wetland compensatory area according to the Ecology, EPA, and USACE interagency guidance in *Wetland Mitigation in Washington State* to ensure no net loss of ecological

functions and values result from the project. In addition, at least 100 SF of beach debris will be removed from the shoreline to improve impaired in-water habitat.

Project Design Criteria

The activity categories are associated with three Project Design Criteria (PDC): PDC #s 3, 4, and 11. The applicable criteria for each PDC that the project will implement are listed below.

PDC #3 Stormwater Facilities and Outfall

- Meet GCM #13 [PDC #3].

PDC #4 Shoreline Modifications

- Conservation offsets will be provided as quantified by the Puget Sound Nearshore Habitat Conservation Calculator (PSNHCC) and verified by NOAA [PDC #4].
- Work below the HAT will be conducted from July 15 to October 15, the authorized work time for Tidal Reference Area 10 per WAC 220-660-330(3)§§(a)(e), and will be phased to coordinate with low tides [PDC #4.b.i].
- Land-based equipment will be used [PDC #4.b.iii].
- All beach depressions created during construction will be filled before the next inundating tide [PDC #4.b.vi].

PDC #11 Habitat Enhancement Activities

- Conservation benefits will be quantified with the Conservation calculator and verified by NOAA [PDC #11].
- Restoration of wetland functions and values will be accomplished [PDC #11.a.i].
- Restoration of impaired in-water habitat will be accomplished by removing at least 100 square feet of beach debris from the shoreline area [PDC #11.b].

General Construction Measures

The applicable General Construction Measures (GCM) to be implemented by the project are listed below.

GCM #1 Minimize Construction Impacts

- Since the proposed development repairs an existing facility, avoidance was not possible. As a result, the project was designed to limit disturbance to the minimum area necessary to accomplish the project objectives, and unavoidable permanent impacts are restricted to the poorer-quality habitat area of Wetland C or the existing infrastructure footprint.
- Soils and vegetation outside the impact area will be protected; no stockpiling of materials or equipment will be allowed in sensitive areas.
- No fertilizers, herbicides, or pesticides will be applied.
- Hydrologic function and drainage patterns will be restored, and stormwater facilities providing basic treatment will be installed.

GCM #2 In-water Work Timing

- All work waterward of the Highest Astronomical Tide (HAT) will be conducted from July 15 to October 15, the authorized work time for Tidal Reference Area 10 per WAC 220-660-330(3)§§(a)(e), and will be phased to coordinate with low tides.

GCM #13 Stormwater Management

- The Stormwater Management requirement does not apply as the project will not construct, repair, replace, or prolong the life of any new or existing pollution-generating impervious surfaces, nor will it create or prolong the discharge of stormwater runoff to the nearshore. The stormwater is generated offsite by Sims Way/SR-20 and over 100 acres of City development, which is outside the applicant's control.
- While the project does not create or prolong stormwater runoff, the proposed reconstruction includes the addition of a new 230-foot wet biofiltration swale, which meets Ecology standards for basic treatment. The existing stormwater facilities do not provide any treatment services. The new bioswale will provide filtration, infiltration, uptake, storage, and bioretention services, thereby reducing pollutant loading to Puget Sound and improving the environmental baseline.
- The Port will perform post-construction stormwater facility management and maintenance.

GCM #14 Pollution and Erosion Control

- BMPs, including Temporary Erosion and Sediment Control (TESC), Stormwater Pollution Prevention Plan (SWPPP), and Spill Prevention, Control, and Countermeasures (SPCC) plans will be implemented prior to the commencement of construction and remain in place until final stabilization.

MSA Essential Fish Habitat (EFH) Conservation Recommendations

The applicable Conservation Recommendations for nearshore structures involve minimizing impacts by using soft or hybrid approaches instead of hard shoreline armoring. Because the project reconstructs an existing facility that transverses another existing public facility, the Larry Scott Trail, the use of a soft approach would neither be appropriate nor feasible. The Larry Scott Trail is a 7.3-mile non-motorized public multi-use trail constructed on a historic railway embankment armored with rock riprap. Replacing the hard armoring with a soft or hybrid approach would remove a section of trail, converting the outdoor recreation facility to a non-approved use that fails to align with the local Comprehensive Plan and zoning ordinance. Therefore, it would be improper to implement this recommendation due to site-specific conditions and existing land uses.

Conclusion

The Port of Port Townsend, based on the best professional judgment of Widener & Associates, believes this Programmatic BE demonstrates that the proposed activities for the Sims Way Stormwater Facility project are consistent with the activity categories and applicable design criteria described in the SSNP. The project has incorporated measures into the construction and maintenance work design that minimize impacts to species and habitats, and will offset unavoidable habitat impacts through the provision of stormwater treatment, ensuring that no net loss of functions and values results from the project, as required under the Salish Sea Nearshore Programmatic. Based on the results of this evaluation, the Port requests your assistance in initiating consultation with the Services. Should you have any questions regarding this Programmatic Biological Evaluation, please contact Ross Widener at (425) 332-3961 or ross@widener-enviro.com.

Sincerely,

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1902 120th PL. SE. STE 202 Everett, WA 98208 Tel (425)-332-3961

Ross Widener
Widener & Associates

References

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