



## TECHNICAL MEMORANDUM

Prepared for: U.S. Army Corps of Engineers  
Regulatory Branch: Seattle District  
4735 E. Marginal Way S. Bldg. 1202  
Seattle, WA 98134-2388

January 24, 2022

Prepared by: Grette Associates<sup>LLC</sup>  
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Tacoma, WA 98403

File No.: 323.003

Re: Port of Tacoma's Off-Dock Container Support Facility Project (USACE Ref. No. NWS-2020-557-WRD) – Letter Request for USACE No Effects Determination (ESA, MSA EFH)

Grette Associates is under contract with Moffat & Nichol to provide assistance with the Port of Tacoma's (Port) Off-Dock Container Support Facility Project (Project) that would be constructed within the subject properties (Project Site) known as Parcels 72, 85, and 87<sup>1</sup> located north of the intersection of Thorne Rd. and Maxwell Way within the City of Tacoma.

This Project will require approximately 4.42 acres of permanent fill (Category III wetlands) of Waters of the United States and therefore require a permit from the U.S. Army Corps of Engineers (USACE). The Category III wetlands are classified as depressional wetland features which are hydrologically isolated and do not contain a surface water outlet (Grette Associates 2021<sup>2</sup>). Please refer to the JARPA (dated October 8, 2021) submitted for complete application information for this Project, as well as a full project description.

The Endangered Species Act (ESA) requires Federal agencies to ensure that they do not authorize, fund, or carry out actions that are likely to jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of critical habitat for such species. The ESA is co-administered by the National Oceanic and Atmospheric Administration Fisheries Services (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFS) – collectively "Services".

The purpose of this letter is to provide the USACE with a summary analysis of the potential effects to listed and proposed species and critical habitat potentially present in the Action Area, and to request determinations of **no effect** in all cases.

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<sup>1</sup> Parcel 72: Pierce County parcels 6965000380 and 6965000390; Parcel 85: Pierce County parcel 6965000350; and Parcel 87: Pierce County parcel 6965000400.

<sup>2</sup> Please note that the 2020 wetland analysis report that was submitted to the USACE (Grette Associates 2020) was revised to include discussions regarding biodiversity areas and corridors for compliance with Chapter 13.11 of the Tacoma Municipal Code. No changes in the wetland information provided in 2020 occurred in the 2021 revisions.

## Action Area

The action area is defined as “...all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action”. Therefore, the Action Area encompasses the Project Site as well as all habitats that could be directly or indirectly affected by the construction of the Project.

The Action Area for the Project was defined by considering the potential spatial extent of mechanisms that may lead to impacts on listed species. In this case, the geographic extent of the Action Area is primarily based on the predicted maximum extent of turbidity associated with the site clearing and grading within the wetland areas.

The extent of the Action Area for the Project is conservatively defined by a 300-foot offset extending from the two wetlands which is two-times the distance which a turbidity exceedance is permissible in a freshwater system. Per WAC 173-201A-200(1)(e)(i)(D), for projects working within or along lakes, ponds, wetlands, or other non-flowing waters, the point of compliance shall be at a radius of 150 feet from the activity where there is the potential for a turbidity exceedance.

The resulting Action Area extends approximately 300 feet from the edge of wetlands (Figure 1).

**Figure 1. Off-Dock Container Support Facility Project – Action Area.**



Photograph presents a 300-foot buffer from Wetlands A and B.

## Species and Habitats Evaluated

Table 1 summarizes listed and/or proposed species and critical habitat administered by the Services that are evaluated in this letter. For species administered by the USFWS, this list is based on a

species list from the USFWS Information for Planning and Consultation (IPaC) system for specific to this Project (Consultation Code: 01EWF00-2022-SLI-0481). Species identified on the USFWS' species list that are not addressed in this letter are bull trout (*Salvelinus confluentus*), monarch butterfly (*Danaus plexippus*) and Taylor's checkerspot (*Euphydryas Editha taylori*). These species are not addressed as they have either no record of area use or habitat in the vicinity of the Project. Therefore, the Project will have no effect on those species.

As no aquatic habitat is present within the Action Area (WDFW 2022a, WDFW 2022b, and WDNR 2022), listed Puget Sound salmonid species<sup>3</sup> that are administered by NOAA Fisheries are presumed to not be present and the Project will have no effect on those species. Therefore, these species are not addressed in this letter.

**Table 1. Listed and Proposed Species and Critical Habitat Evaluated**

Listed Species	Federal Status	Critical Habitat Designated	Critical Habitat in Action Area
Marbled murrelet ( <i>Brachyramphus marmoratus</i> )	Threatened	Yes	No
Streak horned lark ( <i>Eremophila alpestris strigata</i> )	Threatened	Yes	No
Yellow-billed cuckoo ( <i>Coccyzus americanus</i> )	Threatened	Yes, proposed	No

## Potential Presence in the Action Area

### *Critical Habitat*

Designated and proposed critical habitat is not present anywhere in the action area for any of the species listed in Table 1.

### *Marbled Murrelet*

WDFW's PHS database (2022b) does not map distribution or nesting habitat within the Action Area. Marbled murrelets typically utilize mountain and/or forest habitat which contain old growth forest. Based on the lack of suitable habitat in or near the Action Area, it is determined that individuals of this species **are not present** in the Action Area at any time.

### *Streaked Horn Lark*

Habitat characteristics required to sustain streaked-horn larks typically require bare ground and low vegetation comprised of grasses and forbs less than 13 inches in height (USFS 2013). The Action Area consists of young forested areas as well as industrial areas which are largely covered by impervious surfaces. Given the lack of suitable habitat in or near the Action Area, it is determined that individuals of this species **are not present** in the Action Area at any time.

### *Yellow-billed Cuckoo*

The information below is summarized from proposed designated critical habitat document for the western DPS of the yellow-billed cuckoo (USFS 2014). Western yellow-billed cuckoo generally breed in riparian habitats along rivers and streams containing dense willows and cottonwoods. The western yellow-billed cuckoo requires large tracts of willow/cottonwood forest typically greater than 50 acres in size. Given the lack of open valleys within a broad floodplain in or near the Action Area and that the forested area is less than 10 acres in size, it is determined that individuals of this species **are not present** in the action area at any time.

<sup>3</sup> Chinook salmon (*Oncorhynchus tshawytscha*) and Steelhead trout (*O. mykiss*).

## Direct and Indirect Effects Analysis

Based on the lack of presence and/or designated or adequate habitat, the species listed in Table 1 are **not expected to be present** in the Action Area at any time. Therefore, there will be **no direct and indirect effects** to listed species or critical habitat as a result of the Project.

## Essential Fish Habitat

ESA consultation typically is done in parallel with Essential Fish Habitat (EFH) evaluation as required by the Magnuson-Stevens Fishery and Conservation Act (MSFCA) and the 1996 Sustainable Fisheries Act (SFA). EFH is defined by the MSA as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”. As stated above, there is no fish/aquatic habitat within the Action Area. Therefore, the Project will have no effect on EFH for listed species.

## Conclusion

Based on the analysis provided in this letter, we request that the USACE make a determination of **no effect** for this Project for all listed or proposed species and critical habitats, as well as essential fish habitat.

Sincerely,



Chad Wallin  
Biologist

## References:

- Grette Associates, LLC. 2020. Port of Tacoma: Off\_Dock Container Yard and Stormwater Project – Wetland Analysis Report. Prepared for Moffatt & Nichol. February 2020.
- Grette Associates, LLC. 2021. Port of Tacoma: Off\_Dock Container Yard and Stormwater Project – Wetland Analysis Report. Prepared for Moffatt & Nichol. October 2021.
- U.S. Fish and Wildlife Service (USFWS). 2013. Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for Taylor’s Checkerspot Butterfly and Streaked Horn Lark; Final Rule. Federal Register 78:192 (October 2, 2013).
- U.S. Fish and Wildlife Service (USFWS). 2014. Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-Billed Cuckoo; Proposed Rule. Federal Register 79:158 (August 15, 2014).
- Washington Department of Fish and Wildlife (WDFW). 2022a. SalmonScape [map online]. All SalmonScape Species. Queried January 20, 2022. URL: <http://wdfw.wa.gov/mapping/phs/>.

Washington Department of Fish and Wildlife (WDFW). 2022b. PHS on the Web [map online]. Priority Habitats and Species Queried January 21, 2022. URL: <http://wdfw.wa.gov/mapping/phs/>.

Washington Department of Natural Resources (WDNR). 2022. Forest Practices Application Mapping Tool [map online]. Streams and Water Type Breaks. Queried January 21, 2022. URL: <https://fortress.wa.gov/dnr/protectiongis/fpamt/index.html>