

Federal Railroad Administration
West Vancouver Freight Access Project Schedules 2-4

FINDING OF NO SIGNIFICANT IMPACT

U.S. Department of Transportation
Federal Railroad Administration

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Table of Contents

1.0	INTRODUCTION	1
2.0	PURPOSE AND NEED	2
3.0	DESCRIPTION OF ALTERNATIVES	3
3.1	No Action Alternative	3
3.2	Proposed Action	3
4.0	SUMMARY OF IMPACTS	10
4.1	Air Quality	10
4.2	Noise and Vibration	10
4.2.1	Noise Impact Analysis	10
4.2.2	Vibration Impact Assessment.....	10
4.3	Transportportation	Error! Bookmark not defined.
4.3.1	Rail Traffic.....	11
4.3.2	Vehicular Traffic	11
4.3.3	Pedestrians and Bicycles	12
4.4	Geology and Soils	12
4.5	Water Resources and Floodplains	12
4.5.1	Surface Water Resources	12
4.5.2	Floodplains	13
4.5.3	Groundwater	13
4.6	Water Quality	13
4.7	Wetlands	14
4.8	Ecological Resources	14
4.9	Threatened and Endangered Species	15
4.10	Cultural and Historic Resources	15
4.11	Section 4(f) Resources	16

4.12	Aesthetics	16
4.13	Socioeconomics and Environmental Justice	16
4.13.1	General Population	16
4.13.2	Elderly and Handicapped Populations	16
4.13.3	Environmental Justice Populations	17
4.13.4	Community Cohesion	17
4.13.5	Businesses	17
4.14	Land Use, Zoning, and Recreation	17
4.14.1	Land Use and Zoning	18
4.14.2	Recreation	18
4.15	Public Health and Safety	18
4.16	Hazardous Materials and Solid Waste	18
4.16.1	Contaminated Sites	18
4.16.2	Hazardous Materials Use	19
4.16.3	Solid Waste Disposal	19
4.17	Energy Use and Greenhouse Gases	19
4.17.1	Energy Use.....	19
4.17.2	Greenhouse Gases	20
5.0	INDIRECT IMPACTS	20
6.0	CUMULATIVE IMPACTS	20
7.0	PUBLIC INVOLVEMENT	22
8.0	MITIGATION COMMITMENTS AND PERMITTING REQUIREMENTS	22
9.0	CONCLUSION	27
10.0	LIST OF PREPARERS	28

LIST OF APPENDICES

Appendix A: ESA Section 7 Letters of Concurrence

Appendix B: Section 106 Memorandum of Agreement

Appendix C: Section 4(f) Documentation

LIST OF FIGURES

Figure 1: Proposed Project Overview

Figure 2: Project Detail East Terminus

Figure 3: Project Detail Rail Yard East

Figure 4: Project Detail Parcel 6 and Rail Yard West

Figure 5: Project Detail West Terminus

1.0 INTRODUCTION

To address current and future capacity needs of its rail service, the Port of Vancouver, USA (Port) proposes to implement the West Vancouver Freight Access Project (WVFA Project). With the WVFA Project, the Port would expand its rail capacity and operations within the existing Port facility, specifically unit train capacity, to enhance the rail network for future growth. The WVFA Project will also relieve congestion, improve operational efficiencies, and ensure continued safe operations as rail traffic grows in and around the Port and along the existing Burlington Northern Santa Fe Railway (BNSF) north-south and west-east main lines.

The Port may request funds for the WVFA Project through the Railroad Rehabilitation and Improvement Financing (RRIF) program administered through the Federal Railroad Administration (FRA) and the State of Washington has been awarded \$15,000,000 for the mainline grade separation in the Port through FRA's High Speed Intercity Passenger Rail (HSIPR) Program. The Port of Vancouver will utilize the grant throughout the Vancouver-Port Access Rail Improvement project. Funding will be focused on construction of the trench structure (components 1.1) and the trench superstructure which includes all land tracks (component 1.2), however may be used in any project element based on the need of the organization.

1.1.1.1 Component 1.1 – Construction of in water trench structure.

- Construction of in-water work including: driving piles; performing required in-water silt and vibration mitigation.
- Construction of stone columns to support track and wall assembly as necessary.
- Construction of upland floodwall and retaining walls.
- Development of all other upland improvements including, but not limited to, installation of a trench storm water management system and necessary environmental mitigation measures.

Component 1.2 – Construction of Trench Superstructure

- Installation of pre-cast or cast-in-place concrete superstructure, including pile caps to create a watertight "trench" in the Columbia River and below the BNSF rail bridge.
- Construction of trackbed to support new railroad connection.
- Installation of drainage and utility systems to support the new access.
- Construction of all land rail tracks (approx. 1,600 feet) providing connection between the Class 1 mainline and the Port's existing main yard tracks.
- Other activities: site grading, landscaping, erosion control, grading/back fill and environmental mitigation.

1.1.1.2 Component 1.3 – Demolition of the Malting Drumhouse and related structures to facilitate the connection of the trench to existing Port's south lead track.

- Demolition of the following Great Western Malting (GWM) buildings: Drum House; Track Shed; Silos; Compression Shed; Shop; Remove underground tanks.
- Demolition of United Harvest shop and oil shed buildings, and selective demolition of Bldg. 2155.

1.1.1.3 Component 1.4 – Construction of the LaFarge Pipe/Pedestrian Bridge and Washdown Area.

- Construction of a pipe bridge and washdown area.
- Installation of a wayside signals along the Port's new rail line near the Lafarge Master Tract, to warn of approaching rail traffic, in connection with the WVFA Rail Project improvements.
- Construction of an at-grade vehicle/rail crossing that requires the construction of retaining walls to accommodate the occasional movement of Lafarge vehicular traffic across the tracks.

FRA concluded that both lending and obligating federal funds to implement the WVFA Project are major federal actions within the meaning of the National Environmental Policy Act (NEPA) and Section 4(b) of FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) (FRA Environmental Procedures), and therefore prepared an Environmental Assessment (EA) to analyze and document whether the proposed action would have significant environmental effects. This Finding of No Significant Impact (FONSI) is made based on the information in the EA and has been prepared to comply with NEPA, the FRA's Environmental Procedures, and other related laws (a full list of applicable laws and regulations is in Section 3.6 of the EA).

2.0 PURPOSE AND NEED

The purpose of the WVFA Project is to: 1) expand Port rail capacity and operations (within the existing Port facility), specifically unit train capacity, to enhance the rail network for future growth and development while minimizing disruption to existing Port tenants and businesses, 2) relieve congestion, improve operational efficiencies, and ensure continued safe operations as rail traffic grows in and around the Port and along the existing BNSF north-south and east-west main lines, and 3) reduce delays and improve the reliability and safety of passenger rail service within the PNWRC, particularly through the Portland Oregon/Vancouver Washington main line.

The port is currently served by a single track connection along the west side of the BNSF Railway (BNSF) north south main line. This track currently allows the railroad to move cars across the BNSF main line from the Vancouver Rail Yard into the Northern Pacific (NP) Siding, and then down into the port via the port's north lead track, also called the Hill track or Alcoa lead. The at-grade crossings that provide access to the port cause significant delays and safety and reliability issues on the main lines in the region, as all crossings into the port block rail movement in any other direction. To alleviate the blocked main line movements, BNSF assigns various priorities to all train traffic on their main lines. The highest priority is given to Amtrak trains, then to unit train main line movements, Vancouver Rail Yard switching moves, and finally to trains seeking access to the port, thus constraining the rail service to port tenants. An at-grade railroad crossing, located adjacent to the port, is currently responsible for the delay of passenger and freight trains within the PNWRC as unit freight trains intended for or leaving the port must cross the BNSF-owned north/south rail mainlines. The Project will reduce delays and improve the reliability and safety of passenger rail service within the PNWRC, particularly through the Portland Oregon/Vancouver Washington segment, by constructing a grade separated-rail access to the port de-conflicting freight and passenger rail.

Projected increases in freight and passenger traffic will further contribute to congestion and delays along the BNSF main line corridors, thus negatively affecting an already insufficient movement of goods to and

from the port if additional future capacity is not provided.

The need for the WVFA Project is the Port's existing rail infrastructure's insufficient capacity to meet the current and future industrial needs of Vancouver, Washington and southwestern Washington. Three elements contribute to this problem of inadequate capacity and are likely to cause the situation to worsen in the future: 1) the Port's existing rail infrastructure does not allow for efficient assembly of unit trains; 2) projected economic growth will increase demands on existing and future tenants for more efficient rail operations; and 3) projected increases in traffic along the BNSF main line corridors will increase passenger and freight rail congestion within the general vicinity, further reducing service.

3.0 DESCRIPTION OF ALTERNATIVES

After undertaking an alternatives analysis to identify all reasonable alternatives, two alternatives are considered in the Environmental Assessment, the Proposed Action and the No Action Alternative.

3.1 No Action Alternative

The No Action Alternative would consist of operating the current track and continuing the current level of maintenance; there would be no appreciable change to current track configuration or operating conditions. The No Action Alternative would not meet the WVFA Project purpose and need because it would not increase operational efficiencies or capacity of rail within the Port. The No Action Alternative is included in the EA to provide a baseline for the comparison of impacts of the Proposed Action and to help FRA decision-makers and the public understand the consequences of taking no action.

3.2 Proposed Action

The Port of Vancouver (Port) is requesting funds for the WVFA Project through the Railroad Rehabilitation and Improvement Financing (RRIF) program administered through the Federal Railroad Administration (FRA) and the State of Washington has been awarded \$15,000,000 for the mainline grade separation in the Port through FRA's High Speed Intercity Passenger Rail (HSIPR) Program. The Port of Vancouver will utilize this grant throughout the Vancouver-Port Access Rail Improvement project. Funding will be focused on construction of the trench and the trench superstructure which includes all land tracks. The Proposed Action would implement the WVFA Project to expand the capacity of the rail system and reduce track congestion. The Proposed Action would extend the BNSF main lines to Terminal 5 to accommodate existing and future Port tenants, and would include an expanded rail facility, roadway modifications, building removal and relocation, stormwater facilities, import of clean fill, disposal of some excavation materials, utility relocation, wetland and riparian mitigation, and right-of-way acquisition. Figures 1 through 5 below illustrate the WVFA Project.

The eastern end of the proposed rail alignment would tie into the BNSF main lines in two locations: a new connection east of the BNSF mainline; and, at the existing Hill Track. The existing Hill track and at-grade crossing at Thompson Avenue/W 16th Street would continue to provide Port access for BNSF's operations supporting Port carload customers and Union Pacific Railroad (UPRR) traffic arriving from and departing to the south, across the Columbia River Rail Bridge (Figure 2).

The new connection east of the BNSF mainline would begin at the end of the Port's completed Schedule 1¹ alignment located south of the wye (triangular) intersection east of the Columbia River Rail Bridge completed in 2008. The Schedule 1 track also currently provides rail access to the Lafarge and Albina facilities. Access to all Port facilities would be provided via the Schedule 1 alignment directly from the BNSF Fallbridge Subdivision at Columbia Street and continue south of the main line, paralleling the main line westerly through Grant Street where the alignment veers southerly toward Albina and Lafarge. A Lafarge cement offloading pipe bridge would be retrofitted at this location to allow clearance for train passage as the new connection east of the BNSF mainline makes its way into the Port. At Lafarge, existing tracks would be extended near the existing dock and several retaining walls would be installed. The existing wash down facility would be relocated and a new outfall from the facility to the sanitary sewer line would be constructed. The proposed rail alignment would continue on westerly, lowering in elevation to be able to cross under the Columbia River Rail Bridge at Port Way. In order to pass beneath the Columbia River Rail Bridge with minimal required clearances, a pile-supported trench would be constructed along the Columbia River shoreline (Figure 2).

After crossing under the Columbia River Rail Bridge to the west, the proposed rail alignment would climb into the Port operating area offshore of Pacific Coast Shredding; continue west through the Great Western Malting facility and meet up with the existing United Grain staging tracks. Just beyond Great Western Malting, the existing Port grain yard would be rebuilt to provide four unit train tracks, three arrival and departure tracks and two lead tracks (Figure 2). Between United Grain and a new Kinder Morgan facility, two unit train tracks would be provided for Kinder Morgan, for a total of 11 unit train tracks (Figure 3). Access to Terminal 3 would be reconstructed from the west. The Port arrival and departure tracks would run west to NW Gateway Avenue, where they would connect back into the proposed rail alignment as it leads into the loop track on Terminal 5 (Figure 5). At the western end of the proposed rail alignment, the existing Subaru tracks would be relocated south and extend to the east to provide improved load tracks. The Jimmy Yard, located north of Subaru and used to store railcars, would be reconfigured on the west end in line with a new grade-separated overpass of NW Gateway Avenue (Figures 4 and 5).

¹ Schedule 1 was the first construction phase of rail improvements for the Port. Schedule 1 was an independent project that was completed in 2008.



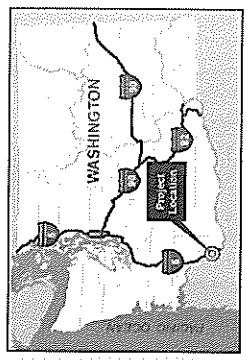
Port of Vancouver
 West Vancouver Freight Access
 Project, Schedules 2 through 4

Figure 1.
 Proposed Project Overview

Legend

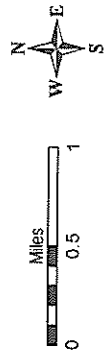
- Current Port Operations
- Mitigation Areas
- Schedules 2 through 4 of the West Vancouver Freight Access Project (Planned)
- Schedule 1 of the West Vancouver Freight Access Project (Complete)
- BNSF Existing Railway
- Roadways

Location Map



Source: Clark County (2009). Imagery: ESRI (April 2007) i-cached

Map Prepared: November 2010



**Port of Vancouver
West Vancouver Freight Access
Project, Schedules 2 through 4**

**Figure 2.
Project Detail:
East Terminus**

- Legend**
- Current Port Operations
 - Existing Terminals
 - Schedules 2 through 4 of the West Vancouver Freight Access Project (Planned)
 - Schedule 1 of the West Vancouver Freight Access Project (Complete)
 - Existing Port Rail Access
 - BNSF Existing Railway
 - GWM Drum House and Storage Silos Relocation (Building #1895)
 - United Grain Corporation Maintenance and Operations Relocation (Building #1955)
 - Port Warehouse Rental Removal (Building #2045)
 - Existing At-Grade Crossing
 - Environmental Caps
 - Proposed Roadway Relocation
 - Roadways
- East Terminus Detail**
- A = Former Boise Cascade Site
 - C = Lafarge Cement Company
 - D = Great Western Milling
 - E = United Grain Corporation
 - B = Albina Fuels
 - F = Former Fort Vancouver Plywood, Pacific Coast Shredding









Source: Clark County (2005) Inventory, ESRI (April 2007) Licensed
Map Prepared: April 2011



Port of Vancouver
West Vancouver Freight Access
Project, Schedules 2 through 4

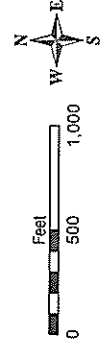
Figure 3.
Project Detail:
Rail Yard East

Legend

-  Current Port Operations
 -  Existing Terminals
 -  Schedules 2 through 4 of the West Vancouver Freight Access Project (Planned)
 -  Existing Port Rail Access
 -  Proposed Wetland Mitigation Bank (Parcel 6)
 -  Proposed Kinder Morgan Buildings to be Relocated (2755, 2765, 2775, 2785 and 2795)
 -  Proposed Roadway Relocation
 -  Roadways
- Rail Yard Detail
- F = Kinder Morgan
 - G = POV Administrative Office
 - H = Subaru

Source: Clark County (2009), Imagery: ESRI (April 2007) - colored

Map Prepared: April 2011

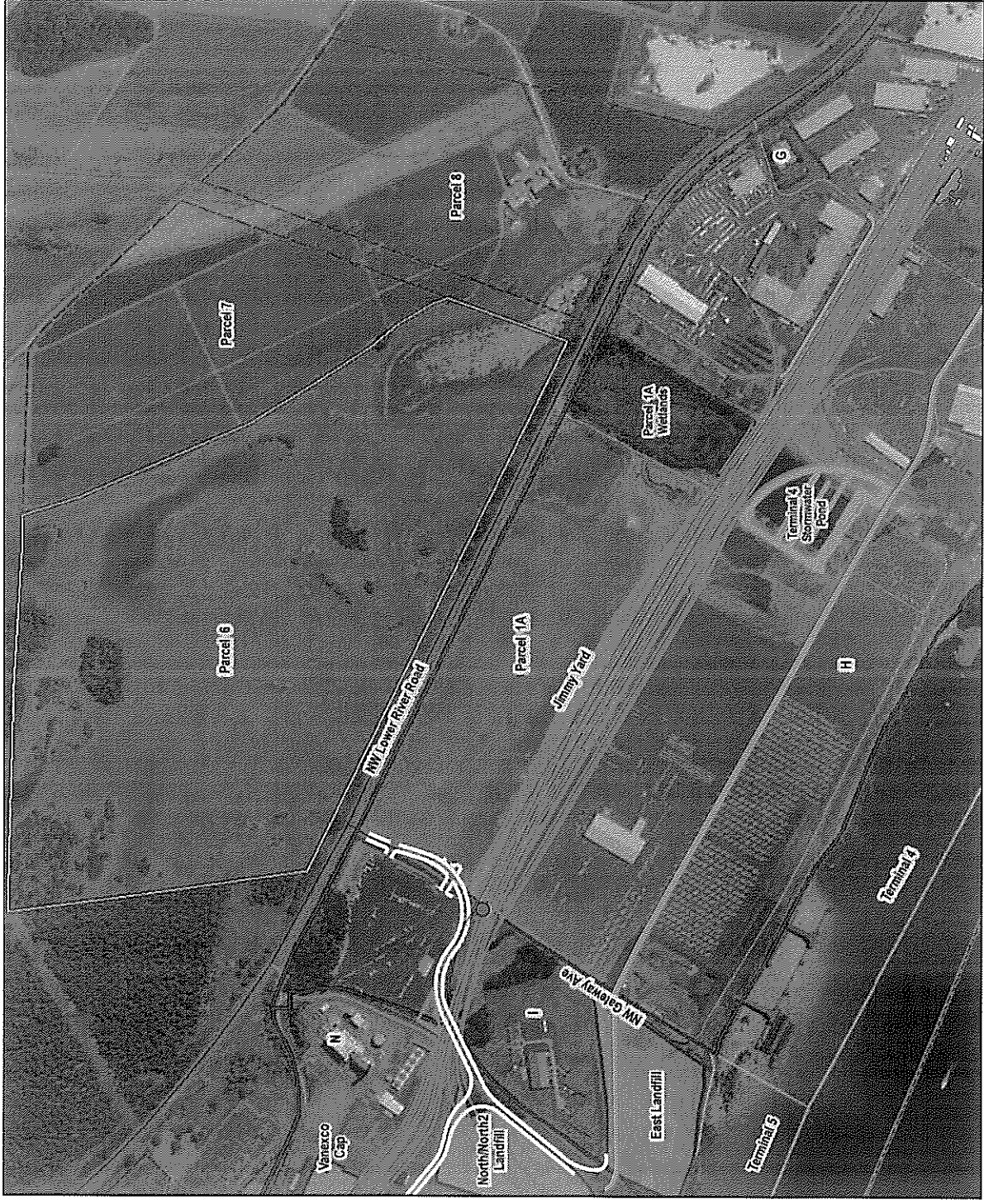
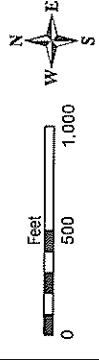


Port of Vancouver
West Vancouver Freight Access
Project, Schedules 2 through 4

Figure 4.
Project Detail:
Parcel 6 and Rail Yard West

- Legend**
- Current Port Operations
 - Existing Terminals
 - Schedules 2 through 4 of the West Vancouver Freight Access Project (Planned)
 - Existing Port Rail Access
 - Proposed Weiland Mitigation Bank (Parcel 6)
 - Proposed Kinder Morgan Buildings to be Relocated (2755, 2765, 2775, 2785 and 2795)
 - Existing At-grade Crossing
 - Proposed Gateway Overpass
 - Tristar Transload Facility
 - Stormwater Pond
 - Environmental Caps
 - Proposed Roadway Relocation
 - Roadways
- Rail Yard Detail**
- G = POV Administrative Office
 - H = Subaru
 - I = Clark County Corrections










Source: Clark County (2005). Imagery: ESRI (April 2007). Updated
Map Prepared: April 2011



Port of Vancouver
West Vancouver Freight Access
Project, Schedules 2 through 4

Figure 5.
Project Detail:
West Terminus

Legend

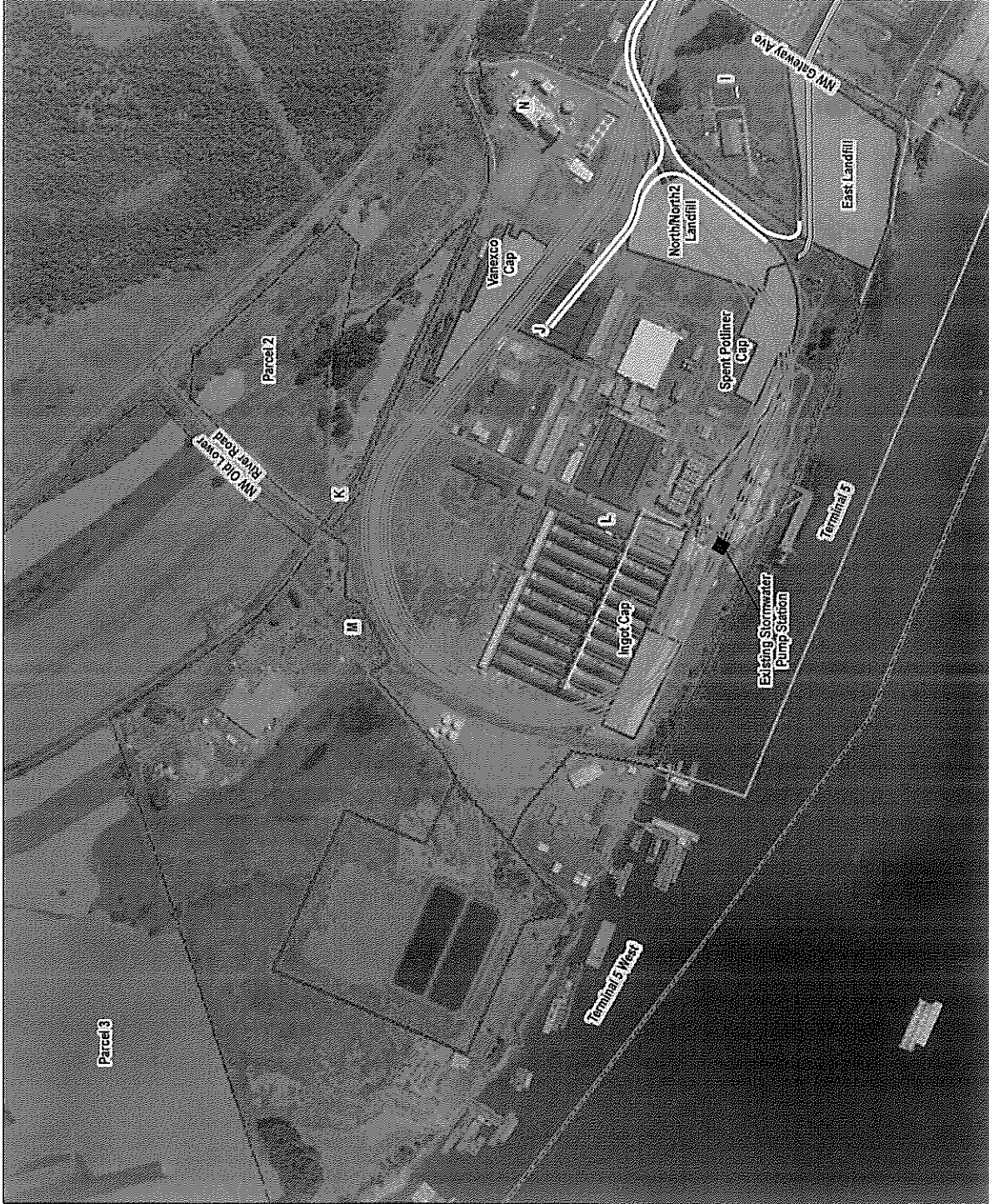
-  Current Port Operations
-  Existing Terminals
-  Schedules 2 through 4 of the West Vancouver Freight Access Project (Planned)
-  Tristar Transload Facility
-  Stormwater Pond
-  Proposed Gateway Overpass
-  Environmental Caps
-  Proposed Roadway Relocation
-  Roadways

Rail Yard Detail

- I = Clark County Corrections
 - J = Alcoa
 - K = BPA Access
 - L = Evergreen Aluminum
 - M = Tidewater Barge Offices
 - N = Clark Public Utilities
- River Road Generation Facility

Source: Clark County (2005) Imagery: ESRI/ArcGIS 2007/1-subset

Map Prepared: April 2011



4.0 SUMMARY OF IMPACTS

4.1 Air Quality

The Proposed Action would not result in significant air quality impacts. The study area for the Proposed Action is designated as a maintenance area for carbon monoxide (CO) and ozone, and as an attainment area for all other pollutants (total suspended particles, particulate matter - PM10, particulate matter - PM2.5, lead, sulfur dioxide, and nitrogen dioxide). The operational contribution to ambient air pollutant concentrations near the Port rail yards and the regional rail lines would not likely exceed the National Ambient Air Quality Standards (NAAQS) because the relatively small increase in rail activity would lead to a small locomotive emission increase that would be distributed over many miles of rail corridor, within the Port, and along the BNSF main lines serving the west coast. The Port's contribution to ambient diesel particulate matter (DPM) concentration at public areas near the Port's tracks is also expected to gradually decrease over time and not be significant. Mitigation is not required because the Proposed Action would not result in significant air quality impacts.

The Proposed Action would result in direct operational emission increases generated by additional long-haul trains traveling within the carbon monoxide (CO) maintenance area. However, the estimated increase in operational CO emissions would be below the General Conformity threshold. In addition, emissions from vehicular traffic while idling during train delays is expected to decrease, resulting in a decrease in emissions.

During construction, the demolition of buildings would generate limited emissions from fugitive dust and from diesel-powered construction equipment. These emissions would be temporary and localized, and are not expected to affect areas beyond the Port facility boundary. The forecasted construction emissions for CO during the anticipated peak year of construction would be below the General Conformity threshold. Ambient air pollutant concentrations at public areas beyond the construction zones during construction would likely be below the NAAQS because the construction emissions would be relatively small and would be distributed over a large area. All construction equipment must satisfy EPA emission standards for non-road engines. These factors ensure that ambient air pollutant concentrations at public areas outside the construction zones would not approach significant levels.

4.2 Noise and Vibration

4.2.1 Noise Impact Analysis

The Proposed Action would not result in significant noise impacts (train or horn noise) to noise sensitive receptors in the study area for noise (which is larger than the WVFA Project area) based on the background noise level and the project-related noise increase. Therefore, increased train operations would not cause significant noise impacts at noise sensitive receptors and no mitigation is required.

Construction of the Proposed Action would generate temporary, localized noise increases, but noise levels would not approach the Federal Transit Administration (FTA) significance threshold of 10 dBA greater than existing background noise. Therefore, no significant impacts from construction noise would occur at noise sensitive receptors.

4.2.2 Vibration Impact Assessment

The Proposed Action's vibration impacts to all vibration sensitive receptors would be below FTA impact criteria and would not cause significant vibration impacts and no mitigation is required.

Noise Sensitive Receptor (NSR-4) is well outside the screening distance, so vibration impacts at that receptor would not be significant. The expected small, temporary increase in vibration at Vibration Sensitive Receptor (VSR)-1 is below the shutoff threshold of the sensors and is not expected to be a concern, so vibration impacts at VSR-1, Clark County Public Utilities River Road Generation Plant, would not be significant. The Proposed Action would construct a new rail loop within 60 feet of the existing VSR-2 (Tidewater Barge office building). The vibration levels at the Tidewater Barge building are predicted to be lower than the FTA impact criteria for Category 3 commercial buildings. Therefore, operations along the proposed rail alignment would not cause significant vibration impacts to VSR-2.

4.3 Transportation

The Proposed Action would reduce rail congestion in and around the Port, improving rail capacity and efficiency, and would not impact vehicular traffic, bike or pedestrian facilities. Therefore the Proposed Action would have an overall beneficial effect on transportation resources.

4.3.1 Rail Traffic

The Proposed Action would reduce train congestion in and around the Port, which would be a substantial benefit for Port operations. The Proposed Action would also result in a decrease in rail traffic using the public at-grade crossing at W 16th Street and Thompson Avenue. As each stage of construction is completed, rail capacity and efficiency would be added to the Port's rail system, allowing train traffic to increase slightly. Disruption of operations on the BNSF main lines during construction would be minimal, resulting primarily from the delivery of construction materials to the site. Rail activity for Port tenants with rail service may be disrupted as tracks are relocated or reconstructed.

4.3.2 Vehicular Traffic

The Proposed Action would relocate access to Terminal 5 from Port Way under the Columbia River Rail Bridge parallel to and east of the existing access. No permanent modifications to vehicular traffic patterns are projected; therefore, no permanent impacts to vehicular traffic would occur.

Port Way/W 8th Street would be closed periodically to vehicle traffic for 2 to 4 months during construction; during this closure, traffic would be diverted to Mill Plain Boulevard, increasing the average daily traffic on Mill Plain Boulevard by approximately 1,400 vehicles. Detour traffic using this route would also affect some north-south City center streets as it moves to and from the industrial area around 8th Avenue and Jefferson Streets.

NW Harborside Drive would be realigned at two locations on Port property. The realigned roadways would not affect traffic. NW Gateway Avenue is currently an at-grade crossing with the existing rail tracks. The construction of the Gateway Overpass would follow an alignment west of the existing roadway alignment. The overpass would eliminate vehicular delays and improve safety at NW Gateway Avenue.

Detours during construction to NW Harborside Drive or other access roads would be in place less than a week while these roads are modified to accommodate the rail design. Access to businesses would be maintained throughout construction. Clean surplus excavation materials that cannot be reused on site would be deposited at the Port's Parcel 8, which is located a half mile north of the proposal site or Terminal 5. The haul route would utilize NW Harborside Drive, W 26th Avenue, and SR 501 to transport surplus materials with fewer than 5 trips per day during construction.

4.3.3 Pedestrians and Bicycles

The Proposed Action would have no impact on existing sidewalks, paths, or trails. The new NW Gateway Avenue Overpass would include a sidewalk to allow pedestrian access to the Port, the Clark County Corrections Facility, and Terminal 5. Construction of the proposed rail alignment could potentially conflict with the Columbia Renaissance Trail extension being proposed by the City near the Columbia River in the vicinity of the Columbia River Rail Bridge. The Proposed Action rail alignment is planned in the same location as the planned extension of the Columbia Renaissance Trail. During construction pedestrian and bicycle traffic would be temporarily affected during the closure of Port Way/W 8th Street. An alternative route would be provided during the temporary closure.

4.4 Geology and Soils

The Proposed Action would have no impact to geology and soil resources during operation. Construction of the Proposed Action would result in temporary disturbance of upland soils and sediments in the immediate area of construction activities. As a condition of the Section 402 of the Clean Water Act (National Pollution Discharge Elimination System Construction Stormwater General Permit), best management practices (BMPs) would be used to minimize soil disturbance and loss during construction. The Proposed Action would be constructed to address geotechnical and seismic constraints according to the 2003 International Building Code or the most recent code adopted by the City. Therefore, the Proposed Action would not result in significant impacts to geological or soil resources.

4.5 Water Resources and Floodplains

The Proposed Action would reduce the amount of impervious surface and stormwater runoff entering the Columbia River. Construction in the floodplain would have a negligible impact on Columbia River water surface elevations and velocities and no groundwater impacts are anticipated. Therefore the Proposed Action would not result in significant impacts to water resources.

4.5.1 Surface Water Resources

Approximately 925 feet of riverbank (0.18 acre below the state Ordinary High Water Mark [OHWM]; 0.40 acre below the federal OHWM²) would be permanently affected (filled) by the construction of the pile-supported trench. Fill in watercourses has the potential to increase peak flows as a result of channel constriction; however, due to the overall hydrologic capacity of the Columbia River, these effects would be minimal and with the minimization and mitigation measures in Section 8.0, do not result in a significant impact.

The Proposed Action would replace impervious surfaces with pervious open ballast rock, allowing for infiltration of stormwater runoff from new impervious surfaces created by the Proposed Action would be collected and treated according to the requirements in Ecology's Stormwater Management Manual for Western Washington. The Proposed Action would result in a net decrease in impervious surfaces, which would reduce stormwater runoff. A reduction in stormwater runoff and increased infiltration would reduce peak flows and contribute to base flows in the Columbia River.

² For this location in the Columbia River, the US Army Corps of Engineers has determined that for the purposes of Section 10 of the Rivers and Harbors Act, the OHWM occurs at the elevation of 17.45 feet National Geodetic Vertical Datum (federal OHWM), based upon the historic limits of navigability within this section of the river. For Section 404 of the Clean Water Act and for state and local regulation, the OHWM for the Columbia River is defined on a site-by-site basis using physical conditions observed in the field (state OHWM).

Construction of the pile-supported trench along the north bank of the Columbia River shoreline would require in-water work below the state and federal OHWM of the Columbia River. In-water construction has the potential to affect hydrology in the Columbia River; however, due to the high volumes in the Columbia River and the relatively small construction footprint associated with the project, these effects would be negligible.

4.5.2 Floodplains

The Proposed Action would occur within a designated floodplain and the floodplain analysis indicated that the Proposed Action would have a negligible impact on Columbia River water surface elevations and velocities. For the pile-supported trench, construction will occur during low flows in the summer, or as required by mitigation requirements; therefore, construction-related effects during flood events are not expected.

4.5.3 Groundwater

The Proposed Action would install stone column piles under the pile-supported trench along the Columbia River shoreline and within the former Fort Vancouver Plywood site. Contaminated groundwater is present in the project area and would be encountered during construction. The stone columns would be constructed to approximately 60 feet below ground surface and form an area that is less permeable than the surrounding soil. As a result of less permeable soils and the placement of impervious surfaces above the columns, impacts to groundwater from the contaminated materials in the former Fort Vancouver Plywood site are not expected to occur.

At Terminal 5, construction of the NW Gateway Avenue overpass would require placement of drilled shafts and stone column piles below and near the roadway structures within the North/North 2 Landfill (approximately 60 feet below ground surface). Groundwater would be encountered during construction. The polychlorinated biphenyl (PCBs) in the North/North 2 Landfill are not considered water soluble; therefore, the placement of drilled shafts and stone column piles within the landfill is not expected to create a conduit to groundwater. While a small amount of contaminated soil may be pushed down within the footprint of the piling, this minimal amount of material would not create a situation in which PCBs would enter groundwater.

Under the Sole Source Aquifer Program, EPA reviewed the WVFA Project in 2007 and 2011 and determined that the Project would not be expected to have any adverse impact on the Troutdale Sole Source Aquifer. The EPA approval is provided in Appendix E of the EA.

4.6 Water Quality

As noted above, the Proposed Action would result in a net decrease of impervious surface area and, as a result, a decrease in pollutant loading to the Columbia River. Where new impervious surfaces are created, stormwater would be collected and treated in compliance with the recommendations of the Stormwater Management Manual for Western Washington. The pile-supported trench stormwater system would allow the Port to shut off the stormwater discharge in the case of a spill. The walls of the pile-supported trench would allow this area to contain a large spill until it can be cleaned up and it is not anticipated that spills would exceed the capacity of the trench.

The Proposed Action would result in filling a portion of the existing Terminal 4 stormwater pond and the Tristar Transload facility stormwater pond. As part of the Proposed Action, the Port would replace the lost capacity. As a result of track installation and improvements on Terminal 5, an existing stormwater pump station would be replaced and relocated to the south to intercept the existing force main.

Stormwater has the potential to transport pollutants to nearby water resources, including the Columbia River. This impact would be limited by the implementation of operational (source control) BMPs, the Port's Emergency Response Plan, and audits of Port tenants' environmental procedures. These measures associated with the Proposed Action would prevent the contamination of stormwater from Port- or rail-related sources. Through the use of BMPs and plans, the operational impacts of the Proposed Action on water quality would be negligible. Stormwater discharge would also be in compliance with the Port's NPDES permit.

Construction of the pile-supported trench along the north bank of the Columbia River shoreline would have the potential to temporarily impact surface water quality. Other temporary construction-related activities could result in uncovered or otherwise uncontained soils eroding into surface waters and increasing turbidity. To minimize impacts to water resources and turbidity, in-water work is anticipated to occur during low water in the summer and BMPs would be used.

Heavy equipment use during construction has the potential to result in spills of fuel, lubricants, antifreeze, and other materials into receiving waters. In addition, clearing, grading, excavation, and fill placement all expose sediment to the erosive action of wind and precipitation, which could also result in water quality impacts. Once construction of the Proposed Action is complete, all areas would be stabilized and there would be no further impacts from ground disturbance. Construction of the NW Gateway Avenue Overpass may encounter contaminated media at the North/North 2 landfill. Measures would be in place to prevent a release of the contaminated media.

4.7 Wetlands

The Proposed Action would not result in permanent fill or removal in wetlands but would result in minor permanent fill within the wetland buffer of approximately 0.08 acre. This would not constitute a significant impact to wetlands in the project area.

During operation of the Proposed Action, the increased number of train trips associated with future conditions would increase the risk of spills, primarily of diesel fuel, into adjacent wetlands and wetland buffers. In the event of a spill, the impact on wetlands would depend on the location, timing, quantity spilled, and the toxicity of the spilled material. All regulatory and safety requirements would be met concerning hazardous materials.

Temporary construction impacts to wetlands would occur as a result of the Proposed Action and result in short-term loss of wetland functions associated with habitat and water quality. Ground disturbance could result in erosion of disturbed soils into wetlands and buffer areas, impairing vegetation and habitat. Clearing and grading activities in the vicinity of wetlands would have the potential to impact wetland water quality during seasonal events when surface water is present. Uncovered or otherwise uncontained soils may erode into surface waters, increasing turbidity. Clearing of vegetation at the Parcel 1A wetland mitigation site would remove trees and shrubs, resulting in short-term loss of habitat and water quality functions of the buffer and wetland.

4.8 Ecological Resources

Along the Columbia River shoreline, riparian vegetation would be removed for construction of the pile-supported trench. The riparian vegetation along a large river like the Columbia has a minimal effect on water temperatures because the shaded area is such a small proportion of the river surface. This vegetation serves as vertebrate habitat and a source of woody debris along the shoreline in this area. The shoreline is largely devoid of vegetation and placement of project elements would not affect ecological

resources. The City of Vancouver has permitted the removal of 207 trees with the Proposed Action requiring mitigation as described in Section 8.0.

In-water construction would occur in the Columbia River as part of the pile-supported trench. In-water work would increase turbidity temporarily, potentially affecting aquatic species. In addition, in-water work is anticipated to occur during low water in the summer. This would minimize the extent of in-water work and turbidity. Underwater noise from pile driving and heavy machinery has the potential to injure or kill nearby fish. During construction, contaminants from accidental spills and leaks could enter the water during work. The Proposed Action will use BMPs during construction to avoid and minimize unavoidable impacts to aquatic habitat.

Activities at construction sites and at staging areas may cause temporary disturbance, displacement, or injury to species as a result of changes to habitats, grading, vegetation impacts, increased nighttime lighting, hydrologic changes, water quality changes, elevated noise during construction, or visual disturbance. Exposed soil during construction could also temporarily increase the presence of noxious weeds as these plants frequently colonize disturbed areas.

4.9 Threatened and Endangered Species

The Proposed Action has the potential to impact species listed under the Endangered Species Act (ESA). A Biological Assessment (BA) developed in accordance with the requirements of Section 7 of the ESA was submitted to the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) in 2007. A Biological Opinion was not required as a Letter of Concurrence was issued by NMFS and USFWS on June 25, 2008 (Appendix A). The concurrence letter determined that the Proposed Action *may affect, not likely to adversely affect* ESA-listed Pacific salmon species and Columbia River bull trout, and would not adversely affect Essential Fish Habitat (EFH). This determination was made because the Proposed Action would result in a net reduction in pollution-generating impervious surfaces and the Proposed Action will provide stormwater treatment for all new impervious surfaces. In 2010, FHWA consulted on behalf of the Port for the listing of bull trout critical habitat. NMFS issued a letter of concurrence determining that the Proposed Action *will not destroy or adversely modify* bull trout critical habitat (Appendix A). A BA Addendum was prepared and submitted to NMFS and USFWS in 2011 to include updated information on the project, new species, and critical habitat listings (eulachon, southern green sturgeon Distinct Population Segment (DPS), Columbia River bull trout DPS, and southern eulachon DPS), and the Marine Mammal Protection Act (MMPA). FHWA determined that the Proposed Action changes would not change the 2008 *may affect, not likely to adversely affect* concurrence from USFWS; therefore, additional consultation with USFWS did not occur. A concurrence letter was received from NMFS in 2011 that determined the project is not likely to affect these species or their habitats (Appendix A).

4.10 Cultural and Historic Resources

Twenty-five properties listed or eligible for listing in the National Register of Historic Places are located within the Proposed Action's area of potential effect. The Proposed Action would not have an adverse effect on the Columbia River Rail Bridge (45CL312), the Vancouver Lake Archaeological District (45DT101), Lafarge Cement Plant, or the Railcar Loading Building portion of the Great Western Malting complex. However, it would require the removal of the Great Western Malting Company Drum House and a portion of the adjacent grain storage silos, which are also part of the Great Western Malting Complex (Port Building 1895). Removal of the Great Western Malting Complex Drum House and grain storage silos would cause an adverse effect on the historic property. Washington Department of Archeology and Historic Preservation (DAHP) concurred with the finding of adverse effect on the Great Western Malting Complex Drum House and grain storage silos (Appendix B).

4.11 Section 4(f) Resources

The Proposed Action would require the demolition of the Great Western Malting Company Drum House and a portion of the adjacent grain storage silos (Port Building 1895). The Section 4(f) Evaluation documented that there are no feasible and prudent alternatives that would avoid all Section 4(f) resources. The Proposed Action includes all possible planning to minimize harm to the property resulting from such use as documented in the Memorandum of Agreement (MOA) among the Port, DAHP, FHWA, with the concurrence of WSDOT and includes mitigation of impacts to the Great Western Malting Complex (Appendix B).³ The Section 4(f) Evaluation has been completed and approved by FHWA and FRA (Appendix C).

Construction of the Proposed Action would result in the relocation of facilities at the Great Western Malting complex, a resource determined to be eligible for listing on the NRHP and protected under the National Historic Preservation Act and protected under Section 4(f) of the U.S. Department of Transportation Act of 1966.

4.12 Aesthetics

Most railroad improvements would occur within the existing right-of-way, where track and supporting structures already exist. Additional railroad facilities would comprise an incremental change that would be unnoticeable in most locations. Overall, no permanent change in visual quality from the Proposed Action is anticipated.

The presence of construction equipment, staged material, and the associated construction activities would temporarily alter the existing visual quality of the site. However, due to the industrial features of the Port of Vancouver property, construction activities are not anticipated to detract from the existing visual quality of the site.

4.13 Socioeconomics and Environmental Justice

The Proposed Action would have no impact to the general population, elderly and handicapped populations, environmental justice populations or community cohesion. Although there will be 13 businesses that will be either partially relocated, have right-of-way acquisition or lease modification, there would be no lost jobs and businesses would not experience any financially significant impacts. Therefore the Proposed Action would not result in significant impacts to socioeconomic resources.

4.13.1 General Population

No residential areas would be affected by the Proposed Action. The Proposed Action, on completion, would not result in any permanent displacements or alterations to transit or pedestrian access in the study area.

4.13.2 Elderly and Handicapped Populations

Although there are populations that are categorized as disabled and elderly within the study area, there would be no significant effects to resources that could affect the health and wellbeing of these populations (e.g. air quality, noise, transportation access, or hazardous materials) anywhere within the study area. Therefore, the Proposed Action would not affect or create barriers to elderly and disabled populations.

³ FRA was added as a signatory to the MOA on July 11, 2011.

Construction of the Proposed Action would not affect ADA compliance at the Port and ADA access would be maintained during construction. Therefore, disabled and elderly populations are not anticipated to be impacted by the construction of the Proposed Action.

4.13.3 Environmental Justice Populations

Implementation of the Proposed Action would not displace any residents in the Fruit Valley, Esther Short, Hough, Carter Park, and Lincoln neighborhoods and therefore would not affect low-income or minority populations present in these neighborhoods. None of the businesses impacted by the Proposed Action are minority-owned and no businesses or establishments frequented by minority or low-income populations would be affected. Although there are populations that are categorized as environmental justice populations within the study area, there would be no significant effects to resources that could affect the health and wellbeing of environmental justice populations (e.g. air quality, noise, transportation access, or hazardous materials) anywhere within the study area. Therefore, there would be no disproportionately high and adverse effects on environmental justice populations and the Proposed Action is consistent with the requirements of Executive Order 12898.

4.13.4 Community Cohesion

The Proposed Action would be operated largely within areas with limited public access and would not generate any off-site impacts. As a result, the Proposed Action would not affect elements of community cohesion.

4.13.5 Businesses

It is not anticipated that any jobs would be lost or that any businesses would experience any financially significant impacts as a result of relocation, right-of-way acquisition or lease modification. No businesses would be displaced in their entirety; however, the Proposed Action would require partial relocation, right-of-way acquisition and modifications to lease agreements for 13 businesses and leaseholders within the Port. A complete list of businesses affected by the Proposed Action is provided in Section 4.13.3.2 of the EA.

Construction of the Columbia River Rail Trench at the Columbia River rail bridge would require the temporary closure of the Port Way/W 8th Street underpass at the Columbia River Rail Bridge. This closure would affect travel between the Port of Vancouver and downtown Vancouver via Port Way/W 8th Street. Business travel to and from the Port would be temporarily detoured on to Mill Plain Boulevard, causing a short-term inconvenience to business travel.

In addition to the road closure at W 8th Street, in order to avoid the use of downtown streets for construction traffic, most construction traffic may be directed into the Port area via Mill Plain Boulevard and Thompson Avenue. Therefore, there would be a slight increase in traffic near Liberty Park, the small park located at the intersection of Mill Plain Boulevard and Thompson Avenue, but this would not reduce community cohesiveness or limit access to any community facilities.

4.14 Land Use, Zoning, and Recreation

The Proposed Action would be consistent with land use and zoning regulations. Impacts to the proposed Columbia Renaissance Trail extension would be mitigated. Therefore the Proposed Action would not result in significant impacts to land use, zoning and recreation resources.

4.14.1 Land Use and Zoning

The Proposed Action involves expansion of the Port's existing freight right-of-way into areas currently in rail use and also into new areas currently used for industrial business operations, existing stormwater ponds, and unused land zoned IH by the City. This would result in the conversion of 10.71 acres of land that is zoned industrial and in industrial use to rail facilities. However, this conversion would not conflict with any existing land uses or land use zoning. The realignment of existing tracks at the Terminal 5 rail loop would place tracks and a stormwater pump station within the City's SMMP jurisdiction. Therefore, this Proposed Action will require review and approval of a SSDP from the City. Construction would occur within the existing Port facilities and therefore no effects to land use from construction are anticipated.

4.14.2 Recreation

Construction of the proposed rail alignment could potentially conflict with the City's proposed Columbia Renaissance Trail extension in the vicinity of the Columbia River Rail Bridge. The Proposed Action is planned in the same location as the proposed Columbia Renaissance Trail extension. No other effects to recreational resources are expected.

4.15 Public Health and Safety

The Proposed Action would comply with existing safety and security requirements of the Port and other regulations. In addition, any security fence removed would be replaced and new fencing installed in areas currently undeveloped.

The Proposed Action would result in construction of the NW Gateway Avenue overpass to provide a grade-separated crossing at NW Gateway Avenue. This would eliminate the potential for train and vehicular collisions at this location. Other at-grade crossings within the Port would remain unchanged. The Proposed Action would also reduce train traffic at W 16th Street and Thompson Avenue, thereby reducing the potential collisions that could occur at this crossing. No upgrades to the existing crossing control are proposed at this location.

Construction activities have the potential to result in physical harm to construction workers, tenants, Port staff, and unauthorized persons entering the construction area. All construction contractors, tenants, and rail carriers at the Port must abide by standard contractual conditions requiring them to maintain spill prevention programs and equipment in the manner required by federal, state, and local regulations, and undertake appropriate safety measures.

4.16 Hazardous Materials and Solid Waste

The Proposed Action would maintain special caps to prevent contact with contaminated soils and groundwater and would continue to follow federal, state, and local laws regarding the handling and use of hazardous materials and solid waste. Therefore the Proposed Action would not result in significant impacts to hazardous materials and solid waste.

4.16.1 Contaminated Sites

The Proposed Action would be constructed on facilities that are required to maintain special caps to prevent contact with contaminated soils and ground water in accordance with the Washington State Department Of Ecology (Ecology) agreed orders, and consent decrees. For each site, the Port would be required to coordinate with Ecology to restore the caps.

The Proposed Action would require the demolition of several industrial buildings. Care will be taken to properly handle PCBs, lead paint, asbestos, and other hazardous materials encountered in demolition. Demolition of all structures associated with the Proposed Action would be done under the Contaminated Media Management Plan (CMMP).

The Proposed Action would install stone column piles under the pile-supported trench along the shoreline at the former Fort Vancouver Plywood site. This could increase the vertical migration of groundwater contaminants, but little risk of contamination to the aquifer is expected as discussed in Section 4.5.3 (Groundwater). Drilled shafts and stone column piles would be installed at the North/North 2 Landfill. This is not expected to result in contamination of groundwater or aquifer as discussed in Section 5.5.3 (Groundwater).

Construction of the Proposed Action would likely require the relocation of several groundwater monitoring wells within approximately 20 feet of their original locations and raising the elevation of the well completion of several other wells as a result of additional fill placement. The wells would be decommissioned or replaced in kind per Ecology requirements.

4.16.2 Hazardous Materials Use

Hazardous materials would continue to be used at the site. The Port and all of its tenants would continue to operate as required by federal, Washington State, and local law, including regulations under WAC 296-824 Emergency Response and the City's Greater Standards for Hazardous Materials Operations included in the Water Resources Protection Ordinance (VMC 14.26.130). To minimize the effects of potential contaminated media encountered during construction, the Port will develop a CMMP to require all construction projects to implement appropriate contingency plans.

4.16.3 Solid Waste Disposal

The Proposed Action would result in improved capacity within the Port; however, the Proposed Action would not directly increase solid waste generation. As capacity improves in the Port, tenants are expected to expand existing operations and new tenants would likely emerge. The expansion of operations within the Port would indirectly result in generation of additional solid waste, both domestic and commercial. All waste and materials requiring disposal during construction of the Proposed Action will be properly disposed of consistent with federal and state requirements.

4.17 Energy Use and Greenhouse Gases

The Proposed Action would reduce rail traffic delays, idling time and fuel consumption which would result in a decrease in energy consumption and greenhouse gas emissions. Therefore the Proposed Action would not result in significant impacts to energy use and greenhouse gases.

4.17.1 Energy Use

During operation of the Proposed Action, idling time for trains would be substantially reduced and fuel consumed by such trains would likewise be reduced. Fuel consumption decreases at a rate of one gallon per minute of reduced idle time. This would result in a decrease in fuel consumption for both the average 3-day delay and daily delay.

A temporary increase in energy consumption would occur at the WVFA Project area during construction. Energy would be consumed by diesel-fueled heavy machinery, electrical- or gas-powered hand tools, and battery or generator electrical lighting and safety signals.

4.17.2 Greenhouse Gases

The Proposed Action would allow the use of freight trains to transport materials to and from existing and future industrial facilities at the Port, and would be expected to reduce the number of trucks on the local roadway network. As a result, the Proposed Action is expected to generate fewer emissions than if the same amount of freight were hauled by truck. In addition, the Proposed Action would result in less idling time of trains within the Port as well as entering and exiting the facilities. The reductions in fuel consumption described in the Energy Section above would also reduce the overall amount of GHG emissions.

Construction areas, staging areas, and material transfer sites would be designed to reduce wait times for equipment and engine idling. These measures would reduce fuel consumption. Increases in emissions that may occur during construction would be temporary in nature and are not expected to contribute substantially to overall GHG emissions.

5.0 INDIRECT IMPACTS

The Proposed Action is anticipated to result in indirect impacts to the general population by fostering future economic growth at the Port, adding 1,000 permanent jobs to the local community within the next 6 years. Although many of these jobs would be filled by current residents, some additional housing, public services, and ancillary business/professional services may be necessary in the community. The proposed job growth is consistent with the 20-year Clark County Comprehensive Plan, which was developed to ensure that adequate public facilities can be provided to accommodate future job and population growth in the community. Thus, the projected job growth at the Port has been anticipated by the community and service providers, who have capital facilities plans to ensure such growth can be accommodated.

The Proposed Action would have the indirect effect of promoting growth within the WVFA Project area for existing tenants because the improved efficiency would allow existing tenants to slightly expand their operations. In addition, the construction of the loop track at Terminal 5 would provide rail infrastructure to a previously vacant industrial area. This would represent a conversion of land from its current use, a vacant industrial lot, to a rail-dependent industrial use. Implementation of the loop track at Terminal 5 could also provide added incentive to convert adjacent lands outside of the Port's boundary to industrial uses in the future. Future development in these locations would represent a conversion of land from current agriculture and open space uses to industrial uses. This intensification of future development could result in ambient effects such as additional lighting, increases in operational noise, grading/soils disturbance, increased impervious surfaces, loss of wetlands and habitat, etc. Anticipated growth impacts resulting from the proposal would be consistent with applicable land use planning documents and zoning and are anticipated to be minimal.

The Proposed Action would also have indirect impacts to wetlands located in the WVFA Project area. Vegetation removal would occur from the area along Parcel 1A to construct a retaining wall to support the new rail alignment, which would reduce available habitat and increase the potential for erosion and sedimentation into the wetland. Some noxious weeds may be eradicated through vegetation and seed bank removal; however, there is also an opportunity to introduce additional noxious and invasive species. This could occur through movement of seeds on construction equipment or vehicles. In addition, accidental spills could occur during operations and result in indirect impacts to terrestrial habitat and species.

6.0 CUMULATIVE IMPACTS

Within the vicinity of the Proposed Action, several additional rail improvement projects are being implemented or have been implemented recently as ongoing or reasonably foreseeable future actions:

- ◆ BNSF and City of Vancouver Waterfront Access Project
- ◆ WSDOT Vancouver Rail Bypass Project
- ◆ Far West Steel
- ◆ Keyera Energy Company
- ◆ BHP Billiton
- ◆ United Grain Corporation
- ◆ Columbia River Wetland Mitigation Bank
- ◆ Port of Vancouver Columbia Gateway
- ◆ Terminal 5 Substation

In addition to the above reasonably foreseeable future projects, the other actions considered in the cumulative impact analysis are:

- ◆ Previous floodplain filling, altering of riparian areas, filling of wetlands, pollutant loading (past, ongoing and future actions).
- ◆ Development of industrial land, rail lines, and other transportation facilities (past, ongoing and future actions).
- ◆ The continued operation of the Port and associated industrial activity (ongoing and future action).

The Proposed Action would result in no impacts to aesthetics and environmental justice, and would not contribute to a cumulative effect on the respective resource. The Proposed Action would result in minimal impacts for most of the environmental resources; therefore these resources were evaluated for cumulative effects. These resources when considered with reasonably foreseeable future actions were determined to have a negligible cumulative impact. Resources resulting in negligible cumulative impacts include: air quality, noise and vibration, geology and soils, water resources and floodplains, water quality, wetlands, ecological resources, threatened and endangered species, land use, zoning, recreation, public health and safety, hazardous materials, and energy. It was determined that the Proposed Action would have an effect on transportation, cultural and historic resources, Section 4(f) resources, socioeconomics, and GHGs. Therefore cumulative impacts were evaluated for these resources.

- ◆ Transportation – The Proposed Action would result in an increase in rail traffic that would be offset by improvements to rail capacity. Vehicular traffic impacts from construction of the Proposed Action would be coordinated with Port tenants to minimize disruptions and would occur over several years, which would also minimize offsite impacts to vehicular, bicycle, and pedestrian traffic. Therefore, the Proposed Action, when considered with the reasonably foreseeable future actions, would result in a beneficial cumulative effect to rail traffic and a negligible cumulative effect on vehicular, bicycle, and pedestrian traffic.
- ◆ Cultural and Historic Resources – The Proposed Action would result in impacts to cultural and historic resources that would be offset by mitigation. Reasonably foreseeable future projects would not result in additional effects to cultural and historic resources. Therefore, the Proposed Action, when considered with the reasonably foreseeable future actions, would not contribute to a cumulative effect on this resource.
- ◆ Section 4(f) Resources – The Proposed Action would result in impacts to a Section 4(f) resource that would be offset by mitigation. Reasonably foreseeable future projects would not result in additional

effects to Section 4(f) resources. Therefore, the Proposed Action, when considered with the reasonably foreseeable future actions, would not contribute to a cumulative effect.

- ◆ Socioeconomics – The Proposed Action and the reasonably foreseeable future actions are anticipated to help foster future economic growth at the Port and add jobs to the local community. This projected job growth at the Port has been planned for by the community and service providers who have capital facilities plan to ensure such growth can be accommodated. It is not anticipated that the future growth from the reasonably foreseeable future actions, in combination with the Proposed Action, will cause negative cumulative impacts to the study area. The jobs created by the Proposed Action and reasonably foreseeable future actions are anticipated to have a beneficial cumulative effect on socioeconomic resources in the study area.
- ◆ GHG – The projects included in the cumulative effects analysis would each contribute to GHG emissions. Although the proposed construction and operation of the Proposed Action will produce GHG emissions, the project would result in fewer emissions compared with shipping the same amount of freight by truck. As stated, the purpose of the Proposed Action is to increase efficiency and capacity of rail operations in the Port facilities. The efficiency and capacity improvements would result in reduced delay times that contribute to GHG emissions. Reasonably foreseeable future actions would also benefit from these improvements and result in reduced delay times that contribute to GHG emissions. Thus, the Proposed Action, when considered with reasonably foreseeable future actions, is anticipated to have an overall beneficial cumulative effect on GHG emissions.

7.0 PUBLIC INVOLVEMENT

Coordination and consultation with agencies, stakeholder groups, and the public was initiated by the Port early during preparation of previous NEPA documents in order to incorporate agency and public comments and concerns into the development and analysis of the WVFA Project purpose and need, alternatives, and potential resultant environmental impacts. The Port is actively engaged in discussions with the various federal, state, and local agencies as part of other WVFA Project updates. No additional comments or concerns have been raised as part of those discussions. A summary of the Port's coordination and consultation with agencies, stakeholder groups, and the public is provided in Section 5.0 of the EA.

The Port met regularly with public interest groups, community agencies, representatives of the Greater Vancouver Chamber of Commerce, neighborhood associations, public school districts, and other community groups and stakeholders. The Port also met with local governments in settings such as the joint meeting of the Port Commission and City Council. Additionally, the Port provides information to the public and key agencies through electronic updates (Port, City, and County list services), Port website updates, news releases (posted as necessary), and the Port Report, a community newsletter published three times a year and distributed to each household in the Port district. A summary of the Port's community outreach for the WVFA Project is provided in Appendix W of the EA.

An invitation for submission of public comments on the EA was published in the Columbian newspaper on July 11, 2011. The EA was posted on the Port's website and was made available for public comment between July 11, 2011 and August 10, 2011. No comments were received on the EA.

8.0 MITIGATION COMMITMENTS AND PERMITTING REQUIREMENTS

The environmental commitments described below have been identified as the practicable means to avoid, minimize, or mitigate environmental harm from the improvements or are commitments that will be required as a result of associated environmental permitting processes.

- ◆ Geology and Soils – BMPs in accordance with the Section 402 NPDES Construction Stormwater General Permit will be used to minimize effects to surrounding resources.
- ◆ Water Resources and Floodplains – Impacts to surface waters will be avoided or minimized through the implementation of BMPs consistent with the minimum technical requirements of the Stormwater Management Manual for Western Washington.
- ◆ Water Quality – Impacts to water quality will be avoided or minimized through the implementation of BMPs consistent with the minimum technical requirements of the Stormwater Management Manual for Western Washington. The Port would be required to meet local, state and federal water quality standards during construction. The Proposed Action would be subject to coverage under CWA Section 402 NPDES Construction Stormwater General Permit. Under this permit the construction contractors will operate under a Stormwater Pollution Prevention Plan (SWPPP), including provisions for prevention and management of spills in both construction and staging areas. Other BMPs used for the Proposed Action may vary based on the final design and actual conditions encountered in the field. Additional BMPs would be required during the construction of the pile-supported trench due to it being located within the OHWM of the Columbia River.

To mitigate for the filling a Portion of the existing Terminal 4 stormwater pond and the Tristar Transload facility stormwater pond, the Port would replace the lost capacity, as required by City regulations. As a result of track installation on Terminal 5, an existing stormwater pump station would be replaced and relocated to the west to intercept the existing force main.

- ◆ Wetlands – In compliance with CWA permitting and the City of Vancouver Critical Area Ordinance (CAO), Buckmire Slough, adjacent to Vancouver Lake, would be enhanced for the 0.08 acre of wetland buffer mitigation at Parcel 1A. The Buckmire Slough mitigation site would be planted with native trees and shrubs on a 0.80-acre reach along the western bank of the slough. To protect the wetland at Parcel 1A from potential stormwater runoff, stormwater would be collected landward of the proposed T-wall and directed to an existing stormwater treatment pond located south of the rail alignment and Parcel 1A wetland. Timing of construction and implementation of BMPs, including sediment and erosion control measures and spill prevention will be used to reduce potential construction impacts on wetlands.
- ◆ Ecological Resources – Two sites are proposed for riparian habitat plantings to mitigate for 400 linear feet of riparian impact under the ESA, Hydraulic Project Approval (HPA), and City regulations: Frenchman’s Bar Park and Buckmire Slough. The first would be located along the Columbia River near Frenchman’s Bar Park. Two separate areas within Frenchman’s Bar Park, totaling 1.2 acres, would be planted with native trees and shrubs, and would include placement of snags and brush piles. The second site is located at Buckmire Slough. The Buckmire Slough site is also being used to mitigate for wetland impacts to Parcel 1A. The Buckmire Slough mitigation site would be planted with native trees and shrubs on a 0.80-acre reach along the western bank of the slough. Mitigation for riparian impact, as part of the ESA consultation and HPA, will also include removal of concrete debris (6,000 square feet [0.14 acres]) near the eastern end of the project at the Columbia River Rail Bridge, and placement of large woody debris (LWD) at the toe of the bank adjacent to the rail underpass and the pile-supported trench to mitigate for riprap placement along 900 linear feet of the Columbia River. This would include approximately 15 pieces of LWD along roughly 4,000 square feet of shoreline within the Columbia River channel. The removal of trees associated with the project, which could total up to 398 tree units, will be mitigated under the City’s tree ordinance by planting an equivalent number of tree units of native tree species (Oregon ash, pacific willow, and black cottonwood) at the Parcel 2 wetland mitigation site. If additional tree impacts were to occur, required

permitting and mitigation measures would be implemented. The project will also use BMPs during construction, as noted in Water Quality, to minimize unavoidable impacts to ecological resources.

- ◆ Threatened and Endangered Species – Mitigation measures related to threatened and endangered species are the same as those described in Ecological Resources. The project will use BMPs during construction, as noted in Water Quality, to avoid and minimize unavoidable impacts to threatened and endangered species. The Port will minimize the risk and effect of underwater noise on salmonid species by timing pile driving to occur during the summer low flow period, as practicable, when there will be the greatest distance between piles and the river (Appendix A).
- ◆ Cultural and Historic Resources – A Memorandum of Agreement (MOA) among the Port, DAHP, FHWA, with the concurrence of WSDOT, was developed in accordance with Section 106 of the National Historic Preservation Act to address mitigation of impacts to the Great Western Malting Complex (Appendix B). FRA was added as a signatory to the MOA on July 11, 2011. As agreed to in the MOA, the following stipulations are either currently being implemented or will be implemented to take into account the adverse effect of the project on the historic property..
 - I. Recordation of the Great Western Malting Company Plant according to Level II of the Historic American Engineering Record (HAER) standards for documentation. The documentation will include the following elements:
 - a. Archival reproduction of existing historic images, maps, technical guide, or sketches of the resource.
 - b. Archival reproduction of existing as-built plans and drawings of the resources.
 - c. Production of archive-quality large format photographs of exterior and interior views of the resource (including views of the Tap Room), and views of the setting of the resource.
 - d. Narrative history and description of the property, including diagrams and information relevant to its historic use and significance.
 - II. The HAER documentation as specified above will be provided to the following agencies:
 - a. Washington Department of Archaeology and Historic preservation (DAHP)
 - b. City of Vancouver Department of Long Range Planning
 - c. Vancouver Public Library
 - d. Clark County Historical Society
 - e. Washington State Historical Society
 - III. The Port will endeavor to erect an interpretive exhibit at the Amtrak station overlooking the Port property subject to City of Vancouver (City) approval. The exhibit will describe the history of the Great Western Malting Company at the Port. If approval from the City cannot be obtained, then the Port will endeavor to place the exhibit in an alternate public location. The exhibit may employ images, narrative history, drawings, or other materials to illustrate this history and will consist of interpretive display panels or markers. A plan for the design and content of the exhibit will be developed and submitted to DAHP for review and approval within one year of the signing of the MOA.
 - IV. The history of the Great Western Malting Company at the Port will be incorporated into a publication on the history of the Port, currently being produced by the Port and expected to be published in 2012.
 - V. The history of the Great Western Malting Company at the Port will be published in an article placed on the Port website and offered for publication at HistoryLink.org.
 - VI. The Great Western Malting Company is currently the owner of the Drum House, which is scheduled for demolition. Great Western Malting retains ownership of the building and may remove its features or contents prior to ownership being transferred to the Port. The Drum House's contents include three paintings, wood carving, light fixtures, stained glass door window,

- and other decorative features in the Tap Room. Upon the transfer of ownership of the property to the Port, the Port will evaluate the building's remaining features and contents and prepare a written treatment plan for the salvage, removal and relocation of significant elements. The plan will include:
- a. An inventory of features in the building that are considered historically significant or character-defining and may be removed from their location without substantial damage, or could be reused in educational and interpretive programming or integrated into new development.
 - b. An established methodology for removing, packaging, and properly storing selected features and objects, including provisions for short-term or temporary storage.
 - c. Provisions for the permanent relocation or long-term care and storage of selected features and objects.
 - d. The treatment plan will be submitted to DAHP for review and approval within 12 months of the transfer of ownership.
- ◆ Section 4(f) Resources – All reasonable measures to minimize harm or mitigate for adverse effects to the Section 4(f) resource were identified for the Proposed Action. The completion of an MOA among the Port, DAHP, and FHWA, including the addition of FRA as a signatory, and the concurrence of WSDOT through the Section 106 process, documents that all other planning has been undertaken to minimize harm to the Section 4(f) resource (Great Western Malting Complex). Although implementation of the stipulations presented in the MOA does not avoid an adverse impact or use of the Section 4(f) protected resource, it does result in mitigating the adverse effect. FRA has completed a Section 4(f) determination, which is attached to this document (Appendix C).
 - ◆ Socioeconomics and Environmental Justice: Businesses – To mitigate for partial relocation of businesses from the Proposed Action, the Port will follow the process required by the FHWA and WSDOT as detailed in the Local Agency Guidelines (LAG) Manual. Not all relocations will require compliance with the LAG Manual. For all relocations, the Port is in consultation with existing lease holders who would be affected by the Proposed Action and is developing compensatory measures to ensure that these businesses are provided just compensation and relocation assistance consistent with the Uniform Relocation Assistance and Real Property Acquisition Policy Act (Uniform Act).
 - ◆ Land Use, Zoning, and Recreation
 - Land Use and Zoning – No adverse impacts are anticipated from the Proposed Action on land use and zoning; therefore, no mitigation is required. An SSDP and SCUP will be required from the City for the relocation of existing rail tracks and a stormwater pump station within the City's SMMP jurisdiction at Terminal 5.
 - Recreation – The Port will comply with the condition of approval of the SSDP for the Proposed Action that requires an agreement with Vancouver-Clark Parks and Recreation relating to the potential trail crossing over the rail lines in the area of this project. The Port will address this condition and coordinate with Vancouver-Clark Parks and Recreation for the adoption of an agreement before approval of final construction documents.
 - ◆ Public Health and Safety – To mitigate for potential contaminated media encountered during construction, the Port will require construction projects to implement appropriate contingency plans. The construction bid packages issued by the Port should notify all bidders of the potential for finding contaminated soil and groundwater along the corridor. General safety concerns during construction would be minimized through the following measures:

- Workers would comply with existing safety and security requirements of the Port and other regulations. Contractors would be required to obtain a Transportation Worker Identification Credential (TWIC) or be escorted by a TWIC-certified individual prior to entering or working within areas requiring a TWIC. This credential is administered by the Transportation Security Agency and the USCG and confirms access to secure areas within Port facilities in an effort to enhance Port security.
 - Permanent fencing would remain in place as appropriate. Any fencing removed for construction would be replaced with temporary fencing to prevent unauthorized entry to the construction sites.
 - Work on and near active track lines would be completed in compliance with federal and railroad regulations, and Port safety requirements. Flaggers would be used when construction activities would interfere with train operations.
- ◆ Hazardous Materials and Solid Waste – The Port will follow agreements/approvals from Ecology regarding disturbances to the environmental caps. BMPs will continue to be used as previously described and the Port will follow applicable laws to minimize risk of future spills. Tenant and Port audits will also continue as described. The Troutdale Sole Source Aquifer approval from EPA requires that, during installation of stone columns, piles, and drilled shafts at the former Fort Vancouver Plywood site and North/North 2 Landfill, groundwater monitoring will occur to determine if contaminants are migrating.
 - ◆ Energy Use and Greenhouse Gases – As the Proposed Action would result in reduced delays and idling of trains as well as an increased use of freight rail, energy use and GHG emissions are expected to decrease as a result of the Proposed Action. The Proposed Action would be consistent with the Governor’s Executive Order 07-02 and Senate Bill 6001.

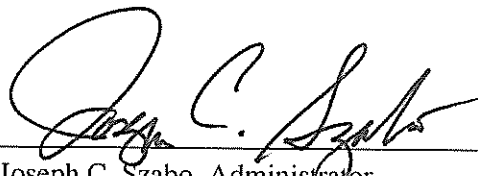
9.0 CONCLUSION

The FRA finds that the WVFA Project satisfies the requirements of FRA's NEPA "Procedures for Considering Environmental Impacts" (64 FR 28545, May 26, 1999) and NEPA (42 USC § 4321, 1969) and would have no foreseeable significant impact on the quality of the human or natural environment.

The Proposed Action would reduce train congestion, decrease train delays in and around the Port, which would be a substantial benefit for Port operations. The Proposed Action would also result in a decrease in rail traffic using the public at-grade crossing at W 16th Street and Thompson Avenue which would reduce the potential collisions that could occur at this crossing. The construction of the NW Gateway Avenue overpass would eliminate the potential for train and vehicular collisions at this location, improving public safety.

The reduction in rail traffic delays resulting from the Proposed Action would also result in a decrease in energy consumption and greenhouse gas emissions because idling time and fuel consumption for trains would be substantially reduced. The Proposed Action will also reduce the impervious surface present at the Port which will decrease pollutant loading to the Columbia River and improve water quality.

The Proposed Action is anticipated to foster future economic growth at the Port, adding 1,000 permanent jobs to the local community within the next 6 years. It is also expected to promote growth with the WVFA Project Area for existing tenants because the improved efficiency would allow existing tenants to slightly expand their operations.



Joseph C. Szabo, Administrator
Federal Railroad Administration

9/14/11
Date

FRA Contact:

Colleen Vaughn
Environmental Protection Specialist
Federal Railroad Administration
Office of Railroad Policy and Development
West Building, Mailstop 20
1200 New Jersey Ave S.E.
Washington, DC 20590

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**Appendix A:
ESA Section 7 Letters of Concurrence**

- A1: NMFS/USFWS Letter of Concurrence dated June 25, 2008**
- A2: USFWS Letter of Concurrence dated May 18, 2010**
- A3: NMFS Letter of Concurrence dated March 28, 2011**

- Stormwater treatment facilities;
- Wetland mitigation;
- Large woody debris (LWD) placement in the Columbia River; and
- Other riparian mitigation.

NMFS does not concur with FHWA's effect determination of "may effect, likely to adversely effect" for the species listed in Table 1 and is terminating formal consultation in accordance with 50 CFR 402.14(l)(3). Based on the effects of the proposed action and measures identified by FHWA to avoid and minimize potential effects, NMFS expects the effects of the action to be insignificant.

The action area for this project includes the project footprint, the Port of Vancouver, and two offsite riparian mitigation areas. One of the sites, Frenchman's Bar Park, is adjacent to the Columbia River and directly west of Vancouver Lake. The other site is located at the north end of Vancouver Lake.

NMFS Species Determination

NMFS has analyzed the potential impacts of the project and has determined that the effects to the species listed in Table 1 will be insignificant because:

- The Port will drive all piles during the low flow period when the project area is dry.
- The project will remove 6.43 acres of impervious surface and create 1.5 acres of new impervious surface for a net reduction of 4.93 acres of pollutant-generating impervious surface.
- The Port will provide stormwater treatment for the 1.5 acres of new impervious surface. A water quality treatment vault will treat water from 0.9 acres of the new impervious surface and will discharge into the Columbia River adjacent to the new rail line. A "Stormwater 360" brand treatment vault will treat stormwater from the other 0.6 acres of new impervious surface. Water from this vault will be directed to an existing stormwater pump station and then discharge into the Columbia River.
- The mobilization of sediment will be minimized by implementing a detailed Temporary Erosion and Sediment Control Plan.
- Any accidental release of pollutants will be minimized by implementing a detailed Spill Prevention Countermeasure and Control Plan.

Bull Trout Determination

The waters within the action area support anadromous fish and are within the range of Columbia River bull trout. The extent to which bull trout utilize the lower mainstem Columbia River and associated habitats (currently or historically) is unknown. The Lower Columbia Management Recovery Unit contains four documented local bull trout populations from two widely-dispersed core areas (i.e., the Lewis and Klickitat core areas). The Service believes that bull trout may now be extirpated from several large, lower Columbia River tributaries that once supported the species, including the Clackamas River, Middle Fork Willamette River, and perhaps the lower Kalama and/or Cowlitz Rivers. Nevertheless, bull trout are reported infrequently and in low numbers both upstream and downstream of Bonneville Dam (river mile 142), and historical records suggest that migratory bull trout were once found throughout large portions of the lower mainstem Columbia

River. The Service considers the waters within the action area to support foraging, migrating, and overwintering adult and subadult bull trout, in only very low numbers.

No in-water impact pile driving is proposed and the project will implement appropriate best management practices during construction. The project will also incorporate proper handling, testing, storage, and disposal of any potentially contaminated sediments or surface waters.

Given the location, timing, and duration of in-water work, exposure of bull trout to construction activities is extremely unlikely and is therefore discountable. With full implementation of the proposed conservation measures and incorporated permanent design elements described in the NMFS species determination, the project's potential direct and indirect effects to watershed functions, surface water quality, and instream habitat will have no measurable effect on bull trout and are therefore insignificant. The project's potential direct and indirect effects to the bull trout prey base will not be measurable in either the short- or long-term and are therefore insignificant.

Critical Habitat Determination

The proposed action will affect Primary Constituent Element (PCE) 2 (freshwater rearing) and PCE 3 (freshwater migration) of critical habitat. NMFS expects the effects of the action to be insignificant to critical habitat for species listed in table 1 for the following reasons:

- The Port will place LWD at two sites on the River bank. The first site is adjacent to the new rail line and consists of four log jams constructed along a 400-foot section of the bank. The Port will construct two additional log jams at the second site.
- The Port will remove 160 cubic yards of concrete debris from the banks of the River upstream of the new rail line.
- The Port will restore two acres of riparian habitat.
- The stormwater facilities will reduce the input of pollutants of concern to critical habitat and improve the conservation value of critical habitat.

NMFS therefore concurs with your determination of "may affect, not likely to adversely affect" for designated critical habitat.

The FHWA must re-analyze this ESA consultation: (1) if new information reveals effects of the action that may affect listed species in a way not previously considered; (2) if the action is modified in a manner that causes an effect to the listed species that was not previously considered; or (3) if additional species or critical habitats are designated that may be affected by the identified actions.

Magnuson-Stevens Fishery Conservation and Management Act

Federal agencies are required, under section 305(b)(2) of the MSA and its implementing regulations (50 CFR 600 Subpart K), to consult with NOAA Fisheries regarding actions that they authorize, fund, or undertake that may adversely affect EFH. The MSA (section 3) defines EFH as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. If an action would adversely affect EFH, NMFS is required to provide the Federal action agency with EFH conservation recommendations (MSA section 305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the Pacific Coast Salmon Plan (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

The action is described in the BA submitted by FHWA. The project undertaken encompasses habitats which have been designated as EFH for various life stages of Chinook (*Oncorhynchus tshawytscha*) and coho (*O. kisutch*) salmon.


Because the habitat requirements for the MSA-managed species in the action area are similar to that of the ESA-listed species, and because the conservation measures that FHWA included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (section 305(b)(4)(A)) are not necessary. Since NMFS is not providing conservation recommendations at this time, no 30-day response from FHWA is required (MSA section 305(b)(4)(B)).

This concludes consultation under the MSA. If the proposed action is modified in a manner that may adversely affect EFH, FHWA will need to reinitiate consultation in accordance with the implementing regulations for EFH at 50 CFR 600.920(i). If you have questions regarding these consultations, please contact Michael Grady of the Washington State Habitat Office at (206) 526-4645, or by electronic mail at Michael.Grady@noaa.gov.

Sincerely,



D. Robert Lohn
Regional Administrator
NOAA Fisheries



Ken S. Berg, Manager
Western Washington Fish and Wildlife Office
U.S. Fish and Wildlife Service

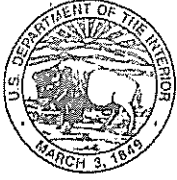
Cc: Dean Moberg, FHWA
Trevin Taylor, WSDOT
Paul Wagner, WSDOT

Table 1. ESA Listed Species and Critical Habitat

Species ESU	Listing Status	Critical Habitat	Protective Regulations
Chinook salmon (<i>Oncorhynchus tshawytscha</i>)			
Lower Columbia River	T 3/24/99; 64 FR 14308; T 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	6/28/05; 70 FR 37160
Upper Willamette River spring-run	T 3/24/99; 64 FR 14308; T 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	6/28/05; 70 FR 37160
Upper Columbia River spring-run	E 3/27/99; 64 FR 14308; E 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	ESA Section 9 applies
Snake River spring/summer run	T 4/22/92; 57 FR 14653; T 6/28/05; 70 FR 37160	10/25/99; 64 FR 57399	6/28/05; 70 FR 37160
Snake River fall-run	T 6/3/92; 57 FR 23458; T 6/28/05; 70 FR 37160	12/28/93; 58 FR 68543	6/28/05; 70 FR 37160
Chum salmon (<i>O. keta</i>)			
Columbia River	T 3/25/99; 64 FR 14508; T 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	6/28/05; 70 FR 37160
Coho salmon (<i>O. kisutch</i>)			
Lower Columbia River	P 6/14/04; 69 FR 33102; T 6/28/05; 70 FR 37160	Not applicable	6/28/05; 70 FR 37160
Sockeye salmon (<i>O. nerka</i>)			
Snake River	E 11/20/91; 56 FR 58619; E 6/28/05; 70 FR 37160	12/28/93; 58 FR 68543	ESA Section 9 applies
Steelhead (<i>O. mykiss</i>)			
Lower Columbia River	T 3/19/98; 63 FR 13347 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	7/10/00; 65 FR 42422
Upper Willamette River	T 3/25/99; 64 FR 14517 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	7/10/00; 65 FR 42422
Middle Columbia River	T 3/25/99; 64 FR 14517 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	7/10/00; 65 FR 42422
Upper Columbia River	E 8/18/97; 62 FR 43937 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	ESA Section 9 applies
Snake River Basin	T 8/18/97; 62 FR 43937 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	7/10/00; 65 FR 42422

Table 2. EFH Species

Groundfish Species	redstripe rockfish <i>S. proriger</i>	Dover sole <i>Microstomus pacificus</i>
spiny dogfish <i>Squalus acanthias</i>	rosethorn rockfish <i>S. helvomaculatus</i>	English sole <i>Parophrys vetulus</i>
big skate <i>Raja binoculata</i>	rosy rockfish <i>S. rosaceus</i>	flathead sole <i>Hippoglossoides elassodon</i>
California skate <i>Raja inornata</i>	rougeye rockfish <i>S. aleutianus</i>	petrale sole <i>Eopsetta jordani</i>
longnose skate <i>Raja rhina</i>	sharpchin rockfish <i>S. zacentrus</i>	rex sole <i>Glyptocephalus zachirus</i>
ratfish <i>Hydrolagus colliei</i>	splitnose rockfish <i>S. diploproa</i>	rock sole <i>Lepidopsetta bilineata</i>
Pacific cod <i>Gadus macrocephalus</i>	striptail rockfish <i>S. saxicola</i>	sand sole <i>Psettichthys melanostictus</i>
Pacific whiting (hake) <i>Merluccius productus</i>	tiger rockfish <i>S. nigrocinctus</i>	starry flounder <i>Platichthys stellatus</i>
black rockfish <i>Sebastes melanops</i>	vermilion rockfish <i>S. miniatus</i>	arrowtooth flounder <i>Atheresthes stomias</i>
bocaccio <i>S. paucispinis</i>	yelloweye rockfish <i>S. ruberrimus</i>	
brown rockfish <i>S. auriculatus</i>	yellowtail rockfish <i>S. flavidus</i>	Coastal Pelagic Species
canary rockfish <i>S. pinniger</i>	shortspine thornyhead <i>Sebastolobus alascanus</i>	anchovy <i>Engraulis mordax</i>
China rockfish <i>S. nebulosus</i>	cabezon <i>Scorpaenichthys marmoratus</i>	Pacific sardine <i>Sardinops sagax</i>
copper rockfish <i>S. caurinus</i>	lingcod <i>Ophiodon elongatus</i>	Pacific mackerel <i>Scomber japonicus</i>
darkblotch rockfish <i>S. crameri</i>	kelp greenling <i>Hexagrammos decagrammus</i>	market squid <i>Loligo opalescens</i>
greenstriped rockfish <i>S. elongatus</i>	sablefish <i>Anoplopoma fimbria</i>	Pacific Salmon Species
Pacific ocean perch <i>S. alutus</i>	Pacific sanddab <i>Citharichthys sordidus</i>	Chinook salmon <i>Oncorhynchus tshawytscha</i>
quillback rockfish <i>S. maliger</i>	butter sole <i>Isopsetta isolepis</i>	coho salmon <i>O. kisutch</i>
redbanded rockfish <i>S. babcocki</i>	curlfin sole <i>Pleuronichthys decurrens</i>	



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

MAY 18 2010

In Reply Refer To:
13410-2010-I-0143
13410-2010-I-0189; XRef. 1-3-01-F-0476
13410-2007-IC-0194; XRef. 1-3-03-2028
1-9-09-I-043
13410-2007-I-0655

Highways & Local Programs

MAY 19 2010

U.S. FISH & WILDLIFE SERVICE

Mr. Bill Leonard
Highways and Local Programs Service Center
Washington State Department of Transportation
310 Maple Park Avenue SE
P.O. Box 47300
Olympia, Washington 98504-7300

Dear Mr. Leonard:

This letter is in response to your request for conference on five projects with potential effects to proposed bull trout (*Salvelinus confluentus*) critical habitat: *Sulphur Creek Bridge Replacement*, along Baker Lake Road in Whatcom County, Washington (FWS Ref. No. 13410-2010-I-0143); *City of Sumner White River Pedestrian Trail* in Pierce County, Washington (FWS Ref. No. 13410-2010-I-0189; XRef. 1-3-01-F-0476); *Foothills Trail* (Cascade Junction to Wilkeson/Carbonado) in Pierce County, Washington (FWS Ref. No. 13410-2007-IC-0194; XRef. 1-3-03-2028); *Lowden Bridge Replacement*, along Lowden-Gardena Road in Walla Walla County, Washington (FWS Ref. No. 1-9-09-I-043); and, *Port of Vancouver Rail Access* in Clark County, Washington (FWS Ref. No. 13410-2007-I-0655). On behalf of the Federal Highway Administration, the Washington State Department of Transportation, Highway & Local Programs Division (WSDOT-H&LP) provided on March 29, 2010, information in support of provisional "may affect, not likely to adversely affect" determinations for proposed bull trout critical habitat. This conference has been conducted in accordance with section 7(a)(4) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The U.S. Fish and Wildlife Service (Service) recently proposed revisions to designated bull trout critical habitat [75 FR 2270 (January 14, 2010)]. The above projects have not previously

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addressed potential effects to bull trout critical habitat, and the WSDOT-H&LP expects bull trout critical habitat may be redesignated prior to their completion. Therefore, the WSDOT-H&LP has requested conference to address potential effects.

Proposed bull trout critical habitat includes nine Primary Constituent Elements (PCEs): (PCE #1) springs, seeps, groundwater sources, subsurface water connectivity, and hyporheic flows; (PCE #2) migratory habitats with minimal physical, biological, or water quality impediments; (PCE #3) an abundant food base; (PCE #4) complex aquatic environments and processes; (PCE #5) water temperatures and thermal refugia; (PCE #6) spawning substrates; (PCE #7) a natural hydrograph; (PCE #8) sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited; and, (PCE#9) few or no nonnative predatory, inbreeding, or competitive species present.

We believe sufficient information has been provided, or is otherwise available, to determine the effects of the actions, and to conclude whether the actions are likely to adversely affect proposed bull trout critical habitat.

Sulphur Creek Bridge Replacement

The project will replace Bridge No. 422 on Baker Lake Road over Sulphur Creek (independent tributary to Lake Shannon/Baker River). The Service included lower portions of Sulphur Creek in the January 2010 proposed bull trout critical habitat designation. However, segments included terminate at an approximately 20-ft high natural falls (the presumed upstream extent of anadromy), located approximately 600 ft downstream of the project.

Based on information included in the Biological Assessment (BA), dated December 23, 2009, and with complete and successful implementation of the conservation measures described in the BA, we expect the project will have no short- or long-term adverse effects to proposed bull trout critical habitat. The project will have no direct or indirect effects on PCE #s 1, 2, 4, 6, 7, and 9, and any temporary effects to PCEs #3 (an abundant food base) and #8 (water quality and quantity) will be of short duration and limited in physical extent. The project will have no permanent or long-term effects to any of the PCEs, and any temporary effects to PCE #s 3 and 8 will not be measurable and are therefore insignificant.

White River Pedestrian Trail

On February 1, 2010, the Service received your BA and request for informal consultation on an approximately 0.4 mi extension of this pedestrian trail network. On April 23, 2010, we received an electronic message from the WSDOT-H&LP retracting the request.

The City of Sumner and U.S. Army Corps of Engineers, Seattle District, have agreed to make no further additions or changes to the trail network until discrepancies with relevant Terms &

Conditions from the State Route 167 Sumner Interchange Biological Opinion (FWS Ref. No. 1-3-01-F-0476) have been resolved. We assume that doing so will take the form of a requested reinitiation to address trail portions permitted or built since 2003, and trail portions planned or pending.

The Service included these portions of the lower White River in the January 2010 proposed bull trout critical habitat designation. Accordingly, when requesting reinitiation on the State Route 167 Sumner Interchange, the City of Sumner and U.S. Army Corps of Engineers, Seattle District, should provide information to address potential effects to bull trout critical habitat.

In the absence of information to address potential effects to bull trout critical habitat, the Service cannot consider at this time or offer any preliminary judgment as to the action's potential effects.

Foothills Trail

The project will build two remaining phases of the Foothills Trail between Nisqually and Rainier, Washington ("Cascade Junction to Wilkeson/Carbonado"), as a complement to an earlier phase of construction ("Meeker to McMillin"). The project will convert more than 6 mi of abandoned rail grade to non-motorized trail, and construct compensatory mitigation for unavoidable wetland/ buffer impacts at a site along an unnamed tributary to the South Fork of Prairie Creek.

The Service included South Fork Prairie Creek (tributary to the Carbon River) in the January 2010 proposed bull trout critical habitat designation, but did not include Wilkeson Creek or the above-mentioned unnamed tributary to the South Fork of Prairie Creek.

Based on information shared with the Service on January 18, 2007 (WSDOT Pre-BA Meeting), and with confirmation that the information is accurate for the purpose of evaluating potential effects (voicemail from Trevin Taylor dated April 22, 2010), we expect the project will have no short- or long-term adverse effects to proposed bull trout critical habitat. The project will have no direct or indirect effects on PCE #s 1-4, 6, 7, and 9, and any temporary effects to PCE #8 (water quality and quantity) will be of short duration and limited in physical extent. The project will have no permanent or long-term effects to any of the PCEs, and any temporary effects to PCE #8 will not be measurable and are therefore insignificant.

Lowden Bridge Replacement

The project will replace the Lowden Bridge on Lowden-Gardena Road over the Walla Walla River. The Service included these portions of the Walla Walla River in the January 2010 proposed bull trout critical habitat designation.

Based on information included in the BA, dated February 26, 2009, additional information received in response to Service requests during March and April, 2009, and with complete and

successful implementation of the conservation measures described in the BA, we expect the project will have no short- or long-term adverse effects to proposed bull trout critical habitat.

The project will have no direct or indirect effects on PCE #s 1, 5-7, and 9. The project's temporary, construction-related effects to PCEs #2 (migratory habitats), #3 (an abundant food base), #4 (complex aquatic environments and processes), and #8 (water quality and quantity) will be of limited physical extent and duration, and will only occur during a time of year (July-September) when conditions are unsuitable and bull trout are not expected in the action area. The project will have no permanent or long-term effects to any of the PCEs, and any temporary effects to PCE #s 2-4 and 8 will be insignificant.

Port of Vancouver Rail Access

The project will construct a new Port of Vancouver rail alignment, rail under-and overpasses, access roads, and related improvements (including stormwater facilities). The project will construct compensatory mitigation for unavoidable wetland/ buffer impacts at sites along the mainstem Columbia River and Vancouver Lake. The Service included these portions of the lower Columbia River in the January 2010 proposed bull trout critical habitat designation.

Based on information included in the BA, received on September 24, 2007, additional information received in response to Service requests during February and March, 2008, the BA Addendum received on July 6, 2009, and with complete and successful implementation of the conservation measures described in the BA, we expect the project will have no short- or long-term adverse effects to proposed bull trout critical habitat.

The project will have no direct or indirect effects on PCE #s 1, 5-7, and 9. The project's temporary, construction-related effects to PCEs #2 (migratory habitats), #3 (an abundant food base), #4 (complex aquatic environments and processes), and #8 (water quality and quantity) will be of limited physical extent and duration, and will not prevent bull trout from foraging and migrating in the action area. The project will have no permanent or long-term effects to any of the PCEs, and any temporary effects to PCE #s 2-4 and 8 will be insignificant.

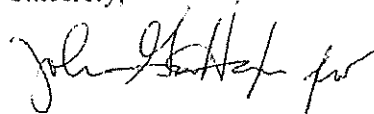
The Service agrees with the provisional effect determinations the WSDOT-H&LP have offered for four of the five above-mentioned projects, and we concur with your determination that these actions "will not destroy or adversely modify" bull trout critical habitat. With respect to the City of Sumner *White River Pedestrian Trail* (FWS Ref. No. 13410-2010-I-0189; XRef. 1-3-01-F-0476), further consultation is necessary and we request that the WSDOT-H&LP and City of Sumner please keep us informed of progress in support of the pending reinitiation.

In the event that the Service finalizes the proposed bull trout critical habitat designation prior to their completion, the WSDOT-H&LP should notify the Service of the status of these projects. Assuming there have been no changes to the projects with significance for bull trout critical habitat, and the basis for this conference remains unchanged, no additional information should be needed to concur with your provisional "may affect, not likely to adversely affect" determinations.

To expedite the environmental review process, if the Federal Highway Administration concurs with the effect determinations for proposed critical habitat, then you may consider these actions to be in compliance with requirements of the Act (50 CFR 402.13), thereby concluding the conferencing process. The projects should be reanalyzed if new information reveals effects of the actions that may affect listed species or critical habitat in a manner, or to an extent, not considered in this conference. The projects should also be reanalyzed if the actions are subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this conference, and/or a new species is listed or critical habitat is designated that may be affected by the actions.

If you have any questions about this letter or your responsibilities under the Act, please contact Ryan McReynolds at (360) 753-6047 or Emily Teachout at (360) 753-9583, of this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken S. Berg" with a stylized flourish at the end.

Ken S. Berg, Manager
Washington Fish and Wildlife Office

cc:

FHWA, Olympia, WA (J. Horton)
FHWA, Olympia, WA (D. Moberg)
FHWA, Olympia, WA (L. Liu)
USACE, Seattle, WA (R. McAndrew)
City of Sumner, Sumner, WA (R. Windish)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, Washington 98115

NMFS Tracking No.
2011/00599

March 28, 2011

Stacie Kelsey
Environmental Engineer
WSDOT Highway and Local Programs
PO Box 47331
Olympia, WA 98504

RE: Reinitiation of Endangered Species Act Section 7 Consultation for the Port of Vancouver West Vancouver Rail Access Project (HUC 170800020506, Lower East Fork Lewis River).

Dear Ms. Kelsey,

The National Marine Fisheries Service (NMFS) has prepared this correspondence in response to your request to reinitiate Endangered Species Act (ESA) consultation for the West Vancouver Freight Access (WVFA) Project (previously known as the Port of Vancouver Rail Access Project – NMFS reference number 2008/00841).

Endangered Species Act

The National Marine Fisheries Service (NMFS) received the Biological Assessment (BA) addendum from the Washington State Department of Transportation (WSDOT) on February 28, 2011. The proposed project will be carried out by the Port of Vancouver (Port) and will be partially funded by the Federal Highway Administration (FHWA). As the non-federal designee of the FHWA, WSDOT is requesting reinitiation of consultation in order to evaluate the effects of project modifications on listed salmon and steelhead (Table 1). In addition, this reinitiation will also address the effects to the eastern Steller sea lion (*Eumetopias jubatus*) distinct population segment (DPS), the southern DPS of northern green sturgeon (*Acipenser medirostris*), and the southern DPS of eulachon (*Thaleichthys pacificus*) because they were not evaluated during the original consultation and were not included in the joint concurrence letter that was issued from the Services¹ on June 25, 2008 (2008/00841). The Steller sea lion was listed as threatened on November 26, 1990 (55 FR 49204). The southern DPS of northern green sturgeon was listed threatened on April 7, 2006 (72 FR 17757). The southern DPS of eulachon was listed threatened on March 18, 2010 (75 FR 13012).

¹ Jointly the National Marine Fisheries Service and the United States Fish and Wildlife Service



The Port previously revised the proposed action and submitted a BA addendum on April 1, 2009 outlining minor project changes including changes in amount and routing of track, quantity of new impervious and pervious surface, location of wetland impacts and wetland mitigation, and construction timing. These project changes did not change the previous effect determinations. Because eulachon had not been listed but only proposed for listing, the NMFS declined to consult on the proposed listing and the updated project information was placed within the consultation record.

The purpose of the current BA addendum is to evaluate whether additional modifications to the project design will change the effect determinations for the listed species addressed in the previous consultation and to address the project affects on those species and habitats not consulted on previously; including Steller sea lion, northern green sturgeon, and eulachon and its proposed critical habitat.

The current modifications in project design include the following changes: rail alignments in four yard locations, train traffic assumptions (e.g. increased number of locomotives from 4 to 5 and cars per train from 96 to 146), designs for the construction of a screening wall in conjunction with the acquisition of adjacent property, details regarding the alignment of a pedestrian overpass, stormwater facility designs, and the relocation of the existing stormwater pump station at Terminal 5.

The proposed project has also modified the amount of impervious and pervious surfaces. The 2008 proposal included 2.51 acres of new impervious and conversion of 6.43 acres from impervious to pervious, resulting in a net reduction of 3.92 acres of impervious surface. The revised project will result in 19.7 acres of new impervious and the conversion of 30.9 acres of impervious to pervious surface, resulting in a net reduction of 11.2 acres of impervious surface. All stormwater from new impervious surfaces will be routed to existing stormwater outfalls as in the previous proposal.

The proposed project will also require geotechnical borings to be conducted to determine physical properties of the subsurface materials. Of the sixteen borings taken for the project, three of them associated with the pile-supported trench will occur within the ordinary high water mark (OHWM) of the Columbia River; all other borings will be upland of the OHWM.

The changes to the proposed action are sufficiently minor that the action area has not changed from that previously described in the 2008 concurrence letter from the Services and includes the project footprint, the Port of Vancouver, and riparian and wetland mitigation areas. Changes in rail alignments and train traffic assumptions allow for longer trains within the rail yard, but do not significantly alter the capacity or footprint of rail activities from the previous consultation and warrant no further analysis. Construction of the screening wall will have no effect to any listed species.

Steller sea lions of the eastern DPS occur in Washington and Oregon waters throughout the year, with breeding rookeries at Rogue Reef and Orford Reef in Oregon, and haul-out locations used along the coast. Individuals are present year-round in the lower Columbia River, typically

downstream of its confluence with the Cowlitz River. A small number of Steller sea lions travel up the Columbia River to the tailrace area of Bonneville Dam, over forty miles upriver from the project action area, where they forage on anadromous fish. A few individuals have been sighted in the tailrace area as early as fall; their numbers peak in winter to early spring and they depart by late spring. It is assumed, therefore, that Steller sea lions may be present in the action area between November and May, using the Columbia River as a transit corridor between the mouth and Bonneville Dam. No critical habitat for Steller sea lion occurs within the project action area.

The Southern DPS of northern green sturgeon is comprised of green sturgeon from rivers of the central California coast and the California Central Valley south of the Eel River. The only known spawning populations for this DPS occur in the Sacramento River. Some adult sturgeon migrate north and concentrate in coastal estuaries, particularly the Columbia River estuary and coastal Washington estuaries. Peak use of these areas occurs in August and September. Green sturgeon occur in the Columbia River upstream to the Bonneville Dam at approximate river mile (RM) 142, but are predominantly found below RM 37, approximately 65 miles downstream of the proposed project. The Columbia River has designated critical habitat up to RM 46, which is 56 miles downstream of the project action area.

Large spawning runs of eulachon (southern DPS) occur in the mainstem lower Columbia River and the tributary rivers of Cowlitz, Lewis, Sandy, Grays, and Kalama as well as Skamokawa Creek. The Cowlitz River is the most productive system. In years of very high eulachon abundance, spawning has been observed in the mainstem Columbia River upstream of RM 137 as eulachon travel to the Lewis and Sandy rivers and as far as Bonneville Dam on rare occasion (BRT 2010). Primary spawning habitat could, therefore, extend from the estuary upstream to the Sandy River (RM 120).

It is likely that adult eulachon will be present in the Columbia River near the project action area during February and early March. Records over the past 50 years indicate that in the upstream Columbia River, migrants return from mid-December to as late as March 25, with about 80 percent returning between February 1 -15. The adults spawn shortly after arrival and their progeny hatch and drift downstream to the estuary within about 30 to 40 days. By late May/early June, the last of the larvae are entering the Columbia River estuary where they are quickly flushed out to sea (BRT 2010, Willson et al. 2006).

Critical habitat is proposed for the southern DPS of eulachon and includes the lower Columbia River, including the reach adjacent to the Port of Vancouver facility. Within the project action area are physical and biological features essential to the conservation of eulachon, including freshwater spawning and incubation sites and a freshwater migration corridor.

Species Determination

Salmon and Steelhead

NMFS has analyzed the potential impacts of the project modification from the previous consultation and determined that the project changes will not alter any of the previous effect determinations of listed salmon and steelhead within the action area (Table 1).

- Stormwater effects will be insignificant. The revised project will result in 19.7 acres of new impervious and the conversion of 30.9 acres of impervious to pervious surface, resulting in a net reduction of 11.2 acres of impervious surface. All stormwater from new impervious will be routed to existing stormwater outfalls as in the previous proposal.
- Wetland impacts will be insignificant and will also be mitigated for by the purchase of credits at the Columbia River Wetland Mitigation Bank on Port of Vancouver Property (Parcel 6).
- The indirect effects of the project will be insignificant because Best Management Practices (BMPs) to minimize the mobilization of sediment and potential pollutants will be used and will include implementation of a Temporary Erosion and Sedimentation (TESC) Plan and a Spill Prevention Control and Countermeasures (SPCC) Plan.
- Pile driving effects will be insignificant. Pile driving below the OHWM will occur during low flow summer conditions when the work area is dry; no in-water pile driving is proposed. Listed salmon and steelhead within the action area are not expected to experience any discernable difference in disturbance levels from the baseline conditions.
- The effects from contaminated sediments and barge traffic will be insignificant. Any contaminated borings will be properly handled and disposed of at an approved site. Disturbance from the use of a barge adjacent to Port property to facilitate the geotechnical boring work will be of short duration (up to 12 days) in an area that has daily activity from machinery and vessel traffic.

For all the reason stated above, NMFS concurs with your finding of “may affect, not likely to adversely affect” for all the salmon and steelhead species listed in Table 1.

Eastern Steller Sea Lion DPS

NMFS has analyzed the potential impacts of the project on Eastern Steller sea lion and determined that the impacts will be discountable and insignificant.

- Steller sea lions are unlikely to be present during pile driving during summer low flow conditions between August and November and therefore effects of pile driving will be discountable. No in-water pile driving will occur and therefore adverse effects to sea lion forage base (salmon) present within the project action area waters will be insignificant.
- In the unlikely event that Steller sea lions are exposed to construction noise during project activities, disturbance is likely to be short-term and localized, with no lasting effects. The proposed project is located in an urbanized area where human presence and activity, including water traffic, is common. If the use of a barge to facilitate the geotechnical borings coincides with Steller sea lion use of the action area, it is unlikely to significantly alter sea lion behavior, as barge and other traffic is common to the area and Steller sea lions have adapted to the presence of watercraft.

Therefore, NMFS concurs with your finding of “may affect, not likely to adversely affect” for the Eastern Steller sea lion DPS.

Southern DPS Northern Green Sturgeon

NMFS has analyzed the potential impacts of the project on northern green sturgeon and determined that the impacts will be discountable. Green sturgeon are predominantly found in the lower 37 miles of the Columbia river, approximately 65 miles downstream of the project action area, making it extremely unlikely that green sturgeon will be present in the action area.

Therefore, NMFS concurs with your finding of “may affect, not likely to adversely affect” for Southern DPS Northern Green Sturgeon

Southern DPS Eulachon

NMFS has analyzed the potential impacts of the project (pile driving, stormwater) on eulachon. Adverse effects from pile driving and stormwater will be insignificant for the same reasons as stated for salmonids.

Therefore, NMFS concurs with your finding of “may affect, not likely to adversely affect” for Southern DPS Eulachon

Critical Habitat Determination

Columbia River Salmon and Steelhead Critical Habitat

NMFS has analyzed the potential impacts of the project modification from the previous consultation and determined that the project changes will not alter any of the previous affect determinations, therefore the prior determinations of “may affect, not likely to adversely affect” will stand for all designated critical habitat listed in Table 1.

Eulachon Southern DPS

Critical habitat for the southern DPS of eulachon was proposed on January 5, 2011 (76 FR 515). The NMFS is not prepared to conference on proposed critical habitat at this time. Designation of eulachon critical habitat prior to the completion of project construction will require reinitiation.

This concludes informal consultation on these actions in accordance with 50 CFR 402.12(b)(1). The FHWA must re-analyze this ESA: (1) if new information reveals effects of the action that may affect listed species in a way not previously considered; (2) if the action is modified in a manner that causes an effect to the listed species that was not previously considered; or (3) if a new species is listed or critical habitat designated that may be affected by the identified actions.

If you have questions, please contact Leslie Durham at the Washington State Habitat Office at (360) 753-9595, by e-mail at leslie.durham@noaa.gov, or by mail at the letterhead address.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Stelle, Jr.", written in a cursive style.

William W. Stelle, Jr.
Regional Administrator

Handwritten initials "WWS" in black ink, positioned to the left of the typed name.

cc: Yamilee Volcy, FHWA

Table 1. ESA Listed Species and Critical Habitat

Species ESU	Listing Status	Critical Habitat	Protective Regulations
Chinook salmon (<i>Oncorhynchus tshawytscha</i>)			
Lower Columbia River	T 3/24/99; 64 FR 14308; T 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	6/28/05; 70 FR 37160
Upper Willamette River spring-run	T 3/24/99; 64 FR 14308; T 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	6/28/05; 70 FR 37160
Upper Columbia River spring-run	E 3/27/99; 64 FR 14308; E 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	ESA Section 9 applies
Snake River spring/summer run	T 4/22/92; 57 FR 14653; T 6/28/05; 70 FR 37160	10/25/99; 64 FR 57399	6/28/05; 70 FR 37160
Snake River fall-run	T 6/3/92; 57 FR 23458; T 6/28/05; 70 FR 37160	12/28/93; 58 FR 68543	6/28/05; 70 FR 37160
Chum salmon (<i>O. keta</i>)			
Columbia River	T 3/25/99; 64 FR 14508; T 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	6/28/05; 70 FR 37160
Coho salmon (<i>O. kisutch</i>)			
Lower Columbia River	P 6/14/04; 69 FR 33102; T 6/28/05; 70 FR 37160	Not applicable	6/28/05; 70 FR 37160
Sockeye salmon (<i>O. nerka</i>)			
Snake River	E 11/20/91; 56 FR 58619; E 6/28/05; 70 FR 37160	12/28/93; 58 FR 68543	ESA Section 9 applies
Steelhead (<i>O. mykiss</i>)			
Lower Columbia River	T 3/19/98; 63 FR 13347 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	7/10/00; 65 FR 42422
Upper Willamette River	T 3/25/99; 64 FR 14517 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	7/10/00; 65 FR 42422
Middle Columbia River	T 3/25/99; 64 FR 14517 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	7/10/00; 65 FR 42422
Upper Columbia River	E 8/18/97; 62 FR 43937 D 6/28/05; 70 FR 37160	09/02/05; 70 FR 52630	ESA Section 9 applies

References

- BRT (Biological Review Team) 2010. Status Review Update for Eulachon in Washington, Oregon, and California. National Marine Fisheries Service, Northwest Fisheries Science Center, Seattle, WA. 443 pp.
<http://www.nwr.noaa.gov/Other-Marine-Species/upload/eulachon-review-update.pdf>
- Willson, M. F., R. H. Armstrong, M. C. Hermans, and K. Koski. 2006. Eulachon: a review of biology and an annotated bibliography. AFSC Processed Report 2006-12. U.S. Department of Commerce, National Marine Fisheries Service, Alaska Fisheries Science Center. 234 pp.

Appendix B:
Section 106 Memorandum of Agreement

FEDERAL HIGHWAY ADMINISTRATION
IN COOPERATION WITH THE FEDERAL RAILROAD ADMINISTRATION,
THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,
THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION,
THE PORT OF VANCOUVER AND THE FEDERAL RAILROAD ADMINISTRATION;
EXECUTED PURSUANT TO 36 CFR 800.6(b)(1)(v)
REGARDING THE PORT OF VANCOUVER'S
WEST VANCOUVER FREIGHT ACCESS RAIL PROJECT
CLARK COUNTY, WASHINGTON

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA) has determined that the Port of Vancouver's West Vancouver Freight Access Rail Project (Project) will have an adverse effect on the Great Western Malting Company Plant, which is eligible for listing in the National Register of Historic Places, and has consulted with the Washington State Historic Preservation Officer (SHPO), in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. § 470), and its implementing regulations 36 CFR Part 800 (Section 106); and

WHEREAS, on or around June 17, 2009, a Memorandum of Agreement (MOA) was entered into by FHWA, the Washington SHPO, the Washington State Department of Transportation, and the Port of Vancouver; and

WHEREAS, Section 106 of the National Historic Preservation Act requires Federal Agencies to take into account the effects of their undertakings on historic properties; and

WHEREAS, the Port of Vancouver is applying for a Railroad Rehabilitation and Improvement Financing loan through the Federal Railroad Administration (FRA) and is cooperating with the WSDOT to complete a Environmental Assessment from which FRA may issue a Finding of No Significant Impact (FONSI); and

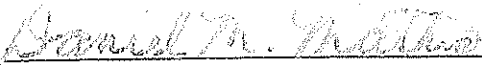
WHEREAS, FRA, as the federal agency for the Environmental Assessment, has a statutory obligation to fulfill the requirements of Section 106; and

WHEREAS, FRA concurs with the stipulations and conditions in the MOA and seeks to become a signatory thereto through this Amendment to meet its obligations under Section 106;

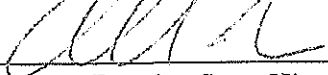
NOW, THEREFORE, FRA and the other signatories to the MOA agree to the following:

- I. FHWA will be the lead agency for Section 106 compliance for the Project and shall continue to ensure the measures described in MOA Stipulation I through VII are implemented.
- II. FRA concurs with the terms of the MOA and shall be added as signatory.
- III. FRA shall file this amendment with the Advisory Council on Historic Properties once it is signed by all original signatories and FRA consistent with Section III of the MOA.

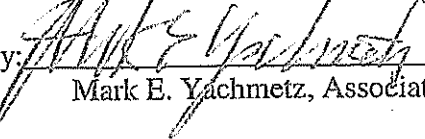
FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 01/05/2011
Daniel M. Mathis, Division Administrator

DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

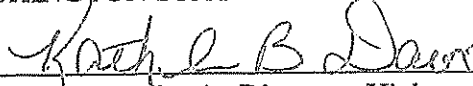
By:  Date: 6/29/11
Dr. Allyson Brooks, State Historic Preservation Officer

FEDERAL RAILROAD ADMINISTRATION

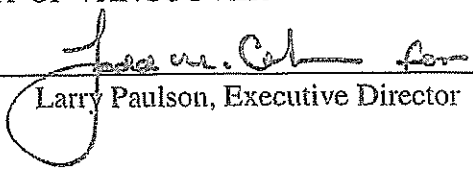
By:  Date: 7/11/11
Mark E. Yachmetz, Associate Administrator, Railroad Policy and Development

CONCUR:

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By:  Date: 6-24-11
Kathleen Davis, Director, Highways and Local Programs Division

PORT OF VANCOUVER

By:  Date: 6-13-2011
Larry Paulson, Executive Director

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,
THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION,
AND THE PORT OF VANCOUVER EXECUTED PURSUANT TO 36 CFR 800.6(b)(iv)
REGARDING THE PORT OF VANCOUVER'S
WEST VANCOUVER FREIGHT ACCESS RAIL PROJECT
CLARK COUNTY, WASHINGTON**

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration (FHWA) has determined that the Port of Vancouver's West Vancouver Freight Access Rail Project (Project) will have an adverse effect on the Great Western Malting Company Plant, which is eligible for listing in the National Register of Historic Places, and has consulted with the Washington State Historic Preservation Officer (SHPO), in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. § 470), and its implementing regulations 36 CFR Part 800; and

WHEREAS the adverse effect is the demolition of the Great Western Malting Company's Drum House building; and

WHEREAS pursuant to 36 CFR 800.6(c)(2) FHWA has invited the Washington State Department of Transportation (WSDOT) and the Port of Vancouver (Port) to sign this Memorandum of Agreement (MOA) and

WHEREAS in accordance with 36 CFR Section 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination, and the Council has chosen not to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii);

NOW, THEREFORE, FHWA, WSDOT, SHPO, and the Port agree that upon FHWA's decision to proceed with the Project, FHWA shall ensure that the following stipulations are implemented in order to take into account the adverse effect of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until this MOA expires or is terminated.

I. STIPULATIONS

FHWA shall ensure that the following measures are carried out:

- I. Recordation of the Great Western Malting Company Plant according to Level II of the Historic American Engineering Record (HAER) standards for documentation. The documentation will include the following elements.
 - a. Archival reproduction of existing historic images, maps, technical guides, or sketches of the resource.
 - b. Archival reproduction of existing as-built plans and drawings of the resources.

- c. Production of archive-quality large-format photographs of exterior and interior views of the resource (including views of the Tap Room), and views of the setting of the resource.
 - d. Narrative history and description of the property, including diagrams and information relevant to its historic use and significance.
- II. The Historic American Engineering Record (HAER) documentation as specified above will be provided to the agencies as follows.
 - a. One set will be sent to the Washington State Department of Archaeology and Historic Preservation (DAHP).
 - b. One set will be offered to and, if accepted, provided to the City of Vancouver Department of Long Range Planning.
 - c. One set will be offered to and, if accepted, deposited in the collections of the Vancouver Public Library.
 - d. One set will be offered to and, if accepted, deposited in the collections of the Clark County Historical Society.
 - e. One set will be offered to and, if accepted, deposited in the collections of the Washington State Historical Society.
- III. The Port will endeavor to erect an interpretative exhibit at the Amtrak station overlooking Port property subject to City of Vancouver (City) approval. The exhibit will describe the history of the Great Western Malting Company at the Port. If approval from the City cannot be obtained, then the Port will endeavor to place the exhibit in an alternate public location. The exhibit may employ images, narrative history, drawings, or other materials to illustrate this history and will consist of interpretative display panels or markers. A plan for the design and content of the exhibit will be developed and submitted to DAHP for review and approval within one year of the signing of this Memorandum.
- IV. The history of the Great Western Malting Company at the Port will be incorporated into a publication on the history of the Port, currently being produced by the Port and expected to be published in 2012.
- V. The history of the Great Western Malting Company at the Port will be published in an article placed on the Port website and offered for publication at HistoryLink.org.
- VI. The Great Western Malting Company is currently the owner of the Drum House, which is scheduled for demolition. Great Western Malting retains ownership of the building and may remove its features or contents prior to ownership being transferred to the Port. The Drum House's contents include the three paintings, wood carving, light fixtures, stained glass door window, and other decorative features in the Tap Room. Upon the transfer of ownership of the property to the Port, the Port will evaluate the building's remaining

features and contents and prepare a written treatment plan for the salvage, removal, and relocation of significant elements. The plan will include:

- a. An inventory of features in the building that are considered historically significant or character-defining and may be removed from their location without substantial damage, or could be reused in educational and interpretative programming or integrated into new development.
- b. An established methodology for removing, packaging, and properly storing selected features and objects, including provisions for short-term or temporary storage.
- c. Provisions for the permanent relocation or long-term care and storage of selected features and objects.
- d. The treatment plan will be submitted to DAHP for review and approval within 12 months of the transfer of ownership.

VII. Relocation of the Kinder Morgan facilities includes construction of a new dry bulk material handling facility building and will require excavation to accommodate a conveyor system. Because the project is located within the Vancouver Lakes Archaeological District, the Port will implement the following measures:

- a. A cultural resources specialist will be present during excavation of native soil at Kinder Morgan. Monitoring will be conducted as indicated by a monitoring plan, which would be developed in consultation with DAHP prior to beginning excavation work at this site.
- b. In addition, an inadvertent discovery plan and human remains discovery plan will be developed in consultation with DAHP prior to beginning excavation work at this site. If any cultural resources are identified by the cultural resource monitor, work will stop immediately and the appropriate agencies will be contacted as indicated in the aforementioned plans.

II. DISPUTE RESOLUTION

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with the objecting party(ies) to resolve the objection. If FHWA determines, within 30 days, that such objections cannot be resolved, FHWA shall:

1. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise FHWA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by FHWA in reaching a final decision regarding the dispute.

2. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FHWA will give consideration to comments from the parties to the MOA and make a final decision.
3. FHWA's responsibilities to carry out all other actions subject to the terms of this MOA that are not subject of the dispute will remain unchanged. FHWA will notify all parties of its decision in writing before implementing that disputed portion of the Project. FHWA's decision will be final.

III. AMENDMENTS, TERMINATION AND NONCOMPLIANCE

If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR 800.6 (c)(7) and 800.6 (c)(8). The amendment will be effective on the date a copy is signed by all of the original signatories and is filed with the Council. If a MOA is not amended following the consultation set out in accordance with Dispute Resolution, it may be terminated by any signatory. Within 30 days following termination, FHWA shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR 800.6(a)(1) or request the comments of the Council under 36 CFR 800.7(a) and proceed accordingly.


IV. DURATION

This MOA will take effect immediately upon execution by the Signatory Parties. The terms of this MOA shall be satisfactorily fulfilled within five years following the date of execution. Prior to such time, FHWA may consult with SHPO to reconsider the terms of the agreement and propose its amendment in accordance with Section III above. Unless terminated pursuant to Section III, this MOA will be in effect until FHWA, in consultation with SHPO, determines that all of its terms have been satisfactorily fulfilled.

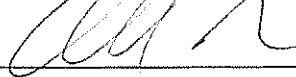
V. EXECUTION OF AGREEMENT

Execution and implementation of the terms of this Memorandum of Agreement by FHWA, SHPO, WSDOT, and the Port serves as evidence that FHWA has afforded the Council and all concerned parties the opportunity to comment on the project and the effects on historic properties, and that FHWA has taken into account the effects of the Project on the Great Western Malting Company Plant and has satisfied the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C.470(f)).

FEDERAL HIGHWAY ADMINISTRATION

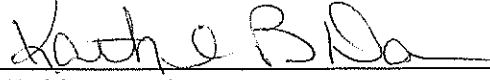
By:  Date: 06/16/09
Dan Mathis
Division Administrator

WASHINGTON STATE HISTORIC PRESERVATION OFFICER

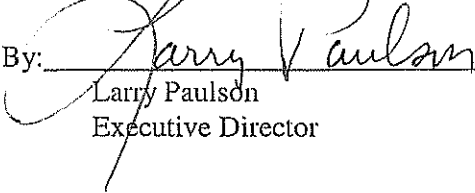
By:  Date: 6/17/09
Allyson Brooks, PhD

CONCUR:

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By:  Date: 6-16-09
Kathleen Davis
Director, Highway and Local Programs

PORT OF VANCOUVER

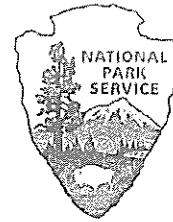
By:  Date: June 9, 2009
Larry Paulson
Executive Director

**Appendix C:
Section 4(f) Documentation**



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1060



IN REPLY REFER TO
EC

July 1, 2009

Stacie Kelsey
Highways & Local Programs
Environmental Engineer
Washington State Department of Transportation
P. O. Box 47390
Olympia, WA 98504
kelseys@wsdot.wa.gov
(360) 705-7376

RE: Port of Vancouver—West Vancouver Freight Access Project

Dear Stacie:

The National Park Service (NPS) has reviewed the West Vancouver Freight Access Project. This federally-funded transportation improvement project will impact historic resources protected by Section 4(f) of the Department of Transportation Act. Specifically, construction will require demolition of the Great Western Malting Company Drum House and a portion of the adjacent Grain Storage Silo. These actions will result in "adverse impacts" pursuant to Section 106 of the National Historic Preservation Act.

The NPS defers to the Washington State Historic Preservation Officer (SHPO) regarding required mitigation measures under Section 106 and Section 4(f).

Please contact the following person, if you have any questions regarding these comments:

Kelly Powell, Realty Specialist
National Park Service
168 S. Jackson St., 2nd Floor
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Thank you for the opportunity to provide these comments.

Sincerely,

Rory D. Westberg
Deputy Regional Director, Planning and Resource Management

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