



February 14, 2020

US Army Corps of Engineers
Planning, Environmental, & Cultural Resources Branch
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Re: Tacoma Harbor, WA Navigation Improvement Project Draft Feasibility Report and Environmental Assessment (FR/EA)

Thank you for providing the opportunity to review and comment on the Tacoma Harbor, WA Navigation Improvement Project draft FR/EA. These comments are submitted on behalf of the five undersigned organizations, Citizens for a Healthy Bay (CHB), Tacoma Chapter of the Climate Reality Project, Puget Soundkeeper, Sierra Club, and Washington Environmental Council.

Background

The Port of Tacoma (the Port) has requested the US Army Corps of Engineers (the Corps) to investigate the feasibility of deepening and widening the Blair Waterway (the Blair) in Commencement Bay, Tacoma, Washington. The stated need of the project is to ease navigation access for larger container ships. The FR/EA describes the preferred alternative as deepening the Blair waterway, from the mouth to the turning basin, from -51 MLLW to -57 MLLW. This alternative would remove approximately 2,783,000 CY (cubic yards) from the Blair, of which approximately 2.4 million CY is estimated to be clean enough for open-water disposal and 392,000 CY is estimated to be too contaminated for open-water disposal, and would need to go to an upland landfill. This alternative does not include berth deepening at the terminals in the Blair, which would be pursued by the Port through a different proposal. The preferred alternative does not guarantee the proposed restoration of the Saltchuk site, but includes ongoing evaluation of the use of clean dredged material for beneficial placement at Saltchuk.

Our recommendations for this project are described below.

Conduct A Full Environmental Impact Statement (EIS)

The Corps has determined that conducting the FR/EA is satisfactory for analyzing the environmental impacts of this project. As noted in our February 2019 letter to the Corps, we disagree with the Corps statement that "this project has low potential risk to pose a significant threat to human life or the environment." *Given the complexity, environmental risks, public concern, and absence of the critical information needed for a determination of non-significance, we request a full Environmental Impact Statement (EIS) process be conducted. In the alternative, we request the questions and concerns listed below be fully addressed and the answers be made available for public review before any piece of this project moves forward.*

Additionally, we would like to see a more integrated assessment of this proposal between the Corps and the project proponent, the Port of Tacoma. The assessment of this proposal has to date been disparate, with seemingly limited or selected communication about individual project elements between the Port and the Corps. Port staff should be equipped to address public concerns about the federal sponsor's (the Corps) roles and responsibilities, and Corps staff should be equipped to address public concerns about the local sponsor's (the Port) roles and responsibilities. This will help alleviate some public concern about the proposal while ensuring the most thorough environmental review possible is conducted.

Provide Evidence That Contaminated Groundwater and Sediments Will Not Enter the Blair Through Dredging

The FR/EA identified minimal risk of overlap with surrounding Toxic Cleanups Sites and the Occidental Chemical Superfund site, but goes on to say that “fifteen of these sites have known contaminated groundwater and are located immediately next to the Blair Waterway.” *Prior to dredging, the Corps should sample the groundwater and sediments for all contaminants associated with the surrounding Toxic Cleanup Sites, and with the Occidental Chemical Superfund site.* Due to the lack of field-verified data showing the extent of the groundwater contamination from Occidental, and due to the proximity of contaminated groundwater, analysis of the associated contaminants is needed as a precautionary approach to allow for a thorough environmental review. *Additionally, a plan for addressing newly found contaminated groundwater or sediment in the project area should be drafted and made available for public review prior to dredging.*

Employ A Dredging Strategy That Does Not Resuspend Sediments and Contaminate Aquatic Life

The FR/EA describes using a digging clamshell bucket to dredge sediments suitable for open-water disposal and an environmental bucket for sediments unsuitable for open-water disposal, which would result in 13,000 CY of sediment resuspending into the water column. We find this rate of resuspension unacceptable, especially given the lack of accuracy these forms of mechanical dredging provide. *If this project moves forward, we recommend employing a dredging strategy that risks little or no resuspension of sediments, including active monitoring, similar to what was used for the cleanup of the Thea Foss Waterway.* We don’t believe that use of a sediment curtain is adequate to contain resuspended sediments that may contain elevated levels of toxic substances.

Further, we are concerned about the erroneous conclusion that there will be a “minor increase” in the concentration of PCBs and other bioaccumulative toxins during dredging, and that these toxins would persist in the food chain for only two to three years post dredging. PCBs are known to persist indefinitely in marine environments, particularly in marine sediments. *To fully understand this threat to human health and the environment, the Corps needs to numerically quantify the estimated increase in bioaccumulative toxins and analyze if this increase in the marine environment is temporary, or if it will add to the long-term burden of these toxins in the food web of Commencement Bay and its surrounding waters.*

This unidentified increase in bioaccumulative toxins is particularly concerning when we consider that the project is taking place in the Usual and Accustomed fishing area of the Puyallup Tribe of Indians, among other Coast Salish nations. These communities, along with other marginalized groups in Tacoma, consume a higher percentage of fish and shellfish than the surrounding communities within the project area, and therefore, have a higher risk of cancer, reproductive failure, and behavioral abnormalities. Fishing advisories in the area do not preclude our neighbors from consuming contaminated fish and shellfish, nor do they alleviate the responsibility of the Corps or the Port to consider these impacts. *To fully understand these risks, the Corps needs to evaluate the potential for disproportionate negative impacts to these marginalized groups from consuming seafood in the project area.*

Fully Mitigate for Loss of Habitat and Prey Availability

In the preferred alternative, dredging would occur 24 hours/day, from July 16th through February 15th, for three years. It is assumed in each year, approximately one third of the total benthic habitat area would be dredged (i.e., removed), thereby eradicating benthic macroinvertebrates and fish that utilize the area, as well as any existing eelgrass or algae beds. We are disturbed that the preferred alternative would essentially set the prey availability for already-stressed fish populations back to zero, without any mention of mitigating for this loss. Recovery of the benthic community in the Blair will take at least five years, during which time, other species that depend on this community will suffer. *We request the Corps and Port develop a mitigation plan to address these losses now, before dredging begins. Additionally, we request the Corps and Port further evaluate the baseline habitat conditions and population demographics in the Blair prior to dredging.* The Corps’ assumption that this project would cause little impact to threatened and endangered species because of the “degraded state of the waterfront” does not negate the responsibility of the project sponsors to fully evaluate the biological conditions of the area, nor does it give the project sponsors license to further degrade an already-stressed environment.

Develop an Effective, Long-lasting Restoration Project

We tentatively support the use of clean dredged materials for restoration of the Saltchuk site, however, we believe much more mitigation is needed to compensate for the loss of benthic habitat and benthic communities as a result of this project. The preferred alternative will remove 214 acres of benthic habitat over the period of 3 years, while the restoration being tentatively proposed is for only 64 acres. *We strongly recommend the project sponsors fully mitigate for the entirety of the benthic habitat to be lost, including for the impacts to Tribal Treaty fishing rights.* Completion of an EIS including a biological assessment of the Blair and analysis of the Tribe's commercial and treaty fisheries will provide a more clear picture of the mitigation that will be required.

If this restoration project is to proceed, sea level rise needs to be considered to avoid losing any beneficial placement of materials. Saltchuk is in a high energy area, and we fear fine sands and silts placed in the area will be carried away during heavy tidal exchanges and storm events. Restoration should be proactive and should not rely on nearby eelgrass patches to reestablish in the restoration area. The Port should plant eelgrass starts in the area during times of the year with the least tidal energy and threat of storm events. Further, the 63 creosote-treated timber piles located in the shallow subtidal zone of the area should be removed, and not simply covered over. *We request the Port and the Corps develop a restoration plan soon in this process, and make it available for public review and comment.*

Follow the Dredged Material Evaluation and Disposal Procedures

In our February 2019 letter, CHB provided substantive comments on the Sediment Sampling and Analysis Plan (SAP). We are providing those comments again here, as we are unsure how or if they've been considered.

The 2018 Dredged Material Evaluation and Disposal Procedures User Manual (DMEDP) clearly states, "Before embarking on the dredged material evaluation process, the proposed final resting place of the dredged material must be determined." Sediment quality standards differ widely for dredged materials to be disposed of in-water, for beneficial use, or at upland disposal sites. *We request that the ultimate destination of the dredged sediments be confirmed, and the SAP adapted accordingly with a thorough SAP that includes contaminants from all Tidelands industries.*

We recommend the project site be ranked as "moderate-high," and the sampling and testing intensity be increased to reflect this rank. The Blair falls into an "urban and industrialized area" which are ranked as "high," and contains "fueling and ship berthing or construction facilities," which are ranked as "moderate." Legacy contamination is present in much of the surrounding project areas, along the slopes and upland areas of the Blair. Groundwater of the Blair-Hylebos peninsula generally flows southwesterly towards the Blair. Precaution is needed to prevent legacy contamination from re-entering the waterway, and can be achieved through a more robust sampling design. Additionally, the Puyallup River estuary and Commencement Bay contain designated critical habitat and essential fish habitat for federally listed salmonids including Chinook salmon, a critical prey resource for southern resident killer whales.

The current SAP lacks site information required by the DMEDP. *The following information needs to be included in an updated draft of the SAP so that a thorough environmental review can be conducted: "one or more cross-sections of the dredging prism, dredging depth (MLLW) including overdepth, side-slope ratios, and proposed disposal site....", and; "site history including past characterization data."* Further, the SAP should include a review of the 2016 Alexander Avenue site evaluation report conducted by Robinson Noble. This report details the historical use of portions of the Blair Waterway, including significant information on the presence of legacy contamination, including volatile organic compounds (VOCs) "and semi-VOCs, specifically tetrachloroethylene (PCE) and associated breakdown products, and pentachlorophenol (PCP) and associated breakdown products...." as well as arsenic, benzene and vinyl chloride.

The Sampling Design Plan as currently published is lacking details required by the DMEDP that are needed to conduct a thorough environmental review of the project. *The following needs to be included in the Sampling Design Plan: "Table with DMMU identification, DMMU volume, designation as surface or subsurface DMMU, and number of samples for each DMMU.... Table of sampling locations including coordinates, mudline elevation (MLLW), design depth, overdepth, Z-depth, and preliminary determination of required core lengths to be assigned to DMMUs and Z-samples."*

The Conceptual Dredging Plan as currently published is also lacking details recommended in the DMEDP that will aid in the thorough environmental review of the project.¹³ *The following needs to be included in the Conceptual Dredging*

Plan: “the depth and physical characteristics of the sediment; side slopes; practicable dredge cut widths and depths; physical and logistical constraints; dredging priority of various portions of the project; available dredging methods and equipment, and; conventional construction practices at similar dredging projects.”

We recommend the SAP compress Tier 2 and Tier 3 sediment testing due to the presence of arsenic and pentachlorophenol found in excess of Model Toxics Control Act cleanup levels in the groundwater at the former Reichhold Chemical site. Conducting chemical and biological testing concurrently will save time and money given the high likelihood of encountering chemicals of concern, and will aid in a more thorough environmental review of the area.

We recommend a Health and Safety Plan be drafted in the SAP, including at a minimum, safety and emergency procedures.

Other Recommendations

Include Wapato Creek in the evaluation of this proposal. Wapato Creek, which drains into the Blair, is a salmon-bearing body of water, hosting runs of coho salmon, chum salmon, and steelhead.

Include Squally Beach, Yowlwala Beach, and Skookum Wulge in the evaluation of this proposal. How will these restoration sites be impacted by this project?

If dredging moves forward, all dredge and barge equipment should be documented to be free of any possible invasive species.

An Inadvertent Discovery Plan should be drafted prior to any dredging, not just archaeological monitoring.

If this project moves forward, store any leftover clean dredge material for potential beneficial use at other Commencement Bay restoration sites like Dickman Mill, mouth of Puget Creek, and Mason Gulch, or for use in remediating the Occidental Chemical site.

Thank you for providing the opportunity to review and comment on the Tacoma Harbor, WA Navigation Improvement Project draft FR/EA. We look forward to a more thorough analysis and will continue to review and comment on this proposal as the Corps and Port further develop their plans. If you have any questions regarding our comments, please contact Erin Dilworth at 253-383-2429 or edilworth@healthybay.org.

Sincerely,

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