WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

US Army Corps of Engineers ®
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

_____

_____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
Smith Island Terminal

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Smith Island Terminal, LLC ATTN: Mark Wolken			
2b. Organization (If applicable)			
Smith Island Terminal, LLC			
2c. Mailing Address (Street or PO Box)			
2903B Hewitt Avenue			
2d. City, State, Zip			
Everett, WA 98201			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
(206) 972-7207	(425) 252-0320	( )	wolkenm@msn.com

[1]Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@ora.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
Wolken, Mark, William			
3b. Organization (If applicable)			
Mark Wolken and Associates			
3c. Mailing Address (Street or PO Box)			
2903B Hewitt Avenue			
3d. City, State, Zip			
Everett, WA			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
(206-972-7207)	(425-252-0320)	( )	wolkenm@msn.com

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

x There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
Brigham, John F.			
4b. Organization (If applicable)			
Cedar Grove Composting, Inc.			
4c. Mailing Address (Street or PO Box)			
7343 E Marginal Way South			
4d. City, State, Zip			
Seattle, WA 98108			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
(206)832-3000	( )	( )	Johnb@emeraldnw.com

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

x Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

36th Place NE

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Everett, WA 98205

5d. County [help]

Snohomish

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	5	29 N	5 E

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

48.0300/-122.1931

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

29050500100200/300/400/600, 29050500101200, 29050500200300, 29050500300300, 29050500400200/500, 29050500401300

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)
Brad Rengen	34 E Gilman Avenue, Arlington, WA 983223	Multiple
Pacific Topsoil	805 80th Street SW, Everett, WA 98203	Multiple
Burlington Northern Santa Fe Railroad	2454 Occidental Avenue S, Building 1A, Seattle, WA 98134	ROW
Miller Shingle	PO Box 29, Granite Falls, WA 98252	Multiple
Washington Department of Natural Resources	PO Box 47001, Olympia, WA 98504	Tidelands

5i. List all wetlands on or adjacent to the project location. [help]

Wetlands NW1, NW2, NW3, NE1, SW1, SW2, SW3, SW4, SW5, SE1 and SE2. (see Delineation Report)

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Union Slough and Steamboat Slough

5k. Is any part of the project area within a 100-year floodplain? [help]

X Yes ☐ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The on-site vegetation consists of native and non-native vegetation dominated by grass species. Tree cover is sparse. Individual tree species include red alder (*Alnus rubra*), black cottonwood (*Populus balsamifera*) and larger black hawthorne (*Crataegus douglasii*). The shrub species include Himalayan blackberry (*Rubus armeniacus*), Scotch broom (*Cytisus scoparius*) and some willow (*Salix spp*). The herbaceous layer dominates the site and includes vast areas of reed canary grass (*Phalaris arundinacea*), thistle (*Cirsium spp*) and bentgrass (*Agrostis spp*). Lower, wetter depressions support pockets of mannagrass and rush species (*Glyceria and Juncus spp*).

Wildlife observations consist primarily of passerine bird species. Osprey (*Pandion haliaetus*) commonly nest on old pilings in nearby offshore areas. . Bald eagle (*Haliaeetus leucocephalus*) are common in the area. Numerous great blue herons (*Ardea herodias*) have also been observed flying over the area and foraging along the margins of Union and Steamboat sloughs

5m. Describe how the property is currently used. [help]

Mostly fallow agricultural land (about 70%). Also includes access road to Cedar Grove Composting, a parking area for access to a trail along the sloughs, a ready-mix batch plant and associated storage, and a dirt storage area.

5n. Describe how the adjacent properties are currently used. [help]

North: Steamboat and Union Sloughs

South: Woodwaste and topsoil operations

West: Former Weyerhaeuser water treatment and log storage

East: BNSF RR Mainline; mixed industrial uses and highway

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

A ready-mix concrete batch plant consisting of silos and above ground mixing apparatus, water treatment and collection equipment, and an office/scale house. All in nearly new and excellent condition.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

Southbound on SR 529 south of the Snohomish River Bridge take Ross Avenue exit. Turn right onto 35th Avenue NE, right on Ross Avenue, right onto 34th Avenue and proceed to the end of the road. Turn left onto the access road.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

The Project consists of the construction of two connecting rail lines of approximately 400 feet each to reach the nearby mainline of BNSF (north of Delta Jct.), along with the construction of approximately 8,400 feet of loop track (two full loops) and ancillary storage tracks and loading areas, office and maintenance building, a paved equipment storage area, stormwater collection and treatment facilities, construction of an undercrossing of the BNSF mainline to provide grade separated access for the Terminal and other properties on Smith Island, a new access road outside of the track to access Cedar Grove Composting and its Public Access trail, relocated utility poles, wetland mitigation including some reconfiguration and minor changes to the trail to accommodate bridging for dike breaches and tidal connection,and buffer enhancement in the City of Everett, Washington.

6b. Describe the purpose of the project and why you want or need to perform it. [help]

The overall Project purpose is to provide a facility to allow affordable and reliable shipment of finished compost (in bulk), receive logs from the Rocky Mountain region for handling through the Port of Everett, and other commodities for businesses in the Everett and Snohomish County area.

Finished Compost: Two market areas in particular have the potential to create a stable sales flow for compost generated at the Cedar Grove Compost Everett facility. Prior to the spike in diesel prices in the early 2000's (that has essentially become the new market reality) there was high demand for compost in wineries and other agricultural activities east of the Cascades. Bulk rail transport (2,500-5,000 tons per shipment) is the best method to gain access to those distant markets. Another market that exists that has had the same economic barrier is compost used as to stimulate growth of desired plants and provide other benefits in mine reclamation and/or environmental remediation projects in the Rocky Mountain region. Again, while it is not economically feasible to truck compost to these areas, it is feasible to ship bulk loads to these areas by rail. Shipment of 100,000 tons per year of compost is the projected volume for this need.

Logs: Under today's timber economy logs could move from the Rocky Mountain Region to Everett and that material could be strategically forwarded to various markets. The difference in price for raw logs at mills in some regions is dramatically lower than export prices providing an opportunity for timber (primarily harvested from private forest lands). Regular shipment of logs between regions would also increase the opportunities for local

mills to access more timber for their needs. The log handling facility on Smith Island in Everett has projected that it could transport the equivalent of 400,000 tons of logs per for processing through its facility.

Port of Everett: The Port anticipates growth supporting the energy industries in Alberta, Canada, The Bakken and Alaska, cement imports as well as increases in machinery and auto imports and exports. Despite investment in on-dock rail capacity the Port expects demand to exceed it in the next couple years. The Port would use SIT to provide needed rail shipping, especially for autos and construction materials (i.e. pipe, steel, etc). Based on auto capacity of ships calling Everett of average of 650 this consumes 6.5 acres per ship and requires 4,000 feet of rail capacity.

Other shippers in Snohomish County area: There is demand for other freight rail transportation services in the Everett-Snohomish County area so the project will also be available for third party use to meet the incoming and outgoing rail service demands of local and regional businesses and shippers with the facility operating as a common carrier to serve shippers who may wish to transport freight over its lines. The Washington State Rail Plan found that private investment in improvements to the rail infrastructure is a critical need that will benefit the economy and improve the environment by reducing reliance on trucking (which has greater air emissions than rail). BNSF has indicated there is a demand for rail trans-loading services in this area that can be addressed through the project.

The grade separation component is needed to provide a safer access for existing businesses on Smith Island as well as for the Terminal. Rail traffic on the BNSF mainline results in numerous long blockages of the at-grade crossing resulting in serious business impacts and forcing vehicle idling. The present ramps to and from SR 529 in the vicinity are substandard but the present access points to properties west of the BNSF limit the practicable alternatives for addressing those issues-the grade separation opens up opportunities for straight-forward changes. The location of the grade-separation allows for the properties on southwest Smith Island to potentially connect and use this crossing which would increase the benefits of its location.

6c. Indicate the project category. (Check all that apply) [help]

☐ Commercial ☐ Residential ☐ Institutional x Transportation x Recreational
☐ Maintenance x Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☐ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☒ Road
☐ Boat House	☒ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
Boat Launch	☐ Ditch	☒ Land Clearing	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☒ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☒ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☐ Channel Modification	☐ Fishway	☐ Raft	

☒ Other: Railroad

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Once the necessary permits and authorizations are in hand, sequencing of the mitigation activities for this phase will occur as follows:

- Preparation of Stormwater Pollution Prevention Plan
- Mobilization to the mitigation sites.
- Deployment of silt fencing and other erosion and sedimentation control BMPs.

Initial construction will entail excavation to construct mitigation area 3. The soil removed from that area will be used in the construction of dike sections necessary for the construction of tidal marsh wetland Mitigation Area 4. Additional fill will be used as necessary to finish that dike area. Portions of the construction of Mitigation area 4 will occur concurrently with the dike construction. This work will entail shaping of the surface as necessary to achieve optimum grades for post-dike-breach functions and excavation of distributary channels within the area to be returned to tidal function. The ditch (D 1) that will be incorporated into Mitigation area 4 west of the new north-south pedestrian bridge will be re-shaped to widen the deeper channel and remove some existing vegetation to allow for better flows after re-connection to Union Slough. Once the dikes are in place and the internal areas of Mitigation Area removal of the levee impeding tide cycling from the created inter-tidal cell at Mitigation Area 4 will occur. Clean up and demobilization from the mitigation sites will follow the levee removal. Maturation is expected to occur naturally in the inter-tidal mitigation areas after low-flow channels and ultimate elevations are established.

Work for this element will be conducted using excavators, trucks, wheel loaders, roller compactor, dozers, possibly graders, a water truck or other equipment for dust control and street sweeper to prevent track-out to public streets.

After the initial phase of construction associated with Mitigation Area 4, or concurrent with it, construction of Mitigation area 2 will occur. This work will entail construction of the edge of fill for the rail yard along its southwest curve from the edge of the Cedar Grove facility at the edge of development towards and to the fill stockpile at the southwest corner of the Concrete NorWest/Sumner Capital property. Work to construct Mitigation area 2 will entail select removal of soil to widen and shape areas to be converted to tidal wetland, installation of a self-regulating tide-gate and planting as needed. Clean up and demobilization from the mitigation sites will follow the levee removal. Maturation is expected to occur naturally in the inter-tidal mitigation areas after low-flow channels and ultimate elevations are established.

Work for this element will be conducted using excavators, trucks, wheel loaders, roller compactor, dozers, possibly graders, a water truck or other equipment for dust control and street sweeper to prevent track-out to public streets.

Concurrent with construction of the mitigation areas as described above, fill and surcharge of the development area for the rail terminal, relocated access road, a new parking area for the public access trail, a new link for the trail from the parking north to the existing trail (on the landward side of the tree berms adjacent to Mitigation Area 4), and a kayak launch point at Mitigation Area 4 will commence. Fill in areas between the BNSF mainline and Concrete NorWest/Sumner Capital parcels will be placed first to prepare it for use during the construction of the railroad bridge/undercrossing. Temporary access roads and dumping areas will be constructed into the Terminal footprint for delivery of fill. Fill will be placed in lifts by spreading and roller compacting.

The railroad bridge/undercrossing on the mainline will be constructed by BNSF. Construction of the grade separation to access the relocated road will entail removal of about 30-40 feet of the mainline track and embankment, installation of a ballast cast-bridge in the mainline to bridge that space, construction of a road ramping down and under the new railroad bridge connecting the Frontage Road with the new access road and closing of the existing railroad crossing at 36th Place NE. A pump system to remove stormwater and any groundwater seepage into the road areas associated with the access will be installed with the collected water pumped to the Terminal's stormwater collection and treatment system.

After fill elevations and targeted soil compaction have been achieved a mainline switch will be constructed by BNSF for the southern access and SIT will construct the track loops (possibly in 2 phases). The track bed will be laid (rock ballast, ties and rail) the terminal yard will covered with clean crushed aggregate the office and maintenance area, equipment storage paved pad and permanent stormwater treatment for the disturbed areas (settlement pond and treatment system) will be constructed. The new access road for Cedar Grove and the access road into the Terminal and Concrete NorWest will be paved. Existing utilities serving Cedar Grove (water and electricity) may be relocated as part of the project through the Terminal property.

Fill and construction of Terminal area will be conducted using excavators, trucks, roller compactor, dozers, possibly graders, a water truck or other equipment for dust control and street sweeper to prevent track-out to public streets. Track work will include specialized equipment to install rails, track and ballast.

-

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start date: April 15, 2015 End date: July 1, 2017 ☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

$7,000,000 (including BNSF under crossing-estimated to be $4,000,000)

6h. Will any portion of the project receive federal funding? [help]

- **If yes**, list each agency providing funds.

x Yes ☐ No ☐ Don't know

.

Federal Railroad Administration (future applications)

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☐ Not applicable

The SIT project was developed to avoid, reduce, and minimize impacts associated wherever feasible; however, impact to wetlands and ditches are unavoidable due to the project requirements, site constraints and mandatory design criteria for railroads. Throughout the continuing design and permitting process, SIT will continue to practice impact avoidance and minimization to the extent practical as described below. The proposed project follows guidelines for mitigation sequencing (avoidance, minimization and compensation) outlined in joint guidance prepared by Ecology, USACE and EPA (Ecology et. al., 2006). These criteria are sequentially applied to a proposed project to guide its design with the goal of minimizing impacts on wetland critical areas. This section addresses avoidance and specific measures to minimize potential impacts that may occur within wetlands or wetland buffers as a result of the proposed project

7b. Will the project impact wetlands? [help]

☒ Yes ☐ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☒ Yes ☐ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☒ Yes ☐ No (Note: A delineation of BNSF ROW south of the project that will be temporarily impacted for a "shoofly" track to shunt mainline traffic around the construction of the under-crossing is awaiting BNSF approval. At this time it is assumed that all the area not presently covered with rock is wetland.)

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

X Yes ☐ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☒ Yes ☐ No ☐ Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

The current proposed mitigation plan (Figure 4) includes the creation of 1.4 acres of on-site, in-kind palustrine wetlands and the conversion and/or creation of 15.5 acres of on-site, out-of-kind intertidal salt marsh habitat, for a total of 16.9 acres of compensatory wetland mitigation. This mitigation plan draws on guidance for compensatory mitigation as outlined in the 2006 Washington State Department of Ecology (Ecology), USACE and US Environmental Protection Agency (EPA) joint report titled *Wetland Mitigation in Washington State*.

The project area is highlighted in the City of Everett's Shoreline Master Program (SMP) and the Salmon Overlay to the Snohomish Estuary Wetland Integration Plan (SEWIP) as an area of high potential for tidal mitigation. This mitigation plan was developed to address the limiting factors identified in the SEWIP and the Salmon Overlay and satisfies the requirements specified in those guidance documents. By focusing on the SMP and the SEWIP/Salmon Overlay guidance related to mitigation in general and tidal restoration in particular, this mitigation plan provides an opportunity to re-establish critical habitat for endangered salmonid species in the Snohomish River estuary.

The habitat mitigation elements presented in this plan are consistent with the City of Everett's SEWIP and the Snohomish River Basin Salmon Conservation Plan (SCP) (Snohomish Basin Salmon Recovery Forum, 2005). In particular, the project would satisfy the following goals listed in the SCP:

- Reconnect off-channel habitats – Restore tidal marsh, reconnect large blind tidal channels and distributary sloughs isolated behind dikes, and improve connectivity among sloughs and marsh habitats.
- Restore shoreline conditions – Set back dikes from the channel edge, reduce shoreline armoring, and restore channel edge marshes.
- Enhance instream structures – Increase large woody debris and improve edge habitat conditions in marshes and along the edges of mainstem and distributary slough channels.

Given the site's proximity to the tidally influenced waters of Union Slough, it is ideal for restoring estuarine wetland conditions to mitigate for permanent project impacts. This approach represents an out-of-kind mitigation

strategy that provides far greater environmental benefit to the Snohomish River estuary than more common in-kind mitigation. The degraded palustrine wetlands at the site currently provide a low level of water quality, hydrologic and habitat functions while significant amounts of high quality intertidal estuarine habitat have been lost to human development within the Snohomish River estuary over the past century. This mitigation approach seeks to restore the historic wetland and habitat conditions once found at the site.

Regulatory agencies consider this out-of-kind mitigation an appropriate compensatory strategy when impacts are isolated to low-quality, ubiquitous habitat. According to Ecology (2006):

> *Out-of-kind mitigation may also be acceptable if the functions or habitats lost are relatively abundant in the area and the compensation project will provide functions and habitats that are limited in the watershed. For instance, while estuarine wetlands provide critical habitat areas for fish and wildlife, much of the original estuarine wetlands in Washington have been lost. As a result, estuarine habitat and shoreline functions are very limited in some river basins, particularly in the Puget Sound area. Because restoration of these habitats is a priority to the agencies, it may be determined that the loss of reed canary grass pastureland in the lower watershed can be adequately offset through the removal of dikes to restore tidal flows and restore estuarine habitat.*

Specific characteristics and components of the mitigation site that provide a rationale for mitigation site selection are outlined below:

- Mitigation at this site is consistent with the restoration and enhancement goals outlined in the SEWIP completed by the City of Everett and other agencies in 1997 (City of Everett et al. 1997) Specifically, the SEWIP has a primary goal of restoring previously diked wetlands to tidal influence.
- Mitigation objectives are consistent with the overall management goals of the SEWIP Salmon Overlay such as achieving a net gain in salmonid habitat area and restoring tidal circulation and habitat structure by breaching dikes.
- The type and location of the mitigation site provides sustainable ecological benefits that are important to the functioning of the watershed.
- Mitigation at this site has a high likelihood for success due to consistent diurnal tidal hydrology and existing vegetative seed source.

This mitigation plan was developed to balance the need for watershed-scale estuarine restoration and future economic development within the Urban Growth Area of the City of Everett. The most significant benefit of the proposed mitigation will be to restore some of the historic ecological processes within the Snohomish River estuary since construction of the Smith Island dike. SIT's plans for creation of three intertidal salt marsh communities via dike breaching, excavation, and installation of a self-regulating tide gate is intended to restore an essential ecosystem habitat component for the rearing and refuge of salmonid species. Creation of freshwater palustrine wetlands adjacent to the created intertidal salt marsh is intended to bolster ecological functions and provide high quality habitats for resident and migratory animal species that utilize the Snohomish River estuary.

The approach to the tidal litigation areas follows advice provided to Cedar Grove by Tulalip Tribes Natural Resource staff in discussions over a prior proposal to follow a passive approach to recolonization of wetland plants that minimizes and avoids excavation. In June 2014 the area on both sides of the dike was surveyed to compare the elevation of the sedge colonies on the outward side with the elevations of ground inside the dike. The sedge elevations were from elevation 2.7-9' and the elevations inward of the dike are about 5'-in the middle of the optimum growth elevation in this area. Consequently, the approach will be to leave the reed canary grass to die back and allow for the sedges to naturally replace it after reintroduction of the brackish waters. This slower approach should dramatically lessen the potential for erosion.

The salmonid habitat restoration emphasizes the conversion of existing degraded upland and palustrine wetland habitats to higher quality estuarine conditions closer to the historic function of this area. The overall functional benefit of these salt marsh and freshwater wetlands will far outweigh those functions provided by the existing,

degraded palustrine wetlands.

Implementation of this mitigation plan will expand and enhance several high-quality habitat features including:

- High Structural diversity and interspersion of emergent, shrub and forested canopy layers for wildlife (e.g., amphibians, birds and mammals).
- Saltmarsh tidal channels with native vegetative cover that provide Essential Fish Habitat (EFH).
- Adequate buffers to protect water quality, slow floodwaters, and provide key components of habitat for aquatic and terrestrial species.
- Diversity and abundance of native plants and animals.
- Multiple hydroperiods including tidal, saturated, temporary and seasonal inundation and intermittent open water.

In summary, the goals of the mitigation plan are as follows:

- Reestablish high quality saltmarsh habitat specifically targeted for salmonids species.
- Improve hydrologic and water quality functions of the site.
- Improve overall wetland functions of existing wetlands.
- Restore tidal influence to portions of the site that were salt marsh habitat in the past, prior to conversion of the land for agricultural use.

Provide public access to the mitigation site and improve recreational opportunities associated with the Snohomish River Estuary.

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: See section 6.0 of the mitigation plan, starting on page 8.

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

A total of @ 677,919 cubic yards of clean fill from construction projects in the region will be placed at the project. This fill will be placed over an area of approximately 68 acres, of which approximately 15 acres is jurisdictional wetlands.

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Excavation is associated only with elements of the mitigation plan. See Section 6.0 of the accompanying mitigation plan for specific details of the mitigation plan. In general,, excavation will occur to remove portions of the existing dike system and to restore areas back to historic salt marsh conditions. Estimates of excavation volumes associated with dike removal and salt marsh restoration are 3,000 CY and 60,000 CY, respectively.

Material disposal will occur in one of 2 methods:

1. Re-use as pre-load for the SIT fill
2. Re-use in Cedar Grove composting operations

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

X Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

The SIT project was developed to avoid, reduce, and minimize impacts associated wherever feasible; however, impact to wetlands and ditches are unavoidable due to the project requirements, site constraints and mandatory design criteria for railroads. Throughout the continuing design and permitting process, SIT will continue to practice impact avoidance and minimization to the extent practical as described below. The proposed project follows guidelines for mitigation sequencing (avoidance, minimization and compensation) outlined in joint guidance prepared by Ecology, USACE and EPA (Ecology et. al., 2006). These criteria are sequentially applied to a proposed project to guide its design with the goal of minimizing impacts on wetland critical areas. This section addresses avoidance and specific measures to minimize potential impacts that may occur within wetlands or wetland buffers as a result of the proposed project.
The approach to the tidal litigation areas follows advice provided to Cedar Grove by Tulalip Tribes Natural Resource staff in discussions over a prior proposal to follow a passive approach to recolonization of wetland plants that minimizes and avoids excavation. In June 2014 the area on both sides of the dike was surveyed to compare the elevation of the sedge colonies on the outward side with the elevations of ground inside the dike. The sedge elevations were from elevation 2.7-9' and the elevations inward of the dike are about 5'-in the middle of the optimum growth elevation in this area. Consequently, the approach will be to leave the reed canary grass to die back and allow for the sedges to naturally replace it after reintroduction of the brackish waters. This slower approach should dramatically lessen the potential for erosion.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Not applicable

A plan has been developed to mitigate for impacts associated with fill of wetlands. Impacts to non-wetland water bodies have been avoided. See the accompanying mitigation plan for specific details on the conceptual design of mitigation plans.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

See 7g and the accompanying Mitigation Plan.

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Dike Removal	Union Slough	Adjacent	10 days	2500 CY	app 575 ft
Tidegate Removal	Union Slough	Adjacent	1 day		
Installation of Self Regulating Tidegate	Possession Sound	Adjacent	2 days		

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]
No fill in any waterbody is proposed.
8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]
Dredging will be accomplished with excavators and back-hoes.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
US Army Corps of Engineers	Ron Wilcox	(206) -316-3893	2-12-2014
Washington State Department of Fish and Wildlife		( )	
Washington State Department of Ecology	Paul Anderson, Rebekah Padgett	(425) 649.7148	2-13-2014

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/.

☒ Yes ☐ No

Possession Sound

1. Bacteria
2. Dioxin
3. Temperature

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

17110009, Snohomish

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.

WRIA 7

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.

X Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

☐ Rural X Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☐ Other _____

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.

X Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- **If No**, provide the name of the manual your project is designed to meet.

X Yes ☐ No

Name of manual: Western Washington 2012

9i. Does the project site have known contaminated sediment? [help]

- **If Yes**, please describe below.

☐ Yes X No

9j. If you know what the property was used for in the past, describe below. [help]

The area where work will occur had four prior uses. Initial activity on the property was a combination of transfer of logs from rail cars to water (and then floated to mills) and farming. Rail use was supplanted by truck haul of logs from local forests in the late first third of the 1900s. Surrounding waters continued to be used for log rafting until the late 1980s. Much of the area was farmed-both crops and livestock grazing. Mitigation Area 2 was used as a loading area for a log yard from about 1960-1980 and contains clean fill (rock and dirt). A portion of the area that includes Mitigation Area 4 and the northeast corner of the track and terminal was used as a ship-to-shore radio transmission facility from about 1930-60 concurrent with the farming.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes**, attach it to your JARPA package.

X Yes ☐ No

9I. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

The following table summarizes the species listed by NMFS and USFWS that may occur in the terrestrial environments of Snohomish County or the aquatic habitats of the Snohomish River and Puget Sound.

ESA-LISTED SPECIES AND CRITICAL HABITATS IDENTIFIED BY USFWS AND NMFS

Common Name	Species Name	Federal Status	Designated Critical Habitat
Marbled murrelet	*Brachyramphus marmoratus*	Threatened	Yes
Northern spotted owl	*Strix occidentalis caurina*	Threatened	Yes
Yellow-billed cuckoo	*Coccyzus americanus*	Proposed	No
Bocaccio	*Sebastes paucispinis*	Threatened	No
Canary rockfish	*Sebastes pinniger*	Threatened	No
Yellow-eye rockfish	*Sebastes ruberrimus*	Threatened	No
Pacific eulachon/smelt	*Thaleichthys pacificus*	Threatened	No
Puget Sound/coastal bull trout	*Salvelinus confluentis*	Threatened	Yes
Puget Sound Chinook salmon	*Oncorhynchus tshawytscha*	Threatened	Yes
Puget Sound steelhead trout	*Oncorhynchus mykiss*	Threatened	Proposed
Southern Resident killer whale	*Orcinus orca*	Endangered	Yes
Humpback whale	*Megaptera novaeangliae*	Endangered	No
Oregon spotted frog	*Rana pretiosa*	Proposed	No
Fisher	*Martes pennant*	Candidate	No
Canada lynx	*Lynx canadensis*	Threatened	Yes
Gray wolf	*Canis lupus*	Endangered	No
Grizzly bear	*Ursus arctos*	Threatened	No

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

The Washington State Department of Fish and Wildlife ([WDFW], 2014a) identifies a number of anadromous salmonids that utilize Union and Steamboat Sloughs, and the greater Snohomish River estuary. WDFW (2014a) does not indicate that fish are present in the slough along the southern border of the site, which is consistent with our observations. There are no reported spawning grounds for surf smelt, sand lance or Pacific herring in the vicinity of Smith Island (WDFW, 2014b). In addition to salmonids, a variety of estuarine species (groundfish) likely reside in Union and Steamboat Sloughs at varying times depending on life stage.

Coyote and other small mammals (raccoon, opossum, rats, feral cat) are known to forage on the site.

The other important fish and wildlife features identified by WDFW (2014b) located in the proximity of Smith Island include:

- Wetland habitats are mapped within and adjacent to the project site.
- Riverine tidal habitat is mapped within in Union Slough.
- Estuarine habitat is mapped along Union South, northeast of the project site.
- A number of osprey (*Pandeon haliaetus*) nests which are common on pilings at the mouth of Steamboat Slough.
- Waterfowl concentrations in Union Slough are depicted north of Smith Island,
- Dungeness Crab (*Metacarcinus magister*) about ½ mile to the west.
- Purple Martin (*Progne subis*) about 1 mile to the south.
- Bald eagle (*Haliaeetus leucocephalus*) nests approximately 1 mile to the south.
- Peregrine falcon (*Falco peregrinus*) nest approximately 1 mile to the south.

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.ecy.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@ora.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

x A SEPA determination is pending with City of Everett (lead agency). The expected decision date is February 16, 2015.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

☐ Other: _____

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

x Substantial Development ☐ Conditional Use ☐ Variance

Shoreline Exemption

Other City/County permits:

☒ Floodplain Development Permit X Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☒ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

Effective July 10, 2012, you must submit a check for $150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

☐ $150 check enclosed. Check # (will be forwarded separately)
Attach check made payable to Washington Department of Fish and Wildlife.

☐ Charge to billing account under agreement with WDFW. Agreement #_____

☐ My project is exempt from the application fee. (Check appropriate exemption)
- ☐ HPA processing is conducted by applicant-funded WDFW staff. Agreement #_____
- ☐ Mineral prospecting and mining.
- ☐ Project occurs on farm and agricultural land. (Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- ☐ Project is a modification of an existing HPA originally applied for, prior to July 10, 2012. HPA #_____

Washington Department of Natural Resources:

☐ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources. **Do not send cash.**

Washington Department of Ecology:

☒ Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

☒ Section 404 (discharges into waters of the U.S.) x Section 10 (work in navigable waters)

United States Coast Guard permits:

☐ Private Aids to Navigation (for non-bridge projects)

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. JB (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. JB (initial)

Smith Island Terminal, LLC	JRFK	11/06/2014
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [help]
Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Cedar Grove Composting, INC	JRFK	11/06/2014
Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.
ORIA publication number: ENV-019-09 rev. 08/2013

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) [help]

US Army Corps of Engineers
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

TO BE COMPLETED BY APPLICANT [help]

Project Name: Smith Island Terminal

Attachment A:
For additional property owner(s) [help]

Use this attachment only if you have more than one property owner. Complete one attachment for each additional property owner impacted by the project.

Signatures of property owners are not needed for repair or maintenance activities on existing rights-of-way or easements.

Use black or blue ink to enter answers in white spaces below.

1. Name (Last, First, Middle) and Organization (if applicable)			
Miles Sand & Gravel Company			
2. Mailing Address (Street or PO Box)			
PO Box 280,			
3. City, State, Zip			
Mount Vernon, Wa 98273			
4. Phone (1)	**5.** Phone (2)	**6.** Fax	**7.** E-mail
(360)757-3121	( )	( )	bradb@concretenorwest.com
Address or tax parcel number of property you own:			
29050500400200			
Signature of Property Owner			

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

BRAD BARTON VP/GM

Printed Name

Signature

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-020-09 rev. 08/2013

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) [help]

US Army Corps of Engineers ®
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

_____

_____

Attachment A:
For additional property owner(s) [help]

TO BE COMPLETED BY APPLICANT [help]

Project Name: Smith Island Terminal

Use this attachment only if you have more than one property owner. Complete one attachment for each additional property owner impacted by the project.

Signatures of property owners are not needed for repair or maintenance activities on existing rights-of-way or easements.

Use black or blue ink to enter answers in white spaces below.

1. Name (Last, First, Middle) and Organization (if applicable)			
Sumner CapitaL LLC			
2. Mailing Address (Street or PO Box)			
1408 140TH PL NE,			
3. City, State, Zip			
Bellevue, WA 98007			
4. Phone (1)	**5.** Phone (2)	**6.** Fax	**7.** E-mail
(425) 453.8380	( )	( )	bferullo@northwestconstruction.com
Address or tax parcel number of property you own:			
29050500400200			
Signature of Property Owner			

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Brett Ferullo

Printed Name

Signature

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-020-09 rev. 08/2013