

## TECHNICAL MEMORANDUM

Prepared for: Michael Fitzpatrick  
City of SeaTac  
4800 South 188<sup>th</sup> Street  
SeaTac, WA 98188

April 4, 2025

Prepared by: Farallon Consulting L.L.C. dba Grette Associates  
2709 Jahn Ave NW, Suite H5  
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File No.: 3337-006

Re: Angle Lake Park Waterfront Improvements Project– Letter Request for USACE No  
Effects Determination (ESA, MSA EFH)

Farallon Consulting LLC dba Grette Associates (Grette) is under contract with Mott MacDonald to provide assistance with the City of SeaTac (City)'s Angle Lake Park Waterfront Improvements Project (Project). The proposed Project is located at 19408 International Boulevard within the City of SeaTac (Project Site; Parcel 0422049002).

This Project will add approximately 275 cubic yards of clean sand fill material to Angle Lake and therefore requires a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Please refer to the Joint Aquatic Resources Permit Application (JARPA) included in this submittal package for a full project description.

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

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

## Action Area

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

The Action Area for the Project was defined by considering the potential spatial extent of mechanisms that may lead to impacts on listed species. In this case, the geographic extent of the Action Area is primarily based on the predicted maximum extent of a potential temporary increase in turbidity resulting from fill placement for the boat ramp and beach replenishment. Fill will be clean, so turbidity is anticipated to be contained well within the 150-foot mixing zone required by State water quality standards.

Washington Department of Natural Resources (DNR) Forest Practices Application Mapping Tool (FPAMT) shows a piped stream connecting Angle Lake to Des Moines Creek (a mapped salmonid stream) along 30<sup>th</sup> Avenue S. Field recognizance could not verify the stream. The path of the piped stream follows City streets consistent with the path of a ditch or stormwater feature; however, field recognizance also did not reveal any such features in the location of the mapped stream. Further, the topography from the lake to the creek includes an uphill slope from the location of the mapped stream exit, then a downhill slope into Des Moines Creek.

Because the estimated timeline to complete a Jurisdictional Determination (JD) to confirm that Angle Lake is a jurisdictional water for USACE is approximately equal to the permit review period, the City is foregoing a JD and applying for a Section 404 USACE permit as though Angle Lake is a jurisdictional water. However, connectivity has not been confirmed by the City or other agencies.

## Species and Habitats Evaluated

Table 1 summarizes listed species and critical habitat administered by the Services that are evaluated in this letter. For species administered by the USFWS, this list is based on a species list from the USFWS Information for Planning and Consultation (IPaC) system specific to this Project (Project Code: 2025-0073194). Species identified on the USFWS’ species list are bull trout (*Salvelinus confluentus*), marbled murrelet (*Brachyramphus marmoratus*), and yellow-billed cuckoo (*Coccyzus americanus*). Bull trout are not addressed further herein because there is no known presence in Angle Lake (WDFW 2025a).

Per Salmonscape, listed Puget Sound salmonid species<sup>1</sup> that are administered by NMFS have no known presence in Angle Lake. Further, any potential increase in turbidity in the Action Area would not reach Des Moines Creek because it would require the turbid water to flow uphill through the piped stream from Angle Lake, then flow through the City, then downhill into Des Moines Creek. The Project Area is approximately 945 feet from the mapped location of the piped stream outlet. Thus, the Project will have no effect on Puget Sound salmonids and they are not addressed further in this letter (2025a).

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<sup>1</sup> Chinook salmon (*Oncorhynchus tshawytscha*) and Steelhead trout (*O. mykiss*).

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

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

## Potential Presence in the Action Area

### *Marbled Murrelet*

WDFW’s Priority Habitats and Species (PHS) database does not map distribution or nesting habitat within the Action Area (WDFW 2025b). Marbled murrelets typically utilize mountain and/or forest habitat which contain old growth forest. The Project is located next to an airport in a highly urban area with no old growth forest or confirmed connectivity to streams. Additionally, marbled murrelets primarily feed on small schooling fish (Burkett 1995), which are not found in Angle Lake (WDFW 2025c). Based on the lack of suitable habitat and prey availability in or near the Action Area, it is determined that individuals of this species **are not present** in the Action Area at any time.

### *Yellow-billed Cuckoo*

Western yellow-billed cuckoo generally breed in riparian habitats along rivers and streams containing dense willows and cottonwoods (USFWS 2014). The western yellow-billed cuckoo requires large tracts of willow/cottonwood forest typically greater than 50 acres in size. Given that the Action Area is an urban public park approximately 0.76 miles away from the SeaTac airport runway, it is determined that individuals of this species **are not present** in the action area at any time.

### *Critical Habitat*

Neither designated nor proposed critical habitat is present anywhere in the Action Area for any of the species listed in Table 1.

## Effects Analysis

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

## Essential Fish Habitat

ESA consultation typically is done in parallel with Essential Fish Habitat (EFH) evaluation as required by the Magnuson-Stevens Fishery and Conservation Act (MSFCA) and the 1996 Sustainable Fisheries Act (SFA). EFH is defined by the MSA as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” Angle Lake is regularly stocked with trout and bass for recreational fishing; however, these fish are strictly freshwater species, so are not MSFCA-listed species. Further, they do not utilize the lake for the life history stages identified under MSFCA. Therefore, the Project will have no effect on EFH for listed species.

## Conclusion

Based on the analysis provided in this letter, we request that the USACE make a determination of **no effect** for this Project for all ESA-listed species and critical habitats, as well as EFH.

Sincerely,

A handwritten signature in black ink, appearing to read "Sasha Ertl". The signature is fluid and cursive, with the first name "Sasha" and last name "Ertl" clearly distinguishable.

Sasha Ertl  
Project Biologist

## References

- Burkett, E.E. 1995. Marbled murrelet food habits and prey ecology. *In*: Ralph, C.J., Hunt, G.L. Jr., Raphael, M.G., Piatt, J.F., Technical Editors. 1995. Ecology and conservation of the Marbled Murrelet. Gen. Tech. Rep. PSW-GTR-152. Albany, CA: Pacific Southwest Research Station, Forest Service, US Department of Agriculture, pp. 223-246 152.
- U.S. Fish and Wildlife Service (USFWS). 2014. Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-Billed Cuckoo; Proposed Rule. Federal Register 79:158 (August 15, 2014).
- Washington Department of Fish and Wildlife (WDFW). 2025a. SalmonScape [map online]. All SalmonScape Species. Queried March 24, 2025. URL: <http://wdfw.wa.gov/mapping/phs/>.
- Washington Department of Fish and Wildlife (WDFW). 2025b. PHS on the Web [map online]. Priority Habitats and Species Queried March 24, 2025. URL: <http://wdfw.wa.gov/mapping/phs/>.
- Washington Department of Fish and Wildlife (WDFW). 2025c. Forage Fish Spawning Map – Washington State Queried March 24, 2025. URL: <https://www.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3>