



STATE OF WASHINGTON  
**DEPARTMENT OF FISH AND WILDLIFE**  
 19112 Pioneer Way E □ Orting, Washington 98360 □ (360) 893-1721 FAX (360) 893-3446

April 14, 2003

Washington Department of Transportation  
 ATTN: Jeff Sawyer  
 P.O. Box 47440  
 Olympia, WA 98504-7440

**RE: FHWA-WA-EIS-2002-02-D, SR167, Puyallup to SR509 DEIS/Tier II**

Dear Mr. Sawyer:

The Washington State Department of Fish and Wildlife (WDFW) has reviewed the above-mentioned document and provides the following comments at this time. Additional comments may follow as the project develops in the future.

The comments that will be provided herein will be focused on two main points: project impacts and mitigation. The project proposes to relocate approximately 10,000 lineal feet of stream reach in the Hylebos watershed. Although there is a limited discussion of mitigation proposals for the Hylebos creek portion of the relocation, there is a reluctance to commit to mitigation in the Surprise lake outlet portion of the Hylebos watershed.

Any relocation of stream channel within the Hylebos watershed will have many long-term impacts that are not fully understood. This type of activity should be approached with clear goals and objectives that include intensive riparian restoration plans that will ultimately enhance the overall function and productivity of the Hylebos watershed. These goals and objectives are currently not included in the DEIS.

As indicated in the WDFW Wild Salmonid Policy, functional riparian buffers for small streams should be a minimum of 45 m (150ft). This is a consideration that appears to be absent from the mitigation portion of the stream relocation discussion. This is an important issue that needs to be resolved prior to any consideration of issuance of an FEIS.

**RESPONSE S01-001**

The goal for the Riparian Restoration Proposal (RRP) is to provide stormwater flow control and compensatory mitigation for stream channel impacts. The draft goals and objectives developed by the RRP Technical Advisory Group (TAG) are included in the Commitments List, included as Appendix F of the FEIS. Refinement of the goals and objectives will be coordinated with your agency through the RRP Technical Advisory Group.

S01-001

S01-002

In addition to the relocation of the aforementioned stream reaches, there are impacts both directly and indirectly related to Wapato creek and Simons creek (in the vicinity of the Valley Interchange of the project). Both of these stream support salmonids and certainly will require similar riparian enhancement and instream restoration treatments to that of the Hylebos watershed in areas that are adjacent to the project.

Overall, the stream impact mitigation needs to be further developed with the United States Fish and Wildlife Service, National Oceanic Atmospheric Administration (NOAA) Fisheries, Puyallup Tribe and the Washington State Department of Fish and Wildlife to ensure the development of a well-informed mitigation package.

Thank you for the opportunity to provide this information. If you have any questions, please contact me at (360) 893-1721

Sincerely,

Travis W. Nelson  
 WDFW Area Habitat Biologist

TN:tn

Cc: WDFW SEPA Coordinator

**RESPONSE S01-002**

The preliminary design plans include riparian restoration areas that are generally 400 feet wide (200 feet on either side of the stream). There are a few segments that are constrained to a width of approximately 150 feet. Overall, the minimum requirement of 150 feet will be exceeded as a project average.

**RESPONSE S01-003**

Steps taken to avoid and then minimize impacts to wetlands, streams, and floodplains have been clarified in sections 3.2 and 3.3 of the FEIS. A Conceptual Mitigation Plan has been reviewed by your agency as a participating SAC member. A final mitigation plan addressing wetland, stream, and floodplain mitigation measures will be developed prior to construction. Also, in collaboration with stakeholders such as your agency, the Riparian Restoration Proposal (RRP) has been further described in sections 3.2, 3.3, 3.4, and 3.17 of the FEIS. Future design of the RRP will be coordinated with your agency through the RRP Technical Advisory Group.

S01-003



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 • (206) 407-6000 • TDD Only (Hearing Impaired) (206) 407-6006

April 28, 2003

Mr. Neal Campbell, Project Manager  
6639 Capitol Blvd. Suite 302  
Tumwater, WA 98504-78446

Dear Mr. Campbell:

The Department of Ecology submits the following comments on the Draft Environmental Impact Statement/Tier II on State Route 167 – Puyallup to State Route 509:

**WATER QUALITY AND STORMWATER**

**1. Flow Control**

Ecology cannot accept WSDOT's proposal to restore riparian vegetation in lieu of flow control facilities, and the rationale given for the proposal is insufficient. The justification indicates that vegetation restoration provides equivalent benefits to controlling the high flow runoff flow rates. However, local scientists' recommendations for protecting and restoring streams include protecting and improving riparian vegetation AND managing the hydrologic regime. While restoring some riparian vegetation could have multiple habitat benefits, it does not address the project impact of increased high stream flow rates that cause accelerated stream channel erosion. In addition, local experience suggests that stabilizing the banks of urban streams with riparian vegetation will likely prove short-lived if the changes in the flow regime are not addressed first.

The DEIS references a WDNR 1997 document as evidence of a competing school of thought regarding the cause of stream channel erosion. However, the DEIS bibliography does not provide a detailed reference for that document. Please provide a complete citation for the referenced document.

The proposal to restore riparian vegetation in lieu of flow control facilities might work within the context of a basin plan that establishes hydrologic and habitat goals for the basin. If those goals are achieved without the need for flow control facilities at the project site, then the proposal could help meet other basin plan goals. Without that basin plan context, it should be assumed that flow control facilities (detention or retention ponds) are necessary to avoid increased high flow impacts.

**RESPONSE S02-001**

The Riparian Restoration Proposal (RRP) has been revised since the Draft EIS was distributed. In collaboration with stakeholders such as your agency, the RRP has been further described in sections 3.2, 3.3, 3.4, and 3.17 of the FEIS. Future design of the RRP will be coordinated with your agency through the RRP Technical Advisory Group, which you are a member of. In addition, as part of the Signatory Agency Committee Concurrence Point 3, Ecology gave its general approval to an alternative flow control strategy that converts existing developed land to a restored native vegetation land cover condition (the RRP). Final approval will be based on a demonstration that the theoretical high flow reduction benefits of that land cover (and soil) restoration fully offset the high flow impacts of the additional impervious surface and associated land cover conversions (see Ecology correspondence from August 11, 2004).

S02-001

The DEIS also mentions that the construction of detention facilities could worsen the flooding situation by displacing more water than they control. This claim should be supported with calculations as it seems that such facilities would occupy a very small portion of a floodplain. However, it generally should be noted that the project should not result in a significant loss of flood storage. Mitigation will probably be required by Pierce County to offset loss of flood storage.

Locating detention facilities in the floodplain could reduce their effectiveness. The extent of reduced effectiveness would depend upon the size of the flood event through which they would be functional. For instance, if they are functional through a 25-year flood elevation, they would still provide most of the flow control benefits that they were intended for. If they were not functional at a 2-year flood elevation, their effectiveness would be much compromised. In that situation, it would be appropriate to look at detention facilities for equivalent areas in other locations within the watershed. The DEIS should explore this option before concluding that riparian restoration is the preferred option.

It is preferable and more cost-efficient to perform any such off-site, in-kind flow control mitigation at other WSDOT discharge locations because WSDOT should assume that flow control facilities are a need at all of its discharges to streams. If WSDOT provides flow control for an equivalent area that it is not already responsible for, it does not make any progress in reducing its financial obligations for flow control facilities at its discharge sites.

## 2. Treatment Options

The treatment proposals include use of "deep infiltration" (p.3-37) and "composted road shoulders" (3-38) to achieve treatment and flow control requirements. These techniques are not part of the approved Highway Runoff Manual, are not described in sufficient detail, and, to Ecology's knowledge, have not been tested and proven to be acceptable alternatives. Therefore, it is speculative and inadvisable to assume that they will provide acceptable treatment and thus be approved for use.

## 3. Treatment

The DEIS figures 2-38 and 2-39 can be read to imply that ditches are an acceptable treatment option. No such treatment option exists in the HRM or the Ecology manual. If "ditches" will be used for treatment, comment #2 above applies. The statement could be indicating that "ditches" will be used for transmission of the stormwater. This should be clarified.

## 4. Construction Stormwater Permit and Pollution Prevention Plan

On page 3-45 there is a discussion of the NPDES General Construction Permit and the requirements under the permit. WSDOT states that the permit requires the development of a Stormwater Site Plan (SSP) which includes the development of Temporary Erosion

S02-002

### RESPONSE S02-002

Since the DEIS was distributed, FHWA and WSDOT have conducted additional analyses including hydrologic modeling of the Hylebos sub-basin (MGS et al. 2004). Water resources and wetlands impacts were analyzed per sub-basin, and sections 3.2 and 3.3 of the FEIS were updated to include this information. The Conceptual Mitigation Plan describes compensatory mitigation measures, and includes preliminary monitoring information.

S02-003

### RESPONSE S02-003

WSDOT and FHWA are currently studying these new techniques to achieve treatment and flow control of stormwater. Language is added to the FEIS that indicates that these technologies are not yet approved.

S02-004

### RESPONSE S02-004

The ditches shown on DEIS figures 2.5-19 (page 2-38) and 2.5-20 (page 2-39) are existing surface water sources, and it was not the intent to imply they are part of the stormwater treatment system for this project. These figures are clarified.

S02-005

### RESPONSE S02-005

The project will follow construction stormwater permit requirements applicable at the time the permits are issued.

and Sediment Control Plan. The information from the referenced documents may contain important information but they do not appear to contain all of the information required in the Stormwater Pollution Prevention Plan (SWPPP) which must be developed as a permit requirement.

The SWPPP that is required as part of the Construction Stormwater Permit consists of 12 parts. These include the following: mark clearing limits, establish construction access, control flow rates, install sediment controls, stabilize soils, protect slopes, protect storm drain inlets, stabilize channels and outlets, control pollutants, control de-watering, maintain BMPs, and manage the project.

In July of 2003 the new construction stormwater permits will become effective. This project will have to follow the requirements of this new permit.

## WETLANDS

### **1. Riparian Restoration**

Ecology approves of the concept of improving the structure of lower Hylebos Creek and the Surprise Lake Drainage by allowing these channels to meander through existing wetland/floodplain and planting woody vegetation along the banks of these new channels. This has the potential to significantly improve habitat for salmonids and other aquatic life within these reaches.

Ecology will need to see detailed plans for Hylebos Creek and Surprise Lake discharge ditch relocation. Any such plans should include detailed sediment plans to mitigate the potential of sedimentation from the new waterways. For example, using washed gravel to line stream bed channels would reduce sedimentation. Ecology will address stream relocation in the 401 Water Quality Certification and is very interested in the plans for this activity.

The assumption that impacts from added impervious surfaces have not occurred along the Lower Hylebos Creek and Surprise Lake Drain because impervious area did not remove the riparian buffer or Large Woody Debris (LWD) from these streams is questionable. It is likely that these systems have been affected by hydraulic changes due to increases in impervious surfaces higher in the watersheds.

### **2. Contaminated Soils**

WSDOT needs to be aware of a soil and groundwater contamination issue that can dramatically impair the success and ecological merit of the riparian restoration proposal. Recent studies by Hydrometrics, Inc., Ecology's Environmental Assessment Program, and a University of Washington student have found elevated levels of arsenic to occur within the soils, surface water, and shallow groundwater within the lower Hylebos Creek floodplain wetland, immediately North of the B&L Landfill. They further found that the

S02-005

S02-006

S02-007

S02-008

### **RESPONSE S02-006**

Stream fill impacts and the proposal to relocate Hylebos Creek and Surprise Lake Drain are described in the Conceptual Mitigation Plan and section 3.2 of the FEIS. A final stream fill and wetland mitigation plan will be developed for this project.

### **RESPONSE S02-007**

It was not WSDOT's intent to imply that these systems have not been impacted hydraulically by existing impervious surface. This text was reviewed and clarified.

presence of these contaminants appears to be limiting the viability of amphibian breeding success in this area.

Therefore, Ecology is concerned with the statement on page 3-32 of the DEIS that, "diversion of the streams would result in an initial loading of suspended material resulting in increased turbidity, and sedimentation with Lower Hylebos Creek." Suspension of arsenic-laden soils is unacceptable and prohibited.

Restoration of this riparian zone is clearly needed, but must be performed in a manner that allows no release of toxic metals that are bound up in the soils. This restoration work also should be done in cooperation with ASARCO and Ecology to achieve a design that will prevent the continued release of contaminants into this area from the landfill. Any continued release of contaminants will compromise the value of this riparian corridor and of the juvenile salmonid over-wintering habitat. Without proper project design, the proposed re-routing of Hylebos Creek and the Surprise Lake Drain may actually open a pathway for arsenic to reach aquatic fauna within these waterways.

More information regarding contamination of this wetland can be found in the Department of Ecology publication #02-03-053 (Jack, R. 2002. *Mobilization and Impacts of Arsenic Species and Selected Metals on a Wetland Adjacent to the B&L Landfill, Milton*. Washington Department of Ecology), available at: <http://www.ecy.wa.gov/biblio/0203053.html> and in the UW student paper, *Schlemmer, R.M. 2002. Amphibian Breeding Success in an Arsenic Contaminated Wetland*, which is available in the Department of Ecology's B&L Woodwaste Landfill files (files of public record).

Without careful consideration and planning regarding contaminated soils and water in the lower Hylebos Creek wetland, the arguments for riparian restoration are compromised. And yet, the fact that this wetland is contaminated underscores the need for careful, thoughtful riparian restoration and contaminant remediation in this area.

### 3. Compensatory Wetland Mitigation

This is an important issue that needs to be addressed, especially since it appears that the mitigation proposed may not be enough. If additional mitigation is needed beyond what is available at the UP parcel, perhaps riparian restoration and remediation of contaminated soils could comprise a portion of the wetland mitigation requirement.

It is not clear from the DEIS whether the proposed mitigation will be sufficient compensation for the functions lost through the filling of up to 30.2 acres of existing wetland. The compensatory wetland mitigation plan needs to clearly state the extent of wetland areas that currently exist within the Union Pacific Parcel mitigation site. The National Wetland inventory is not expected to accurately depict the extent of wetlands on this parcel, since this parcel is largely agricultural. This does not mean that areas not mapped on the NWI are not wetlands.

### RESPONSE S02-008

S02-008

WSDOT has conducted a study of the soil and groundwater contamination associated with the B&L Woodwaste Landfill (Review and Assessment Support, SR 167 Hylebos Creek Realignment, Tetrattech 2004). WSDOT also studied engineering solutions to prevent groundwater contamination of the relocated Hylebos Creek (Engineering Solutions and Cost Estimate, SR 167 Hylebos Creek Realignment, Tetrattech 2004). The FEIS is revised to discuss the results of these studies.

### RESPONSE S02-009

S02-009

Extensive riparian restoration is proposed, however, it is as a stormwater flow control best management practice. WSDOT is confident that in-kind mitigation opportunities exist in WRIA 10. A functional assessment of existing wetlands and mitigation are described in the SR 167 Conceptual Mitigation Plan, WSDOT February 2005. WSDOT did not have permission from UPRR to delineate the preferred mitigation site as identified in the SR 167 Conceptual Mitigation Plan. Any site or combination of site proposed in the Final Mitigation Plan will include wetland delineations.

Mr. Neal Campbell  
April 28, 2003  
Page 5

Table 3.3-4 (page 3-76), showing the wetland mitigation ratio requirements established by Ecology, appears to be incorrect. Ecology's recommended mitigation ratio for category II and III emergent wetlands is 2:1, not 1.5:1. Using the correct mitigation ratio will significantly increase the amount of mitigation required, since most of the wetlands to be disturbed in the project corridor are category III emergent wetlands.

The citation for Ecology (1990) referenced on page 3-76 is missing from the Wetlands section of Appendix B (References Cited). This Ecology document evidently presents the mitigation ratios reflected in Table 3.3-4. However, the more recent Ecology publications # 93-74: *Washington Wetlands Rating System for Western Washington, Second Edition* and #97-112: *How Ecology Regulates Wetlands* should be followed for determining wetland compensatory mitigation ratios.

Ecology's regional wetland specialist will need to be presented with the Wetland discipline report and the conceptual wetland mitigation plan. These materials will be carefully reviewed during Ecology's 401 certification process for this new highway corridor.

One final comment is that erosion impacts during construction and operation will have to be mitigated.

I trust that you will find these comments useful in preparing the Final Environmental Impact Statement. Should you have questions or concerns, please contact me via email at [tswa461@ecy.wa.gov](mailto:tswa461@ecy.wa.gov) or phone me at 360.407.6789.

Sincerely,



Therese Swanson, WSDOT- Ecology Liaison  
Department of Ecology

Cc: Jennifer Quan, USFWS  
Elaine Somers, USEPA  
Cynthia Pratt, WDFW  
Jack Kennedy, USACE  
Mike Grady, NOAA Fisheries  
Phil Kauzloric, WSDOT HQ  
Opal Smitherman, Ecology SW Region

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#### RESPONSE S02-010

S02-010

The SR 167 Conceptual Mitigation Plan, WSDOT February 2005, uses ratios established through WSDOT/Ecology 1998 implementing agreement.

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#### RESPONSE S02-011

S02-011

Copies of the Wetland Discipline Report and the Conceptual Mitigation Plan have been provided to the Department of Ecology as a member of the SAC.

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#### RESPONSE S02-012

S02-012

Erosion impacts will be addressed through permitting and a Temporary Erosion and Sediment Control (TESC) plan would be implemented during construction.

Interagency Committee for Outdoor Recreation  
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STATE OF WASHINGTON

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RECEIVED  
OCT 05 2005

October 3, 2005

Tom Whitney  
WSDOT Olympic Region  
PO Box 47417  
Olympia, WA 98504-7417

Re: Draft 4(f) Evaluation SR 167 – SR 509  
City of Milton Interurban Trail IAC #00-1536C

Dear Mr. Whitney:

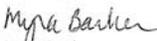
I am writing in response to your request for comments regarding the Draft 4(f) evaluation for the above referenced project. The evaluation document identifies the City of Milton Interurban Trail as impacted by the proposed relocation of Hylebos Creek.

The Draft Section 4(f) document states that should the trail be impacted by this transportation project, the City of Milton, in accordance with IAC policy, must request IAC approval for this conversion and is required to provide replacement. That brief statement of the IAC conversion policy is essentially correct, although the steps and the process for conversion is more detailed.

I encourage the City of Milton to begin working with the IAC staff as soon as the impacts to the trail are known. This will help insure compliance with IAC policy and project agreement conditions.

Please call me at (360) 902-2976 or send an email to [MyraB@iac.wa.gov](mailto:MyraB@iac.wa.gov) if you have any questions or need more information.

Sincerely,

  
Myra Barker  
Project Manager

cc: Marlo DeRosia, City of Milton

## RESPONSE S03-001

WSDOT and FHWA has been working with the City of Milton in order to minimize impacts to the Interurban Trail. We will continue to coordinate with the City regarding impacts to the Trail.

S03-001