United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

ER-03/278

MAY 7 2003

Mr. Jeff Sawyer
Regional Environmental Manager
Washington State Department of Transportation
5720 Capitol Boulevard
Tumwater, Washington 98501

Dear Mr. Sawyer:

The Department of the Interior (Department) has reviewed the Tier II Draft Environmental Impact Statement (DEIS) for the Proposed Extension of State Route (SR)-167, from SR-161 to SR-509, Pierce County, Washington. Following are our comments for your consideration.

GENERAL COMMENTS

Geology

The DEIS does not mention any geologic hazards to the roadway, embankments, elevated structures, and bridges. A geology section is needed that includes (1) a description of the geology of the affected environment, (2) a description of seismic, liquefaction, and mass wasting hazards (including fault, soil, and landslide maps), and (3) mitigation plans for any identified geologic hazards. F04-001

In addition, a soils section is needed with a description of the soils and percentages of soil components (silt, sands, boulders, etc.) in the area. The DEIS should assess any possible expansion attributes of the soils and whether these soils, especially the older alluvium, have properties that might impact the roadway and bridges.

Section 4(f) Resources

The National Park Service (NPS) has reviewed the Tier II DEIS sections on pedestrian and bike facilities and cultural resources. No Land and Water Conservation Fund sites are affected. Several of the project area roads currently accommodate bicycle use, and there are proposals to extend trails into the area. The Washington State Department of Transportation (WSDOT) will attempt to accommodate non-motorized use during construction by rerouting as necessary. Current WSDOT policy calls for best practice design to accommodate non-motorized transportation modes. We note that the WSDOT is working with the State Historic Preservation F04-002

RESPONSE F04-001

The FEIS has been updated to include a project setting section, please see section 3.1.3 of the FEIS, which includes information about topography, geology, and soils.

RESPONSE F04-002

A Section 4(f) analysis has been completed for this project, please see chapter 5 of the FEIS.

Officer (SHPO); and, if the SHPO determines that any of the affected sites are eligible for the National Register, a Section 4(f) Evaluation analysis will be required. F04-002

Fish and Wildlife Comments

The Fish and Wildlife Service (FWS) evaluated the proposed project alternatives for potential impacts to fish and wildlife resources and their habitat, with specific attention to species listed or proposed for listing under the Endangered Species Act (ESA). Based on that review we anticipate that the most serious effects from the project will arise from the secondary effects of increased or accelerated urban development. We recommend that the geographic scale of the effects analysis in your final environmental impact statement reflect those effects. F04-003

The increased or accelerated urban growth caused by the proposed project may indirectly affect the Lower Puyallup River subpopulation of bull trout, which is listed as threatened under the ESA. The Lower Puyallup River subpopulation is the only spawning subpopulation of bull trout in south Puget Sound. This subpopulation is currently considered to be depressed as a result of urban development, elevated stream temperatures, low in-stream flows, and sedimentation from roads. Although these land use changes are planned for under the Washington State Growth Management Act, they may result in effects to fish and wildlife that have not been specifically evaluated for compliance with the ESA. F04-004

The FWS is committed to collaborating with the WSDOT and the Federal Highway Administration (FHWA) during the ongoing planning of this project. We envision that our participation would occur primarily during consultation under Section 7 of the ESA and consideration of Army Corps of Engineers' permit applications (i.e., Section 404 of the Clean Water Act and or Section 10 of the Rivers and Harbors Act of 1899). Our overall goal in this collaborative effort will be to assist you in developing the proposed project in a manner that avoids, minimizes, and mitigates potential effects to fish and wildlife, including bull trout. One specific goal we would like to work with you to achieve is building in habitat connectivity elements for all of the area's wildlife, as well as bull trout. F04-005

Though we believe that these types of fish and wildlife conservation elements should be built into the project, we would like to commend the WSDOT and the FHWA for incorporating innovative riparian restoration and stormwater solutions into the project design. We look forward to further collaboration with you on this project.

SPECIFIC COMMENTS

Page 2-4, Chapter 2 Alternatives/Options, Including the Proposed Action, Section 2.3 Design Evaluation and Selection Criteria, Sub-section 2.3.1 Technical Design Requirements, Table 2.3-1: General Design Criteria: F04-006

Geohazards should be a major component of the design criteria and selection of alternatives. Seismic hazards, liquefaction, and mass wasting (Chleborad, 2000) are all geohazards that will affect the project design as well as the environment and costs.

RESPONSE F04-003

The wildlife, fisheries, and threatened and endangered species section 3.4 of the FEIS has been expanded to include indirect and cumulative impacts. This includes a discussion on growth and development in the project area. Please see sections 3.4.7 and 3.4.8 of the FEIS.

RESPONSE F04-004

The project Biological Assessment addresses impacts associated with urbanization on the Puyallup River subpopulation of bull trout.

RESPONSE F04-005

Section 7 consultation has been initiated with the U.S. Fish and Wildlife Service and NOAA National Marine Fisheries Service (NOAA Fisheries). The project's commitments to the necessary performance measures, and terms and conditions of the Biological Opinion issued by the Services, will be included in the federal Record of Decision regarding the project.
Thank you for your support of the RRP. We appreciate your participation in the Riparian Restoration Proposal (RRP) Technical Advisory Group which will soon refine the goal and objectives of the RRP.
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RESPONSE F04-006

The FEIS has been updated to include a project setting section, please see section 3.1.3 of the FEIS, which includes information about topography, geology, and soils.

A complete geotechnical investigation will be part of the final design of SR 167.

New 2000 Uniform Building Codes (UBC) require evaluation of seismic hazards using peak ground acceleration (PGA) with 2 percent probability of exceedance in 50 years. At Puyallup, for example, the PGA with 2 percent probability of exceedance in 50 years is 0.52g (see References in this letter), a significant seismic risk. The PGA values are calculated for firm rock types, so additional analysis is needed to evaluate the seismic risk for the alluvium, which amplifies the risk. Design criteria for the bridges, elevated roadways, and embankments that are created from fill will have to meet these standards for safety. F04-006

With the alluvium and shallow water table (page 3-18), liquefaction is a geohazard for which mitigation plans are needed. A significant number of miles in this project are elevated structures or roadways built on fill, all of which could be disastrously affected by the seismic and liquefaction hazards in the area.

Pages 2-22 through 2-24, Section 2.5 Detailed Description of Alternatives, Sub-section 2.5.2 Build Alternative, Figures 2.5-3 through 2.5-5:

The figures of the I-5 Interchange design show areas of cut and fill. Geologic and soil information are needed for the cut areas. If these cuts should pose a risk of mass wasting (slides, slumps, and/or rock fall), then mitigation measures should be discussed in the DEIS. Mass wasting is not only a danger to drivers, but is also an expensive long-term cost for the project (Schuster and Highland, 2001). F04-007

For questions pertaining to fish and wildlife issues, please contact Emily Teachout of our Western Washington Fish and Wildlife Office at (360) 753-9583.

Thank you for the opportunity to provide these comments.

Sincerely,

Terence R. Martin

for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc: Steve Saxton (FHWA, Olympia, WA)

RESPONSE F04-007

A site-specific investigation will provide the subsurface information needed to design all cut slopes and embankments such that large scale (global) failures are prevented. A complete geotechnical will be part of the final design for this project.

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Mr. Tom Whitney
Acting Environmental & Hydraulic Manager
Olympic Region
Washington State Department of Transportation
150 Israel Road SW, F1 4, Tumwater
Olympia, Washington 98501-7417

Dear Mr. Whitney:

As requested, the Department of the Interior (Department) has reviewed the Draft Section 4(f) Evaluation for the **SR-167 Freeway between SR-161 (Meridian Street North) in Puyallup and the SR-509 Freeway in the Port of Tacoma, Pierce County, Washington.** The Department offers the following comments for this project.

F04-008

The Department agrees with the Washington State Department of Transportation (WSDOT) that there are no prudent and feasible alternatives to using Section 4(f) resources. The Department appreciates the thorough discussion generally presented in the Section 4(f) Evaluation. In particular, the explanation of unique circumstances, such as tribal trust lands and wetlands, was very helpful.

The Department would like to mention some other areas of concern.

Puyallup Recreation Center

The Department commends and supports the planning for architectural or vegetative screening to block the view of traffic and vegetating the embankment side slopes for the Puyallup Recreation Center. *See* page 26, Draft Section 4(f) Evaluation: SR 167 Puyallup to SR 509.

F04-009

As noted in the Section 4(f) Evaluation, pursuant to the Department of Transportation Act and the Federal Highway Administration (FHWA) regulations, "[t]he Administration may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that: (i) There is no feasible and prudent alternative to the use of land from the property; and (ii) The action includes all possible planning to minimize harm to the property resulting from such use." 23 C.F.R. § 771.135(a).

RESPONSE F04-008

Thank you. FHWA and WSDOT have discussed the SR 167 project in relation to its impact on 4(f) properties with the Department of Interior.

RESPONSE F04-009

Based on your comments, we did additional noise modeling at the Puyallup Recreation center to get a better understanding of the future impacts to this facility.

The results of the additional noise analysis shows that, except for a few outfielders on the baseball field closest to the proposed roadway, most of the Recreation Center facility would experience noise levels in the 62 to 63 dBA range. This is below WSDOT and FHWA's noise impact criteria of 66 dBA. The noise level increase from the existing 52 dBA to the future 62-63 dBA range is still considered a substantial increase. We evaluated a noise wall for the recreation Center which was found to be feasible but not reasonable.

Most users of the facility will experience noise levels well below 67 dBA. Placing a noise wall along WSDOT's right-of-way will not benefit the majority of the users who are more than 300-400 feet away from the roadway. Traffic noise below 67 dBA does not interfere with normal conversation. Therefore, users of the facility in the center of the ball fields and in the park and playground area would be able to carry on a normal conversation without raising their voices.

Representatives from the Puyallup Recreation Center agree that the future roadway noise will not substantially impair the activities at their facility. We have updated the 4(f) analysis to include this information. Please see chapter 5 of the FEIS.

Moreover, constructive use occurs when the transportation project does not incorporate land from a Section 4(f) resource, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features or attributes of the resource are substantially diminished.

The Section 4(f) Evaluation does not consider the proposed project to result in a "use" of the Puyallup Recreation Center. *See* Evaluation at page 26, Table 3—Section 4(f) Use—Recreational Resources Eligible for Section 4(f) protection. However, though the recreation center would not be acquired and "used" by being incorporated into the project, the proximity of the project will greatly increase the noise level.

It seems that a "constructive use" will occur due to the increased noise. The Section 4(f) Evaluation also seems to suggest this by acknowledging that "[t]he FHWA noise abatement criterion for active recreation areas is 67-dBA," and the noise from the project will "increase from 52-dBA to 70-dBA." *Id.* This is consistent with FHWA regulations, which state that a constructive use does not occur if noise levels "do not exceed FHWA noise abatement criteria…" 23 C.F.R. § 771.135(p)(5). **F04-009**

The Evaluation further states that while construction of a noise wall was found to be feasible because a 10-foot high wall 2,400 feet long would provide a 7-dBA reduction in noise for the Recreation Center, this option is not reasonable under established WSDOT criteria and therefore, the wall should not be constructed.

However, if there is a "use," then all possible planning must occur to minimize harm. It seems then that construction of a noise wall would be appropriate. The Department recommends consideration of a scaled-down version of the 10-foot high, 2,400 feet long, noise wall, which offers enough reduction in noise to meet the FHWA noise abatement criteria. In the alternative, the Department recommends consideration of other noise reduction mitigation measures, if the noise wall is not viable.

Maps

Finally, for the final Section 4(f) Evaluation, the Department recommends including larger scale maps that are in color to differentiate project boundaries, existing roads, etc. (as opposed to black and white), since some of the maps were difficult to read. **F04-010**

The Department has a continuing interest in working with the FHWA and WSDOT to ensure that impacts to resources of concern to the Department are adequately addressed. For continued consultation and coordination with section 4(f) issues, please contact Kelly Powell, National Park Service, Pacific West Region, 909 First Avenue, Seattle, Washington, 98104, at 206-220-4106 or kelly_powell@nps.gov.

The Department appreciates the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc: Megan Hall
Area Engineer, Olympic Region
Federal Highway Administration
711 S. Capitol Way
Suite 501
Olympia, WA 98501

Steve Fuchs, WSDOT Project Manager
Washington State Department of Transportation
150 Israel Rd SW, FL 4
Tumwater, WA 98501

RESPONSE F04-010

All figures in the FEIS, which will include the final 4(f) Evaluation, will be reviewed for readability. The CD included with the FEIS contains a separate folder with the FEIS figures in 11- by 17-inch format.

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May 10, 2003

Steve Saxton
Area Engineer
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711 South Capital way, Suite 501
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Jeff Sawyer
Olympic Region Environmental Manager
Washington State Department of Transportation
5740 Capital Blvd
Tumwater, Washington 98501

Re: Review of Draft Environmental Impact Statement (DEIS), SR 167 Tier II EIS, Puyallup to SR 509

Dear Gentlemen:

NOAA's National Marine Fisheries Service (NOAA Fisheries) is a signatory agency committee member with statutory, regulatory, and policy responsibilities under the Endangered Species Act, Magnuson-Stevens Fisheries Conservation and Management Act, and the Fish and Wildlife Coordination Act.

NOAA Fisheries received your request for review under the revised Interagency Working Agreement. NOAA Fisheries appreciates the opportunity to review and comment on this National Environmental Policy Act (NEPA) Draft Environmental Impact Statement (DEIS). Comments on this DEIS does not in any way prejudice or alter NOAA Fisheries's statutory responsibilities under the above-named authorities.

NOAA Fisheries has reviewed the SR 167, Puyallup to SR 509 DEIS, and the Draft Hylebos Creek and Wapato Creek Restoration Plans. NOAA Fisheries' comments address the selection of a preferred interchange alternative at each proposed interchange in the Build Alternative, as they relate to land conversion, wetland fill, and stream crossings. In addition, NOAA Fisheries has comments on the stormwater water quality treatment and flow control proposals, including the proposed Hylebos and Wapato Creek Rehabilitation plans (enhanced water quality treatment and alternative flow control approach).

NOAA Fisheries prefers the interchange alternatives that avoid and minimize the conversion of land from one use to another because of land clearing and grading for the new highway, wetland fill, and the minimization of new stream crossings. Based on those criteria, NOAA Fisheries preferred interchange alternatives include the 54th Ave Half Diamond, Freeman Road option, and F05-001

RESPONSE F05-001

The Valley Avenue option, compared to the other two options in Table 3.2-8 of the FEIS, has "fewer total near- or in-water work sites." The Freeman Road and Valley Avenue Realignment options would have more impacts to near- or in-water work sites than the Valley Avenue option and that is the primary reason it was selected over the other two options.

A Section 404(b)(1) Analysis has been completed for this project and is included as chapter 4 in the FEIS. The 404(b)(1) Analysis demonstrates that "Alternative 2" from the Tier I FEIS is the least environmentally damaging practicable alternative (LEDPA). On March 23, 2005, your agency concurred that the preferred build alternative is the least environmentally damaging and practicable alternative (LEDPA). This concurrence was achieved through close collaboration with your agency on the analysis of environmental impacts, which led to the design of a bridge at the Valley Avenue interchange (preferred alternative) that will avoid the wetland adjacent to Wapato Creek.

that all replacement and new crossing over streams will minimize their effects by installing open bottom culverts designed to current fish passage criteria, as well as provide a corridor for wildlife migration.

F05-001

NOAA Fisheries understands that wetland fills and modifications will be mitigated for by the enhancement of the Hylebos and Wapato creeks riparian areas, and the removal of dikes on a 265 acre parcel adjacent to the Puyallup River.

In addition, NOAA Fisheries endorses the proposed Hylebos Creek Riparian/Floodplain Restoration Plan as part of the enhanced water quality treatment and stormwater flow control best management practices (BMP) for the SR 167, Puyallup to SR 509 Project. In addition to the Hylebos Creek Rehabilitation plan, NOAA Fisheries encourages the implementation of the Wapato Creek Rehabilitation Plan that was proposed earlier in the project design. It is unclear if the plan is still proposed because of the brief mention in the DEIS project.

NOAA Fisheries endorses the enhanced water quality and alternative flow control BMP proposal based on the fact that current literature on traditional water quality and water quantity BMP design and technology designed to comply with the Clean Water Act (CWA) are not protective of salmonids or their habitat. NOAA Fisheries believes that additional or non-traditional stormwater treatment for water quality and water quantity should be encouraged.

F05-002

Based on review of the DEIS, supplemental documentation, and scientific literature for the proposed project, traditional stormwater BMPs are not adequate to maintain or reverse the effects of altered water quality and hydrology in the Hylebos and Wapato subbasins. In 1991, King County developed a Hylebos Creek basin plan. Since that time, Federal way has invested approximately 15 million into a Regional stormwater detention pond to reduces downstream flooding on the West Branch of the Hylebos. In addition, King County has spent approximately 2 million on stormwater treatment enhancements and stream bank protection on the East Branch of Hylebos Creek. NOAA Fisheries promotes the use of completed subbasin plans to coordinate stream rehabilitation on a subbasin scale, and assumes that the proposed rehabilitation on Hylebos Creek has been identified in such plan, to address limiting factors for the stream and associated surface waters.

The installation of traditional pond BMPs for flow control, in this portion of the valley bottom appear counterintuitive to the goal of the CWA. Stormwater pond placement for water quality and flow control in the valley will reduce flood storage and have little to no effect in the event of a large flood event. Therefore, NOAA Fisheries supports this intuitive and creative approach to minimize effects from the new highway and associated development in the valley.

NOAA Fisheries also noted that the proposed water quality treatment included infiltration road prisms. NOAA Fisheries, again, encourages alternative means to treat water quality, however, the treatment values used were from data obtained on constructed wetlands. NOAA Fisheries believes, because the technology is new, that a more conservative approach should be taken and apply lesser numerical values until data (water quality monitoring) show that the technology meets or exceeds State standards for stormwater treatment.

F05-003

Thank you for the opportunity to review this DEIS. If you have any questions or comments, please contact Barbara Wood, of my staff at 360 534-9307 or barb.wood@noaa.gov.

RESPONSE F05-002

Section 7 consultation has been initiated with the U.S. Fish and Wildlife Service and NOAA National Marine Fisheries Service (NOAA Fisheries). The project's commitments to the necessary performance measures, and terms and conditions of the Biological Opinion issued by the Services, will be included in the federal Record of Decision regarding the project.

Thank you for your support of the RRP. We appreciate your participation in the Riparian Restoration Proposal (RRP) Technical Advisory Group which will soon refine the goal and objectives of the RRP.

RESPONSE F05-003

The FEIS continues to use pollutant removal efficiencies associated with constructed wetlands (see section 3.2.3). This is assumed to represent a conservative estimate when compared to removals expected from infiltration. The efficiencies are only applied in a general manner to allow equitable comparisons between options and to provide a gross level comparison between existing and future conditions.